



External Assessment 2022

# LEGAL STUDIES

LST315117

Pages	8
Questions	9
Answer Booklets	4

**Preparation time for this exam:** 15 minutes

**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 **one (1)** question from each part
    - **Part 1** – answer **one (1)** question in **short answer form**
    - **Part 2** – answer **one (1)** question in **short answer form**.
- Answer each question in a **separate answer booklet** and write the question number you are answering on the front cover of each answer booklet.
- The suggested working time is provided in the instructions for each section.
- All answers must be written in **English**.
- You **must** make sure 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

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		Parts	Questions available	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>	Part 1	2	1	30 minutes	
		Part 2	2	1	30 minutes	
<b>Totals</b>			<b>9</b>	<b>4</b>	<b>180 minutes (3 hours)</b>	

# Section A

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- It is suggested that you spend **approximately 60 minutes** on this section.
  - Answer **one (1)** question in this section.
  - Your answer should be in **analytical essay form**.
  - Use a **separate answer booklet**.
  - This section assesses **Criteria 1** and **7**.
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## Principles and practices of Australia's Westminster Parliamentary System of Government

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### Question 1

Briefly explain the main features of the Westminster system of government in Australia.

Evaluate the effectiveness of 'bi-cameral parliament', 'representative' government and 'responsible' government adopted by the Parliament of Australia (our Federal Parliament).

**OR**

### Question 2

Briefly explain the main features of the Westminster system of government in Australia.

Evaluate the effectiveness of the Westminster features 'constitutional monarchy' and 'separation of powers' at state level **and/or** federal level.

**OR**

## Australian Federal Constitutional Government

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### Question 3

Briefly explain the division of lawmaking powers between the states and the Commonwealth in the Australian Constitution. Evaluate how this original division of power has changed over time.

Part of your answer (but not restricted to), should refer to and evaluate the significance of **one (1)** example each for referral of powers, referendums and High Court cases that resulted in changing the division of powers between the Commonwealth and the states.

**OR**

### Question 4

Explain and evaluate the legal status of Aboriginal and Torres Strait Islander Peoples in the Commonwealth of Australia Constitution Act 1900 (UK), and the changes made in 1967.

Evaluate further reforms to the Constitution through the proposals put forward in the 'Uluru Statement from the Heart'.

# Section B

## Australian and International Law and Work Requirement (Topical Legal Issue)

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- It is suggested that you spend **approximately 60 minutes** on this section.
  - You must answer Question 5 by selecting **one (1) Topical Legal Issue (TLI)**.
  - Your answer should be in **analytical essay form**.
  - Use a **separate answer booklet** and write the TLI you have chosen on the front cover.
  - This section assesses **Criteria 2, 5 and 7**.
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### Question 5

Select **one (1)** of the following 2022 Topical Legal Issues (TLI) that relate to Australian law and (if relevant) International law:

- The Grace Tame Foundation's 'Harmony Campaign'

**OR**

- Responses to the 'Pathway to Truth-Telling and Treaty' Report prepared by Professor Kate Warner, Professor Tim McCormack and Ms Fauve Kurnadi.

**OR**

- Legal responses to issues and challenges in Australian aged care.

**OR**

- Sexual orientation and gender identity conversion practices law reform in Tasmania.

**OR**

- Legal responses to online safety and social media harm in Australia.

**OR**

- The use of economic sanctions and other international law responses to the situation in Ukraine.

Briefly explain your chosen topic and the legal issue/s it raises. Explain and evaluate how Australian law and (if **relevant**) international law are involved in changing the law or a resolution to the issue.

Ensure that your answer includes **relevant** institutions and **relevant** processes in the Australian legal system (including, if **relevant**, international law) from at least **two (2)** sections in the following list from **Part 3** of the course:

- Customary law
- Australian statute law
- Australian common law
- Australian law reform
- International law:
  - incorporation into domestic law
  - international law enforcement.

# Section C

## Dispute Resolution: Civil and Criminal

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### Part 1

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- It is suggested that you spend **approximately 30 minutes** on this part.
  - Answer **one (1)** question in this part.
  - Your answer should be in **short answer form**.
  - Use a **separate answer booklet** for this part.
  - This part assesses **Criterion 3**.
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#### Question 6

Explain **two (2)** differences between civil and criminal legal actions in the adversary system.

Evaluate the effectiveness of the adversary system to resolve criminal **or** civil cases in Australia.

**OR**

#### Question 7

Explain **one (1)** Alternative Dispute Resolution (ADR) process from the list below. Evaluate how your chosen ADR process has addressed **two (2)** limitations of the adversary system. Evaluate the effectiveness of your chosen ADR as a dispute resolution process in Australia.

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

**Section C continues**

## Part 2

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- It is suggested that you spend **approximately 30 minutes** on this part.
  - Answer **one (1)** question in this part.
  - Your answer should be in **short answer form**.
  - Use a **separate answer booklet** for this part.
  - This part assesses **Criterion 4**.
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### Question 8

Explain 'bail' and 'presumption of innocence' in Tasmania as safeguards to protect the rights of the accused. Explain **one (1)** feature that protects the rights of the victim. Evaluate the effectiveness of these features to protect rights.

OR

### Question 9

Explain the aims of sentencing and general factors that are taken into account when the Courts determine a sentence. Evaluate the effectiveness of **one (1)** sentencing option in fulfilling the aims of sentencing.

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End of Exam



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