

# INSIGHT YEAR 12 Trial Exam Paper

# 2011 LEGAL STUDIES

# Written examination

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#### **QUESTION AND ANSWER BOOK**

Reading time: 15 minutes Writing time: 2 hours

#### Structure of book

Number of questions	Number of questions to be answered	Number of marks
14	14	70

- Students are permitted to bring the following items into the examination: pens, pencils, highlighters, erasers, sharpeners and rulers.
- Students are NOT permitted to bring sheets of paper or white out liquid/tape into the examination.
- Calculators are not permitted in this examination.

#### **Materials provided**

- The question and answer book of 17 pages.
- Additional writing space is provided at the end of this book if you require more space to complete an answer.

#### Instructions

- Write your name in the box provided.
- Make use of the stimulus material where included. However, it is not intended that this material will provide all the information to fully answer the question.
- You must answer the questions in English.

Students are NOT permitted to bring mobile phones or any other electronic devices into the examination.

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Answer all questions in the spaces provided.

Question 1
Describe the role of the Victorian Law Reform Commission.
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Question 2
The following scenario contains errors.
The prosecutor charged John, the accused, with culpable driving. He pleaded not guilty at his trial, which could be heard in either the Magistrates' Court or using arbitration at VCAT. The jury of 12 sentenced John to twenty years of imprisonment. John wants to appeal this decision.
Identify <b>one</b> error in this scenario and explain the correct definition, process or procedure which should have occurred.

<b>Question 3</b>						
Discuss <b>two</b> rela	tionships betw	een courts a	nd Parliamer	nt in law-mak	ing.	
						2 marks
<b>Question 4</b>						
Identify the diffe	erence between	exclusive p	owers and co	oncurrent pow	ers.	

Question 5
Explain the impact of section 109 on exclusive powers and concurrent powers.
1 mar
Question 6
Explain what 'referral of powers' is, and analyse the impact of the referral of powers on the division of law-making powers.

ompare mediation and arbitration as types of dispute resolution methods used by courts. ive an example of when each method is used.				

viduals to influe	nce a change	in the law.	fectiveness (		

a.	Explain what is meant by structural protection of rights, providing at least <b>one</b> example to support your answer.	e
		2 marks
b <b>.</b>	Discuss the facts and the significance of <b>one</b> High Court case relating to the constitutional protection of rights in Australia.	
		<u></u>

	4  marks $2 + 4 = 6  marks$
Que	stion 10
but v	a-Rose attempted to resolve her legal dispute using alternative dispute resolution methods, was unsuccessful. She then proceeded to trial and was awarded \$600,000 for injuries she ived in a car accident.
a.	This case would have gone through a number of pre-trial procedures before being heard in the Supreme Court. Compare the purpose of civil pre-trial procedures with the purpose of criminal pre-trial procedures.
	<del></del>

b <b>.</b>	Identify one other court that could have heard this case and explain why it could do so. Then describe the entire criminal jurisdiction of that particular court.
	4 marks
с.	Identify and define the type of civil remedy awarded to India-Rose. Discuss the purpose of this type of civil remedy.

3 marks 2 + 4 + 3 = 9 marks

a.	Explain the role of a jury in Victoria and describe <b>one</b> factor that influences their composition.

b.	Critically evaluate <b>one</b> reason for retaining juries in criminal trials in Victoria and discuss <b>one</b> reform and <b>one</b> alternative to the jury system.

5 marks 4 + 5 = 9 marks

Timothy was charged with rape and committed to stand trial by a magistrate. He was remanded in custody until his trial, where he will plead not guilty of committing this crime. Describe the purpose of a committal hearing. a. 1 mark Define bail and remand, and compare them. b.

c.	Identify and critically examine <b>one</b> criminal sanction the judge could impose if Timothy is found guilty in his rape trial, and discuss the ability of the criminal sanction you identified to achieve <b>one</b> purpose of criminal sanctions.

4 marks1 + 3 + 4 = 8 marks

8 mark
Question 14
'Parliament is more effective than courts when it comes to making laws. Therefore, law-making should be left to Parliament only and courts should focus on resolving disputes, not making laws.'
Discuss the statement above, indicating the extent to which you agree or disagree. In your answer include a critical evaluation of the law-making processes of Parliament and courts.



Extra space for responses:	


# END OF QUESTIONS AND ANSWERS BOOK