



Figures								Letter
Words								

Name _____

VCE LEGAL STUDIES $\frac{3}{4}$

2013

Practice examination No. 1

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 20 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 2013 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

John supports democracy, but thinks that the public are too uneducated to be trusted with the vote.

Outline the principle of representative government and identify why it is important for the functioning of the democratic parliamentary system.

2 marks

Question 2

Rather than dividing one level of courts by area of law, Victoria has a vertical hierarchy.

- a. Why could a system of appeals not operate effectively in a flat hierarchy of courts? Explain.

2 marks

- b. Outline the appellate jurisdiction of the Supreme Court (Court of Appeal).

Differentiate between a committal hearing and discovery as two pre-trial procedures that occur in the Supreme Court.

4 marks

b. In addition to choice of venues, parties are sometimes given a choice of method for the resolution of their legal issue. For some matters, VCAT also offers mediation and conciliation as options, and occasionally will order parties to attempt them.

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6 marks

3 marks

Question 8

Denis Naphthine, the Victorian Premier, wants the Commonwealth Parliament to take control of legislation over public transport, but is unsure how this can be done without formal change to the Constitution. Outline to him how his ability to refer power may solve the problem, and explain the impact this would be likely to have on the balance of power between state and federal parliaments.

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2 + 2 = 4 marks

Question 9

Weigh one strength of parliament against one weakness of it as the primary law-maker in society.

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4 marks

Question 10

Describe the impact that one successful referendum had on the division of legislative power in the Australian federal system, and explain one factor that may have contributed to, or jeopardised, its success.

[illegible]

5 marks

Question 11

Around the dinner table one night you discover that much of the material put out for recycling is actually sent to landfill and decide that state parliament needs to take action on recycling standards in the different suburbs. Your mother asks how you plan to influence this change, suggesting you start a petition, organise a protest or alert the media.

Critically examine which method would be the best option for you to choose.

[illegible]

6 marks

Question 12
Explain how courts make law, and critically examine the extent to which the doctrine of precedent allows the courts to create and change legal rules.

[illegible]

3 + 5 = 8 marks

Question 13

'The jury is one of the main problems with the legal system, preventing people from having proper access to a fair trial. Members of the public have no idea how to decide legal disputes. However, the jury is not the only criticised aspect of the legal system.'

Describe two reforms or alternatives to the current jury system that could be implemented to better give access to a fair hearing, and explain how they could improve the system.

Comment on other problems that exist within the system, apart from the jury, and discuss changes that could be made, or have been made recently, designed to improve its effective operation.

[illegible]

[illegible]

10 marks

END OF QUESTION AND ANSWER BOOKLET

Extra space for responses

Clearly number all responses in this space

[illegible]

[illegible]

[illegible]