



South Australian
Certificate of Education

Legal Studies 2019

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 90 minutes

Examination information

Materials

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

Instructions

- Use black or blue pen

Total time: 190 minutes

Total marks: 100

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Attach your SACE registration number label here



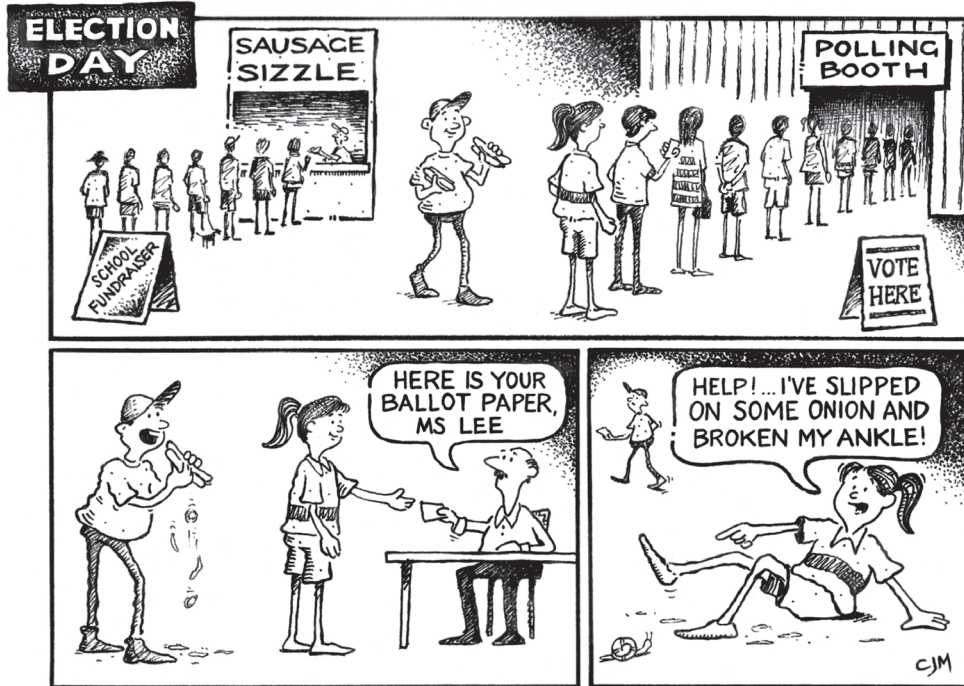
Government
of South Australia

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.

1. Refer to the following information.



(a) With reference to the cartoon above, outline the elements that Ms Lee must establish in order to succeed in a claim of negligence.

(3 marks)

(b) Identify a court that could resolve Ms Lee's claim of negligence. Give a reason for your answer.

(2 marks)

(c) Outline *two* differences between the process of resolving a criminal dispute and the process of resolving a civil dispute.

(i) _____
_____ (1 mark)

(ii) _____
_____ (1 mark)

(d) Identify *one* feature of the rule of law and explain how it is reflected in the cartoon.

_____ (2 marks)

(e) Outline *two* conventions of the British Westminster system of government that would be applied after an election.

(i) _____
_____ (1 mark)

(ii) _____
_____ (1 mark)



(f) Discuss whether or not voting should be compulsory in Australia.

_____ (4 marks)

TOTAL: 15 marks

2. Refer to the following information.

Parliament meets today to consider referendum proposal
The Australian Constitution will be reviewed, and proposed changes will be put to voters for approval in a referendum.

 2 hours ago  32

(a) Outline *one* role of the Commonwealth Parliament in the referendum process.

(1 mark)

(b) Identify *one* aspect of the referendum process and explain why it should be changed.

(2 marks)

(c) Identify *one* role of the Governor General and explain why this role should be retained in a revised constitution.

(2 marks)

(d) Identify *one* feature of the Senate and explain why this feature should be retained in a revised constitution.

(2 marks)

(e) Identify *one* residual power of the states and explain why it should become a specific power of the Commonwealth.

(2 marks)

(f) Explain *one* argument for either including or not including a Bill of Rights in a revised constitution.


