



LEGAL STUDIES

Senior Secondary

Subject Code: LST5C

External Assessment

2009

Time: Three Hours

On the basis of your performance in this examination, the examiners will provide results on each of the following criteria taken from the syllabus statement:

- Criterion 2** Communicate ideas and information.
- Criterion 6** Analyse and evaluate issues and information.
- Criterion 7** Demonstrate knowledge and understanding of the structures and processes of Australia's legal and political system.
- Criterion 8** Demonstrate knowledge and understanding of topical legal and political issues.
- Criterion 9** Apply knowledge and understanding of legal and political structures and processes to topical issues.

Pages: 12
Questions: 29

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CANDIDATE INSTRUCTIONS

Candidates **MUST** ensure that they have addressed **ALL** of the externally assessed criteria on this examination paper.

This paper is divided into **THREE** sections.

Candidates must answer **SEVEN** questions in total:

FOUR questions from **Section A**, one from each **PART** – Short Answers

TWO questions from **Section B**, each of which must be from a different **PART** – Essays

The **ONE** question in **Section C** – Topical Essay

All written responses must be in English.

SECTION A

Briefly answer **FOUR** questions from this section, **ONE** from each part.

It is expected that your answer will be about three-quarters of a page of writing for each question.

Use a separate answer booklet for this section.

All questions are of equal value.

It is recommended that you spend approximately **45 minutes** on this section.

This section assesses **Criterion 7**.

PART 1 – GOVERNMENT

Question 1

What is meant by the term, ‘the sovereignty of parliament’?

Question 2

Why is international law important?

Question 3

What is the role of the Governor of Tasmania? Illustrate this by outlining some of the Governor’s duties.

Question 4

How are inconsistencies between Commonwealth and State law resolved under the Australian Constitution?

PART 2 – SOURCES OF LAW

Question 5

Describe three formal methods of initiating law reform.

Question 6

How is the power of the executive limited by parliament?

Section A continues opposite.

Section A (continued)

Question 7

How do judges interpret legislation?

Question 8

What is the function of the Senate in the Australian parliamentary system?

PART 3 – DISPUTE RESOLUTION PROCESSES

Question 9

Describe the jurisdiction of the High Court of Australia.

Question 10

What is the difference between burden of proof and standard of proof?

Question 11

What is the role and purpose of the Tasmanian ombudsman?

Question 12

Describe the role and the composition of a jury in Tasmania.

PART 4 – CRIME IN SOCIETY

Question 13

Define *mens rea*, *actus reus* and strict liability crimes, and explain the essential differences between them.

Question 14

What powers do police have to arrest and charge suspects?

Question 15

Explain the purpose and process of a preliminary proceeding (formerly known as a committal hearing) in the Tasmanian Supreme Court.

Question 16

Define white collar crime and explain the threat it poses to the community.

SECTION B

Answer **TWO** questions in essay form from this section.

Each question must be from a different **PART**.

Use a separate answer booklet for **EACH** question.

All questions are of equal value.

It is recommended that you spend approximately **90 minutes** on this section.

This section assesses **Criteria 2, 6 and 7**.

PART 1 – GOVERNMENT

Question 17

The Federal government has declared that it will take responsibility for hospitals should the state governments fail to provide better health services.

What are the existing mechanisms for alterations in the division of power? Evaluate the effectiveness of each of these mechanisms and give some examples.

Question 18

Describe the doctrine of Separation of Powers and assess its importance in the maintenance of a healthy democracy.

Question 19

‘Australia’s Federal system of government is outdated and it does not meet the needs of a technologically advanced nation in the twenty-first century.’

Critically evaluate this statement.

Section B continues opposite.

Section B (continued)

PART 2 – SOURCES OF LAW

Question 20

What is meant by ‘representative and responsible government’? What are some constitutional provisions and conventions that ensure the Federal government is accountable to the parliament and the people? How effective are these in ensuring their objectives?

Question 21

Describe the processes by which delegated legislation is made. What are the advantages and disadvantages of delegated legislation? Evaluate the effectiveness of the methods of supervision of subordinate bodies.

Question 22

Explain the processes by which judges make law. Discuss the benefits and limitations of lawmaking by the courts.

PART 3 – DISPUTE RESOLUTION PROCESSES

Question 23

The jury system is often described as the greatest achievement of the Australian legal system. Why then, has there been pressure for reform of the jury system? Evaluate the effectiveness of the jury system in meeting the needs of the Australian community.

Question 24

Critically discuss the statement that, ‘the Adversary system provides ample opportunities for the truth to be revealed and for just outcomes to be achieved in a criminal trial’.

Question 25

Explain three legal services that are available in the Australian legal system. Evaluate the extent to which they improve access to the legal system and promote justice and equity.

Section B continues over the page.

Section B (continued)

PART 4 – CRIME IN SOCIETY

Question 26

‘Trust is an integral component of an effective system of law enforcement.’

How is unethical or illegal behaviour by members of the police force exposed and punished? Why is transparency and impartiality important in the investigation and remediation of such behaviour?

Question 27

‘Organised crime and terrorism inflict more harm on society than individual acts.’

How have governments responded to the challenges that these represent? What are the implications of their responses?

Question 28

‘Punishment directly affects those convicted of a crime, but also has ramifications for victims and for the community.’

Identify the objectives of punishment and evaluate the extent to which commonly applied sentencing options meet these objectives.

SECTION C

Candidates must answer this question in essay form.

Be careful to refer to **AT LEAST TWO** topical legal issues in your answer.

Use a separate answer booklet for this section.

It is recommended that you spend approximately **45 minutes** on this section.

This section assesses **Criteria 2, 8 and 9**.

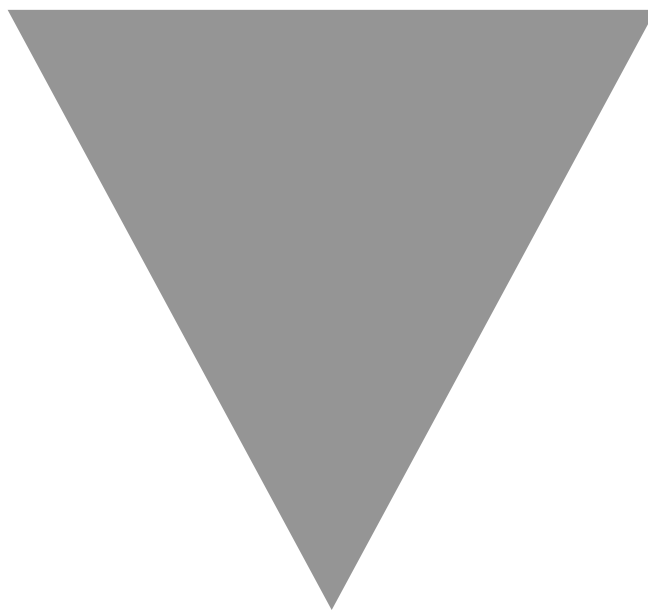
Question 29

‘The legal system struggles to respond quickly to changes in society.’

Critically analyse this statement with reference to at least **TWO** topical legal issues and their relationship to the Australian Legal System.

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