



**Victorian Certificate of Education
2006**

SUPERVISOR TO ATTACH PROCESSING LABEL HERE

STUDENT NUMBER

Figures									Letter	
Words										

LEGAL STUDIES
Written examination

Wednesday 8 November 2006

Reading time: 3.00 pm to 3.15 pm (15 minutes)

Writing time: 3.15 pm to 5.15 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	60

- 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 white out liquid/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. In Question 13 answer either part **a.** or part **b.** Indicate which part, **a.** or **b.**, of Question 13 you have answered.

Question 1

Recently a critic of the Australian legal system commented that a hierarchy of courts is not necessary. Outline **one** reason to justify the existence of the court hierarchy.

1 mark

Question 2

Every year the Commonwealth and State Parliaments make changes to the law. Outline **one** reason why the law might need to be changed.

1 mark

Question 3

George and Sarah are partners in a large construction business and they are involved in a dispute with a property developer. Their solicitor advises them that they might have to commence litigation in the Supreme Court.

a. Outline the original civil jurisdiction of the Supreme Court.

b. Outline **one** civil remedy which could be ordered in this case and explain its purpose.

1 + 2 = 3 marks

Question 4

‘Parliament’s task is to legislate, but the impact of that legislation can be affected by how it is interpreted by the courts.’

Explain **one** reason why courts sometimes have to interpret a statute.

2 marks

Question 5

A visitor to Australia, who is studying our parliamentary system, comments that the system is easy to understand except for 'the separation of power'. Explain to the visitor the principle of the separation of power in the Australian parliamentary system.

2 marks

Question 6

'The Commonwealth Constitution of Australia divides law-making powers between the State and Commonwealth Parliaments. By passing this Bill, the Victorian Parliament will be legislating in an area of residual power.'

From the Minister's Second Reading Speech in the Legislative Assembly

a. Explain the second reading stage of the legislative process.

Question 7

Mia applied for a job in a bar but the owner, Jodie, said she did not want to employ Mia because she was married. Jodie said she was trying to attract single people to the bar, and married people would be bad for business. Mia's friend tells her that she should complain about this and 'take Jodie to court'.

- a.** Identify the court or tribunal that has the power to hear this sort of case.

- b.** Explain an alternative method of dispute resolution which could be used to resolve a case like this and evaluate its effectiveness.

Question 8

- a. Explain how **one** democratic or human right is protected by the Commonwealth Constitution.

- b. 'The approach adopted for the constitutional protection of democratic and human rights can differ between countries.'

Compare Australia's approach with the approach of **one** of the following countries: the United Kingdom, the United States of America, Canada, New Zealand, South Africa.

2 + 4 = 6 marks

Question 9

One aim of criminal pre-trial procedures is to protect people from being treated unjustly. Comment on how **two** criminal pre-trial procedures attempt to achieve this aim.

Question 9 – continued

4 marks

Question 10

Identify **two** recent changes, or recommendations for change, to the legal system. Explain how these changes have improved, or could improve, the effective operation of the legal system.

4 marks

TURN OVER

Question 11

Explain the operation of the doctrine of precedent and evaluate **two** strengths of this method of law-making.

8 marks

Question 12

‘While the jury is often criticised, it also has many strengths that help the operation of the criminal justice system.’

Identify and evaluate **three** of those strengths.

Question 13

Answer either part a. or part b. of this question.

- a.** 'Parliament is a very effective law-maker. There are no significant weaknesses in the way parliament carries out this role.'
Discuss this statement and indicate the extent to which you agree or disagree with it.
Justify your conclusions.

OR

- b.** 'Our adversary system of trial works very well. It cannot be improved.'
Discuss this statement and indicate the extent to which you agree or disagree with it.
Justify your conclusions.

10 marks

Either **a.** or **b.**
