#### **COMMERCE PRESENTATIONS AND PUBLICATIONS**



					Letter
Figures					
Words					
Name					

# VCE LEGAL STUDIES 2012 Practice examination

Reading time: 15 minutes Writing time: 2 hours

# **QUESTION AND ANSWER BOOK**

## Structure of book

Number of questions	Number of questions to be answered	Number of Marks	
13	13	70	

- Students are permitted to bring into the assessment room: pens, pencils, highlighters, erasers, sharpeners and rulers.
- Students are NOT permitted to bring into the assessment room: blank sheets of paper and/or white out liquid/tape.

### Materials supplied

- Question and answer book of 5 pages.
- Additional space is available at the end of the book if you need extra paper to complete an answer

#### **Instructions**

- Write your name and teacher's name in the spaces provided above.
- All written responses must be in English.

**Note to teachers/students:** The 2012 examination will consist of 70 marks of questions, to be answered in 120 minutes. This examination's ratio of marks to time is aiming to be reflective of the updated examination structure.

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

Question 1 Describe the second reading as one stage in the passage of a bill through parliament.		
bescribe the second reading as one stage in the passage of a bill through parliament.		
2 mark:		
Question 2		
Outline <b>one</b> way in which courts can avoid following existing precedent when deciding on a case before them.		
1 marl		
<b>Question 3</b> The Victorian Civil and Administrative Tribunal ('VCAT') was controversial, as it was seen to be taking away the power of the courts, however nowadays it is considered a vital addition to the system.		
Explain the role played by VCAT in the Victorian legal system.		
Explain the role played by vertilities theterial regal eyetein.		

<b>Question 4</b> Explain <b>two</b> ways in which the division of legislative power between the state and Commonwealth parliaments, as set out in the Constitution, can be changed.				

Using an event	No to illustrate your engage, evaluin how statutory interpretation enables the enumber
to contribute to	ble to illustrate your answer, explain how statutory interpretation enables the courts law-making
to continuate to	iaw making.
	<del></del>
	3 marks
<b>Question 6</b> The Magistrate's role to play.	s Court may be the lowest and least powerful court in Victoria, but it still has a vital
Explain <b>one</b> rea Magistrate's Cou	ison for the existence of a court hierarchy, and describe the original jurisdiction of the urt.

<b>Question 7</b> Outline <b>one</b> sanction that could be given by the judge at the conclusion of a criminal case, and explain how it can be seen to achieve <b>one</b> aim of criminal sanctions but perhaps not achieve <b>one</b> <i>other</i> aim.				
3 marks				
Question 8  Describe pleadings as one stage in the preparation of a civil case for trial, and explain <b>one</b> recent <u>or</u> recommended reform that overcame – or would overcome – a problem associated with civil pre-trial procedures.				

## **Question 9**

Australia has a strong democratic system in which the Australian people are represented by a powerful and accountable parliament.

а.	example of when this occurred.
	2 mark
b.	Compare the role played by the lower house in the federal parliamentary system with the role played by the upper house.
	3 mark

of society.

<b>Question 10</b> Because the courts are not the supreme law-makers, people in society often argue that they ought not to make any law because they will not be as good at it as parliament. Evaluate <b>two</b> strengths of the courts as law-makers to consider the extent to which this is true.


## **Question 11**

Criminal and civil disputes can be resolved in a range of ways in Victoria.

а.	Outline mediation and judicial determination as <b>two</b> methods for dispute resolution in Australia, and analyse their relative effectiveness as options available to litigants.
	6 mark
	NIND O

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b.	Describe the role played by the jury in the hearing of a criminal dispute, and critically examine whether the way in which they are selected and empaneled contributes to an effective jury system.

## **Question 12**

Australia, in recent years, has been steadily adopting more and more inquisitorial elements in its dispute resolution, however this can be criticised for not always being a good thing.

Compare the operate strengths present in system.	the adversary sy	stem that are not	found to the san	ne extent in the ir	nquisitorial

Question 13 Using examples to illustrate your answer, explain the ways in which the rights of the Australian people are protected through the Commonwealth Constitution. Comparing the Australian approach the constitutional protection of rights with the approach taken by one other country you have studied this year, which approach do you think is the more effective? Give reasons for your answer.  Note: The countries you may choose for this comparison are Canada, New Zealand, South Africa or the United States of America.

Extra space for responses Clearly number all responses in this space								