



OFFICE OF TASMANIAN
ASSESSMENT, STANDARDS
& CERTIFICATION

Tasmanian Certificate of Education
External Assessment 2020

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LEGAL STUDIES

(LST315117)

Time Recommended:

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

Pages:	8
Questions:	10

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 **FOUR** questions in total:
 - **ONE** question from **Section A** in a separate answer booklet
 - **ONE** question from **Section B** in a separate answer booklet
 - **TWO** questions from **Section C** – each in a separate answer booklet.

(Four 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 the four questions in this section.

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

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

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

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

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

Question 1

Explain 'constitutional monarchy' and 'separation of powers' in the Westminster system of government in Australia's federal level of government. Evaluate the effectiveness of these Westminster features in Australia.

OR

Question 2

Explain 'representative and responsible government' and 'bicameral Parliament' in the Westminster system of government as adopted by Australia. Evaluate the effectiveness of these features at the federal level of government.

OR

Australian Federal Constitutional Government

Question 3

Briefly explain the original division of powers between the two levels of government in the Australian Constitution. Evaluate the High Court's role and the role of other sections of the Constitution in changing this division of power over time. **Part** of your answer (but not restricted to), should refer to the significance of **TWO** High Court cases.

OR

Question 4

As a result of the 1967 referendum, the original status of the Aboriginal and Torres Strait Islander Peoples in the Commonwealth of Australia Constitution was changed.

Explain the legal status of the Aboriginal and Torres Strait Islander Peoples in the original Constitution and how the 1967 referendum changed their status in the Constitution. Evaluate these changes and any further reforms that are being considered to improve the status of the Aboriginal and Torres Strait Islander Peoples in the Australian Constitution.

SECTION B

Answer **ONE** question only from the two questions in this section.

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

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

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

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

Topical Legal Issue

Question 5

Select **ONE** of the following 2020 Topical Legal Issues (TLI) derived from the Australian legal system:

- Social Media Use and Employment / Workplace Law
- Religious Discrimination Legislation
- Anti-protest Laws in Australia
- Legal Responses to Climate Related Natural Disasters in Australia.

The Australian legal and political system needs effective processes and institutions to resolve issues and / or change the law.

Using ONE topical issue (from the list above), explain the **relevant** Australian legal and political institutions and processes involved in resolving this issue. Evaluate the effectiveness of these institutions and processes in working towards changing or clarifying the law for your chosen topical issue.

OR

Question 6

Select **ONE** of the following 2020 Topical Legal Issues (TLI), which relate to Australian law and International law:

- International Legal Framework(s) for Developing and Enforcing Emissions Targets
- Anti-doping Laws in Sport - Australian and International.

International treaties must be incorporated into domestic law before an International treaty applies to Australia.

Briefly explain your chosen topical issue and the relevant International law. Explain the **relevant** institutions and processes involved in applying International law to the Australian legal system. Evaluate the processes and effectiveness of International law adopted in Australia for your topical legal issue.

SECTION C

Answer **ONE** question from **Part 1** and **ONE** question from **Part 2**, in this section.

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

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

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

Part 1 – Australian Dispute Resolution Systems and Processes

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

Your answer should be in a **short-answer** form.

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

Part 1 assesses **Criterion 3**.

Question 7

Explain the role of the jury and strict rules of evidence in indictable criminal cases in Australia. Evaluate the role of the jury and strict rules of evidence within the adversarial dispute resolution system in Australia.

OR

Question 8

Alternative dispute resolution (ADR) has tried to address some of the limitations of the adversary system. Explain **TWO** ADR processes from the list below, and evaluate their effectiveness as dispute resolution processes and in addressing the limitations of the adversary system.

ADR processes:

- negotiation and settlement
- mediation
- tribunals
- conciliation and arbitration
- restorative justice
- ombudsman.

Section C continues.

Section C continues.

Part 2 – Australia's Criminal Justice System

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

Your answer should be in **short-answer** form.

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

Part 2 assesses **Criterion 4**.

Question 9

Explain **TWO** features that protect the rights of the accused and **ONE** feature that protects the victim. Evaluate the effectiveness of these safeguards in the criminal justice system in Tasmania.

OR

Question 10

What considerations does a Tasmanian judicial officer (Judge / Magistrate) take into account when sentencing an accused / defendant who has been found guilty of a crime? By using **TWO** sentencing options available in Tasmania, evaluate the extent to which they fulfil the aims of punishment.

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