Tasmanian Certificate of Education

LEGAL STUDIES

Senior Secondary

Subject Code: LST315110

External Assessment

2013

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>
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<tr>
<th>PART 1 GOVERNMENT</th>
<th>PART 2 SOURCES OF LAW</th>
<th>PART 3 DISPUTE RESOLUTION PROCESSES</th>
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<td><strong>Section A</strong> short answers</td>
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<td><strong>Section B</strong> essays</td>
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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
What is the role of the Governor-General in the Australian Commonwealth Parliament?

Question 2
How are inconsistencies between Commonwealth and State laws resolved under the Australian Constitution?

Question 3
What are the main features of the Westminster system of government?

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 are parliamentary committees? Describe their role in the law reform process.

Question 6
Describe the role of the Legislative Council in the Tasmanian Parliament.

Section A continues opposite.
Section A (continued)

Question 7
What are private member’s bills? Outline some obstacles to their success.

Question 8
Explain the following terms in relation to common law: ‘reversing’, ‘over-ruling’, and ‘distinguishing’.

PART 3 – DISPUTE RESOLUTION PROCESSES

Question 9
Distinguish between the burden of proof and the standard of proof in criminal and civil trials.

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

Question 11
Legal services such as lawyers, Legal Aid Commissions, Community Legal Services, Ombudsmen, and pro bono services exist to improve access to the legal system. To what extent do two of these services improve access to the legal system?

Question 12
Discuss one alternative dispute resolution process that is used in relation to criminal matters in Tasmania.

PART 4 – CRIME IN SOCIETY

Question 13
What is the purpose and function of bail in criminal proceedings?

Question 14
Explain the purpose and process of a preliminary proceeding in the Tasmanian court system.

Question 15
What are the main differences between summary and indictable offences?

Question 16
How are the rights of the victim protected in the criminal justice system?
SECTION B

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.

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 has altered over time, leading to opinions that there is decreasing co-operation between the Commonwealth, on the one hand, and the States and Territories, on the other.

Question 18

What is the doctrine of Separation of Powers and how does it operate in Australia? Evaluate the application of this doctrine in the Australian legal system.

Question 19

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

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, including delegated legislation, as sources of law.

PART 3 – DISPUTE RESOLUTION PROCESSES

Question 23
Describe the main features of the adversary system of trial. Evaluate the effectiveness of this system and outline some possible alternatives and proposals for change.

Question 24
Briefly explain the role of the jury in a criminal trial. Evaluate the advantages and disadvantages of the jury system and outline some possible reforms and alternatives to it.

Question 25
Explain and critically discuss three alternative dispute resolution methods that are available to citizens for the settlement of either criminal or civil disputes.
Section B (continued)

PART 4 – CRIME IN SOCIETY

Question 26

Identify the main sentencing options open to the courts in Tasmania. How effective are they 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

Describe the role of the police in investigating crime. Evaluate the strengths and limitations of police powers and their effectiveness in dealing with crime.
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**

‘The law should reflect community needs but, as these needs are always changing, the legal system struggles to adapt quickly enough.’

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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