

Name:		
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# **LEGAL STUDIES**

#### **Practice Written 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:
11	11	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 book of 15 pages.

Additional space is available at the end of the book if you need extra paper to complete an answer.

### **Instructions**

Write your **student name** 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.

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# **Instructions**

Answer all questions in the spaces provided.
Question 1
A visitor to Australia, who is studying our parliamentary system, comments that the system is easy to understand except for 'the separation of power'.  Explain to the visitor the principle of the separation of power in the Australian parliamentary system.
2 marks
<b>Question 2</b> Tayah is struggling with some of the aspects of the laws that she deals with in her small business as they seem to be outdated and restrictive. She would like some of them to change but is not sure how to go about this.
(a) Using an example, discuss an additional reason why laws need to change.
2 marks
(b) Outline two ways Tayah could bring about change to the laws that apply to her business.

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QATs	VCE LEGAL STUDIES	Practice Examination Units 3 and 4
		2 marks
Question 3	14h - A41i C4i44i	
Describe how the division of powers und over Australia while other laws differ fro		on ensures some taws are the same an
		4 marks
Question 4		a analina manana af da
'The referendum is costly and rarely bri Commonwealth Constitution.'		
(a) Describe the steps involved in	in order for a referendum pr	roposal to be successful in Australia.
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QATs	V	CE LEGAL STUDIES	Practice Examination Units 3 and 4
			4 marks
	(b) Discuss two reasons why this pr	ocess has been relatively i	
	of powers.	00000 1140 0001 101401 019 1	menter to m enumbing and an instant
			2 marks
	(c) Identify and comment on the sig	gnificance of one successfu	ul referendum that has changed the
	division of law-making powers	in Australia.	
			4 1
			4 marks
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Question 5 Courts and VCAT resolve disputes in different ways. Discuss one strength and one weakness of	
how courts resolve disputes compared to one strength and weakness of how VCAT resolves dispute to one strength and weakness dispute to one strength and the	ites.
	2 marks
Question 6 Compare two major features of the inquisitorial system with those of the adversary system of trial	L
Discuss a recent reform or proposed reform to the adversary system that has sought to successfull	
incorporate aspects of the inquisitorial system.	
	<b>→</b>
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QATs	VCE LEGAL STUDIES	Practice Examination Units 3 and 4
		6 marks
Question 7 David was involved in a fight at the location of the incident.	and the other person died later as a res	ult of the fighting. David is arrested
(a) In which court w	ill David first appear in relation to this	offence?
		 1 mark
(b) Would he have be	een granted bail? Why or why not?	Tillark
_		
(c) Identify one other	r pre-trial procedure that David will hav	2 marks ve to participate in.
_		
		2 marks
		2 marks

(d) What sanction might he receive if found guilty and what is the purpose of this sanction?
2 mark
(e) David was found guilty and he intends to appeal. To which court would he go for this?
1 mark
nnabelle recently attended a friend's party at a local restaurant. At the end of the night, she was very ek and believed that this was caused by the food she ate from the restaurant that night. Annabelle ecides to take this matter to court after consulting with a lawyer.  (a) Explain two pre-trial stages that Annabelle will undertake before going to court.
4 mark
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(b)	Who holds the burden of proof in this case and what standard of proof will this case satisfy?	e need to
		2 marks
(c)	Who will issue the remedy in this case and what is the purpose of civil remedies?	
(d)	What remedy would be appropriate in this case if Annabelle were to win?	2 marks
		2 marks

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u	uestion	y

Our legal system has financial and structural restraints as well as the social, cultural and economic
differences that exist within our community. As a result of these restraints and differences, there will
always be problems with our legal system.
Identify two problems or difficulties faced by individuals using the legal system and, for each,
recommend a recent or possible change to improve its effective operation.

6 marks

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# **Question 10**

The Commonwealth Constitution is steadfast yet flexible. It protects the rights of many in a variety of vays. Discuss this statement and outline one significant High Court case that demonstrates these rights 8 ma	.rks
	—— 4FA

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Questi	ion 11		
'Our co	ommon law system of law-makin r rulings by judges.'	g ensures that similar cases	with similar fact situations receive
•	describe this key feature of our		uate the effectiveness of this process of
	law-making by the courts.		
			10 marks
_			<b>→</b>
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	END OF QUESTION AND ANSV	VER BOOK
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Extra space for responses		
Clearly number all responses in this space.		
	<b>→</b>	
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