



South Australian  
Certificate of Education

# Legal Studies

## 2018

### Question booklet

- **Part A: Short responses** (Questions 1 to 4) 60 marks  
Answer **all** questions  
Write your answers in this question booklet  
Allow approximately 100 minutes
- **Part B: Extended responses**  
**Section 1** (Questions 5 to 8) 20 marks  
**Section 2** (Questions 9 to 12) 20 marks  
Answer **one** question from Section 1 and **one** question from Section 2  
Write your answers in the separate script book  
Allow approximately 80 minutes

### Examination information

#### Materials

- Question booklet
- 16-page script book
- SACE registration number label

#### Reading time

- 10 minutes
- You may begin writing during this time

#### Writing time

- 3 hours
- Use black or blue pen

**Total marks 100**



Attach your SACE registration number label here

## PART A: SHORT RESPONSES (Questions 1 to 4)

(60 marks)

*Answer all parts of Questions 1 to 4. Write your answers in the spaces provided for each question.*

1. Refer to the following information.

**Funding frustration** / Discussions between state, territory, and Commonwealth ministers break down, as state premiers declare their discontent with the Prime Minister's funding deal.

 3 hours ago

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- (a) Identify two specific powers of the Commonwealth.

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(1 mark)

- (b) Identify two residual powers of the states.

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(1 mark)

- (c) Explain one way in which state powers are preserved.

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(2 marks)

- (d) Explain why conflicts might occur between the Commonwealth and the states or territories.

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(2 marks)

- (e) Outline *one* way in which conflicts between the Commonwealth and the states or territories can be resolved.

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(1 mark)

- (f) Explain two features of the Australian constitutional system — other than those relating to the division of legislative power between the Commonwealth and the states.

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(2 marks)

(ii) \_\_\_\_\_

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(2 marks)

(g) Discuss whether or not the Australian Constitution provides for an effective system of government.

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TOTAL : 15 marks

2. Refer to the following information.

**One fine day ...**

The *Road Traffic Act 1961* (SA) delegates law-making power to local councils to make by-laws relating to car-parking.

Ahn Lahkee is a resident of the Highview Council area. He was issued with a \$137 fine after new parking restrictions took effect overnight in his street.

Ahn challenged the fine, but a magistrate determined that, under the *Road Traffic Act 1961*, the council had the authority to alter parking conditions at its discretion, without notifying residents.

Ahn's local member has promised to raise the issue in parliament when it resumes next week.

- (a) Outline the purpose of the enabling (parent) Act in the making of delegated legislation.

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(1 mark)

- (b) With reference to the above scenario, explain *two* possible reasons why parliament delegated power to the executive.

(i) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(2 marks)

(ii) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(2 marks)

- (c) Identify *one* feature of the first reading stage in the law-making process.

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(1 mark)

- (d) Define what is meant by 'royal assent'.

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(1 mark)

(e) Explain *one* way in which parliament guides the judiciary in interpreting statutes.

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(2 marks)

(f) Describe *one* method used by parliament to supervise case law.

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(2 marks)

(g) Discuss the extent to which delegated legislation achieves the functions of law.

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(4 marks)

TOTAL: 15 marks

3. Refer to the following information.



- (a) Identify the standard of proof in a civil trial.

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(1 mark)

- (b) Outline one reason why juries are not used to resolve civil disputes in South Australia and the Northern Territory.

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(1 mark)

- (c) Outline two legal processes that might take place after a defendant is found liable.

(i) 

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(1 mark)

(ii) 

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(1 mark)

- (d) Outline the purpose of cross-examination in a civil trial.

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(1 mark)

- (e) Outline *one* reason why evidence might be ruled inadmissible in a civil trial.

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(1 mark)

- (f) Outline why the plaintiff's case is presented before the defendant's case in a civil trial.

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(1 mark)

- (g) Explain *one* reason why judges provide written reasons for their decisions in civil trials.

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(2 marks)

- (h) Explain how the purpose of a civil remedy differs from the purpose of a criminal sanction.

