



**Victorian Certificate of Education  
2007**

SUPERVISOR TO ATTACH PROCESSING LABEL HERE

**STUDENT NUMBER**

Figures

Words

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**LEGAL STUDIES**  
**Written examination**

**Wednesday 14 November 2007**

**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**

| <i>Number of questions</i> | <i>Number of questions to be answered</i> | <i>Number of marks</i> |
|----------------------------|---|------------------------|
| 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 24 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**

Outline **one** role of the lower house of the Commonwealth Parliament.

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1 mark

**Question 2**

‘Several important principles ensure that the Australian parliamentary system is democratic. One of these is the principle of responsible government.’

Explain the principle of responsible government.

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2 marks

**Question 3**

‘Formal law reform bodies such as the Australian Law Reform Commission, parliamentary committees, the Victorian Law Reform Commission, government inquiries and royal commissions play an important role in the process of changing the law.’

Select **one** of the formal law reform bodies listed above and explain its role in assessing the need for change in the law.

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2 marks

**TURN OVER**

**Question 4**

James has been involved in a serious car accident and has been charged with culpable driving. At the conclusion of the committal hearing he was committed to stand trial, and he was refused bail.

a. Explain the purpose of a committal hearing.

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b. Outline **one** reason why bail can be refused.

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c. Outline one **purpose** of **one** criminal sanction which could be imposed if James is found guilty at his trial.

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2 + 1 + 1 = 4 marks

**Question 5**

Identify **two** features of the relationship between courts and parliament in the law-making process.

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2 marks

**Question 6**

Bruce, aged 18, has been charged with breaking into a house and stealing a plasma television. He has decided to plead ‘not guilty’ to the charge and have it heard in the Magistrates’ Court.

His friend, Danni, tells him that

- Bruce could have this case tried in another court if he wanted to; and
- if Bruce is convicted in the Magistrates’ Court, there is more than one possible appeal available to him.

Do you agree with Danni’s advice? Give reasons for your answer.

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3 marks

**Question 7**

‘While changes have been made to enhance the effective operation of our legal system, more improvements could still be made.’

Discuss **one** recent change, and **one** recommendation for change, aimed at improving the effective operation of the legal system.

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4 marks

**TURN OVER**

**Question 8**

Discuss the significance of **two** High Court cases that have interpreted the Commonwealth Constitution. In your answer, indicate the impact these cases have had on the law-making powers of the State and Commonwealth Parliaments.

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6 marks

**Question 10**

Compare **one** major feature of the adversary system of trial with **one** feature of the inquisitorial system. Would the adversary system be improved if it adopted that feature of the inquisitorial system? Justify your answer.

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**Question 11**

'Australia's approach to the constitutional protection of democratic and human rights is different from, and not as effective as, the approach adopted in the United Kingdom, the United States of America, Canada, New Zealand and South Africa.'

Compare Australia's approach to the constitutional protection of democratic and human rights with the approach adopted in **one** of the countries listed above. In your answer, evaluate how effective the Commonwealth of Australia's Constitution is in protecting democratic and human rights.

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**Question 12**

‘Problems associated with civil pre-trial procedures make it difficult for people to gain access to the law. These problems have also contributed to the popularity of tribunals and alternative dispute resolution methods.’

Discuss **two** problems affecting our system of civil pre-trial procedure which make it difficult for people to gain access to the law. In your answer, indicate how tribunals and alternative methods of dispute resolution have attempted to overcome these problems.

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8 marks

**TURN OVER**

**Question 13**

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

**EITHER**

- a.** ‘Our common law system of law-making ensures that similar cases with similar fact situations receive similar rulings by judges.’  
Critically evaluate the effectiveness of this process of law-making by the courts, and justify your conclusion.

**OR**

- b.** A legal writer recently commented:  
‘I believe that the jury is one of the most important institutions in ensuring that Australia has an effective legal system. However, not everyone agrees with me’.  
Critically evaluate the extent to which the jury system contributes to an effective legal system, and justify your conclusion.

Either **a.** or **b.**

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