

# INSIGHT Trial Exam Paper

# 2010 LEGAL STUDIES

# Written examination

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# **QUESTION AND ANSWER BOOK**

Reading time: 15 minutes Writing time: 2 hours

#### Structure of book

Number of questions	er of questions Number of questions to be answered	
10	10	60

- Students are permitted to bring the following items into the examination: pens, pencils, highlighters, erasers, sharpeners and rulers.
- Students are NOT permitted to bring sheets of paper or white out liquid/tape into the examination.
- Calculators are not permitted in this examination.

#### Materials provided

- The question and answer book of 19 pages.
- Additional writing space is provided at the end of this book if you require more space to complete an answer.

#### Instructions

- Write your **name** in the box provided.
- Make use of the stimulus material where included. However, it is not intended that this material will provide all the information to fully answer the question.
- You must answer the questions in English.

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

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## **Instructions**

Answer **all** questions in the spaces provided. In Question 10 answer either part **a.** or part **b.** Indicate which part, **a.** or **b.**, of Question 10 you have answered.

#### **Question 1**

Laws need to keep changing in order to be relevant to the society they serve.

Suggest how an individual can try to influence a change in the law. Comment on th likelihood of success.
Suggest how an individual can try to influence a change in the law. Comment on th
Suggest how an individual can try to influence a change in the law. Comment on th
Suggest how an individual can try to influence a change in the law. Comment on th

c.	Once the decision has been made to change a law, and it is written up as a bill, this bill then needs to pass through a number of stages in parliament. Describe <b>one</b> of these stages and explain its purpose.			

2 marks 1 + 2 + 2 = 5 marks

Ques	etion 2
Disti	nguish between binding and persuasive precedent.
	2 marks
•	etion 3
maki	Court interpretation of the Constitution can result in a change in the division of law- ng powers between the Commonwealth and State Parliaments. Describe <b>one</b> example of a change that occurred as a result of an Australian case.

End of Question 3 TURN OVER

Jessica was involved in an incident in July 2009, which resulted in her being charged with 'causing serious injury recklessly'. This charge carries a maximum penalty of 15 years' imprisonment. Having gone through a number of pre-trial procedures, this matter is now listed to be heard in the County Court in December 2010, where Jessica will plead not guilty. In October 2010 Jessica was served with the following document from one of the men injured in the incident, who is claiming \$825 000 in damages from her. She asks you for advice.

	THE SUPREME COURT OF VICT ETWEEN	TORIA AT MELBOURNE
Br	adley Bennett	Plaintiff
- Jes	and – ssica Hamilton	Defendant
W	'RIT	
<b>D</b> a	te of document: October 22, 2010	
Fil	ed on behalf of: The Plaintiff	
	epared by: Saxon and Associates Idress: 121 High Street, Melbourne	Tel: (03) 994 6333; Fax: (03) 994 6222
ГС	THE DEFENDANT	
	AKE NOTICE that this proceeding has claim set out in this writ.	s been brought against you by the plaintiff for
ola NC	aintiff which you wish to have taken	roceeding, or if you have a claim against the into account at the trial, YOU MUST GIVE an appearance within the proper time for
tı	ract of document received by Jessica	
	Explain the significance of the docum	nent that Jessica has received.
		1 m
	Describe <b>one</b> of the criminal pre-trial in the lead-up to her trial, and the pur	l procedures that Jessica would have gone throug rpose of this procedure.

	 2 mar
Explain to Jessica why her criminal case is taking place in the County Court, which civil case will probably commence in the Supreme Court. Is there another court the could hear Jessica's civil case if it proceeds? Explain.	le he
2	2 ma
Jessica asks you why Bradley is suing her. In your answer refer to the purpose of remedies, and contrast this to <b>one</b> purpose of criminal sanctions that could be fulf she is sentenced to a term of imprisonment.	

2 marks1 + 2 + 2 + 2 = 7 marks

,	Describe the jurisdiction of this list.
	2 mari
•	Compare the dispute resolution practices of courts with those of tribunals such as VCAT.

4 marks2 + 4 = 6 marks

Explain one problem faced by individuals when using the legal system, and describe a change

# **Question 6**

it has erati	s been made, or could be made, to overcome this problem and improve the effective on of the legal system.
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A foreign student studying the Australian legal system comes to you confused about the concepts of the separation of powers and the division of powers.

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_	3 m
 	3 m Explain the notion of the division of powers and its impact on law-making in Austra
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II	


5 marks 3 + 5 = 8 marks

Australia remains one of the few developed countries in the world without a national Bill of Rights. Citizens of countries such as Canada, South Africa and the United States of America have Bills of Rights entrenched in their Constitutions, and citizens of the United Kingdom and New Zealand have statutory Bills of Rights. Australia stands apart from these nations in terms of its constitutional protection of rights.

Compare and contrast the way in which the Australian Constitution protects democratic and human rights with one of the countries mentioned above. In your response, comment on the effectiveness of the approaches discussed.

Cour	ntry selected for comparison with Australia:

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'Juries serve no useful purpose in Victorian trials, and need to be reformed.' Critically evaluate the operation of juries in our justice system, indicating the extent to which you agree with the above statement. In your answer, include a discussion of **one** suggested reform to the jury system.

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

#### **EITHER**

**a.** 'Courts have an important role to play in law-making in our legal system, and should continue to do so. However, there also exist a number of relationships between courts and parliament in the law-making process.'

Discuss, indicating the extent to which you agree with the statement.

#### OR

_	the adoption of some of the features of the inquisitorial system.' , indicating the extent to which you agree with the statement.
Discuss,	, indicating the extent to which you agree with the statement.
	Either <b>a.</b> or <b>b.</b>


Extra space for responses					

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