

	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. Outline the separation of powers.

---

---

---

---

---

---

---

---

2 marks

2. Explain one reason the law may need to change.

---

---

---

---

---

---

---

---

2 marks

3. *The Anti-Terrorism Act 2011 (Vic.) has recently been challenged in the High Court.*

Explain the impact S109 may have in this case.

---

---

---

---

---

---

---

---

2 marks





# T-Mac's Legal Studies

---

Written Examination B - 2013

Solution guide

SAMPLE

4. Two key strengths of parliament in comparison to the courts is that it is elected and it provides an arena for debate.

Critically evaluate these key strengths of parliament and compare them with the operation of the courts.

**TOTAL:** 6 marks

#### **Elected**

**1 mark** – Being elected ensures parliament is representative of the people and should make laws that reflect the views of the majority.

**1 mark** – However, as parliament is elected, they may make laws that are popular in order to get elected and not what is in the national interest. Moreover, it may be difficult for parliament to discern the majority if there are conflicting opinions on an issue.

**1 mark** – on the other hand, courts are not elected. They are independent and able to assess the law on its merits, not what is popular. However, as they are not elected, they may be out of touch with the views of the majority.

Arena for debate

**1 mark** – parliament provides an arena for debate. This means that laws are debated thoroughly, which should prevent laws that are seen as too radical or with mistakes from being passed. This also allows the minority opinion to be heard and should ensure that laws are more likely to be accepted.

**1 mark** – however, debate can be time-consuming and expensive. In addition, bills may be watered down and less effective if compromises need to be made.

**1 mark** – On the other hand, courts do not provide an arena for debate. This means judge's are able to assess the law on its merits and decide cases quickly without being burdened by the long parliamentary procedures. However, it may mean that judge's make decisions and laws that are seen as radical and out of touch with the views of society.

- c. Compare reversing and overruling a precedent. Which of these methods would apply in this case? Justify your answer.

**TOTAL:** 4 marks

2 marks – compare (must have two clear similarities / differences)

- Similarity - both result in the original precedent being overturned.
- Similarity – both involve higher courts than the original precedent
- Difference reversing involves a case on appeal, WHEREAS overruling involves two separate cases (NOTE – must include ‘whereas’, ‘however, or similar for the mark)

1 mark – correctly identify REVERSING

1 mark for justification (as precedent was set in original case and then appealed)

8. Explain one problem that individuals face in using the legal system. Discuss one recent change in the legal system designed to enhance its effective operation.

**TOTAL:** 6 marks

3 marks – identification and description of the problem

Possible problems

- Financial inequities
- Delays
- Cultural barriers

Total marks	Description
1	Identification of problem and brief outline of the causes of the problem
2	Identification of problem and detailed description of the causes of the problem
3	Identification of the problem, detailed description of the causes and the effects of the problem in terms of an effective legal system

1 mark – identify recent change (must be within last 5 years)

1 mark – outline the benefits of the change

1 mark – outline the disadvantages of the change (NOTE – must include ‘however’, ‘whereas’, etc)