LEGAL STUDIES

Units 3 and 4 written examination

Trial Examination

Reading time: 15 minutes
Writing time: 2 hours

QUESTION & ANSWER BOOK

Structure of book

Number of questions	Number of questions to be answered	Number of marks
11	11	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 white out liquid/tape.
- No calculator is permitted in this examination.

Materials supplied

• Question and answer book of 16 pages.

Instructions

- Print your name in the space provided on the top of this page.
- All written responses must be in English.

Students are NOT permitted to bring mobile phones and/or any other unauthorised electronic communication devices into the examination room.

Instructions
Answer all questions in the spaces provided.
Question 1
Explain one role for each of the following: the upper house and the lower house of the Commonwealth Parliament and the Crown.
3 marks Question 2
Danny was involved in a fight outside a nightclub in Queen Street, Melbourne. He was later charged by police, under section 16 of the <i>Crimes Act 1958 (Vic)</i> , with the offence of intentionally causing serious injury.
a) In which court would Danny's case be heard? Explain the original criminal jurisdiction of that court.

What factor would determine whether a jury would be used in this case? Outline one strength and one weakness of the use of juries in such cases.

1 + 2 = 3 marks
What right of appeal would exist for Danny if he were to be found guilty in this case? To which court would an appeal case proceed?

d) Explain one purpose behind imposing a sanction in a criminal case.	
	2 marks
Question 3	
After consulting her lawyer, Rebecca decides to sue the shopping centre for compe a) Identify which party has the burden of proof in this case.	nsation.
	 1 mark
o) Outline one example of a remedy that might me sought in a civil dispute.	1 IIIdi K
	 1 mark

2 mark
es to trial.

1 mark

Question 4
Outline the key principles of the separation of power.
2
3 marl
Question 5
'The Commonwealth Constitution divides law-making powers between parliaments Australia.'
a) Outline two restrictions on the law-making powers of the Commonwealth parliament.

estion 6 A committal hearing is an example of a criminal pre-trial procedure. Explain the comm hearing procedure and give one advantage and one disadvantage of a committal hearing	o, outilite	two restrictions on the law-making powers of the State parliament.
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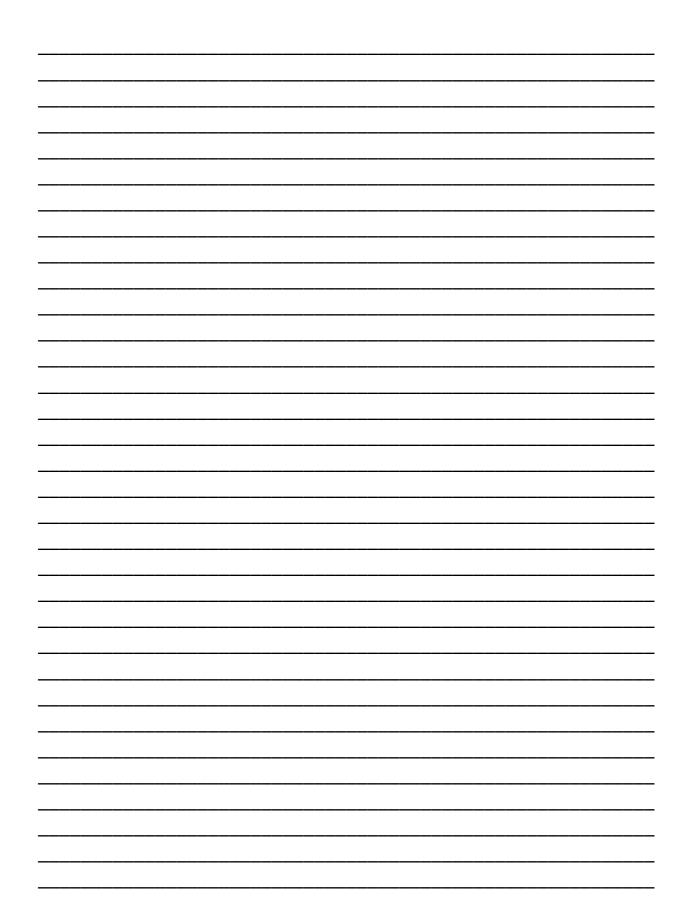
Question 7 Critically evaluate **two** strengths of the parliament as a law-maker.

6 marks

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io what extent o	o you agree witl	i triis statem	entr	

as law-makers. In fact, the legal system could not function effectively without laws made by th					
courts. Evaluate this statement and indicate the extent to which you agree with it. (10 marks)					

Although the courts are essentially a dispute resolution body, they also play an important role



The adversary system has failed to provide for fair and unbiased hearings. Disadvantaged
groups have been let down by a system that was developed by lawyers for lawyers. A move
to the inquisitorial system is needed urgently.'
Evaluate this statement. In your answer indicate whether a move toward the inquisitorial

system would be beneficial. 10 marks				

Extra space for responses Clearly number all responses in this space.	

