



INSIGHT
YEAR 12 Trial Exam Paper

2013

LEGAL STUDIES

Written examination

STUDENT NAME:

QUESTION AND ANSWER BOOK

Reading time: 15 minutes

Writing time: 2 hours

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 the following items into the examination: pens, pencils, highlighters, erasers, sharpeners and rulers.
- Students are NOT permitted to bring sheets of paper or white out liquid/tape into the examination.
- Calculators are not permitted in this examination.

Materials provided

- The question and answer book of 23 pages.
- Additional writing space is provided at the end of this book if you require more space to complete an answer.

Instructions

- Write your **name** in the box provided.
- Make use of the stimulus material where included. However, it is not intended that this material will provide all the information to fully answer the question.
- You must answer the questions in English.

Students are NOT permitted to bring mobile phones or any other electronic devices into the examination.

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Instructions

Answer **all** questions in the spaces provided.

Question 1

Wendy unsuccessfully sued Boris in the Supreme Court of Victoria for breach of contract. Before the trial Wendy's barrister told her she had a good chance of success as he intended to rely on a precedent that was binding on the court in which Wendy's case would be heard. In his written judgement the judge distinguished Wendy's case from the precedent.

- a.** If Wendy wished to appeal, which court would hear the appeal?

1 mark

- b.** What is the impact of 'distinguishing a case on the facts'?

2 marks

- c. What is the standard of proof required to succeed in a civil action?

1 mark

- d. Identify and explain one advantage of having a court hierarchy.

2 marks

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Question 2

In a speech delivered to students in a school assembly, the Honourable Dino Smith, a member of the Legislative Council, told the audience that the actions of individuals and groups often influence changes in the law.

- a.** Explain **one** method individuals and groups can use to try to bring about a change in the law, and evaluate its effectiveness.

3 marks

- b.** One role of the Legislative Council is to introduce proposed new laws (except money bills). Explain one **other** role of the Legislative Council in the law-making process.

2 marks

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Question 3

In some areas the same law applies throughout the whole of Australia, while in other areas the law is different from one state to another.

Discuss the statement above. In your answer explain, using examples, how the Commonwealth Constitution divides law-making powers between the Commonwealth and the states.

[illegible]

4 marks

Question 4

‘Our legal system is not perfect in the way it operates and some individuals find it difficult to use.’

Describe **one** recent change and **one** recommendation for change and discuss how they attempt to improve the operation of the legal system.

[illegible]

4 marks

Question 5

Two ways that the Commonwealth's law-making powers can be expanded is through state referral of power or through High Court interpretation of the Constitution.

- a. Explain the process followed when a state decides to refer a residual power and explain the impact of the referral on the division of law-making powers.

3 marks

- b.** Explain, using **one** example, the impact of the High Court's interpretation of the Commonwealth Constitution on the division of law-making powers between Commonwealth and state parliaments.

[illegible]

5 marks

Question 6

One feature of the adversary system of trial is that trials are conducted following strict rules of evidence and procedure. Critically evaluate this feature.

[illegible]

4 marks

Question 7

Describe **one** pre-trial procedure that is undertaken in a civil action in the Supreme Court of Victoria and explain **two** of its purposes.

[illegible]

4 marks

Question 8

Most laws in our legal system are made by parliament; however, courts have a limited but important role in the law-making process.

Explain the role of courts in the law-making process.

4 marks

Question 9

Rights in Australia are protected in a number of different ways, one of which is by the Commonwealth Constitution.

To what extent do you believe the Commonwealth Constitution is an effective means of protecting the rights of Australians?

3 marks

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Question 11

‘Parliament is an effective law-maker. Its strengths in this area include the fact that the public has an opportunity to influence changes in the law and that bills are thoroughly debated before being passed by parliament.’

Critically examine these strengths.

[illegible]

6 marks

Question 12

‘Judicial determination is no longer an effective method of dispute resolution in civil disputes. The most effective methods of dispute resolution are mediation and conciliation, which are widely used in courts and the Victorian Civil and Administrative Tribunal (VCAT).’

To what extent do you agree with the above statement? Include in your answer an evaluation of the effectiveness of judicial determination, mediation and conciliation as methods of dispute resolution.

[illegible]

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Question 13

‘The processes used in Victorian courts to select and empanel juries are intended to ensure that juries represent a wide cross-section of the community and reflect current attitudes and values. As such, the jury system would be improved if peremptory challenges were abolished.’

To what extent do you agree with the statement? Justify your answer. Include in your answer a discussion of factors that influence the selection and empanelling of juries.

[illegible]

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Extra space for responses

Clearly number all responses in this space

[illegible]

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