

STUDENT NAME

LEGAL STUDIES

Units 3 and 4 written examination

Trial Examination

Reading time: 15 minutes

Writing time: 2 hours

QUESTION & ANSWER BOOK

Structure of book

<i>Number of questions</i>	<i>Number of questions to be answered</i>	<i>Number of marks</i>
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 permitted in this examination.

Materials supplied

- Question and answer book of 16 pages.

Instructions

- Print your name in the space provided on the top of this page.
- All written responses must be in English.

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

Instructions

Answer **all** questions in the spaces provided.

Question 1

Explain **one** role for each of the following: the upper house and the lower house of the Commonwealth Parliament and the Crown.

3 marks

Question 2

Danny was involved in a fight outside a nightclub in Queen Street, Melbourne. He was later charged by police, under section 16 of the *Crimes Act 1958 (Vic)*, with the offence of intentionally causing serious injury.

a) In which court would Danny's case be heard? Explain the original criminal jurisdiction of that court.

2 marks

b) What factor would determine whether a jury would be used in this case? Outline **one** strength and **one** weakness of the use of juries in such cases.

1 + 2 = 3 marks

c) What right of appeal would exist for Danny if he were to be found guilty in this case? To which court would an appeal case proceed?

2 + 1 = 3 marks

d) Explain **one** purpose behind imposing a sanction in a criminal case.

2 marks

Question 3

Rebecca slipped on a wet floor at her local shopping centre causing her a serious injury. After consulting her lawyer, Rebecca decides to sue the shopping centre for compensation.

a) Identify which party has the burden of proof in this case.

1 mark

b) Outline one example of a remedy that might be sought in a civil dispute.

1 mark

c) Advise Rebecca on the purpose of **one** pre-trial procedure which her lawyer might use in this case.

2 marks

d) Explain one role the judge must perform if this case goes to trial.

1 mark

Question 4

Outline the key principles of the separation of power.

3 marks

Question 5

'The Commonwealth Constitution divides law-making powers between parliaments in Australia.'

a) Outline **two** restrictions on the law-making powers of the Commonwealth parliament.

4 marks

b) Outline **two** restrictions on the law-making powers of the State parliament.

4 marks

Question 6

A committal hearing is an example of a criminal pre-trial procedure. Explain the committal hearing procedure and give **one** advantage and **one** disadvantage of a committal hearing.

3 marks

Question 7

Critically evaluate **two** strengths of the parliament as a law-maker.

6 marks





