Tasmanian Certificate of Education
External Assessment 2016

OFFICE OF TASMANIAN
ASSESSMENT, STANDARDS
& CERTIFICATION

LEGAL STUDIES
(LST315116)

Time allowed for this paper
• Working time: 3 hours
• Plus 15 minutes recommended reading time

Candidate Instructions
1. You MUST make sure that your responses to the questions in this examination paper will show your achievement in the criteria being assessed.
2. There are FOUR sections to this paper.
3. You must answer FIVE questions in total:
   • TWO short answer questions from Section A
   • ONE essay question from Section B
   • ONE essay question from Section C
   • ONE essay question from Section D
4. Answer each section in a separate answer booklet.
5. The recommended time to be spent on a section is given in the instructions in that section.
6. All written responses must be in English.

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.
Criterion 6 Describe and assess topical legal issues.

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

You **MUST** answer:

- **ONE** question from Part 1 – Government and Governance
  and
- **ONE** question from Part 2 – Sources of Law

**Use a separate answer booklet for this section.**

All questions are of equal value.

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

This section assesses **Criteria 1, 2 and 3**.

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**Part 1 – Government and Governance**

**Question 1**

Explain how the doctrine of separation of powers contributes to the Rule of Law.

**Question 2**

Describe how the division of powers between the States and the Commonwealth has been altered by the High Court of Australia. As part of your answer briefly assess **one** such High Court decision.

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**Part 2 – Sources of Law**

**Question 3**

Explain and briefly assess the contribution of judges to the development of common law.

**Question 4**

Identify and briefly assess the role of the **Australian Law Reform Commission (ALRC)** OR the **Tasmanian Law Reform Institute (TLRI)** in influencing change to the law.
SECTION B

Answer ONE question only from this section.

Your answer should be in essay form.

Use a separate answer booklet for this section.

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

This section assesses Criteria 1 and 4.

Question 5
What are the advantages and disadvantages of Alternative Dispute Resolution (ADR), compared to a civil trial before a judge?

Question 6
Australian Courts have recently seen an increase in self-represented defendants in the criminal courts. What problems does this bring and does the role of the judge change when a defendant is representing themselves in a criminal trial?

Question 7
In explaining the empanelment and role of a jury, assess whether juries truly achieve judgement by ones' peers.
Answer **ONE** question from this section.

Your answer should be in **essay** form.

**Use a separate answer booklet for this section.**

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

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

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**Question 8**

Explain and evaluate proposed reforms to sentencing which will better achieve the goals of sentencing within the criminal justice system.

**Question 9**

Assess the safeguards for an accused in the criminal justice system. Do these safeguards conflict with the rights of the victim and the interests of a community?

**Question 10**

Identify **two** categories of crime, and assess the effectiveness of the criminal justice system in reducing crime in those categories.
Answer ONE question only from this section.

Your answer should be in essay form.

Use a separate answer booklet for this section.

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

This section assesses Criteria 1 and 6.

Question 11
Critically assess the effect of the Tasmanian Anti-Protest Laws on the rights of individuals to protest.

Question 12
Should the law have a role in deciding who can get married? Consider this in the context of same-sex marriage and evaluate the differing legal and political views.

Question 13
Explain the legal basis on which a government is permitted to place a child asylum seeker in mandatory detention. Discuss how this affects the rights and well-being of these children.

Question 14
What legal controls exist to prevent or minimise cyber-bullying? Assess whether there should be specific legal changes to enhance the rights and responsibilities of young people in this area.

Question 15
Describe whether representative government is achieved by the processes that allow for the election of individuals to Parliament. Assess the extent to which the changes to the Senate voting rules in 2016 promote representative government, or undermine it.