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 1** Communicate legal and political information.

**Criterion 2** Describe and assess structures and processes of Australia’s federal, Westminster system.

**Criterion 3** Describe and assess Australian law making processes.

**Criterion 4** Describe and assess Australian dispute resolution systems and processes.

**Criterion 5** Describe and assess Australia’s criminal justice 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 FOUR sections.

Candidates must answer FIVE questions in total:

- TWO short answer questions from Section A.
- ONE essay question in Section B.
- ONE essay question in Section C.
- ONE essay question in Section D.

All written responses must be in English.
SECTION A

Briefly answer TWO questions from this section (in short-answer format).

Use a separate answer booklet for this section.

All questions are of equal value.

It is recommended that you spend approximately 45 minutes on this section.

This section assesses Criteria 1 and 2.

Question 1

What is the doctrine of the Separation of Powers and how does it operate in Australia?

Question 2

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

Question 3

Describe features of Australia’s federal system. Briefly evaluate the advantages and disadvantages of federalism in Australia.

Question 4

How can the division of power in the Australian federal system be altered? Briefly analyse and evaluate the impact of changes to the division of power.
SECTION B

Answer ONE question in essay form.

Use a separate answer booklet for this section.

It is recommended that you spend approximately 45 minutes on this section.

This section assesses Criteria 1 and 4.

---

**Question 5**

What are the features of the adversary system? Critically analyse the effectiveness of the adversary system as a means of dispute resolution.

**Question 6**

Describe the role of the jury in a trial. Evaluate the effectiveness of the jury system and outline and evaluate possible reforms to the jury system.

**Question 7**

Explain and assess alternative dispute resolution processes.
SECTION C

Answer ONE question in essay form.

Use a separate answer booklet for this section.

It is recommended that you spend approximately **45 minutes** on this section.

This section assesses **Criteria 1 and 5**.

---

**Question 8**

Identify the main sentencing options open to courts in dealing with offenders, and the factors that magistrates and judges take into account in sentencing those found guilty. Evaluate the options in meeting the aims of punishment.

**Question 9**

Describe and evaluate the safeguards that are built into the criminal justice system to protect the accused.

**Question 10**

Critically discuss whether it is possible for the criminal justice system to balance the rights of the accused with those of the victims and community.
Answer ONE question in essay form.

Use a separate answer booklet for this section.

It is recommended that you spend approximately **45 minutes** on this section.

This section assesses **Criteria 1 and 3**.

---

**Question 11**

‘The Senate is a barrier to effective law reform in Australia.’

Evaluate this statement making reference to the Senate’s impact on recent attempts at law making.

**Question 12**

‘The legal system has both strengths and limitations in its ability to achieve law reform in society and thus ensure that laws meet the changing needs of society.’

Critically analyse this statement with reference to surrogacy laws in Australia.

**Question 13**

_The Telecommunications (Interception and Access) Amendments (Data Retention) Act 2015_ was passed by the Federal Parliament in March this year.

Describe and evaluate the effectiveness of law making processes in achieving this legislative change.
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 Office of Tasmanian Assessment, Standards and Certification.