(2 marks)

(g) Discuss whether or not some seats in the Commonwealth Parliament should be reserved for diverse groups in the community.

(4 marks)

TOTAL: 15 marks

3. Refer to the following information.



Minister e-t @ministere-t • Mar 22
Minister for e-transport announces a new Bill to override a recent court decision. Maintains that the judge followed an outdated precedent.
#wrongratio #ilikeyournewstuffbetterthanyouoldstuff

(a) With reference to the information above, outline what is meant by the phrase 'sovereignty of the legislature'.

_____ (1 mark)

(b) Identify the body responsible for drafting the new Bill.

_____ (1 mark)

(c) Identify *one* method that parliament uses to supervise case law.

_____ (1 mark)

(d) With reference to *one* case, explain why some disputes require a judge to create law.

_____ (2 marks)

(e) Outline the *two* types of judicial precedent.

(i) _____
_____ (1 mark)

(ii) _____
_____ (1 mark)

(f) Identify and outline *two* methods by which a judge might depart from a precedent when resolving a dispute.

(i) _____

_____ (2 marks)

(ii) _____


_____ (2 marks)

(g) Discuss whether or not the doctrine of precedent leads to just outcomes in the Australian legal system.

_____ (4 marks)

TOTAL: 15 marks

4. Refer to the following information.



Victims' rights @victims • Sep 23
Victims' rights group calls for Australia to abandon the adversary system of trial and adopt the inquisitorial system of trial. #nojury #activejudge #relaxrulesofevidence

(a) Outline *two* roles of the judge in the adversary system of trial.

(i) _____
_____ (1 mark)

(ii) _____
_____ (1 mark)

(b) Identify *two* rights of the accused in the adversary system of trial.

_____ (1 mark)

(c) Outline *two* types of evidence that might be admissible in the inquisitorial system of trial but inadmissible in the adversary system of trial.

(i) _____
_____ (1 mark)

(ii) _____
_____ (1 mark)

(d) Explain *one* advantage of using a jury in the adversary system of trial.

_____ (2 marks)

(e) Explain *one* disadvantage of using a jury in the adversary system of trial.

(2 marks)

(f) Explain *one* difference between the adversary system and the inquisitorial system during the pre-trial stage of a criminal dispute.

(2 marks)

(g) Discuss whether or not the role of the judge in the inquisitorial system leads to just outcomes in the resolution of criminal disputes.

(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* features of judicial independence in the Australian legal system. (4 marks)
- (b) Explain *two* cases that were decided by the High Court of Australia concerning the recognition of rights. (6 marks)
- (c) Critically analyse the principle of responsible government in Australia. (10 marks)
6. (a) Outline *two* advantages of a court hierarchy. (4 marks)
- (b) Explain *three* differences between legislation and delegated legislation. (6 marks)
- (c) Critically analyse the treaty-making process. (10 marks)
7. (a) Outline *two* ways in which parliaments have protected the rights of Indigenous Australians since 1967. (4 marks)
- (b) Explain *three* types of alternative dispute resolution that could be used in civil disputes. (6 marks)
- (c) Critically analyse the process of making legislation by parliament. (10 marks)
8. (a) Outline *two* methods of resolving disagreements between the Houses of Commonwealth Parliament. (4 marks)
- (b) Explain *three* ways in which the judiciary maintains social cohesion. (6 marks)
- (c) Critically analyse the effectiveness of alternative dispute resolution in civil disputes. (10 marks)

Section 2 (Questions 9 to 12)

(20 marks)

Answer **one** question from this section.

9. 'The separation of powers is effective in upholding the functions of law in Australia.'
Using examples, evaluate this statement. (20 marks)
10. 'The Commonwealth Parliament has become too powerful and state parliaments are no longer relevant.'
Using examples, evaluate this statement. (20 marks)
11. 'Delegating law-making power to the executive breaches democratic principles.'
Using examples, evaluate this statement. (20 marks)
12. 'The most urgent issue facing the civil and criminal justice systems in Australia is access to justice for all people.'
Using examples, evaluate this statement. (20 marks)