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(2 marks)

- (i) Discuss whether or not judges in the civil justice system should play a more active role.

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(4 marks)

TOTAL: 15 marks

**4. Refer to the following information.**

**Minister: 'law does not apply to me'**

Posted 8 minutes ago |  1612

The Minister for Freedoms came under pressure to resign today after an interview at a local football game, in which he criticised High Court judges over a recent decision. The Opposition promised to continue their attack in Question Time tomorrow, alleging that the minister had infringed the principle of judicial independence, while the judges are considering suing the minister for defamation\*. In reply, the minister said, 'I should be free to speak on any matter of public importance. Defamation law does not apply to me.'

\*defamation — the civil wrong of damaging another person's good reputation without legal excuse

- (a) Identify two types of dispute that might be resolved by the High Court of Australia.

(1 mark)

- (b) Outline two ways in which the principle of judicial independence is established in the Australian Constitution.

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\_\_\_\_\_ (1 mark)

- (ii) \_\_\_\_\_ (1 mark)

- (c) Outline two roles of the federal executive government.

- (i) \_\_\_\_\_ (1 mark)

- (ii) \_\_\_\_\_ (1 mark)

- (d) Explain one way in which parliament holds the federal executive government accountable.

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(2 marks)

(e) Explain *two* features of the Australian legal system that confirm the presence of the rule of law.

(i) \_\_\_\_\_

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\_\_\_\_\_ (2 marks)

(ii) \_\_\_\_\_

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\_\_\_\_\_ (2 marks)

(f) Discuss whether or not judges of the High Court of Australia should be elected by the people.

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\_\_\_\_\_ (4 marks)

TOTAL: 15 marks

## **PART B: EXTENDED RESPONSES** (Questions 5 to 12)

*Answer two questions from this part, one from Section 1 and one from Section 2.*

*Write your answers in the separate script book provided. Write the question numbers in the appropriate box on the front cover of the script book and at the beginning of each answer.*

### **Section 1** (Questions 5 to 8)

(20 marks)

*Answer one question from this section. You must attempt all parts of the question. Label each part of your answer.*

5. (a) Outline *four* stages in the incorporation of treaties in Australian law. (4 marks)  
(b) Explain why the federation of Australia was difficult to achieve. (6 marks)  
(c) Critically analyse whether or not the adversary system of trial places too much emphasis on protecting the rights of the accused. (10 marks)
  
6. (a) Outline *two* elements of Australia's system of government that derive from other countries' systems of government. (4 marks)  
(b) Explain the importance of the Governor-General's role in Australia's system of government. (6 marks)  
(c) Critically analyse the relationship between the Australian legal system and international law. (10 marks)
  
7. (a) Outline the differences between public (government) Bills and private members' (or senators') Bills. (4 marks)  
(b) Explain *three* weaknesses of inquisitorial systems. (6 marks)  
(c) Considering the changes that have been made in the Australian legal system since 1967, critically analyse whether or not further changes are required to protect the rights of Indigenous Australians. (10 marks)
  
8. (a) Outline the purpose of *two* procedures that might take place in the pre-trial stage of a criminal dispute. (4 marks)  
(b) Explain *three* features of parliamentary democracy in Australia. (6 marks)  
(c) Critically analyse how deadlocks between the two Houses of parliament are resolved in Australia. (10 marks)

## **Section 2** (Questions 9 to 12)

(20 marks)

*Answer one question from this section.*

9. ‘The three arms of government in Australia adequately protect the rights of diverse groups in the community.’

Using examples, evaluate this statement. (20 marks)

10. ‘The High Court of Australia is too powerful.’

Using examples, evaluate this statement. (20 marks)

11. ‘Judges are more effective than parliaments and the executive in achieving the functions of law.’

Using examples, evaluate this statement. (20 marks)

12. ‘The use of juries and the application of the law of evidence and procedure achieve just outcomes in criminal disputes in Australia.’

Using examples, evaluate this statement. (20 marks)

