

**Victorian Certificate of Education
2015**

SUPERVISOR TO ATTACH PROCESSING LABEL HERE

STUDENT NUMBER

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LEGAL STUDIES**Written examination****Tuesday 10 November 2015****Reading time: 2.00 pm to 2.15 pm (15 minutes)****Writing time: 2.15 pm to 4.15 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 correction fluid/tape.
- No calculator is allowed in this examination.

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 **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 (6 marks)

A plaintiff is seeking an injunction and damages of \$1 million in the Supreme Court of Victoria. The defendant has been told by their lawyer that they will need to participate in discovery.

- a.** Define the term ‘injunction’. 1 mark

- b.** Identify **one** other court that could adjudicate this dispute. Justify your answer. 2 marks

- c.** Explain **one** purpose of discovery. 3 marks

Question 2 (3 marks)

Explain **one** reason why the County Court of Victoria may not be bound by a decision of the Supreme Court of Victoria (Trial Division).

Question 3 (3 marks)

Explain why each of the state parliaments in Australia is able to make different laws about the same area of law.

Question 4 (4 marks)

a. Define the term 'judicial determination'.

1 mark

b. Other than judicial determination, explain **one** method that could be used by courts to resolve a civil dispute.

3 marks

Question 5 (6 marks)

The Victorian parliament is debating a Bill following a review of the law by the Victorian Law Reform Commission (VLRC).

- a. Identify and describe the stage of the legislative process at which this Bill will be debated for the first time.

3 marks

Stage of the legislative process _____

- b. Explain the role of the VLRC in recommending a change in the law.

3 marks

Question 6 (3 marks)

Explain **one** factor that could affect the success of a referendum.

An accused person has been remanded and is awaiting a committal hearing.

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- [illegible]

Explain the significance of **one** case in which the High Court's interpretation of the Commonwealth Constitution had an impact on the division of law-making powers.

[illegible]

Describe **one** weakness of the adversary system of trial. In your answer, explain **one** reform that could overcome this weakness.

[illegible]

Evaluate **one** means by which the Commonwealth Constitution protects rights in Australia.

[illegible]

‘There are weaknesses in the way in which the Victorian Civil and Administrative Tribunal (VCAT) operates to resolve disputes.’

[illegible]

Question 12 (8 marks)

The author of a journal article wrote the following opinion: ‘Juries should not decide matters of fact. It should all be left up to the judge.’

To what extent do you agree with this opinion? Justify your answer.

[illegible]

Question 13 (10 marks)

Discuss the extent to which courts are able to overcome the limitations of parliament in making laws.

[illegible]

[illegible]

[illegible]

Clearly number all responses in this space.

[illegible]

[illegible]

[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.**