

Legal Studies Unit 4 exam revision pack

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The following revision pack has been prepared to help VCE Legal Studies Unit 4 students prepare for the end-of-year examination. The pack consists of topic headings based on each area of study in Unit 4 that students can use as organisers to summarise their notes, and revision activities based on each area. A Unit 3 revision pack is also provided in this edition of *Compak*.

This revision pack is intended as one component only of your revision of the areas of study in VCE Legal Studies Unit 4 in preparation for the examination. Other extensive revision work is required, including completing past examination questions and practice exams. The pack includes:

- headings based on the key knowledge in each area of study in Unit 4 that you can use as organisers for summarising your notes
- short questions and activities based on each area of study to help you get started in using your summaries.

For past examinations and sample questions based on the revised study design (2011–2015), go to the Victorian Curriculum and Assessment Authority (VCAA) website:

<http://www.vcaa.vic.edu.au/vce/studies/legalstudies/exams.html>.

Unit 4, Area of Study 1: ‘Dispute resolution methods’

Notes summary

Use the following headings as organisers to summarise your notes:

- The reasons for a court hierarchy, including: precedent, appeals, administrative convenience, specialisation, minor matters to be heard locally.
- The advantages and disadvantages of a court hierarchy.
- The function, original **and** appellate, civil **and** criminal jurisdictions of the following courts: Magistrates’, County, Supreme, Court of Appeal.
- The role of VCAT. (Also look at the jurisdiction of a VCAT list.)
- The methods of dispute resolution, including: mediation, conciliation, arbitration and judicial determination. (You should be able to define each term and explain the similarities and differences between the methods.)
- Strengths and weaknesses of the methods of dispute resolution used by courts and VCAT (both use ADR and judicial determination).
- Strengths and weaknesses of the way the courts and VCAT operate to resolve disputes.

Revision activities

Complete the following activities to assist you in revising Area of Study 1 of Unit 4.

Topic 1: The court hierarchy

Fill in the gaps in the sentences below by using the following words:

- against the law
- jurisdictions
- civil actions.

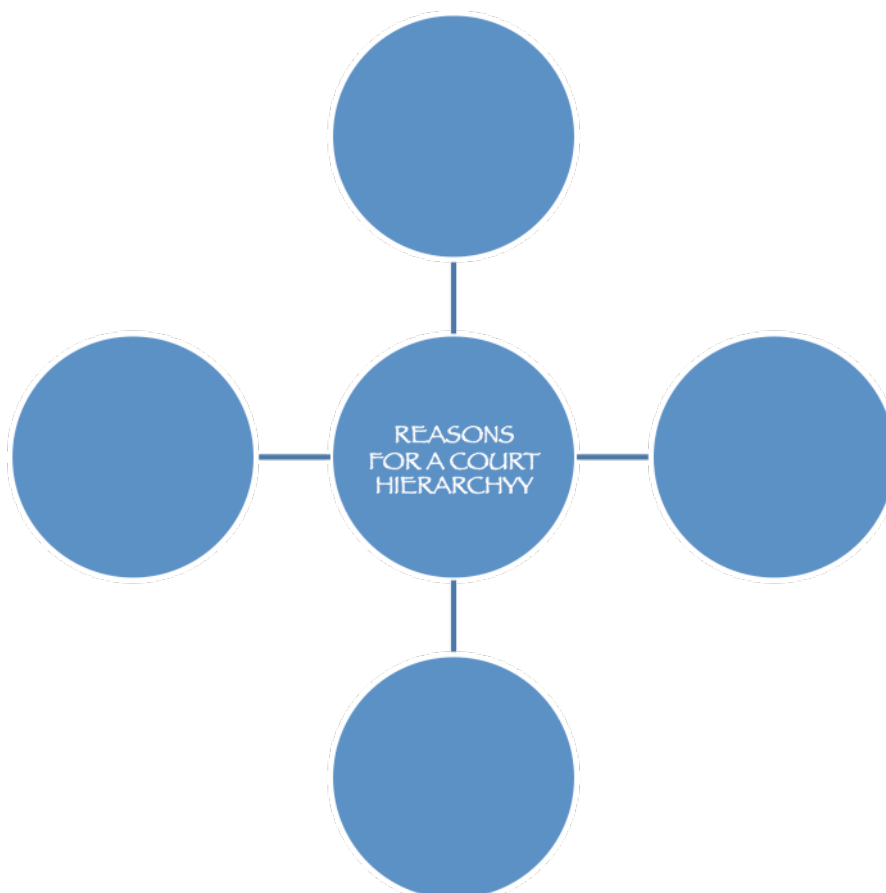
The two main types of disputes are criminal and civil. Criminal disputes are usually between the state and the individual and include actions that are _____.

Disputes that usually involve the infringement of rights are referred to as _____. There are many distinguishing features between civil actions and criminal disputes.

The Australian court system has a number of courts, each with different functions and _____. A courts' original jurisdiction is its power to hear a case for the first time. A courts' appellate jurisdiction is a courts' power to hear a case on appeal.

Topic 2: Reasons for a court hierarchy

Complete the diagram below by listing the reasons for a court hierarchy.



Topic 3: Functions of the courts

Fill in the gaps in the sentences below by using the following words:

- 90
- convictions
- County Court
- original
- committal proceedings
- civil
- most serious
- less serious.

