COMMERCE PRESENTATIONS AND PUBLICATIONS



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VCE LEGAL STUDIES 3/4 2016

CPAP 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 practice examination: 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 allowed in this examination

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 student number and name in the space provided above on this page.
- All written responses must be in English.
- You should make use of stimulus material where it is included. However, it is not intended that this
- material will provide you with all the information to fully answer the question.

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

| Instructions | | | | |
|--|--|--|--|--|
| Answer all questions in the spaces provided. | | | | |
| Question 1 (2 marks) Outline two reasons why laws may need to be changed by parliament. | | | | |
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| Question 2 (3 marks) Using one example of an exclusive area of law-making under the Constitution, explain the power over the state parliaments that this gives the Commonwealth Parliament. Comment on why this power may have been made exclusive at federation rather than residual. | | | | |
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| Question 3 (2 marks) Outline the original jurisdiction of the County Court. | | | | |
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Question 4 (7 marks)
The High Court plays a role in protecting express rights, implied rights and structural protections, insofar as they rely on sections in the Constitution.

| a. | Discuss the significance of one High Court case in terms of its impact on the prote constitutional rights in Australia. | | | | | | |
|----|--|---------|--|--|--|--|--|
| | Constitutional rights in Australia. | 4 marks | | | | | |
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| b. | Differentiate between the three ways of protecting rights as named above. | 3 marks | | | | | |
| | | 5 marks | | | | | |
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| Que | estion 5 (6 marks) | |
| The | legal system in Australia is in a process of constant evolution. | |
| a. | Describe the three elements of an effective legal system. | 3 marks |
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| b. | Explain one recent change that was made to the operation of the legal system in order to improve its effectiveness. |
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| | 3 mark |
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| Expla | stion 6 (6 marks) in how the referral of powers has the ability to alter the division of power between state and al parliaments, and discuss two weaknesses of this process. 6 mark |
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| Question 7 (2 marks) Provide two effects of statutory interpretation, as performed by judges in the resolution of disputes | 3. |
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| Question 8 (5 mar Critically examine the | | veness o | f arhitration | n as a metl | had of d | isnute re | solution t | akina | into |
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| account in your ar Administrative Tribu | nswer the | e way it | is used in | the court | system | and the | Victorian | Civil | and |
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Question 9 (4 marks)

Civil trials are generally disputes where one individual wants something from another individual, and the other individual disputes they have to give it.

| a. | Define 'damages' in relation to a civil trial. 1 mark |
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| b. | Describe what parties might reasonably be able to expect from their civil directions hearing, and outline the purpose of having a hearing like this. 3 marks |
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| Question 10 (8 marks) Analyse the relationship between the courts and parliament as law-makers. In your answer, explain he way in which each body goes about making law. | | | | | | |
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CPAP © 2016 Legal Studies Examination No.1 (Question and Answer Booklet)

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| xplain two weak which two reform | ns and/or altern | atives to the | current syste | m might fix t | hese weakness | ses. |
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Question 13 (10 marks)

| The effectiveness of parliament relies heavily on the ability of the people to have input into | , and |
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| influence, the law-making process. | |

| To what extent do you agree? Give reasons for your answer. | | | | |
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END OF QUESTION BOOK

Extra space for responses

| Clearly number all responses in this space | | |
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