Neap:

Trial Examination 2011

VCE Legal Studies Units 3 & 4

Written Examination

Question and Answer Booklet

Reading time: 15 minutes
Writing time: 2 hours

Student's Name: _____

Teacher's Name: _____

Structure of Booklet

Number of questions	Number of questions to be answered	Number of marks
18	18	70

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 booklet of 17 pages.

Additional script booklets as required.

Instructions

Write your **name** and your **teacher's name** in the space provided on this booklet(s).

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.

At the end of the examination

Place all other used script booklets inside the front cover of this booklet and hand them in.

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

Students are advised that this is a trial examination only and cannot in any way guarantee the content or the format of the 2011 VCE Legal Studies Units 3 & 4 Written Examination.

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Instructions

Answer **all** questions in the spaces provided. In Question 16, answer either part **a.** or part **b.** Indicate which part, **a.** or **b.**, of Question 16 you have answered.

Question 1

Outline the structure of the Commonwealth Parliament.

_____

_____

_____

_____

_____

1 mark

Question 2

A bill must pass through a number of stages in parliament before it becomes law.
One of these is proclamation.
Outline this stage.

_____

_____

_____

_____

_____

1 mark

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Question 3

You have studied various principles that assist the Australian parliamentary system operating in a democratic way. Responsible government is one of the principles you have studied.

Explain the principle of responsible government.

2 marks

Question 4

Media personality Derryn Hinch has always felt strongly about the need for more stringent laws in relation to sex offenders.

Outline **two** ways he may participate in influencing change in the law.

2 marks

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Question 5

Explain **one** reason laws may need to change.

2 marks

Question 6

'The *referral of powers* will impact on the law-making powers of Commonwealth Parliament.'

Explain this statement.

2 marks

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Question 7

'If not for the existence of a court hierarchy in our Australian legal system, the doctrine of precedent could not operate effectively.'

Explain **one** further reason for a court hierarchy.

2 marks

Question 8

The division of powers under the Australian Constitution identifies a number of specific powers in which the Commonwealth Parliament can make laws.
Supported by examples, **distinguish** between exclusive and concurrent powers.

3 marks

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Question 9

Section 128 of the Australian Constitution allows for change to the *Commonwealth Constitution Act 1900* by referendum.

Describe the way in which **one** successful referendum changed the law-making powers of Commonwealth Parliament and outline **two** factors that may have contributed to the success of that referendum.

4 marks

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Question 10

The Commonwealth Constitution offers various types of protection. Two types of rights protection offered are structural protections and implied rights.

Describe each of these types of protection offered by the Commonwealth Constitution. In your answer you should discuss the significance of **one** High Court case relating to the constitutional protection of rights in Australia.

4 marks

Question 11

While parliament is the recognised supreme law-maker, the courts play an important role through statutory interpretation.

Critically evaluate **one** other strength of parliament and **one** other strength of the courts as law-making bodies.

4 marks

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Question 12

'Settling a civil dispute through judicial determination rather than using conciliation will better promote a fair and unbiased hearing for the parties involved.'

Discuss this statement.

4 marks

Question 13

A surgeon carried out a hip replacement operation on Adrian and soon after went out to dinner. Hospital staff attempted to contact the surgeon concerned about the post-operation health of Adrian, but were unable to do so. Adrian subsequently died due to complications and his wife is seeking damages as a remedy from the doctor in the County Court, claiming negligence.

a. Why would the case be heard in the County Court?

_____

_____

_____

_____

1 mark

b. Describe and outline the purpose of **one** pre-trial procedure that may take place prior to the trial.

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

2 marks

c. Outline **one** other remedy available to a plaintiff in a civil action.

_____

_____

_____

_____

_____

1 mark

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Question 14

In 1998 the Victorian Civil and Administrative Tribunal (VCAT) was formed.

Discuss **one** strength and **one** weakness in the way it operates to resolve disputes, compared with the way disputes are resolved by courts. In your answer outline the role of VCAT.

5 marks

Question 15

In our criminal justice system two pre-trial procedures are:

- bail and remand, and
- committal hearings.

a. Evaluate how **one** of these procedures helps achieve a more effective legal system.

3 marks

b. Outline **one** recent change or recommendation for change in our legal system designed to enhance its effective operation in relation to criminal trials.

2 marks

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Question 16

Joe is on trial charged with murder and a jury has been empanelled for the case.

a. Identify **two** courts that would have been involved in this case and the title of the person presiding over the case in each court.

First court: _____	Person presiding: _____
Second court: _____	Person presiding: _____

2 marks

b. Explain **one** difference between the role of the jury and the role of the person presiding over this case at the trial.

_____

_____

_____

_____

_____

_____

_____

2 marks

c. Once the jury pool has been determined and has arrived at the court in which Joe is to go on trial, outline the process involved in empanelling the jury for this case.

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

3 marks

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Question 17

'The adversary system of trial, under which Australian courts operate, has a number of major features which differ from the major features of the inquisitorial system of trial.'

With reference to major features from each system of trial, discuss the strengths and weaknesses of each system.

8 marks

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Question 18

'Courts do have an important role in law-making through judges interpreting legislation', a judge was recently quoted as saying when asked about a judge's ability to make law.

Explain what the judge meant by 'judges interpreting legislation' and provide **two** reasons why it is necessary. To what extent are judges limited in their ability to make law?

10 marks

END OF QUESTION AND ANSWER BOOKLET

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Extra space for responses

Clearly number all responses in this space.