



OFFICE OF TASMANIAN
ASSESSMENT, STANDARDS
& CERTIFICATION

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LEGAL STUDIES

(LST315117)

Time allocated:

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

Pages:	12
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 answer booklet
 - **TWO** questions from **Section B** – each in a separate answer booklet
 - **TWO** questions from **Section C** – each in a separate answer booklet

(5 answer booklets in total)
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 document:

- 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**.

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 effective and fair government in Australia.

OR

Question 2

Explain what is meant by the concept of 'separation of powers' and evaluate the extent to which this concept is effectively applied in our Westminster systems of government in Australia.

OR

Australian Federal Constitutional Government

Question 3

Explain how the power to govern is divided between the Commonwealth and state governments in Australia and evaluate how their capacities to govern effectively have been altered by constitutional referendums, referral of power and High Court decisions.

OR

Question 4

Explain the status of Aboriginal and Torres Strait Islander peoples in the Constitution of the Commonwealth of Australia and evaluate possible constitutional reforms to their status.

SECTION B

Answer **ONE** question from **Part 1** and **ONE** question from **Part 2**.

Use **TWO separate answer** booklets for each question.

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

You **MUST** answer **ONE** question from **Part 1** in a separate answer booklet.

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**.

Part 1 - Australian and International Law

Question 5

Critically analyse characteristics of Aboriginal and Torres Strait Islander customary law in the legal and political systems of Australia, paying particular attention to the impact of the concept of *terra nullius*.

OR

Question 6

Explain the role that cabinets and parliaments play in initiating and passing legislation. Briefly evaluate the main strengths of parliamentary legislation as a source of law.

OR

Question 7

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

OR

Question 8

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

OR

Question 9

Explain how international law differs from Australian domestic law. Briefly explain why a state/country may obey international law and how international law can be enforced.

In your response refer to **ONE** of the following themes:

- Protection of the atmosphere and climate change
- Human Rights
- Migration and refugees
- International conflict (War and War on Terrorism)

Section B continues

Section B (continued)

You **MUST** answer **ONE** question from **Part 2** in a separate answer booklet.

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 2, 5** and **7**.

Part 2 – Topical Legal Issue

Question 10

Select **ONE** of the following 2019 Topical Legal Issues (TLI) derived from the Australia legal system:

- Drug testing at music festivals
- Banking Royal Commission
- Raising the age of criminal responsibility

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, or are likely to be, in bringing about change/reform or resolving the legal/political issues associated with your TLI.

OR

Question 11

Select **ONE** of the following 2019 Topical Legal Issues (TLI), which relate to Australian law and international law:

- Medivac Bill
- Extradition
- Addressing international environmental obligations

Describe the main international and domestic (Australian) legal and political issues in relation to your TLI. Outline the institutions and processes involved in changing the law in relation to your TLI.

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

SECTION C

Answer **ONE** question from **Part 1** and **ONE** question from **Part 2**.

Use **TWO separate answer** booklets for each question.

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

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

You **MUST** answer **ONE** question from **Part 1** in a separate answer booklet.

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**.

Part 1

Question 12

Two central features of the adversarial trial process in resolving legal disputes are that the parties in dispute largely control their case (i.e. 'party control') and that disputes are heard before an impartial adjudicator.

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 (ADR) processes available to solve legal disputes instead of going to court.

Identify and explain **TWO** ADR processes and critically evaluate the effectiveness of these processes as a means of resolving legal disputes.

Section C continues

Section C (continued)

You **MUST** answer **ONE** question from **Part 2** in a separate answer booklet.

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**.

Part 2

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 safeguards in protecting the accused and the victim.

OR

Question 15

Critically evaluate the effectiveness of imprisonment and a therapeutic/diversionary sentencing option in achieving the aims of punishment.

Therapeutic/diversionary sentencing options may include but are not limited to:

- drug treatment orders
- home detention orders
- family violence rehabilitation programs
- mental health diversion list
- youth court.

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