LEGAL STUDIES
Written examination

Tuesday 10 November 2015
Reading time: 2.00 pm to 2.15 pm (15 minutes)
Writing time: 2.15 pm to 4.15 pm (2 hours)

QUESTION AND ANSWER BOOK

Structure of book

<table>
<thead>
<tr>
<th>Number of questions</th>
<th>Number of questions to be answered</th>
<th>Number of marks</th>
</tr>
</thead>
<tbody>
<tr>
<td>13</td>
<td>13</td>
<td>70</td>
</tr>
</tbody>
</table>

- 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 correction fluid/tape.
- No calculator is allowed in this examination.

Materials supplied
- Additional space is available at the end of the book if you need extra paper to complete an answer.

Instructions
- Write your student number 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.

© VICTORIAN CURRICULUM AND ASSESSMENT AUTHORITY 2015
Question 1 (6 marks)
A plaintiff is seeking an injunction and damages of $1 million in the Supreme Court of Victoria. The defendant has been told by their lawyer that they will need to participate in discovery.

a. Define the term ‘injunction’.  
1 mark

b. Identify one other court that could adjudicate this dispute. Justify your answer.  
2 marks

c. Explain one purpose of discovery.  
3 marks
Question 2 (3 marks)
Explain one reason why the County Court of Victoria may not be bound by a decision of the Supreme Court of Victoria (Trial Division).

__________________________________________________________________________
__________________________________________________________________________
__________________________________________________________________________
__________________________________________________________________________
__________________________________________________________________________
__________________________________________________________________________

Question 3 (3 marks)
Explain why each of the state parliaments in Australia is able to make different laws about the same area of law.

__________________________________________________________________________
__________________________________________________________________________
__________________________________________________________________________
__________________________________________________________________________
__________________________________________________________________________
__________________________________________________________________________

TURN OVER
Question 4 (4 marks)

a. Define the term ‘judicial determination’.  

b. Other than judicial determination, explain one method that could be used by courts to resolve a civil dispute.
Question 5 (6 marks)
The Victorian parliament is debating a Bill following a review of the law by the Victorian Law Reform Commission (VLRC).

a. Identify and describe the stage of the legislative process at which this Bill will be debated for the first time.  
   Stage of the legislative process ________________________________  

b. Explain the role of the VLRC in recommending a change in the law.  
   ___________________________________________________________  
   ___________________________________________________________  
   ___________________________________________________________  
   ___________________________________________________________  
   ___________________________________________________________  
   ___________________________________________________________  
   ___________________________________________________________  
   ___________________________________________________________  
   ___________________________________________________________
Question 6 (3 marks)
Explain one factor that could affect the success of a referendum.
Question 7 (6 marks)

An accused person has been remanded and is awaiting a committal hearing.

a. Describe one purpose of remand. 2 marks

b. Discuss the extent to which a committal hearing could achieve one of the elements of an effective legal system. 4 marks
Question 8 (4 marks)

Explain the significance of one case in which the High Court’s interpretation of the Commonwealth Constitution had an impact on the division of law-making powers.
Question 9 (5 marks)
Describe one weakness of the adversary system of trial. In your answer, explain one reform that could overcome this weakness.
Question 10 (6 marks)
Evaluate one means by which the Commonwealth Constitution protects rights in Australia.
Question 11 (6 marks)

‘There are weaknesses in the way in which the Victorian Civil and Administrative Tribunal (VCAT) operates to resolve disputes.’

Discuss this statement.
Question 12 (8 marks)
The author of a journal article wrote the following opinion: ‘Juries should not decide matters of fact. It should all be left up to the judge.’

To what extent do you agree with this opinion? Justify your answer.
Question 13 (10 marks)
Discuss the extent to which courts are able to overcome the limitations of parliament in making laws.
Extra space for responses

Clearly number all responses in this space.
An answer book is available from the supervisor if you need extra paper to complete your answer. Please ensure you write your **student number** in the space provided on the front cover of the answer book.

**At the end of the examination, place the answer book inside the front cover of this question and answer book.**