Tasmanian Certificate of Education

LEGAL STUDIES

Senior Secondary

Subject Code: LST315110

External Assessment

2014

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.
CANDIDATE INSTRUCTIONS

You MUST make sure that your responses to the questions in this examination paper will show your achievement in the criteria being assessed.

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:

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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

Explain the division of power in the Australian federal system.

Question 2

What is meant by the term ‘The Rule of Law’?

Question 3

What is understood by the independence of the judiciary?

Question 4

What are the main international legal and political structures?

PART 2 – SOURCES OF LAW

Question 5

Why do judges interpret legislation?

Question 6

What is the role of the Senate in the Australian parliamentary system?

Section A continues.
Section A (continued)

Question 7
In relation to common law, explain the following terms: ‘reversing’, ‘over-ruling’ and ‘distinguishing’.

Question 8
What is delegated legislation? Outline two advantages and two disadvantages of delegated legislation.

PART 3 – DISPUTE RESOLUTION PROCESSES

Question 9
What is the role of the single event process in the adversary system of trial?

Question 10
How are juries selected and empanelled in Tasmania?

Question 11
Legal services such as lawyers, Legal Aid Commissions, Community Legal Services, the Ombudsmen and pro bono services exist to improve access to the legal system. Describe how two of these services 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 is a crime and how can criminal activity be categorised?

Question 14
What powers do police have to arrest, detain, and charge suspects?

Question 15
What is the purpose and function of bail in criminal proceedings?

Question 16
How are the rights of the victim protected in the criminal justice system?
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 alters over time.

Question 18
Describe the Westminster system of government and critically evaluate its ability to provide representative and responsible government in Australia.

Question 19
Describe how international law is made and how it is incorporated into the domestic law of Australia. Evaluate the strengths and limitations of international law.
PART 2 – SOURCES OF LAW

Question 20
Critically discuss the role of the courts in developing law.

Question 21
Describe four groups or bodies involved in initiating law reform. Evaluate their effectiveness in influencing government policy and the legal process.

Question 22
Describe the way parliaments make law. Evaluate the strengths and limitations of legislation, including delegated legislation, as sources of law.

PART 3 – DISPUTE RESOLUTION PROCESSES

Question 23
The adversarial nature of dispute resolution in Australian courts has been described as ‘… theoretically sound but in practice subject to difficulties’.

Describe the main features of the adversary system of trial. Evaluate its strengths and limitations with reference to the statement. Outline some possible reforms and alternatives to the system.

Question 24
The jury system is founded on custom, fairness and acceptance. Critically discuss this comment in the light of ongoing criticisms and pressures for reform of the jury system in Australia.

Question 25
A range of alternative dispute resolution methods are available to citizens for the settlement of either criminal or civil disputes. Explain and critically discuss three of these methods.
PART 4 – CRIME IN SOCIETY

Question 26

Outline the main sentencing options open to the court. Describe three options in detail and evaluate their effectiveness in meeting the aims of punishment.

Question 27

Explain and critically discuss three safeguards that are built into the criminal justice system to protect the accused.

Question 28

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

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 legal system struggles to respond to changes in our society.’

Discuss this statement using your knowledge of at least TWO topical legal issues and their relationship to the Australian legal system.

**Note:** The issues chosen for discussion must be from the current calendar year.
This question paper and any materials associated with this examination (including answer booklets, cover sheets, rough note paper, or information sheets) remain the property of the Tasmanian Qualifications Authority.