



Victorian Certificate of Education 2018

Name: _____

Teacher's name: _____

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STUDENT NUMBER Letter

LEGAL STUDIES

Written examination

2018

Reading time: 15 minutes

Writing time: 2 hours

QUESTION AND ANSWER BOOK

Structure of book

Section	Number of questions	Number of questions to be answered	Number of marks
A	8	8	40
B	6	6	40
			Total 80

- Students are to write in blue or black pen.
- Students are permitted to bring into the assessment room: pens, pencils, highlighters, erasers, sharpeners and rulers.
- Students are NOT permitted to bring into the examination room: blank sheets of paper and/or correction fluid/tape.
- No calculator is allowed in this examination.

Materials supplied

- Question and answer booklet.
- Additional space is available at the end of the book if you need extra paper to complete an answer.

Instructions

- Write your **student number** in the space provided above on this page.
- All written responses must be in English.

Students are NOT permitted to bring mobile phones and/or any other unauthorised electronic devices into the examination room.

SECTION A

Instructions for Section A

Answer **all** questions in the spaces provided.

Question 1 (1 mark)

Outline the role of Victorian Legal Aid.

Question 2 (2 marks)

Explain how the presumption of innocence achieves one of the principles of justice.

Question 3 (10 marks)

Robert Cavallo, a farmer, has successfully sued his neighbour in the Supreme Court for losses caused by negligent spraying. A mix of toxic chemicals flew across Robert’s vineyard and destroyed his crops in Northern Victoria.

- a. Explain how a court hierarchy allows for administrative convenience when determining civil disputes. 2 marks

b. Explain **one** pre-trial procedure that would have assisted in the preparation of this case for trial. 2 marks

c. Discuss **one** possible remedy for Mr. Cavallo that may have been awarded by the court and its purpose. 2 marks

d. Compare the role of a civil jury with that of a criminal jury. 4 marks

Question 4 (2 marks)

Explain how the double majority provision in a referendum acts as a check on parliament in law-making.

Question 5 (4 marks)

The Marriage Amendment (Definition and Religious Freedoms) Act 2017 has recently been passed by parliament which redefines marriage as 'the union of two people to the exclusion of all others, voluntarily entered into for life'.

Explain to what extent s.109 of the Commonwealth Constitution acts as a restriction upon this Act. In your answer, reference the Marriage Amendment Act.

Question 8 (10 marks)

“Pressures to change the law can come from formal and informal means. Sometimes parliament does not act efficiently and effectively.”

Discuss this comment. In your discussion, explain how **one** formal law reform body can attempt to respond to the need for change.

SECTION B

Instructions for Section B

Use stimulus material, where provided, to answer the questions in this section. It is not intended that this material will provide you with all the information to fully answer the questions.

Answer **all** questions in the spaces provided

Case Study 1

Use the following information to answer Questions 1-4.

John Walsh has been charged with intentionally reducing a person to slavery. He told his wife that one of his friends had killed their partner and assured her that he could do the same, the Melbourne Magistrates' Court heard in pre-trial proceedings. This cautioning prompted John's wife to flee to her neighbour's house and use their phone to call the police.

John is accused of mistreating his wife from the day they met, with police alleging he immediately instructed his wife to cook and clean. He is also accused of physically, verbally and sexually abusing his wife, who allegedly survived on little more than bread and butter. She was not allowed any money and was provided little food. John's wife quickly learnt that her husband, with no prior convictions, suffered from untreated bipolar mood disorder and was deprived from proper education. On the advice of his lawyer and showing some remorse for his actions, John pleaded guilty to his offence. Under the Sentencing Act 1991 (Vic) the judge considered multiple factors when deciding an appropriate sanction.

Question 1 (11 marks)

a. Explain the purposes of committal proceedings and how they assist the courts and the accused. 4 marks

b. Distinguish between a plea negotiation and a sentence indication, in relation to John’s case. 2 marks

c. Explain the desirability of entering a guilty plea for both the accused and for the criminal justice system. 3 marks

d. In determining an appropriate sentence to be imposed on the offender, a court must consider a number of factors. Outline **one** factor that can mitigate a sentence and **one** that can aggravate a sentence in John’s case. 2 marks

Question 2 (2 marks)

Describe how being a vulnerable witness might assist an individual during a trial, such as John's.

Question 3 (4 marks)

A legal critic recently expressed her concern regarding Community Corrections Orders and how thousands of dangerous Victorian criminals are consequently evading imprisonment.

Outline how Community Corrections Orders (CCOs) address the purposes of criminal sanctions in relation to this case.

Case Study 2

Use the following information to answer Questions 5 & 6.

Mr. William Murray's property was destroyed when one of the St Patrick's Day fires ravaged through South-West Victoria. Mr. Murray has been told that the fire started when a power pole snapped in high winds, fell to the ground and ignited vegetation. He wants to initiate legal action against the electricity distributor, for property loss, damage, failing to distribute electricity adequately and for lack of maintenance of power poles. Mr. Murray quickly hears that between 40 and 50 homes were affected and countless livestock were lost, with an estimated damage of \$20 million dollars.

Question 5 (10 marks)

a. Define the term 'equality' in relation to the case study.

2 marks

b. Distinguish between the standard and burden of proof in this matter.

2 marks

c. Discuss two factors that Mr. Murray should consider before deciding to pursue a civil action.

2 marks

- d. Evaluate how class actions can enhance accessibility to the civil justice system, in relation to Mr. Murray's case. 4 marks

Question 6 (5 marks)

Referring to Mr. Murray’s case, critically examine accessibility in the civil justice system.

Provide one recent or recommended reform that addresses the principle of justice: accessibility.
