COMMERCE PRESENTATIONS AND PUBLICATIONS



Name	 	 	 	 		
						Letter
Figures						
Words					_	

VCE LEGAL STUDIES 3/4 2011 CPAP 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
15	15	70

- 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 17 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

Question 1 Explain the system of responsible government and the rationale behind it.				
2 marks				
Question 2 The purpose of discovery is to protect the rights of the defendant by ensuring that there is enough evidence against them to justify going to trial.				
Comment on the validity of this statement.				
1 mark				
Question 3 Outline the process and purpose of proclamation as one of the steps in the passage of a bill through parliament.				

Question 4 Outline two reasons for employing a hierarchy of courts.					
2 mar					
Question 5 Using an example to illustrate your answer, explain how the referral of powers can change the division of power without formal amendment to the Constitution.					

Question 6 Outline the two main roles of the Upper House in Federal Parliament, and comment on which role it performs more effectively and why.						
2 + 2 = 4 mark						
Question 7 Explain the role of the Victorian Law Reform Commission in assisting the Victorian Parliament to ensure the law remains in touch with the needs of the Victorian people.						

Using detail from the jurisdiction of each to illustrate your answer, explain how criminal matters are spread across the Magistrate's Court, County Court and Supreme Court (Trial Division) so that each	
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	Question 8 Using detail from the jurisdiction of each to illustrate your answer, explain how criminal matters are spread across the Magistrate's Court, County Court and Supreme Court (Trial Division) so that each court specialises in different areas.

Question 9 Describe the process of a referendum.	
	3 marks
a. Outline two factors that might influence the success of a referendum proposal.	
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υ.	as when Senate terms begin. Other amendments, however, alter the way in which legislative power is divided between state and Commonwealth parliaments in our federal structure.							
	Explain how this could occur, using one example of a successful referendum to illustrate your answer.							
Outling one	ne the three ways in which rights are protected by the Commonwealth Constitution. Explain case in which the High Court of Australia has been called on to decide a rights issue and the ct that case had on the rights of the Australian people.							

	3 + 3 = 6 marks
	3 + 3 = 0 marks
Question 11 Explain one civil remedy that could be given at the end of a civil trial, and compar awarding remedies with the aims of giving sanctions.	
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	A months
	4 marks
Expla	stion 12 ain two factors, up to and during empanelment, that could prevent a member of the public from g on a civil jury.
	4 marks
a.	Outline, and critically examine the desirability of, one possible reform and one alternative to the current system of trial by jury.

Question 13

Identify two problems faced by people in the community when trying to access the legal system to resolve their disputes, and comment on one past change and one recommendation for change that aim to improve access.					

Question 14

"Courts and the Victorian Civil and Administrative Tribunal are similar in that they employ the same range of dispute resolution methods, but the experience of resolving a legal issue can be very different depending on which venue is used."

Discuss the above statement, and comment on which you believe would be the preferred venue. In your answer, outline two methods of dispute resolution used by the courts and VCAT.				

8 marks Question 15
One of the primary ways in which judges make law is through their interpretation of statute. There are many reasons why they may need to do this, and the effect of it on the state of the law can be significant. Unfortunately, it is not their role to make law: this job should really be left to parliament, as it is the better law-maker.
Discuss the above statement, and the extent to which you agree.

 	 	 10 marks

Extra space for responses

Clearly number all responses in this space				