



2013 Trial Examination

STUDENT NUMBER

Figures

Words

Letter

LEGAL STUDIES

Units 3 & 4 – Written 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>
13	13	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 17 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 space provided

Question 1 (2 marks)

'An accountant murdered a \$5m lottery winner with a mallet and cling wrap before joining her unsuspecting husband on a hunting trip.'

Outline the criminal jurisdiction of the court that would determine the outcome of the above case.

Question 2 (2 marks)

'An alleged principal of an international drug-smuggling syndicate will remain in custody after a Melbourne Magistrate found strict bail conditions - including an electronic monitoring bracelet - could not guarantee she would stay in Australia.'

Source: Bail denied for flight risk June 26, 2012; www.theage.com.au

Outline **one** other reason why bail might be refused in the above case.

Question 3 (4 marks)

- a. Explain the difference between residual powers and concurrent powers in the Commonwealth Constitution. In your response, include an example of each power. 2 marks

- b. Discuss one limitation placed on the law-making power of the Commonwealth parliament and one limitation placed on the law making power of state parliament. 2 marks

TURN OVER

Question 5 (4 marks)

‘A good mediation process should flesh out the key issue at dispute to narrow any potential court action.’ **Source: Curbing legal conflict costs. Russell Emmerson, National Features, 16/08/2012**

Explain what is meant by mediation and then contrast this dispute resolution method to the traditional way of resolving a dispute via the court system.

TURN OVER

Question 6 (4 marks)

'The Victorian Law Reform Commission (VLRC) has been asked to review the law on mental impairment and culpability.'

a. Outline the role of the VLRC. 2 marks

b. Explain **two** reasons why the law relating to mental impairment and culpability may need to be changed. 2 marks

Question 7 (6 marks)

The following scenario contains several errors in the way the case will proceed.

Mary is suing her employer for \$35,000 for breach of contract. She will have her case heard in the County Court and a jury of 12 will determine the outcome of the case. Mary's employer who is the plaintiff in this case is claiming that there was no breach of contract and will contest the case.

Identify **three** errors in the above scenario and describe the correct process or procedure which should have occurred.

TURN OVER

Question 8 (6 marks)

Justin Michael Hare, 40, was jailed for eight years in the Supreme Court after he was convicted of intentionally causing serious injury to Catherine Wilkinson, but acquitted of attempted murder.

Source: *The Age Sept 4th 2012*

Discuss how the sentence given to Justin reflects the aims of criminal sanctions.

Question 9 (6 marks)
Outline the significance of **one** High Court case that involved the interpretation of the Constitution and the impact of this case on the division of law-making powers between the state and Commonwealth Parliaments.

TURN OVER

Question 10 (6 marks)

'More than 1,000 people have signed the petition by Coast mums Donna Ferguson and Lorraine Conolly both of whom lost their young sons in motorbike accidents. We call on Transport Minister Anastacia Palaszczuk to change her mind and review the laws.' **Source: 1000 reasons you are wrong, Minister Palaszczuk. Petition to change QRide motorcycle licence laws gathers pace. Matt Johnston, February 24, 2012**

a. Describe the method the Coast mums are using in an attempt to have the law changed.

2 marks

b. Analyse how effective this method is in influencing Parliament to change laws. 4 marks

TURN OVER

Question 11 (8 marks)

‘As the name suggests, the adversary system of trial is a contest between two opposing sides.’

a. Discuss **two** strengths and **two** weaknesses of the adversary system of trial. 4 marks

Question 12 (8 marks)

‘The Crown in the Middle Ages wanted a representative jury.’

Source: Twelve good men (and women)? Lloyd Rayney and the problem with jury trials.

a. Explain the significance of the above statement. 2 marks

b. Discuss whether you believe that the jury system in Australia contributes to an effective legal system. 6 marks
