Tasmanian Certificate of Education

LEGAL STUDIES

Senior Secondary

Subject Code: LST315110

External Assessment

2012

Time: Three Hours

On the basis of your performance in this examination, the examiners will provide results on each of the following criteria taken from the course statement:

Criterion 3   Communicate information and arguments objectively, logically and concisely in different forms.

Criterion 4   Demonstrate knowledge and understanding of the Australian legal and political systems.

Criterion 5   Demonstrate knowledge and understanding of topical legal and political issues.

Criterion 6   Analyse and evaluate issues, knowledge and arguments relating to the Australian legal system.

Pages: 12
Questions: 29

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CANDIDATE INSTRUCTIONS

Candidates **MUST** ensure that they have addressed **ALL** of the externally assessed criteria on this examination paper.

This paper is divided into **THREE** sections.

Candidates must answer **FIVE** questions in total:

- **TWO short answer** questions from **Section A**. They **cannot** both come from the same **PART** nor can they come from the same **PART** as your essay choices.

- **TWO essay** questions from **Section B**, each of which must be from a different **PART**. Your essays **cannot** come from the same **PART** as a short answer question.

- **ONE topical essay** question in **Section C**.

All written responses must be in English.

Use the planning grid to ensure that your answers from your Section A (short answers) and Section B (essays) are from different **PARTS** of the course. **Tick the squares for your short answer and essay questions. There should be only ONE tick under each **PART**.**

**Planning Grid:**

<table>
<thead>
<tr>
<th></th>
<th>PART 1 GOVERNMENT</th>
<th>PART 2 SOURCES OF LAW</th>
<th>PART 3 DISPUTE RESOLUTION PROCESSES</th>
<th>PART 4 CRIME IN SOCIETY</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Section A</strong></td>
<td>short answers</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Section B</strong></td>
<td>essays</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
SECTION A

Briefly answer TWO questions from this section. They cannot both come from the same PART nor can they come from the same PART as your SECTION B essay choices.

It is expected that your answer will be about three-quarters of a page of writing for each question.

Use a separate answer booklet for this section.

All questions are of equal value.

It is recommended that you spend approximately 20 minutes on this section.

This section assesses Criterion 4.

PART 1 – GOVERNMENT

Question 1

Briefly explain why the Commonwealth of Australia is correctly described as having a federal system of government.

Question 2

How are inconsistencies between Commonwealth and State laws resolved under the Australian Constitution?

Question 3

What is understood by the ‘independence of the judiciary’ and why is it important?

Question 4

How is international law made and how does it become part of the Australian domestic law?

PART 2 – SOURCES OF LAW

Question 5

What is delegated legislation? Outline three checks and balances on the development of delegated legislation.

Question 6

What are interest groups? Describe their role in the law making process.

Section A continues opposite.
Section A (continued)

Question 7
Briefly outline the process of passing a bill through the Commonwealth Parliament.

Question 8
Explain the following terms: *ratio decidendi, obiter dictum, stare decisis*.

PART 3 – DISPUTE RESOLUTION PROCESSES

Question 9
Explain what is meant by ‘evidence’ in the trial of a legal case? Briefly outline three examples of inadmissible evidence.

Question 10
How does a majority verdict differ from unanimous verdict and in what circumstances is a majority verdict allowable in the Tasmanian legal system?

Question 11
Identify three legal services that improve access to the legal system.

Question 12
What are the essential differences between a criminal legal action and a civil legal action?

PART 4 – CRIME IN SOCIETY

Question 13
What are the purposes and functions of bail in criminal proceedings?

Question 14
Briefly explain three powers that a member of Tasmania Police can use to investigate a crime.

Question 15
What is crime and how can criminal activity be categorised?

Question 16
Explain what is meant by *mens rea, actus reus*, and strict liability crimes.
Answer **TWO** questions from this section in essay form.

Each question must be from a different **PART**. Your essays **cannot** come from the same **PART** as a **SECTION A** short answer question.

Use a separate answer booklet for **EACH** question.

All questions are of equal value.

It is recommended that you spend approximately 100 minutes on this section.

This section assesses **Criteria 3, 4 and 6**.

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**PART 1 – GOVERNMENT**

**Question 17**

Describe the division of powers between Commonwealth and State governments in Australia’s federal system of government. Evaluate how and why this division alters over time.

**Question 18**

Describe the main features of the Westminster system of government. Critically evaluate the ability of the Westminster system to provide representative and responsible government, making reference to minority government.

**Question 19**

Describe how international law is made and enforced. Evaluate the strengths and limitations of international law.

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Section B continues opposite.
PART 2 – SOURCES OF LAW

Question 20
Describe the processes by which judges make law. Evaluate the strengths and limitations of the law-making role of the judiciary.

Question 21
Describe four groups or bodies involved in initiating law reform. How effective is the interaction between these groups or bodies in influencing government policy and the legal process?

Question 22
Describe the way parliaments make law and critically discuss the strengths and limitations of legislation as a source of law.

PART 3 – DISPUTE RESOLUTION PROCESSES

Question 23
Describe the main features of the adversary system of trial. Evaluate the advantages and disadvantages of this system and outline some possible reforms and alternatives to it.

Question 24
Briefly explain the role of the jury in a criminal trial. Evaluate the effectiveness of the jury system and outline some possible alternatives and proposals for change.

Question 25
Explain and critically assess three alternative dispute resolution processes in the Australian legal system.
Section B (continued)

PART 4 – CRIME IN SOCIETY

Question 26

Identify the main sentencing options open to courts. Evaluate the success of the options in meeting the aims of punishment.

Question 27

Critically discuss whether it is possible for the criminal justice system to balance the rights of the accused with those of the victim.

Question 28

Discuss the trends in the incidence of criminal activity, including the development of new crimes. Evaluate why certain crime rates change and discuss the difficulties in measuring the incidence of crime and interpreting crime rate statistics.
Answer this question in essay form.

Be careful to refer to AT LEAST TWO topical legal issues in your answer.

Use a separate answer booklet for this section.

It is recommended that you spend approximately 60 minutes on this section.

This section assesses Criteria 3, 5 and 6.

**Question 29**

‘It is important that the law responds quickly to the changing attitudes and challenging demands of society.’

Critically analyse this statement with reference to at least TWO topical legal issues and their relationship to the Australian legal system.
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