

**Victorian Certificate of Education
2014**

SUPERVISOR TO ATTACH PROCESSING LABEL HERE

STUDENT NUMBER

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LEGAL STUDIES**Written examination****Tuesday 11 November 2014****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 18 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 (2 marks)

Outline **one** effect of the interpretation of statute by judges.

Question 2 (3 marks)

Describe **one** difference between conciliation and arbitration as dispute resolution methods.

Question 3 (3 marks)

Explain the principle 'separation of powers'.

Question 4 (7 marks)

Casey faces a criminal trial next week in the County Court of Victoria.

- a.** Has Casey been charged with a summary offence or an indictable offence? Justify your answer.

2 marks

- b.** Describe **one** factor that can influence the composition of the jury in Casey's trial.

2 marks

- c.** Identify **one** sanction that may be handed down if Casey is found guilty. Describe **one** of its purposes.

3 marks

Question 5 (5 marks)

Audrey has commenced civil proceedings in the Supreme Court of Victoria (Trial Division). The court will resolve the dispute at trial after mediation was unsuccessful.

- a.** Provide **one** reason for the existence of a court hierarchy. Refer to Audrey's dispute in your answer.

2 marks

- b.** Explain the dispute resolution method that will be used by the Supreme Court of Victoria (Trial Division).

3 marks

Question 6 (5 marks)

- a.** Outline how referral of powers by the states to the Commonwealth Parliament can change the division of law-making powers.

2 marks

- b.** 'A majority of voters in two states and a majority of all voters in Australia have voted in favour of a proposed law to alter the Commonwealth Constitution.'

Explain why the proposed law would be unsuccessful.

3 marks

Question 7 (6 marks)

- 2 marks

- 4 marks

High Court case used _____

[illegible]

Question 8 (4 marks)

The following extract contains incorrect statements.

‘In a recent Supreme Court of Victoria (Trial Division) case, the jury created a precedent in its decision. The defendant appealed straight to the High Court. The High Court then stated it was bound by the decision of the Supreme Court of Victoria (Trial Division).’

Select **two** statements and outline why each statement is incorrect.

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.

Discuss the extent to which the High Court can change the Commonwealth Constitution.

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.

Explain **one** recent change and **one** recommendation for change in the legal system. In your answer, explain how each could contribute to an effective legal system.

[illegible]

Evaluate the role of the parties in the adversary system of trial.

[illegible]

Question 12 (8 marks)

Discuss the extent to which the Victorian Civil and Administrative Tribunal (VCAT) can overcome **two** weaknesses of civil pre-trial procedures.

[illegible]

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.

Discuss the ability of parliament to change the law. In your answer, provide **one** recent example of an individual or group influencing legislative change.

[illegible]

[illegible]

Clearly number all responses in this space.

[illegible]

TURN OVER

[illegible]

An answer book is available from the supervisor if you need extra paper to complete your answer. Please ensure you write your **student number** in the space provided on the front cover of the answer book. **At the end of the examination, place the answer book inside the front cover of this question and answer book.**