COMMERCE PRESENTATIONS AND PUBLICATIONS



Figures] [
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Letter

LEGAL STUDIES 2009 Practice examination

Reading time: 15 minutes Writing time: 2 hours

QUESTION AND ANSWER BOOK

Structure of book

Number of	Number of questions	Number of
questions	to be answered	Marks
13	13	60

- Students are permitted to bring into the practice examination: 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.

Materials supplied

- Question and answer book of 18 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 the 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

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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
Identify one stage in the passage of a bill through parliament during which it can be amended.
Overtion 2
Question 2 Outline the jurisdiction of one of the following lists of the Victorian Civil and Administrative Tribunal:
Anti-Discrimination List.
Residential Tenancies List.
Question 3
James has been charged with theft of a motor vehicle. Explain to James how this case could be heard in either the Magistrates or the County Court.

Question 4 Explain how one formal law reform body effectively investigates the potential for law reform, and what influence they can have on changes to the law made by parliament.

Mark has supplied Jane with building supplies for years, but he has a history of breaking agreements and of fighting dirty. Jane doesn't know why she has kept contracting with him, but he has broken another contract worth half a million dollars and once she sues him she plans never to use him again.

Explain one civil pre-trial procedure that might be conducted at the Supreme Court, and outline how it achieves its purpose.
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Question 6
Explain the principle of representative government, and comment on its desirability.

Explain the function and jurisdiction of **one** of the following specialised courts, and explain how aspects of the court help it achieve its function better than a court of general jurisdiction, like the County Court.

 Coroner's Co 	urt		
 Children's Co 	ourt		

democratic and ollowing countr	ays in which Australia could improve its constitutional protection of I human rights by learning from the approach taken in one of the cries: Canada, New Zealand, South Africa, the United States, or the
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Will was punched in the face by a drunken fan at a football match, and needed to
undergo expensive reconstructive surgery. He also missed his Legal Studies
examination. He plans to sue his attacker, but the police will also be pressing charges

Apart from the Will three oth	difference regarding who will be bringing the matter to court, outline for differences he will find between his civil case and the criminal one.

Parliament is the supreme lawmaker in Australia, but some question its effectiveness.
Evaluate the effectiveness of parliament as a lawmaker in Australia.

6 mark
a. Explain how the role of the judge differs between the adversary and inquisitorial systems, and critically examine which of these approaches provides for a more effective system.

b. Outline two further features of the adversary system.			

4 + 4 = 8 marks

a. Using examples, explain how the Commonwealth Parliament is given power in the Australian Constitution.
b. Using two cases to illustrate, show how the High Court has used its power of interpretation to alter the balance of legislative power between the Federal and state parliaments

3 + 5 = 8 marks

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

- **a.** David is a Legal Studies student, and is surprised when he goes to court and the judge interprets the relevant legislation. It sounded like the judge was deciding what the law was, and David thought that making law was the parliament's role.
- i. Outline to David **two** reasons why the judge might have had to interpret this legislation.
- ii. Explain to David **two other** features of the relationship between parliament and the courts as lawmakers.
- iii. Even though the courts can make law, they are more restricted than parliament because they can only make law through precedent. Explain how the courts are limited in this way in their lawmaking function.

2 + 3 + 5 = 10 marks

- b. Chrissy and Leigh were in business together, but it went bankrupt and they are now arguing about who owes what to their debtors. Someone has suggested to them that they are perfect candidates for alternative dispute resolution, and that choosing this method of resolving their argument will avoid all the problems of court.
- Clearly explain three problems with pre-trial or trial procedure, and how one or more methods of ADR would avoid these problems.
- ii. Discuss **one** recent change that you believe has improved the effective operation of the court system, and advise of **one** further change to the system that could improve it even more.

Either a . or b .	6 + 4 = 10 mark

Extra space for responses Clearly number all responses in this space		
