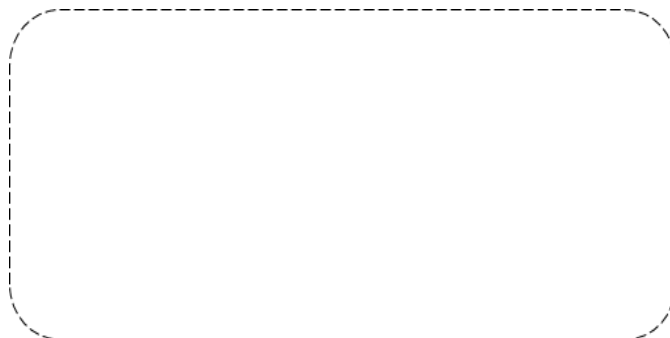




**Victorian Certificate of Education
2015**



STUDENT NUMBER

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 Letter

LEGAL STUDIES

Written examination

2015

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>
16	16	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 examination room: blank sheets of paper and/or white out liquid/tape.
- No calculator is allowed in this examination.

Materials supplied

- Question and answer booklet.
- 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)

One of the main roles of both the House of Representative and the Senate is to make laws. Outline one other role of each house.

Question 2 (2 marks)

Explain the principle of responsible government.

Question 3 (2 marks)

Zina strongly believes the legal driving age in Victoria should be lowered to 17 to bring it in line with the rest of Australia. Explain one way she may influence the Victorian Parliament to change this law.

Question 4 (4 marks)

It has been suggested that courts should leave the law-making and law-changing to Parliament. Explain one strength and one weakness of the Parliament as a law-making body.

Question 5 (2 marks)

Using an example to illustrate your answer, explain one reason why laws might need to change.

Question 6 (4 marks)

Distinguish between exclusive and concurrent powers. In your answer, provide an example of each.

Question 7 (1 mark)

In order for a referendum to be successful in Australia, there must be a double majority achieved. Explain what the term double majority means.

Question 8 (3 marks)

Explain referral of power and describe its impact on the division of law-making power.

Question 9 (2 marks)

Explain one relationship between the courts and Parliament as law makers.

Using examples, distinguish between express and implied rights in the Commonwealth Constitution.

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.

Explain how one High Court Case has contributed to the constitutional protection of rights in Australia.

This image shows a blank sheet of white paper with horizontal ruling lines. The lines are evenly spaced and extend across the width of the page. There are no margins, text, or other markings on the paper.

Outline the two ways judges engage in law-making. In your answer, explain what binding and persuasive precedents are.

[illegible]

Question 13 (7 marks)

Justin has been found guilty of breaking into a department store and stealing \$5,000 worth of electronic goods.

- a.** Justin thinks his case is very important and would like it heard in the High Court. Explain why a court hierarchy exists and which court would be likely to hear his case. 3 marks

- b.** Justin has just had his case heard at Court. He is unclear about why the judge interpreted a Victorian Act in her decision. Explain what is meant by statutory interpretation and outline two reasons why statutes might need interpreting by judges. 3 marks

- c.** Justin has decided to appeal his conviction. Which court would hear the appeal? 1 mark

Question 14 (11 marks)

Gina has been charged with murder and is pleading not guilty.

- a.** Explain the difference between remand and bail, and comment on which you think Gina is likely to receive and why. 4 marks

- b.** Gina is worried that a jury will be biased against her. Explain the jury's role in a criminal trial and explain three strengths of the jury system. 5 marks

- c. If found guilty, explain the sanction Gina would be likely to receive, and the one purpose of that sanction. 2 marks

A legal commentator stated, "While the inquisitorial system has some strengths, the adversarial system of trial is really the most appropriate for resolving legal disputes."

[illegible]

[illegible]

Samantha has a dispute with her landlord about her rental property that she would like resolved quickly and cheaply. Her lawyer has advised her to use mediation to resolve her dispute, but she is worried that the decision won't be binding and thinks she should take it to court.

Explain mediation and judicial determination and critically evaluate them as dispute resolution methods for Samantha's dispute. In your answer, suggest another appropriate dispute resolution method Samantha could try.

[illegible]

[illegible]

[illegible]

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Clearly number all responses in this space.

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