

COMMERCE PRESENTATIONS AND PUBLICATIONS



Figures

Words

Letter

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LEGAL STUDIES 2009 Practice examination

Reading time: 15 minutes

Writing time: 2 hours

QUESTION AND ANSWER BOOK

Structure of book

<i>Number of questions</i>	<i>Number of questions to be answered</i>	<i>Number of Marks</i>
13	13	60

- Students are permitted to bring into the practice examination: pens, pencils, highlighters, erasers, sharpeners and rulers.
- Students are NOT permitted to bring into the examination room: blank sheets of paper and/or white out liquid/tape.

Materials supplied

- Question and answer book of 18 pages.
- Additional space is available at the end of the book if you need extra paper to complete an answer

Instructions

- Write your **student number** in the space provided above on this page..
- You should make use of the stimulus material where it is included. However, it is not intended that this material will provide you with all the information to fully answer the question.
- All written responses must be in English.

Students are NOT permitted to bring mobile phones and/or any other unauthorised electronic devices into the examination room

Instructions

Answer all questions in the spaces provided. In question 13 answer either part a. or part b. Indicate which part, a. or b., of Question 13 you have answered.

Question 1

Identify one stage in the passage of a bill through parliament during which it can be amended.

1 mark

Question 2

Outline the jurisdiction of **one** of the following lists of the Victorian Civil and Administrative Tribunal:

- Anti-Discrimination List.
- Residential Tenancies List.

2 marks

Question 3

James has been charged with theft of a motor vehicle. Explain to James how this case could be heard in either the Magistrates **or** the County Court.

2 marks

Question 4

Explain how **one** formal law reform body effectively investigates the potential for law reform, and what influence they can have on changes to the law made by parliament.

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3 marks

Question 5

Mark has supplied Jane with building supplies for years, but he has a history of breaking agreements and of fighting dirty. Jane doesn't know why she has kept contracting with him, but he has broken another contract worth half a million dollars and once she sues him she plans never to use him again.

Explain **one** civil pre-trial procedure that might be conducted at the Supreme Court, and outline how it achieves its purpose.

3 marks

Question 6

Explain the principle of representative government, and comment on its desirability.

3 marks

Question 8

Outline **two** ways in which Australia could improve its constitutional protection of democratic and human rights by learning from the approach taken in **one** of the following countries: Canada, New Zealand, South Africa, the United States, or the United Kingdom.

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4 marks

Question 9

Will was punched in the face by a drunken fan at a football match, and needed to undergo expensive reconstructive surgery. He also missed his Legal Studies examination. He plans to sue his attacker, but the police will also be pressing charges.

Apart from the difference regarding who will be bringing the matter to court, outline for Will **three other** differences he will find between his civil case and the criminal one.

[illegible]

6 marks

Question 10

Parliament is the supreme lawmaker in Australia, but some question its effectiveness.

Evaluate the effectiveness of parliament as a lawmaker in Australia.

[illegible]

Question 11

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b. Outline **two** further features of the adversary system.

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4 + 4 = 8 marks

Question 12

a. Using examples, explain how the Commonwealth Parliament is given power in the Australian Constitution.

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b. Using two cases to illustrate, show how the High Court has used its power of interpretation to alter the balance of legislative power between the Federal and state parliaments

[illegible]

3 + 5 = 8 marks

Question 13

*Answer either part **a.** or part **b.** of this question.*

- a.** David is a Legal Studies student, and is surprised when he goes to court and the judge interprets the relevant legislation. It sounded like the judge was deciding what the law was, and David thought that making law was the parliament's role.
- i. Outline to David **two** reasons why the judge might have had to interpret this legislation.
- ii. Explain to David **two other** features of the relationship between parliament and the courts as lawmakers.
- iii. Even though the courts can make law, they are more restricted than parliament because they can only make law through precedent. Explain how the courts are limited in this way in their lawmaking function.

2 + 3 + 5 = 10 marks

- b.** Chrissy and Leigh were in business together, but it went bankrupt and they are now arguing about who owes what to their debtors. Someone has suggested to them that they are perfect candidates for alternative dispute resolution, and that choosing this method of resolving their argument will avoid all the problems of court.
- i. Clearly explain **three** problems with pre-trial **or** trial procedure, and how **one or more** methods of ADR would avoid these problems.
- ii. Discuss **one** recent change that you believe has improved the effective operation of the court system, and advise of **one** further change to the system that could improve it even more.

6 + 4 = 10 marks

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Either **a.** or **b.**

Extra space for responses

Clearly number all responses in this space

[illegible]

