

## **Trial Examination 2011**

## VCE Legal Studies Units 3 & 4

## Written Examination

## **Question and Answer Booklet**

Reading time: 15 minutes
Writing time: 2 hours

Student's Name: _		
Teacher's Name:		

### Structure of Booklet

Number of questions	Number of questions to be answered	Number of marks
18	18	70

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 booklet of 17 pages.

Additional script booklets as required.

### **Instructions**

Write your **name** and your **teacher's name** in the space provided on this booklet(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 booklets inside the front cover of this booklet and hand them in.

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

Students are advised that this is a trial examination only and cannot in any way guarantee the content or the format of the 2011 VCE Legal Studies Units 3 & 4 Written Examination.

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## **Instructions**

Answer **all** questions in the spaces provided. In Question 16, answer either part **a.** or part **b.** Indicate which part, **a.** or **b.**, of Question 16 you have answered.

Question 1	
Outline the structure of the Commonwealth Parliament.	
	1 mark
Question 2	
A bill must pass through a number of stages in parliament before it becomes law.  One of these is proclamation.	
Outline this stage.	
	 1 mark

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Question 7	
'If not for the existence of a court not operate effectively.'	hierarchy in our Australian legal system, the doctrine of precedent could
Explain <b>one</b> further reason for a co	ourt hierarchy.
	2 marks
Question 8	
Commonwealth Parliament can ma	Australian Constitution identifies a number of specific powers in which the ake laws.  sh between exclusive and concurrent powers.
	3 marks

## **Question 9** Section 128 of the Australian Constitution allows for change to the Commonwealth Constitution Act 1900 by referendum. Describe the way in which one successful referendum changed the law-making powers of Commonwealth Parliament and outline two factors that may have contributed to the success of that referendum.

Describe each	protections and implied rights.  In of these types of protection offered by the Commonwealth Constitution. In your answer you is the significance of <b>one</b> High Court case relating to the constitutional protection of rights in
	······
	4 mar

The Commonwealth Constitution offers various types of protection. Two types of rights protection offered

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## **Question 11** While parliament is the recognised supreme law-maker, the courts play an important role through statutory interpretation. Critically evaluate **one** other strength of parliament and **one** other strength of the courts as law-making bodies.

Question 12
'Settling a civil dispute through judicial determination rather than using conciliation will better promote a fair and unbiased hearing for the parties involved.'
Discuss this statement.
4 marks

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A surgeon carried out a hip replacement operation on Adrian and soon after went out to dinner. Hospital staff attempted to contact the surgeon concerned about the post-operation health of Adrian, but were unable to do so. Adrian subsequently died due to complications and his wife is seeking damages as a remedy from the doctor in the County Court, claiming negligence.

Describe	and outline th	e purpose of	one pre-tria	al procedure	that may take p	place prior to the	1 e trial.
							2 r
Outline on	ne other reme	dy available	to a plaintif	f in a civil ac	tion.		

5 marks

Question 14
In 1998 the Victorian Civil and Administrative Tribunal (VCAT) was formed.
Discuss <b>one</b> strength and <b>one</b> weakness in the way it operates to resolve disputes, compared with the way disputes are resolved by courts. In your answer outline the role of VCAT.

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In	our	crin	nina	1	justice	sy	stem	two	pre-trial	procedu	res	are:

bail and remand, and committal hearings. Evaluate how **one** of these procedures helps achieve a more effective legal system. a. 3 marks b. Outline one recent change or recommendation for change in our legal system designed to enhance its effective operation in relation to criminal trials.

Joe is on trial charged with murder and a jury has been empanelled for the case.

over the case in each court. First court: Person presiding: Second court: Person presiding: 2 marks b. Explain one difference between the role of the jury and the role of the person presiding over this case at the trial. 2 marks c. Once the jury pool has been determined and has arrived at the court in which Joe is to go on trial, outline the process involved in empanelling the jury for this case.

Identify two courts that would have been involved in this case and the title of the person presiding

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# **Question 17** 'The adversary system of trial, under which Australian courts operate, has a number of major features which differ from the major features of the inquisitorial system of trial.' With reference to major features from each system of trial, discuss the strengths and weaknesses of each system.

# **Question 18** 'Courts do have an important role in law-making through judges interpreting legislation', a judge was recently quoted as saying when asked about a judge's ability to make law. Explain what the judge meant by 'judges interpreting legislation' and provide two reasons why it is necessary. To what extent are judges limited in their ability to make law?

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	<del></del>
	10 mark

END OF QUESTION AND ANSWER BOOKLET

Extra space for responses					
Clearly number all	responses in this space.				
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