



OFFICE OF TASMANIAN
ASSESSMENT, STANDARDS
& CERTIFICATION

Tasmanian Certificate of Education
External Assessment 2016

PLACE YOUR CANDIDATE
LABEL HERE

LEGAL STUDIES

(LST315116)

Time allowed for this paper

- Working time: 3 hours
- Plus 15 minutes recommended reading time

Pages:	8
Questions:	15

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.

BLANK PAGE

SECTION A

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**.

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.

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.

SECTION C

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**.

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.

SECTION D

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.

BLANK PAGE



OFFICE OF TASMANIAN
ASSESSMENT, STANDARDS
& CERTIFICATION

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.