



## Victorian Certificate of Education 2002

# LEGAL STUDIES

## Written examination

Tuesday 12 November 2002

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).
- 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**

Describe **two** of the principles of the Australian parliamentary system.

2 + 2 = 4 marks

**Question 2**

Outline **one** characteristic that makes a law effective.

2 marks

**Question 3**

Individuals and groups can influence a change in the law. Explain **one** method they might use.

2 marks

**Question 4**

Outline the jurisdiction of both the

- Victims of Crime Assistance Tribunal and
- Victorian Civil and Administrative Tribunal–anti-discrimination list.

2 + 2 = 4 marks

**Question 5**

Describe the process of mediation and suggest **one** way it differs from a formal court hearing.

4 marks

**Question 6**

Explain **one** reason for the existence of the court hierarchy.

2 marks

**Question 7**

Describe **one** reform which has been made, or could be made, to Victoria's jury system.

2 marks

Total 20 marks

**END OF SECTION A**

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

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

**Question 8**

- a. Explain how the division of powers under the Australian Constitution enables some laws to be the same all over Australia while other laws are different from state to state. Explain how **either** interpretation by the High Court of Australia **or** a referendum can alter this division of power.

8 marks

- b. 'Parliament as a lawmaker is more able than the courts to respond to the needs of society.'  
Discuss this statement and indicate the extent to which you agree or disagree.

12 marks

**OR**

**Question 9**

- a. 'People driving in the City of Port Phillip with very loud car stereos may be fined. The council has amended a local law making loud amplified music from cars an offence.'

Why is it necessary for local councils and other subordinate authorities to have the ability to make laws? Explain **two** problems associated with delegated legislation. Outline **one** check placed by parliament on delegated legislation.

8 marks

- b. Explain how the law can be made by parliament **and** through court decisions. Comment on the effectiveness of these **two** methods of lawmaking.

12 marks

Total 20 marks

**END OF SECTION B  
TURN OVER**

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

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

**Question 10**

- a. i. Explain **two** pre-trial procedures that might be taken to bring a **criminal** case to trial in the County Court of Victoria and **two** pre-trial procedures that might be taken to bring a **civil** case to trial in the Supreme Court of Victoria.
- ii. Explain the criminal and civil jurisdiction of these two courts.

6 + 4 = 10 marks

- b. 'Our adversary system of trial needs to be reformed and features of the inquisitorial system could be considered.'

To what extent do you agree or disagree with the views expressed in this statement? Give reasons for your answers.

10 marks

**OR**

**Question 11**

- a. Describe the role played by **both** the judge and jury in criminal **and** civil trials. Explain **two** advantages and **two** disadvantages of the jury system.

4 + 6 = 10 marks

- b. An effective legal system aims to provide for fair and unbiased hearings and the timely resolution of disputes. Discuss how our legal system attempts to achieve these two aims.

10 marks

Total 20 marks

**END OF QUESTION BOOK**