



Victorian Certificate of Education 2010

SUPERVISOR TO ATTACH PROCESSING LABEL HERE

STUDENT NUMBER

Letter

Figures

Words

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LEGAL STUDIES

Written examination

Wednesday 10 November 2010

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

<i>Number of questions</i>	<i>Number of questions to be answered</i>	<i>Number of marks</i>
11	11	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 20 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.

Instructions

Answer **all** questions in the spaces provided. In Question 11 answer either **part a.** or **part b.** Indicate which part, **a.** or **b.**, of Question 11 you have answered.

Question 1

Amelia has been reading several reports about the use of capsicum spray by Victoria Police and wants to try to influence the Victorian Parliament to change the law.

- a.** Outline the structure of the Victorian Parliament.

2 marks

- b.** Describe **one** way that Amelia could use to try to influence the Victorian Parliament to change the law.

2 marks

- c.** After an individual has been arrested, identify **one** right of that individual and **one** police power that could be used.

2 marks

Question 2

Carl has been found guilty of culpable driving and sentenced to 150 hours of community service.

- a. In which court is it most likely that this case would have been heard?

_____ 1 mark

- b. Who would have handed down Carl's sanction?

_____ 1 mark

- c. Identify and describe **one** other criminal sanction that could have been imposed on Carl, and explain **one** of its purposes.

_____ 3 marks

Question 3

Explain **one** way in which the Commonwealth Constitution restricts the Commonwealth Parliament's law-making powers.

_____ 2 marks

Question 4

The following extract is from a newspaper article. It contains errors.

Today is the start of Brendan's civil action against Henry in the Supreme Court. Brendan is claiming \$3000 for breach of contract. Henry, the plaintiff, is strongly denying any liability. In court Brendan must prove his case beyond reasonable doubt to the judge.

Identify **two** errors in the above extract and provide the correct definition, process or procedure.

4 marks

Jane and David have been involved in an ongoing dispute. They have been advised to use either mediation or arbitration as a dispute resolution method.

[illegible]

TURN OVER

Using **one** case, explain the impact of the High Court's interpretation of the Commonwealth Constitution on the law-making powers of the State and Commonwealth Parliaments.

This image shows a single sheet of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.

4 marks

The existence of tribunals ensures that people have effective access to mechanisms for the resolution of disputes.

[illegible]

TURN OVER

Question 8

The approaches adopted by the United Kingdom, the United States of America, Canada, New Zealand and South Africa are different from the approach used by Australia for the constitutional protection of democratic and human rights.

Explain how the Commonwealth Constitution protects democratic and human rights. In your answer explain **one** way in which the approach adopted by Australia is different from the approach adopted by **one** of the countries listed in the above statement.

Country you have chosen_____

[illegible]

6 marks

TURN OVER

Question 9

The doctrine of precedent allows for both consistency and flexibility.

Critically examine these **two** strengths of the doctrine of precedent.

[illegible]

6 marks

TURN OVER

Question 10

Explain the role of a jury in a criminal trial in Victoria. Do you support the retention of juries in Victoria? Give reasons for your answer.

[illegible]

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8 marks

TURN OVER

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

Question 11

EITHER

- a. A member of parliament recently declared that parliament has no weaknesses and should be the only law-maker in Australia.

Critically evaluate parliament as a law-maker. In your answer describe **one** aspect of the relationship between parliament and courts in law-making.

10 marks

OR

- b. A Supreme Court Justice recently declared that the adversary system of trial should no longer be used in Victoria.

Critically evaluate the use of the adversary system of trial. In your answer describe **one** possible improvement to the adversary system.

10 marks

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

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[illegible]

[illegible]

[illegible]

Clearly number all responses in this space.

[illegible]

[illegible]

[illegible]

Victoria
The Place To Be