



## Victorian Certificate of Education 2003

# LEGAL STUDIES

## Written examination

Tuesday 11 November 2003

Reading time: 3.00 pm to 3.15 pm (15 minutes)

Writing time: 3.15 pm to 5.15 pm (2 hours)

### QUESTION BOOK

#### Structure of book

<i>Section</i>	<i>Number of questions</i>	<i>Number of questions to be answered</i>	<i>Number of marks</i>
A	7	7	20
B	2	1	20
C	2	1	20
			Total 60

- 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 allowed in this examination.

#### Materials supplied

- Question book of 4 pages.
- One or more script books.

#### Instructions

- Write your **student number** in the space provided on the front cover of the script book(s).
- Number each question clearly.
- You should make use of 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.

#### At the end of the examination

- Place all other used script books inside the front cover of the first script book.
- You may keep this question book.

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

**SECTION A****Instructions for Section A**

Answer **all** questions in the script book(s) provided.

**Question 1**

In a recent debate the Federal Attorney General said that he could not act because it would threaten the 'separation of powers'. Explain what this term means.

2 marks

**Question 2**

Define the following division of powers as made by the Commonwealth Constitution.

- specific powers
- exclusive powers
- concurrent powers
- residual powers

4 marks

**Question 3**

'High Court decisions can change the wording of the Commonwealth Constitution.' Explain why this statement is **incorrect**.

2 marks

**Question 4**

A member of parliament proposed a 9.00 pm curfew on all children aged up to 15. He said 'children should be off the streets and at home by this time'. Explain **one** reason why such a law might be ineffective.

2 marks

**Question 5**

Explain the difference between conciliation and arbitration as methods of dispute resolution.

2 marks

**Question 6**

Give **two** reasons for the existence of tribunals in the legal system. Outline the jurisdiction of the Victorian Civil and Administrative Tribunal–civil claims list.

2 + 2 = 4 marks

**Question 7**

Evaluate how **one** social or cultural or economic difference within the community can affect the effective operation of the legal system.

4 marks

Total 20 marks

**SECTION B****Instructions for Section B**

Answer all parts of **one** question in the script book(s) provided.

**Question 8**

- a. In 2002 the Parliamentary Law Reform Committee investigated the Vagrancy Act. One of the committee's suggestions was that local councils be given increased powers to deal with certain issues through local laws.

Describe how this committee, or another law reform body you have been required to study this year, assesses the need for change in the law. Why do we need delegated legislation?

3 + 3 = 6 marks

- b. *Although Parliament always decides what the laws will be, it is the courts' role to decide how these laws will be applied to particular cases.*

Comment on this statement and critically evaluate the lawmaking processes of both Parliament and the courts.

14 marks

**OR**

**Question 9**

- a. One way of changing the Commonwealth Constitution is through holding a referendum. Explain how this process operates and discuss why it has had only partial success in altering the Constitution.

6 marks

- b. *Courts should not involve themselves in the process of lawmaking; this is a role for the Parliament and subordinate authorities.*

To what extent do you agree or disagree with the views expressed in this statement? Provide arguments to support your answer.

14 marks

Total 20 marks

**CONTINUED OVER PAGE**

**SECTION C****Instructions for Section C**

Answer all parts of **one** question in the script book(s) provided.

**Question 10**

- a. David has been charged with armed robbery and his trial is due to start in two weeks.
- i. David faced a committal proceeding before his trial. Outline the criminal jurisdiction of the court which heard this proceeding.
  - ii. Describe the purpose of **two other** pre-trial proceedings David may have faced prior to his case coming to trial.
  - iii. In which court is it most likely that David's trial will take place and why?
  - iv. If David is found guilty he will face a criminal sanction. Explain **one** purpose of criminal sanctions.

2 + 4 + 1 + 1 = 8 marks

- b. *While the adversary system of trial has advantages in resolving civil disputes it also has some weaknesses. Mediation is the preferred way to resolve some civil disputes.*

Discuss the views expressed in this statement.

12 marks

**OR**

**Question 11**

- a. In court, Maria asked for and was awarded \$150 000 for injuries she received in a fall during an outdoor adventure camp.
- i. In which court would this case have been heard and why?
  - ii. Describe the purpose of **two** pre-trial proceedings which may have occurred prior to this case coming to trial.
  - iii. If the defendant in this case wanted to appeal, which court would hear that appeal?
  - iv. Explain the remedy Maria was awarded.

2 + 4 + 1 + 1 = 8 marks

- b. *In our criminal justice system, an important aim is that a criminal trial should be fair and unbiased for all.*

Critically evaluate **two** processes or procedures that help make a criminal trial fair and unbiased. Explain **two** changes or recommendations for change that have improved, or could improve, the effective operation of criminal trials.

8 + 4 = 12 marks

Total 20 marks

**END OF QUESTION BOOK**

