

External Assessment 2023

# LEGAL STUDIES

LST315117

Pages: 12

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 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**.
- Write your answers for each section in a **separate answer booklet** and write the question number/s you are answering on the front cover of each answer booklet.
- The exam is **three (3) hours** in length. The suggested working time for each section is **approximately 60 minutes**.
- All answers must be written in **English**.
- You **must** make sure your answers address the listed criteria.

# 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>	<b>A+ to z rating</b>

## Criteria

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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.

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# Section A

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- Answer **one (1)** question in this section using **analytical essay** form.
  - Write your answer in a **separate answer booklet**.
  - The suggested working time for this section is **approximately 60 minutes**.
  - This section assesses **Criteria 1 and 7**.
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## Principles and Practices of Australia's Westminster Parliamentary System of Government

### Question 1

Explain the main features of the Westminster system as applied in Australia. Evaluate **two (2)** features and their effectiveness in contributing to the system of government in Australia.

**OR**

### Question 2

Explain the features of **constitutional monarchy, separation of powers** and **rule of law** in the Westminster system. Evaluate the effectiveness of these features in contributing to the system of government in Australia.

**OR**

# Australian Federal Constitutional Government

## Question 3

Explain how the Australian Constitution has enabled changes over time to the original division of lawmaking powers between the Commonwealth and the States. Evaluate these changes through the role of the High Court, referral of powers and referendums.

As part of your answer, evaluate **two (2)** High Court cases and their significance in giving more lawmaking powers to the Commonwealth.

**OR**

## Question 4

Briefly explain the way in which the wording of the Australian Constitution may be changed. What amendments to the Constitution were made as a result of the 1967 Referendum, and what are the proposed changes for 2023?

Evaluate how the legal status of Aboriginal and Torres Strait Islander Peoples changed after 1967 and may change through further reform to the Constitution proposed for the 2023 referendum.

# Section B - Australian and International Law and Work

## Requirement (Topical Legal Issue)

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- Select **one (1) Topical Legal Issue (TLI)** and write your answer to Question 5 using **analytical essay** form.
  - Write your answer in a **separate answer booklet** and write the TLI you have chosen on the front cover.
  - The suggested working time for this section is **approximately 60 minutes**.
  - This section assesses **Criteria 2, 5 and 7**.
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### Question 5

Select **one (1)** of the following 2023 Topical Legal Issues (TLI) that relates to Australian law and (if relevant) international law.

- The Voice to Parliament  
**OR**
- Youth justice reform: responses to the Tasmanian Commission of Inquiry and issues at youth detention centres  
**OR**
- Disputes in the South China Sea  
**OR**
- Australian responses to international climate commitments  
**OR**
- Political donation law reform

Briefly explain your chosen topic (TLI) and the legal and political issues it raises. Evaluate the effectiveness of **relevant** processes and **relevant** institutions to address issues in your chosen topic. Include in your discussion different legal and political views.

Ensure your answer includes **relevant** processes and **relevant** institutions from at least **two (2)** sections of **Part 3** of the course. Please note that International law **may be counted as two (2)**.

- 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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- Answer **one (1)** question in this part using **short answer** form.
  - Write your answer in a **separate answer booklet**.
  - The suggested working time for Section C: Part 1 is **approximately 30 minutes**.
  - This part assesses **Criterion 3**.
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### Question 6

Explain the roles of the **impartial adjudicator** and **the jury** in the adversary system in Australia. Evaluate **two (2)** advantages and **two (2)** limitations of the adversary system to achieve a fair trial.

**OR**

### Question 7

Explain the processes and types of disputes that are resolved by **one (1)** Alternative Dispute Resolution (ADR) from the list below. Evaluate the effectiveness of your chosen ADR to resolve disputes without a trial and how it addresses **two (2)** limitations of the adversary system.

- negotiation and settlement
- mediation
- tribunals
- conciliation and arbitration
- restorative justice
- ombudsman.

# Section C - Dispute Resolution: Civil and Criminal

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## Part 2

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- Answer **one (1)** question in this part using **short answer** form.
  - Write your answer in a **separate answer booklet**.
  - The suggested working time for Section C: Part 2 is **approximately 30 minutes**.
  - This part assesses **Criterion 4**.
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### Question 8

Explain and evaluate **bail** and **one (1) other safeguard** to protect the accused in the criminal justice system. Explain and evaluate **one (1)** right the victim has been given in law. To what extent do these rights / safeguards balance the rights of the accused, the victim and the community?

**OR**

### Question 9

Identify the main Tasmanian laws that regulate sentencing. Briefly explain the main purposes of sentencing. Evaluate to what extent **two (2)** sentencing options available to Tasmanian Courts achieve these purposes?

End of Exam

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