COMMERCE PRESENTATIONS AND PUBLICATIONS

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Figures										
Words										

Name_____

VCE LEGAL STUDIES ¾
2013

Practice examination No. 2

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 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 18 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

Question 1
Jane argues with you that separating power is not an efficient way to govern.

Explain the principle of the separation of powers and outline for Jane the purpose behind it.

3 marks

Question 2
Outline two constitutional restrictions on the power of the state parliaments.

2 marks

Question 3
Using examples to illustrate your answer, explain one reason why judges may sometimes need to use their powers of statutory interpretation, and one effect that this interpretation might have.

4 marks

Question 4
Outline two factors throughout panel selection and empanelment that could impact on the final composition of a jury in the County Court.

2 marks

Question 5

Compare the purposes of civil remedies with the purposes of criminal sanctions, using examples of remedies and sanctions to illustrate your answer.

5 marks

Question 6

'One of parliament's most pressing concerns is trying to keep up with the changing needs for law in society.'

a. Explain the role played by the Victorian Law Reform Commission, and how it assists the Parliament with law reform in the state.

3 marks

b. Using an example to illustrate your answer, define 'petitions' as one method an individual or group might use to inform parliament of the need for change.

2 marks

Question 7
'The adversary system is preferred in Australia because it is believed that it delivers more effective justice.'

a. Outline the elements of an effective legal system.

3 marks

b. Critically examine the extent to which the adversary system contributes to a more effective legal system, compared with the inquisitorial system.

6 marks

Question 8
'The method of protecting constitutional rights in Australia is simply not as effective as the method adopted in many other jurisdictions.'

Explain two approaches to the protection of constitutional rights that Australia could adopt from one other jurisdiction, and comment on how they could make its protection more effective.

The jurisdictions that may be chosen are: Canada, New Zealand, South Africa and the United States of America.

6 marks

Question 9

'Parties in civil disputes are given a wide range of choices regarding where and how they want their dispute resolved.'

a. Explain the role played by the Victorian Civil and Administrative Tribunal ('VCAT') in the legal system, as it exists in addition to courts.

3 marks

b. Describe two of the methods available to parties when going to either court or VCAT.

4 marks

c. Anna and Stephen have worked together for ten years, with Anna purchasing goods from Stephen to sell in her store. Recently they discovered they have been keeping secrets from each other.

Anna has been trying to sell the business, even though she owes Stephen a lot of money for items she bought on credit because he trusts her; while Stephen has been selling Anna faulty items.

The mess is too big for Stephen and Anna to negotiate together and they have asked for your help. Advise them on what you think the best avenue *and* method of resolution would be for them, giving reasons for your answer.

7 marks

Question 10

The most recent proposal for changing the Constitution concerns including official recognition of local government in the wording of the act.

a. Outline the process that any proposal for constitutional change needs to go through according to s128, and advise the Prime Minister of two reasons why this might be a more desirable way of changing the division of legislative power than through High Court interpretation or the referral of powers.

7 marks

b. A s128 proposal can also be used to alter the division of legislative powers in the Constitution, but it isn't the only way. Outline one instance of the High Court changing the balance of power through its interpretation of the Constitution, and describe the impact this case had on the powers of state and federal parliaments.

3 marks

Question 11

'Parliament may be the supreme law-maker, but the courts still have an important role to play.'

Describe the relationship between the courts and parliament as law-makers, and indicate the extent to which you agree with the above statement. Give reasons for your answer.

10 marks

END OF QUESTION AND ANSWER BOOKLET

Extra space for responses

Clearly number all responses in this space