

STUDENT NUMBER

Letter

Figures

Words

Legal Studies

Written Examination 2013

Reading time: 15 minutes

Writing time: 120 minutes

QUESTION AND ANSWER BOOK

Structure of book

<i>Number of questions</i>	<i>Number of questions to be answered</i>	<i>Number of marks</i>
11	11	70

- Students are permitted to bring into the examination room: pens, pencils, highlighters, erasers, sharpeners and rulers.
- Students are NOT permitted to bring into the examination room: blank sheets of paper and/or white out liquid/tape.
- *No calculator is allowed in this examination.*

Materials supplied

- Question and answer book of 20 pages.
- Additional space is available at the end of the book if you need extra paper to complete an answer.

Instructions

- Write your name and your teacher's name in the space provided above on this page.
- You should make use of stimulus material where it is included. However, it is not intended that this material will provide you with all the information to fully answer the question.
- All written responses must be in English.

- **Students are NOT permitted to bring mobile phones and/or any other unauthorised electronic devices into the examination room.**

1. Distinguish between legislative and executive powers in the Australian parliamentary system.

2 marks

2. Describe one purpose of pleadings and explain how it can promote a fair and unbiased hearing.

3 marks

SAMPLE

T-Mac's Legal Studies

Written Examination A - 2013

Solution guide

3. Outline one restriction imposed by the Commonwealth Constitution on the law-making powers of the Commonwealth parliament.

TOTAL: 2 marks

1 mark – identify one restriction

1 mark – outline the restriction

Possible restrictions (not exhaustive):

- Residual powers
- S128
- Entrenched and implied rights
- Separation of powers

4. Suggest one alternative to the jury system and discuss the extent to which it contributes to an effective legal system.

TOTAL: 4 marks

1 mark – alternative

3 marks – discussion

- Must have both sides for the alternative (i.e. advantages and disadvantages)
- 1 mark for each advantage / disadvantage
- Possible alternatives:
 - Judge sitting alone
 - Specialist jurors
 - Professional jurors

b. To what extent are judges bound by the precedent set in the Supreme Court (appeals division)?

TOTAL: 5 marks

Need 5 points for 5 marks

Must include binding and persuasive precedents

Possible points include:

- A precedent set in the Supreme Court (appeals division) would be binding on all courts lower in the same hierarchy (Supreme, County, Magistrates)
- Would be persuasive for courts at same level or higher in the hierarchy (Court of Appeal, High Court)
- Persuasive for courts in other hierarchies (NSW, Federal, UK)
- Judges may be able to distinguish the case if material facts are significantly different
- Judges can overrule or reverse the precedent if a case is heard in a higher court