



OFFICE OF TASMANIAN
ASSESSMENT, STANDARDS
& CERTIFICATION

Tasmanian Certificate of Education
External Assessment 2018

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LEGAL STUDIES

(LST315117)

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 **THREE** sections to this paper.
3. You must answer **FIVE** questions in total:
 - **ONE** question from **Section A** in a separate booklet
 - **TWO** questions from **Section B** – each question in a separate booklet
 - **TWO** questions from **Section C** – each question in a separate booklet
4. The recommended time to be spent on a section is given in the instructions in that section.
5. 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** Describe and analyse structures and processes of Australia's Westminster parliamentary system of government.
- Criterion 2** Describe and analyse aspects of Australian and International law.
- Criterion 3** Describe and analyse Australian dispute resolution systems and processes.
- Criterion 4** Describe and analyse Australia's criminal justice system.
- Criterion 5** Describe and analyse a topical legal issue.
- Criterion 7** Communicate legal and political information.

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SECTION A

Answer **ONE** question only from this section.

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

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

It is recommended you spend approximately **50 minutes** on this section.

This section assesses **Criteria 1 and 7**.

Where appropriate, extra credit will be given to answers in Section A that refer to relevant aspects of the principles of liberal democracy.

Principles and Practices of Australia's Westminster Parliamentary System of Government

Question 1

Identify and explain the main features of the Westminster systems of government in Australia. Evaluate the extent to which these features ensure responsible and representative government in Australia.

Question 2

Explain what is meant by the concepts of 'separation of powers' and 'rule of law'. Evaluate the extent to which these two concepts are effectively applied in our Westminster systems of government in Australia.

Australian Federal Constitutional Government

Question 3

Explain the main features of the Australian federal system of government. Evaluate the impact that the division of power has on the Commonwealth and state governments in Australia and their capacity to govern effectively.

Question 4

Explain how the power balance between the Commonwealth and state governments in Australia has been altered over time. Evaluate the impact of these alterations on the Commonwealth and state governments in Australia.

SECTION B

Answer **TWO** questions in this section.

Use **TWO separate answer** booklets for this **section**.

This section assesses **Criteria 2, 5 and 7**.

Part 1 - Australian and International Law

You **MUST** answer:

ONE question from Part 1.

Use a **separate answer** booklet for Part 1.

You are required to answer this question in **short-answer** form.

It is recommended you spend approximately **20 minutes** on this question.

Part 1 assesses **Criterion 2**.

Question 5

Explain how Aboriginal and Torres Strait Islander customary laws differ from laws made by the various governments in Australia. Briefly evaluate the impact of terra nullius on Aboriginal and Torres Strait Islander customary laws.

Question 6

Explain the role that parliaments play in passing legislation. Briefly evaluate the strengths and weaknesses of legislation as a source of law.

Question 7

Explain the role of judges in developing common law. Briefly evaluate the strengths and weaknesses of the role of judges in the common law making processes.

Question 8

Explain the role of two main groups/bodies who can initiate or influence changes to the law. Briefly evaluate the main barriers to successfully reforming the law.

Question 9

Explain how international law differs from Australian domestic law. Briefly evaluate the enforceability of international law.

Section B continues

Section B (continued)

Part 2 - Topical Legal Issue

You **MUST** answer:

ONE question from Part 2.

Use a **separate answer** booklet for Part 2.

You are required to answer this question in **analytical essay** form.

It is recommended you spend approximately **50 minutes** on this question.

Part 2 assesses **Criteria 5 and 7**.

Question 10

Select **one** of the following 2018 Topical Legal Issues (TLI):

- Ministerial Codes of Conduct in Australia
- Gambling law reform in Tasmania
- #MeToo campaign and the law in Australia
- The impact of Section 44(i) of the Australian Constitution
- Responses to the Uluru Statement from the Heart

Describe the main legal and political issues in relation to your TLI. Outline the institutions and processes involved in changing the law for your TLI.

Evaluate how successful the processes for change have been, and are likely to be, in bringing about reform or resolving the legal or political issues associated with your TLI.

Question 11

In relation to the following 2018 Topical Legal Issue (TLI):

- Myanmar, the Rohingya people and international law

Describe the main international and domestic legal and political issues in relation to this TLI. Outline the institutions and processes involved in changing the law and resolving conflict in Myanmar.

Evaluate how successful these processes for change have been, and are likely to be, in bringing about reform and resolving conflict in Myanmar.

SECTION C

Answer **TWO** questions in this section.

Use **TWO separate answer** booklets for this **section**.

It is recommended you spend approximately **60 minutes** on this section.

This section assesses **Criteria 3 and 4**.

Part 1

You **MUST** answer:

ONE question from Part 1.

Use a **separate answer** booklet for Part 1.

You are required to answer this question in **short-answer** form.

It is recommended you spend approximately **30 minutes** on this question.

Part 1 assesses **Criterion 3**.

Question 12

Two central features of the adversarial trial process in resolving legal disputes are party control and impartial adjudicators.

Explain these two central features and evaluate their effectiveness in ensuring that the trial process is just and fair and that the truth is uncovered.

OR

Question 13

There are a number of alternative dispute resolution (ADRs) processes available to solve legal disputes instead of going to court.

Identify and explain two ADRs and critically evaluate the effectiveness of these processes as a means of resolving legal disputes.

Section C continues.

Section C (continued)

Part 2

You **MUST** answer:

ONE question from Part 2.

Use a **separate answer** booklet for Part 2.

You are required to answer this question in **short-answer** form.

It is recommended you spend approximately **30 minutes** on this question.

Part 2 assesses **Criterion 4**.

Question 14

Identify and explain two main safeguards that are built into the criminal justice system to protect the accused and one safeguard or process that protects the victim.

Evaluate the effectiveness of these measures in protecting the accused and the victim.

OR

Question 15

Critically evaluate the effectiveness of imprisonment and one of the restorative/diversionary sentencing options in achieving the aims of punishment.



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