



Units 3 and 4 Legal Studies

Practice Exam Question and Answer Booklet

Duration: 15 minutes reading time, 2 hours writing time

Structure of book:

Number of questions	Number of questions to be answered	Number of marks
9	9	70
Total		70

- Students are permitted to bring into the examination room: pens, pencils, highlighters, erasers 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:

- This question and answer booklet of 11 pages.

Instructions:

- You must complete all questions of the examination.
- Write all your answers in the spaces provided in this booklet.

Questions

Question 1

In the case of *Stephens v Australian Cutex Pty (2011)*, the Victorian Supreme Court was required to decide on the verdict, where the defendant was being prosecuted for fraud and embezzlement.

In an attempt to defend their client, Australian Cutex, the defence's barrister brought up the similar case of *Rochester v Channel 4 News Network Pty Ltd (2008)*, in which a justice in the High Court decided favour of the defendant.

The representation for the plaintiff, Stephens, also presented a previous similar case, in which a justice in the County Court of Victoria decided in favour of the plaintiff – *Adams v Adams (2004)*.

- a. What is meant by the term 'precedent'?

1 mark

- b. In this case, assuming that the precedents used by both parties are valid and applicable, which party (the defendant or the plaintiff) should win this case? Why?

2 marks

- c. If the case of *Adams v Adams (2004)* was the only past case presented by the barristers, how may the judge avoid giving a similar verdict?

2 marks

Total: 5 marks

Question 2

A lot of our legal system is set up to identify, analyse and evaluate possible changes to our current system of laws.

- a. Explain two reasons why laws may need to change.

2 marks

Pressures to change the law can come from both formal and informal sources.

- b. Name one formal pressure for change and outline its role.

2 marks

- c. Explain one informal pressure for change that individuals may participate in and comment on its effectiveness.

2 marks

Due to the increased use of in vitro fertilisation techniques, more legislation has been required to fill a previous gap. In Victoria, an independent member of the Legislative Assembly, Mr. Ben Mead wanted to introduce a bill into parliament which would create new laws about what types of couples could receive this treatment. His bill was known as the Access to IVF Bill.

- d. Where does the Legislative Assembly sit within the structure of Victorian Parliament? In your answer, outline one role of the Legislative Assembly.

2 marks

Three years after the introduction of this bill to the Western Australian lower house, a similar bill passed through the Commonwealth Parliament. After the bill came into effect, Dr. Grisham, a doctor in Melbourne specialising in fertilisation treatment, was accused of contravening s12 of the legislation – a non-serious indictable offense.

- e. In which court would Dr. Grisham's case be held?

1 mark

- f. Outline the appellate jurisdiction of this court.

1 mark

Total: 10 marks

Question 3

- a. Describe two civil pre-trial procedures and their purpose, and in doing so, highlight one element of an effective legal system that they support.

5 marks

- b. Outline the burden and standard of proof in a civil case.

2 marks

Total: 7 marks

Question 4

The Constitution of Australia was enacted in order to give structure to our legal system – especially to help in the formation of a working parliament.

- a. What is the principle of responsible government?

2 marks

- b. Explain the principle of the separation of powers.

4 marks

- c. 'More than providing powers to the parliaments, the Constitution does a lot to restrict their power.'

Comment on this statement by highlighting two restrictions on Commonwealth government, imposed by the Constitution.

2 marks

Total: 8 marks

Question 5

- a. How many jurors are present on a criminal jury?

1 mark

“The jury system is a system in which we expense extra time and money so that we can leave the decision-making that our laws depend upon to unqualified, uninterested civilians.”

– Mr. Jan Hosseini, QC

- b. Many people agree with Mr. Hosseini’s evaluation of the jury system. Suggest two possible reforms to improve this system.

4 marks

Total: 5 marks

Question 6

- a. What is a referendum? In your answer, you should outline the basic process that a referendum must pass through in order to be successful.

4 marks

- b. Are referenda generally successful or unsuccessful? Give two reasons for your answer.

3 marks

Total: 7 marks

Question 7

- a. Evaluate parliament's role as a law-maker in our society.

6 marks

In order to become law, a bill must progress through parliament and receive Royal Assent.

- b. What is Royal Assent?

1 mark

- c. Identify and explain one other step a Bill must go through before it becomes legislation.

2 marks

- d. Besides reviewing Bills, name one other role of the Senate.

1 mark

Total: 10 marks

Question 8

Identify and explain one method of alternative dispute resolution used in the Victorian Civil and Administrative Tribunal (VCAT). In doing so, evaluate the success of methods such as these as an avenue for resolving disputes.

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8 marks

Question 9

Critically evaluate the adversary system of trial. In your answer, describe two differences between it and the inquisitorial system of trial.

[illegible]

10 marks

End of Booklet