

External Assessment 2021

# LEGAL STUDIES

LST315117

Pages	8
Questions	9
Answer Booklets	4

**Reading time:** 15 minutes – you may begin writing during this time

**Suggested working time:** 3 hours

## Instructions

- There are **three (3)** sections to this exam paper.
- You must answer **four (4)** questions in total.
  - **Section A** – answer **one (1)** question in **analytical essay form**.
  - **Section B** – answer **Question 5** in **analytical essay form**.
  - **Section C** – answer **two (2)** questions in total.
    - **Part 1** – answer **one (1)** question in **short answer form**.
    - **Part 2** – answer **one (1)** question in **short answer form**.
    - Answer each **part** in a **separate answer booklet**.
- All answers must be written in **English**.
- You **must** make sure that your answers address:
  - Criterion 1 describe and analyse structures and processes of Australia’s Westminster parliamentary system of government.
  - Criterion 2 describe and analyse aspects of Australian and International law.
  - Criterion 3 describe and analyse Australian dispute resolution systems and processes.
  - Criterion 4 describe and analyse Australia’s criminal justice system.
  - Criterion 5 describe and analyse a topical legal issue.
  - Criterion 7 communicate legal and political information.

# Guide to Exam Structure

---

		Questions available	How many questions to answer	Suggested working time	Marks available
Section	<b>A</b>	4	1	60 minutes	All criteria are assessed using extended ratings of A+ to z
Section	<b>B</b>	1	1	60 minutes	
Section	<b>C</b>	4	2	60 minutes	
<b>Total</b>		<b>9</b>	<b>4</b>	<b>180 minutes (3 hours)</b>	

# Section A

## Principles and practices of Australia's Westminster parliamentary system of government

---

- It is suggested that you **spend approximately 60 minutes** on this section.
  - Answer **one (1)** question only.
  - Your answer should be in **analytical essay** form.
  - Use a **separate answer booklet**.
  - This section assesses **Criteria 1** and **7**.
- 

### Question 1

Explain 'rule of law' and 'separation of powers' in the Westminster system of government in Australia. Evaluate, with reference to examples, the effectiveness of 'rule of law' and 'separation of powers' in Australia.

OR

### Question 2

Explain the main features of the Westminster system of government as adopted by the Parliament of Australia. Evaluate the effectiveness of these features in the parliamentary system of Australia.

OR

### Question 3

Explain the ways in which the Constitution has allowed the division of law-making power between the states and the Commonwealth to change over time.

Evaluate the High Court's role, referral of powers and referendums in changing the division of power over time. As part of your answer, refer to two High Court cases that have significantly changed the division of power.

OR

### Question 4

Explain the legal status of the Aboriginal and Torres Strait Islander Peoples in the original Commonwealth of Australia Constitution and how the 1967 referendum changed their status. Evaluate these changes and any further reforms needed to improve the status of the First Nations Peoples in the Australian Constitution.

# Section B

## Australian and International law and work requirement (Topical Legal Issue)

---

- It is suggested that you **spend approximately 60 minutes** on this section.
  - You must answer **Question 5** by selecting **one (1)** of the topics.
  - Your answer should be in **analytical essay** form.
  - Use a **separate answer booklet**.
  - This section assesses **Criteria 2, 4 and 5**.
- 

### Question 5

Select **one (1)** of the following 2021 Topical Legal Issues (TLI) that relate to reforming the law.

- Raising the age of criminal responsibility **OR**
- Voluntary Assisted Dying law reform in Tasmania **OR**
- Political Donations law reform in Tasmania **OR**
- Treaties with Aboriginal and Torres Strait Islander Peoples **OR**
- Net Zero by 2050: Australia's international obligations and legal responses to climate change **OR**
- Legal challenges investigating and prosecuting alleged Australian Defence Force (ADF) war crimes in Afghanistan.

Briefly explain your chosen topical issue. Explain the **relevant** institutions and **relevant** processes involved to resolve the issue in the Australian legal system (including, if relevant, international law).

Evaluate how effective these processes and institutions have been in resolving the topical issue or changing the law.

*Ensure that your answer includes institutions and processes (if it is relevant to the topic) from Part 3 of the Course: customary law, Australian statute law, Australian common law, Australian law reform and International law.*

# Section C

## Dispute Resolution: Civil and Criminal

---

- It is suggested that you **spend approximately 60 minutes** on this section.
  - In this section answer:
    - **Part 1 – one (1)** question only in **short answer** form in a **separate answer booklet**.
    - **Part 2 – one (1)** question only in **short answer** form in a **separate answer booklet**.
  - This section assesses **Criteria 3** and **4**.
- 

### Part 1

#### Question 6

Explain 'party control' and the 'role of the impartial adjudicator' in criminal cases. Evaluate the advantages and limitations of these **two (2)** features in the adversarial dispute resolution system.

OR

#### Question 7

Explain one Australian Dispute Resolution (ADR) process from the list below and whether it addresses limitations of the adversary system. Evaluate the effectiveness of your chosen ADR as a dispute resolution process.

- Negotiation and settlement
- Mediation
- Tribunals
- Conciliation and arbitration
- Restorative justice
- Ombudsman

**Section C continues**

## Part 2

### Question 8

Explain 'preliminary proceedings' and **one (1)** other safeguard for a person who is accused of a serious crime in Tasmania. Explain **one (1)** feature that protects the victim. Evaluate the effectiveness of these features in the criminal justice system in Tasmania.

OR

### Question 9

Select and explain **one (1)** sentencing option available in Tasmania from the list below. Evaluate the extent to which it fulfils the aims of punishment.

- Imprisonment
- Suspended sentence
- Home detention
- Correction Order
- Diversionary process

# Blank Page

End of Exam



OFFICE OF TASMANIAN  
ASSESSMENT, STANDARDS  
& CERTIFICATION

This exam paper and any materials associated with this exam  
(including answer booklets, cover sheets, rough note paper, or information sheets)  
remain the property of the Office of Tasmanian Assessment, Standards and Certification.