



Name: _____

LEGAL STUDIES

Practice Written Examination

READING TIME: 15 MINUTES

WRITING TIME: 2 HOURS

QUESTION AND ANSWER BOOK

Structure of book

Number of questions:	Number of questions to be answered:	Number of marks:
11	11	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 15 pages.

Additional space is available at the end of the book if you need extra paper to complete an answer.

Instructions

Write your **student name** 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

A visitor to Australia, who is studying our parliamentary system, comments that the system is easy to understand except for ‘the separation of power’.

Explain to the visitor the principle of the separation of power in the Australian parliamentary system.

2 marks

Question 2

Tayah is struggling with some of the aspects of the laws that she deals with in her small business as they seem to be outdated and restrictive. She would like some of them to change but is not sure how to go about this.

- (a) Using an example, discuss an additional reason why laws need to change.

2 marks

- (b) Outline two ways Tayah could bring about change to the laws that apply to her business.



2 marks

Question 3

Describe how the division of powers under the Australian Constitution ensures some laws are the same all over Australia while other laws differ from state to state.

4 marks

Question 4

'The referendum is costly and rarely brings about change to the law-making powers of the Commonwealth Constitution.'

(a) Describe the steps involved in order for a referendum proposal to be successful in Australia.

4 marks

- (b) Discuss two reasons why this process has been relatively ineffective in changing the division of powers.

2 marks

- (c) Identify and comment on the significance of one successful referendum that has changed the division of law-making powers in Australia.

4 marks

Courts and VCAT *resolve* disputes in different ways. Discuss one strength and one weakness of how courts resolve disputes compared to one strength and weakness of how VCAT resolves disputes.

Compare two major features of the inquisitorial system with those of the adversary system of trial. Discuss a recent reform or proposed reform to the adversary system that has sought to successfully incorporate aspects of the inquisitorial system.

[illegible]

6 marks

Question 7

David was involved in a fight and the other person died later as a result of the fighting. David is arrested at the location of the incident.

- (a) In which court will David first appear in relation to this offence?

1 mark

- (b) Would he have been granted bail? Why or why not?

2 marks

- (c) Identify one other pre-trial procedure that David will have to participate in.

2 marks

(d) What sanction might he receive if found guilty and what is the purpose of this sanction?

2 marks

(e) David was found guilty and he intends to appeal. To which court would he go for this?

1 mark

Question 8

Annabelle recently attended a friend's party at a local restaurant. At the end of the night, she was very sick and believed that this was caused by the food she ate from the restaurant that night. Annabelle decides to take this matter to court after consulting with a lawyer.

(a) Explain two pre-trial stages that Annabelle will undertake before going to court.

4 marks

- (b) Who holds the burden of proof in this case and what standard of proof will this case need to satisfy?

2 marks

- (c) Who will issue the remedy in this case and what is the purpose of civil remedies?

2 marks

- (d) What remedy would be appropriate in this case if Annabelle were to win?

2 marks

Our legal system has financial and structural restraints as well as the social, cultural and economic differences that exist within our community. As a result of these restraints and differences, there will always be problems with our legal system.

This image shows a blank 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.

Ser5LSU34EA

The Commonwealth Constitution is steadfast yet flexible. It protects the rights of many in a variety of ways. Discuss this statement and outline one significant High Court case that demonstrates these rights.

8 marks

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.

Question 11

‘Our common law system of law-making ensures that similar cases with similar fact situations receive similar rulings by judges.’

- describe this key feature of our law-making process;
- explain another way courts make laws AND critically evaluate the effectiveness of this process of law-making by the courts.

10 marks





[illegible]

Ser5LSU34EA

13

Extra space for responses

Clearly number all responses in this space.

[illegible]

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