



INSIGHT

YEAR 12 Trial Exam Paper

2011

LEGAL STUDIES

Written examination

STUDENT NAME:

QUESTION AND ANSWER BOOK

Reading time: 15 minutes

Writing time: 2 hours

Structure of book

<i>Number of questions</i>	<i>Number of questions to be answered</i>	<i>Number of marks</i>
14	14	70

- Students are permitted to bring the following items into the examination: pens, pencils, highlighters, erasers, sharpeners and rulers.
- Students are NOT permitted to bring sheets of paper or white out liquid/tape into the examination.
- Calculators are not permitted in this examination.

Materials provided

- The question and answer book of 17 pages.
- Additional writing space is provided at the end of this book if you require more space to complete an answer.

Instructions

- Write your **name** in the box provided.
- Make use of the stimulus material where included. However, it is not intended that this material will provide all the information to fully answer the question.
- You must answer the questions in English.

Students are NOT permitted to bring mobile phones or any other electronic devices into the examination.

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Instructions

Answer **all** questions in the spaces provided.

Question 1

Describe the role of the Victorian Law Reform Commission.

1 mark

Question 2

The following scenario contains errors.

The prosecutor charged John, the accused, with culpable driving. He pleaded not guilty at his trial, which could be heard in either the Magistrates' Court or using arbitration at VCAT. The jury of 12 sentenced John to twenty years of imprisonment. John wants to appeal this decision.

Identify **one** error in this scenario and explain the correct definition, process or procedure which should have occurred.

2 marks

End of Question 2

Question 3

Discuss **two** relationships between courts and Parliament in law-making.

2 marks

Question 4

Identify the difference between exclusive powers and concurrent powers.

2 marks

End of Question 4
TURN OVER

Question 5

Explain the impact of section 109 on exclusive powers and concurrent powers.

1 mark

Question 6

Explain what ‘referral of powers’ is, and analyse the impact of the referral of powers on the division of law-making powers.

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

4 marks

End of Question 6

Question 7

Compare mediation and arbitration as types of dispute resolution methods used by courts. Give an example of when each method is used.

[illegible]

4 marks

End of Question 7
TURN OVER

Question 8

Explain what a petition is and evaluate the effectiveness of petitions as a method used by individuals to influence a change in the law.

[illegible]

4 marks

Question 9

- a.** Explain what is meant by structural protection of rights, providing at least **one** example to support your answer.

2 marks

- b.** Discuss the facts and the significance of **one** High Court case relating to the constitutional protection of rights in Australia.

[illegible]

Question 9 – continued
TURN OVER

2 + 4 = 6 marks

India-Rose attempted to resolve her legal dispute using alternative dispute resolution methods, but was unsuccessful. She then proceeded to trial and was awarded \$600,000 for injuries she received in a car accident.

- [illegible]

Question 10 – continued

- b.** Identify one other court that could have heard this case and explain why it could do so. Then describe the entire criminal jurisdiction of that particular court.

4 marks

- c.** Identify and define the type of civil remedy awarded to India-Rose. Discuss the purpose of this type of civil remedy.

3 marks

2 + 4 + 3 = 9 marks

End of Question 10
TURN OVER

[illegible]

4 + 5 = 9 marks

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[illegible]

1 + 3 + 4 = 8 marks

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Question 13

Compare **two** major features of the adversary system of trial with the corresponding **two** major features of the inquisitorial system of trial, and suggest and discuss **two** reforms to the adversary system that would make it more effective.

[illegible]

Question 14

Discuss the statement above, indicating the extent to which you agree or disagree. In your answer include a critical evaluation of the law-making processes of Parliament and courts.

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Extra space for responses:

[illegible]

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