

Victorian Certificate of Education
2016

SUPERVISOR TO ATTACH PROCESSING LABEL HERE

STUDENT NUMBER

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LEGAL STUDIES

Written examination

Wednesday 9 November 2016

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>
12	12	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 (7 marks)

Nathan commences proceedings in the Magistrates' Court against his employer and is seeking \$90 000 in damages.

a. Describe **one** purpose of damages.

2 marks

b. Explain **one** reason why there is a court hierarchy in Victoria.

3 marks

- c. 'There are Victorian courts, other than the Magistrates' Court, that have original jurisdiction to hear this dispute between Nathan and his employer.'

Why is this statement correct?

2 marks

Question 2 (3 marks)

Explain the principles of representative government and responsible government.

Question 3 (3 marks)

A referendum proposal was voted on by the electors of Australia. Fifty-six per cent of all voters in Australia voted in favour of the proposal and the majority of voters in all states, except Victoria, Tasmania and New South Wales, voted in favour of the proposal.

Was the referendum passed? Justify your answer.

Explain the extent to which Australia's constitutional approach to the protection of rights is the same as that of **one** of the following countries: Canada, New Zealand, South Africa or the United States of America.

[illegible]

Explain the differences between the purposes of civil pre-trial procedures and criminal pre-trial procedures.

[illegible]

Compare the role of a criminal jury with that of a civil jury.

[illegible]

Question 7 (10 marks)

Sam, 23, has prior convictions and drug and alcohol addictions. Sam has been charged with three indictable offences, including armed robbery. The prosecution alleges that Sam was in possession of high-heeled shoes when committing the armed robbery and, therefore, possessed an 'offensive weapon' within the meaning of the *Crimes Act 1958* (Vic).

Sam meets with lawyers at their office and is advised that there is no precedent for whether high-heeled shoes are an 'offensive weapon'.

- a.** Outline **one** purpose of bail. Refer to Sam's case in your answer.

2 marks

- b.** Describe the law-making process that the court will use to determine whether Sam possessed an offensive weapon within the meaning of the statute.

3 marks

- 5 marks

[illegible]

Why is it possible for a Victorian law to be in conflict with an existing Commonwealth law? In your answer, describe the impact that section 109 of the Commonwealth Constitution could have on a Victorian law.

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Question 9 (7 marks)

A Bill has been introduced into the Commonwealth Parliament to amend an existing law.

- a.** Describe **one** reason why a law may need to change.

2 marks

5 marks

[illegible]

Evaluate the extent to which the Commonwealth Constitution protects the rights of Australians through implied rights.

[illegible]

Discuss this statement.

[illegible]

‘Judges can resolve disputes effectively because the adversary system of trial and the operation of the doctrine of precedent work well.’

[illegible]

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[illegible]

Clearly number all responses in this space.

[illegible]

[illegible]

[illegible]