

SUPERVISOR TO ATTACH PROCESSING LABEL HERE

	STUDEN	Γ NUMBE	R			Lette	er
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LEGAL STUDIES Written examination

Wednesday 8 November 2006

Reading time: 3.00 pm to 3.15 pm (15 minutes) Writing time: 3.15 pm to 5.15 pm (2 hours)

QUESTION AND ANSWER BOOK

Structure of book

Number of questions	Number of questions to be answered	Number of marks
13	13	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 and answer book of 20 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 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.

Instructions

Answer **all** questions in the spaces provided. In Question 13 answer either part **a.** or part **b.** Indicate which part, **a.** or **b.**, of Question 13 you have answered.

Question 1 Recently a critic of the Australian legal system commented that a hierarchy of courts is not necessary. Outline one reason to justify the existence of the court hierarchy.
1 mark
Question 2 Every year the Commonwealth and State Parliaments make changes to the law. Outline one reason why the law might need to be changed.
1 mark
Question 3
George and Sarah are partners in a large construction business and they are involved in a dispute with a property developer. Their solicitor advises them that they might have to commence litigation in the Supreme Court. a. Outline the original civil jurisdiction of the Supreme Court.

Question 4 Parliament's task is to legislate, but the impact of that legislation can be affected by how it is interpreted by the courts. Explain one reason why courts sometimes have to interpret a statute.	b.	Outline one civil remedy which could be ordered in this case and explain its purpose.
Question 4 'Parliament's task is to legislate, but the impact of that legislation can be affected by how it is interpreted by the courts.'	-	
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'Parliament's task is to legislate, but the impact of that legislation can be affected by how it is interpreted by the courts.'	•	1 + 2 = 3 marks
the courts.'	Ques	ction 4

2 marks

sitor to Australia, who is studying our parliamentary system, comments that the system is easy to understand the pept for 'the separation of power'. Explain to the visitor the principle of the separation of power in the
tralian parliamentary system.
2 marks
estion 6 e Commonwealth Constitution of Australia divides law-making powers between the State and Commonwealth iaments. By passing this Bill, the Victorian Parliament will be legislating in an area of residual power.' From the Minister's Second Reading Speech in the Legislative Assembly Explain the second reading stage of the legislative process.

2 + 4 = 6 marks

Question 7

a.	nd tells her that she should complain about this and 'take Jodie to court'. Identify the court or tribunal that has the power to hear this sort of case.
	and the court of the thin the power to hour the political characters.
b.	Explain an alternative method of dispute resolution which could be used to resolve a case like this and evaluate its effectiveness.

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	2 + 4 = 6 mark
Ouoc	stion 9
	aim of criminal pre-trial procedures is to protect people from being treated unjustly. Comment on how tw inal pre-trial procedures attempt to achieve this aim.

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4	mark
uestion 10	
entify two recent changes, or recommendations for change, to the legal system. Explain how these case improved, or could improve, the effective operation of the legal system.	hange

4 marks

Question 11 Explain the operation of the doctrine of precedent and evaluate two strengths of this method of law-making

8 marks
Question 12 'While the jury is often criticised, it also has many strengths that help the operation of the criminal justice system.' Identify and evaluate three of those strengths.

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Question 13

Answer either part a. or part b. of this question.

a. 'Parliament is a very effective law-maker. There are no significant weaknesses in the way parliament carries out this role.'

Discuss this statement and indicate the extent to which you agree or disagree with it. Justify your conclusions.

OR

Our adversary system of trial works very well. It cannot be improved.'
 Discuss this statement and indicate the extent to which you agree or disagree with it.
 Justify your conclusions.

10 marks

Either a. or b.

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Extra space for responses	

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A script book is available from the supervisor if you need extra paper to complete your answer. Please ensure you write your **student number** in the space provided on the front cover of the script book. **At the end of the examination**, place the script book inside the front cover of this question and answer book.

