VICTORIAN CURRICULUM AND ASSESSMENT AUTHORITY

Victorian Certificate of Education 2009

SUPERVISOR TO ATTACH PROCESSING LABEL HERE

STUDENT NUMBER

									Letter
Figures									
Words									

LEGAL STUDIES

Written examination

Wednesday 11 November 2009

Reading time: 3.00 pm to 3.15 pm (15 minutes)
Writing time: 3.15 pm to 5.15 pm (2 hours)

QUESTION AND ANSWER BOOK

Structure of book

Number of questions	*Number of questions to be answered*	*Number of marks*
10	10	60

- Students are permitted to bring into the examination room: 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.
- No calculator is allowed in this examination.

Materials supplied
- Question and answer book of 19 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 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.

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Instructions

Answer **all** questions in the spaces provided. In Question 10 answer either part **a.** or part **b.** Indicate which part, **a.** or **b.**, of Question 10 you have answered.

Question 1

Alex has just been charged with armed robbery and will appear in the Magistrates' Court today for a bail application.

Explain **two** possible outcomes of this bail application.

2 marks

Question 2

Explain the principle of separation of power.

3 marks

Question 3

The *Marital Status Act 2009* has just been passed by the Victorian Parliament.

a. Other than making laws, outline **one** other role of the lower house of the Victorian Parliament.

1 mark

b. If the constitutional validity of the *Marital Status Act 2009* was challenged, identify the court that would hear this matter. Outline one aspect of its **appellate** jurisdiction.

2 marks

c. How could Section 109 of the Commonwealth Constitution affect this law if it were challenged in the courts?

2 marks

Question 4

Critically evaluate **one** advantage of our jury system.

3 marks

Question 5

'Pre-trial procedures are designed to speed up the resolution of civil disputes.'

Comment on this statement. In your answer describe **one** civil pre-trial procedure.

5 marks

Question 6

Sophie is having problems with a property that she owns. Sophie has been advised to make an application to the Victorian Civil and Administrative Tribunal – Residential Tenancies List in order to resolve these problems.

Outline the jurisdiction of the Victorian Civil and Administrative Tribunal – Residential Tenancies List. Explain **two** advantages of tribunals in resolving disputes.

6 marks

Question 7

'The operation of the doctrine of precedent relies upon the existence of a hierarchy of courts.'

a. Explain the above statement.

2 marks

b. To what extent are judges limited in their ability to make law? Justify your answer.

6 marks

Question 8

The *Coroners Act 2008* establishes the Coroner's Court of Victoria as an inquisitorial court.

a. Identify and describe **one** process the *Coroners Act 2008* would have gone through in its progress through parliament.

2 marks

b. Explain **two** features of the adversary system of trial and compare them with the inquisitorial system of trial.

6 marks

TURN OVER

Question 9

'The Commonwealth Constitution is too rigid and this makes it an ineffective mechanism for protecting human and democratic rights.'

a. Evaluate the process of changing the Constitution as outlined in Section 128.

4 marks

b. Is the Commonwealth Constitution an 'ineffective mechanism for protecting human and democratic rights'? Justify your answer.

Question 9 – continued

6 marks

TURN OVER

Question 10

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

EITHER

a. 'Laws need to change for many reasons. Sometimes parliament fails to respond adequately.'

Discuss this comment. In your discussion explain how individuals, groups and one law reform body can attempt to influence a change in the law.

10 marks

OR

b. 'To some extent our legal system achieves the elements of an effective legal system; however, some changes are needed.'

Discuss this comment. In your discussion explain how recent changes and/or recommendations for change attempt to achieve the four elements of an effective legal system.

10 marks

☐ Indicate whether you are answering either **part a.** or **part b.**

Question 10 – continued

Question 10 – continued
TURN OVER

Question 10 – continued

END OF QUESTION AND ANSWER BOOK

TURN OVER

Extra space for responses

Clearly number all responses in this space.

A script book is available from the supervisor if you need extra paper to complete your answer. Please ensure you write your **student number** in the space provided on the front cover of the script book. **At the end of the examination, place the script book inside the front cover of this question and answer book.**

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