



Figures								Letter
Words								

Name _____

VCE LEGAL STUDIES

2012

Practice examination

Reading time: 15 minutes

Writing time: 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 assessment room: pens, pencils, highlighters, erasers, sharpeners and rulers.
- Students are NOT permitted to bring into the assessment room: blank sheets of paper and/or white out liquid/tape.

Materials supplied

- Question and answer book of 5 pages.
- Additional space is available at the end of the book if you need extra paper to complete an answer

Instructions

- Write **your name and teacher's name** in the spaces provided above.
- All written responses must be in English.

Note to teachers/students: The 2012 examination will consist of 70 marks of questions, to be answered in 120 minutes. This examination's ratio of marks to time is aiming to be reflective of the updated examination structure.

Students are NOT permitted to bring mobile phones and/or any other unauthorised electronic devices into the assessment room

Question 1

Describe the second reading as one stage in the passage of a bill through parliament.

2 marks

Question 2

Outline **one** way in which courts can avoid following existing precedent when deciding on a case before them.

1 mark

Question 3

The Victorian Civil and Administrative Tribunal ('VCAT') was controversial, as it was seen to be taking away the power of the courts, however nowadays it is considered a vital addition to the system.

Explain the role played by VCAT in the Victorian legal system.

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3 marks

Explain **two** ways in which the division of legislative power between the state and Commonwealth parliaments, as set out in the Constitution, can be changed.

[illegible]

Question 5

Using an example to illustrate your answer, explain how statutory interpretation enables the courts to contribute to law-making.

3 marks

Question 6

The Magistrate's Court may be the lowest and least powerful court in Victoria, but it still has a vital role to play.

Explain **one** reason for the existence of a court hierarchy, and describe the original jurisdiction of the Magistrate's Court.

4 marks

Question 7

Outline **one** sanction that could be given by the judge at the conclusion of a criminal case, and explain how it can be seen to achieve **one** aim of criminal sanctions but perhaps not achieve **one other** aim.

3 marks

Question 8

Describe pleadings as one stage in the preparation of a civil case for trial, and explain **one** recent or recommended reform that overcame – or would overcome – a problem associated with civil pre-trial procedures.

4 marks

Question 9

Australia has a strong democratic system in which the Australian people are represented by a powerful and accountable parliament.

- a. Describe **one** reason why laws may need to be changed by parliament, and provide an example of when this occurred.

2 marks

- b. Compare the role played by the lower house in the federal parliamentary system with the role played by the upper house.

3 marks

[illegible]

Question 10

Because the courts are not the supreme law-makers, people in society often argue that they ought not to make any law because they will not be as good at it as parliament. Evaluate **two** strengths of the courts as law-makers to consider the extent to which this is true.

6 marks

Criminal and civil disputes can be resolved in a range of ways in Victoria.

- [illegible]

- b. Describe the role played by the jury in the hearing of a criminal dispute, and critically examine whether the way in which they are selected and empaneled contributes to an effective jury system.

[illegible]

6 marks

Question 12

Australia, in recent years, has been steadily adopting more and more inquisitorial elements in its dispute resolution, however this can be criticised for not always being a good thing.

Compare the operation of the adversary system of trial with the inquisitorial system, and explain **two** strengths present in the adversary system that are not found to the same extent in the inquisitorial system.

[illegible]

Question 13

Note: The countries you may choose for this comparison are Canada, New Zealand, South Africa or the United States of America.

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10 marks

Extra space for responses

Clearly number all responses in this space

[illegible]

<END OF QUESTION BOOKLET>