#### **COMMERCE PRESENTATIONS AND PUBLICATIONS**



Figures						
Words						
Name						

Letter

# VCE LEGAL STUDIES 3/4 2013

# Practice examination No. 1

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	
13	13	70	

- Students are permitted to bring into the assessment room: pens, pencils, highlighters, erasers, sharpeners and rulers.
- Students are NOT permitted to bring into the assessment room: blank sheets of paper and/or white out liquid/tape.

#### Materials supplied

- Question and answer book of 20 pages.
- Additional space is available at the end of the book if you need extra paper to complete an answer

#### **Instructions**

- Write your name and teacher's name in the spaces provided above.
- All written responses must be in English.

**Note to teachers/students:** The 2013 examination will consist of 70 marks of questions, to be answered in 120 minutes. This examination's ratio of marks to time is aiming to be reflective of the updated examination structure.

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

	stion 1 supports democracy, but thinks that the public are too uneducated to be trusted with the vote.
	ne the principle of representative government and identify why it is important for the functioning e democratic parliamentary system.
	2 marks
	stion 2 er than dividing one level of courts by area of law, Victoria has a vertical hierarchy.
a.	Why could a system of appeals not operate effectively in a flat hierarchy of courts? Explain.
	2 marks
b.	Outline the appellate jurisdiction of the Supreme Court (Court of Appeal).

		3 marks
Overskien 2		
<b>Question 3</b> Differentiate between a committal hearing and discovery as tw Supreme Court.	vo pre-trial procedures	that occur in the
		4 marks

Question 4 The adversary system leaves a great deal of control in the hands of the parties. Comment on the extent to which you believe this is a strength of the system.
3 mark
Question 5 It has been argued that introducing the Victorian Civil and Administrative Tribunal ('VCAT') increases confusion in society, in terms of which avenue an injured party should use when they have a complaint.
a. VCAT hearings can be conducted using either arbitration or judicial determination. Compare the two approaches as methods of dispute resolution.

b.	In addition to choice of venues, parties are sometimes given a choice of method for the resolution of their legal issue. For some matters, VCAT also offers mediation and conciliation as options, and occasionally will order parties to attempt them.
	Explain three reasons why parties might prefer to resolve their dispute through an arbitration or judicial determination hearing instead of mediation and conciliation.

			6

6 marks

	stion 6 uss how the independence of the judiciary might be a drawback of courts in their role as lawers?
	4 marks
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	stion 7 ralia protects a range of constitutional rights, in a number of different ways.
a.	Compare express rights and implied rights as two approaches to the protection of rights adopted by the Australian Constitution.

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	3 marks
b.	Evaluate the extent to which one right is effectively protected by the Australian Constitution.

3 marks

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Denis Napthine, the Victorian Premier, wants the Commonwealth Parliament to take control of legislation over public transport, but is unsure how this can be done without formal change to the Constitution. Outline to him how his ability to refer power may solve the problem, and explain the impact this would be likely to have on the balance of power between state and federal parliaments	

2 + 2 = 4 marks

uestion 9 leigh one strength of parliament against one weakness of it as the primary law-maker in society.		
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Question 10  Describe the impact that one successful referendum had on the division of legislative power in the Australian federal system, and explain one factor that may have contributed to, or jeopardised, its success.			

5 marks

#### **Question 11**

Around the dinner table one night you discover that much of the material put out for recycling is actually sent to landfill and decide that state parliament needs to take action on recycling standards in the different suburbs. Your mother asks how you plan to influence this change, suggesting you start a petition, organise a protest or alert the media.

tically examine which method would be the best opti	ion for you to choose.

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3 + 5 = 8 marks

#### **Question 13**

'The jury is one of the main problems with the legal system, preventing people from having proper access to a fair trial. Members of the public have no idea how to decide legal disputes. However, the jury is not the only criticised aspect of the legal system.'

Describe two reforms or alternatives to the current jury system that could be implemented to better give access to a fair hearing, and explain how they could improve the system.

Comment on other problems that exist within the system, apart from the jury, and discuss changes that could be made, or have been made recently, designed to improve its effective operation.			

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			10 marks

### **END OF QUESTION AND ANSWER BOOKLET**

Clearly number all responses in this space				

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