

COMMERCE PRESENTATIONS AND PUBLICATIONS



Name _____

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VCE LEGAL STUDIES 3/4

2011

CPAP Practice examination

Reading time: 15 minutes

Writing time: 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>
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.

2 marks

Question 9

Describe the process of a referendum.

3 marks

a. Outline **two** factors that might influence the success of a referendum proposal.

2 marks

- b. *Some amendments to the Constitution change only the administration of government: such 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.

2 marks

Question 10

Outline the **three** ways in which rights are protected by the Commonwealth Constitution. Explain **one** case in which the High Court of Australia has been called on to decide a rights issue and the impact that case had on the rights of the Australian people.

4 marks

Question 12

Explain **two** factors, up to and during empanelment, that could prevent a member of the public from sitting 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.

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

END OF QUESTION AND ANSWER BOOKLET

