



Victorian Certificate of Education 2011

SUPERVISOR TO ATTACH PROCESSING LABEL HERE

STUDENT NUMBER

Figures

Words

Letter

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LEGAL STUDIES

Written examination

Tuesday 15 November 2011

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>
13	13	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 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.

Question 1

Distinguish between exclusive and residual powers.

2 marks

Question 2

Describe **one** purpose of a committal hearing and explain how it can promote the timely resolution of a criminal case.

3 marks

Question 3

In your opinion, would the Victorian legal system improve if there was one level of courts instead of a hierarchy? Justify your answer.

3 marks

Question 4

Explain **one** recent change in the legal system designed to improve its operation.

3 marks

TURN OVER

Question 5

- a. Explain **one** effect of statutory interpretation.

2 marks

- b. Other than statutory interpretation, describe **one** other relationship between courts and parliaments in law-making.

2 marks

‘The structural protection of rights in Australia is one of the means by which the Commonwealth Constitution protects rights.’

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TURN OVER

Question 7

A former member of parliament recently commented that ‘the use of the media has been effective in influencing change in the law in recent times, given that parliament itself has weaknesses as a law-maker’.

- a.** Using **one** example, explain how individuals or groups may use the media to influence legislative change.

2 marks

[illegible]

TURN OVER

Question 8

In a recent decision the Victorian Supreme Court (Trial Division) established a new precedent.

- a. Outline the original jurisdiction of the Victorian Supreme Court (Trial Division).

2 marks

- [illegible]

5 marks

Question 9

A professor of law recently said in a public speech that ‘the role of the judge in the adversary system of trial is an important feature’.

Evaluate the role of the judge in the adversary system of trial.

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5 marks

In Australia, methods and processes exist to enable a change to the division of law-making powers between the State and Commonwealth Parliaments.

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TURN OVER

Question 11

Andrew is involved in a civil dispute in which his former employer is seeking damages against him in the Supreme Court. His lawyer advises him that there are several pre-trial procedures that may occur.

Do civil pre-trial procedures achieve effective access to the legal system? Discuss.

[illegible]

6 marks

Compare the way courts and the Victorian Civil and Administrative Tribunal (VCAT) operate to resolve disputes. In your answer describe **one** dispute resolution method used by VCAT and/or the courts.

[illegible]

8 marks

In a recent submission to the Victorian Law Reform Commission (VLRC), an individual stated that the ‘jury system is outdated and should be abolished’.

[illegible]

Question 13 – continued

[illegible]

10 marks

Clearly number all responses in this space.

[illegible]

[illegible]