



Victorian Certificate of Education 2012

SUPERVISOR TO ATTACH PROCESSING LABEL HERE

STUDENT NUMBER

Letter

Figures

Words

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LEGAL STUDIES

Written examination

Friday 9 November 2012

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

The following notice appeared in the *Commonwealth of Australia Gazette*.

Act of Parliament assented to

It is hereby notified, for general information, that Her Excellency the Governor-General, in the name of Her Majesty, assented on 7 December 2011 to the following Act passed by the Senate and the House of Representatives in the Parliament assembled:

No. 001 of 2011 – an Act to amend legislation relating to technology (*Mobile Phones Act 2011*)

- a. Outline the stage in the law-making process that is referred to in the above notice.

2 marks

- b. Other than changes in technology, explain one reason why a law may need to be changed.

2 marks

Question 2

Provide one reason why a state parliament may refer its law-making powers to the Commonwealth Parliament.

2 marks

TURN OVER

Question 3

‘The Victorian court hierarchy is an important part of our legal system. It allows the doctrine of precedent to operate and it establishes the jurisdiction of courts.’

- a.** Explain one reason why a precedent established in the Victorian Supreme Court (Court of Appeal) may not have to be followed in the Victorian Supreme Court (Trial Division).

2 marks

- b.** Using the Magistrates’ Court as an example, explain the term ‘original jurisdiction’.

3 marks

Question 4

- a.** Using one example, define the term ‘concurrent powers’.

2 marks

- b.** 'Section 109 of the Commonwealth Constitution acts as a restriction on the state parliaments.'
To what extent do you agree with this statement? Discuss.

This image shows a single sheet of white paper with horizontal blue or grey ruling lines. The lines are evenly spaced and run across the width of the page. There are approximately 20 lines visible. The paper has a slight shadow on its right side, suggesting it's resting on a surface.

4 marks

Question 5

Jane has been charged with manslaughter. She has decided to plead not guilty.

- a. Jane has been told that she will either be remanded or granted bail.

Explain the difference between remand and bail.

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.

3 marks

- b.** If Jane is found guilty, identify one sanction that may be imposed and describe its purpose.

2 marks

Question 6

- a.** Describe one purpose of a directions hearing in a civil proceeding.

2 marks

- b. Explain **two** possible advantages of having a civil dispute resolved by the Victorian Civil and Administrative Tribunal (VCAT) rather than a court.

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4 marks

Question 7

‘Every person in Victoria can be confident that, if he or she should face trial in Victoria, the trial will be conducted with impartiality, fairness and independence.’

Referring to the above statement, explain **two** features of the adversary system of trial.

This image shows a single sheet of white paper with horizontal blue or grey ruling lines. The lines are evenly spaced and run across the width of the page. There are approximately 20 lines visible. The paper has a slight shadow on the right side, suggesting it's resting on a surface.

4 marks

‘One of the purposes of damages as a civil remedy is to restore the plaintiff to the position that he or she was in before the wrong occurred.’

[illegible]

TURN OVER

Evaluate mediation as a dispute resolution method.

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5 marks

The following comment appeared in a local Victorian newspaper.

Discuss the ability of courts to change the law.

[illegible]

TURN OVER

Question 11

A former defendant stated, ‘Two features of the jury system are being judged by your peers and having a cross-section of the community on the panel’.

Evaluate these two features of the jury system.

[illegible]

‘Without the assistance of the Victorian Law Reform Commission (VLRC), the Victorian Parliament would be less able to make laws that reflect society’s values.’

[illegible]

7 marks

‘Rights in Australia are well protected by the Commonwealth Constitution, in part because of section 128 of the Constitution.’

[illegible]

[illegible]

10 marks

Clearly number all responses in this space.

[illegible]

[illegible]