

YEAR 12 *Trial Exam Paper*

2016

LEGAL STUDIES

Written examination

STUDENT NAME:

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>
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 unauthorised electronic devices into the examination.

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Instructions

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

Question 1 (1 mark)

Identify **one** restriction on the law-making powers of the Commonwealth Parliament.

Question 2 (2 marks)

Outline the structure of the Victorian parliament.

Question 3 (4 marks)

- a.** Using an example, outline **one** reason why law needs to change.

2 marks

In December 2015, police arrested eight people involved in the ‘Flood the System’ demonstration, which demanded action on climate change.

- b.** Identify **one** strength and **one** weakness of a demonstration as a means for influencing legislative change.

2 marks

Question 4 (6 marks)

One reason for the existence of a court hierarchy is administrative convenience.

- a.** Outline **two** further reasons for a court hierarchy.

4 marks

- b.** Describe the jurisdiction of the Supreme Court of Victoria (Trial Division).

2 marks

a. Explain the purposes and processes of both bail and committal proceedings.

[illegible]

In a recent criminal case, the defendant was found guilty and sentenced to a term of imprisonment.

- b.** Other than serving a term of imprisonment, describe **one** criminal sanction.

2 marks

- c.** Discuss the extent to which **one** civil remedy achieves its purpose.

2 marks

Question 6 (2 marks)

The government of Victoria has announced that it plans to initiate legislation on same-sex marriage when the state parliament resumes sitting. A spokesperson for the Commonwealth Government made it clear that, because family law is a concurrent law-making area, Victoria's state law will ultimately be challenged.

Explain what affect section 109 (s. 109) of the Commonwealth Constitution could have on this case.

Question 7 (6 marks)

- a.** Explain the operation of the doctrine of precedent.

3 marks

b. Analyse the extent to which the doctrine of precedent is inflexible.

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Question 8 (6 marks)

- a.** Describe the role of the jury in a criminal case.

3 marks

- b.** Explain how **one** proposed alternative to the jury system could negatively affect the legal system.

3 marks

Question 9 (6 marks)

Parliament possesses many advantages as a law-maker. It is both a representative body and allows for thorough investigation of issues.

Evaluate these advantages of parliament as a law-maker.

[illegible]

Question 11 (6 marks)

The Victorian Civil and Administrative Tribunal (VCAT) has provided disputing parties with a viable alternative to the courts.

Analyse the extent to which VCAT holds advantages over the courts in the way it operates to resolve disputes.

[illegible]

Discuss the High Court's importance in changing the division of law-making powers between the Commonwealth and the states, and in clarifying the rights of Australians.

[illegible]

[illegible]

[illegible]

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[illegible]

[illegible]

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[illegible]