The function of the Magistrates' Court is to hear small civil disputes and _____ criminal offences. It is the busiest court in Victoria, dealing with approximately _____ per cent of court appearances. The Magistrates' Court also hears _____. The _____ hears a wide range of criminal and civil matters. It also hears appeals from the Magistrates' Court in criminal matters, relating to _____ and the severity of sentencing.

The Supreme Court is a superior court of record. It deals with the _____ matters and has wide powers in its original jurisdiction and extensive appellate jurisdiction.

The Court of Appeal hears criminal and _____ appeals. It has no _____ jurisdiction.



The Supreme Court of Victoria is the superior court for the state of Victoria and acts as a court of original jurisdiction for serious matters and has an appellate jurisdiction.

Topic 4: The Victorian court hierarchy

- 1 Complete the following table by outlining the jurisdictions of each court in the Victorian court hierarchy.

Court	Original jurisdiction	Appellate jurisdiction
Court of Appeal <i>Function:</i>	Criminal jurisdiction: Civil jurisdiction:	Criminal jurisdiction: Civil jurisdiction:
Supreme Court <i>Function:</i>	Criminal jurisdiction: Civil jurisdiction:	Criminal jurisdiction: Civil jurisdiction:
County Court <i>Function:</i>	Criminal jurisdiction: Civil jurisdiction:	Criminal jurisdiction: Civil jurisdiction:
Magistrates' Court <i>Function:</i>	Criminal jurisdiction: Civil jurisdiction:	Criminal jurisdiction: Civil jurisdiction:

2 Complete the table below for the specialist courts.

Specialist courts in Victoria (divisions of the Magistrates' Court)

Court	Original criminal jurisdiction	Original civil jurisdiction
Koori Court		
Drug Court		
Family Violence Division		
Neighbourhood Justice Centre Courts		

Topic 5: Dispute resolution methods used by courts and VCAT

Complete the table below, outlining the various methods of dispute resolution.

Method	Explanation	Examples of use
Mediation		
Conciliation		
Arbitration		
Judicial determination		

Topic 6: The role of the Victorian Civil and Administrative Tribunal (VCAT)

The Victorian Civil and Administrative tribunal is made up of three divisions, the Civil Division, the Administrative Division and the Human Rights Division. It hears more civil cases than all of Victoria's courts combined.

The function of VCAT is to provide an avenue of dispute resolution that is easily accessible to people in the community. It uses informal processes that are easy to understand and provides low-cost proceedings and the timely resolution of disputes. Decisions of the tribunal are binding on the parties.

- 1 Explain each of the following roles of VCAT.

Low cost

Timely resolution

Accessible and informal

Expert bodies

- 2 Outline the jurisdiction and types of orders awarded for a VCAT list.

Original jurisdiction	Review jurisdiction	Orders

Topic 7: Strengths and weaknesses of dispute resolution methods used by the courts and VCAT

- 1 In relation to dispute resolution methods such as mediation, conciliation and arbitration, make a list of their strengths and weaknesses as a means of resolving disputes.

Strengths include:

Weaknesses include:

- 2 In relation to judicial determination, make a list of its strengths and weaknesses as a means of resolving disputes.

Strengths include:

Weaknesses include:

Topic 8: Strengths and weaknesses of the way courts and VCAT operate to resolve disputes

1 Using the table below, evaluate the operation of courts in resolving disputes.

Strengths of courts	Weaknesses of courts

2 Using the table below, evaluate the operation of VCAT in resolving disputes.

Strengths of VCAT	Weaknesses of VCAT

Unit 4, Area of Study 2: 'Court processes and procedures, and engaging in justice'

Notes summary

Use the following headings as organisers to summarise your notes:

- The four elements of an effective legal system.
- A definition of the adversary system.
- The five features of the adversary system, including: the role of the parties, the role of the judge, the rules of evidence and procedure, the need for legal representation, and the burden and standard of proof.
- Strengths and weaknesses of the above-mentioned features of the adversary system.
- The features of the inquisitorial system.
- The strengths and weaknesses of the features of the inquisitorial system.
- A comparison of the features of the adversary system to the inquisitorial system of trial.
- Problems with the operation of the adversary system and recent reforms or proposed solutions.
- The ability of the adversary system to contribute to the effective operation of the legal system (strengths and limitations).
- The purpose of bail, the principles of bail and remand, including conditions that may be attached to bail and when bail may be refused.
- The purpose and process of committal hearings.
- The purpose and a definition of directions hearings.
- The ability of pre-trial procedures to achieve the elements of an effective legal system (you need to look at the strengths and limitations of each pre-trial procedure).
- The burden and standard of proof in a criminal case.
- The aims of criminal sanctions.
- An overview of three types of sanctions.
- The purpose of these three sanctions.
- The effectiveness of each type of sanction in achieving the aims of sanctions.
- The ability of sanctions in contributing to the effective operation of the legal system (strengths and limitations).
- A definition of a civil dispute.
- The aim of pre-trial procedures in a civil case.
- The Supreme Court pre-trial procedures in a civil case.
- The aim of civil remedies.
- Types of civil remedies.
- To what extent civil procedures contribute to the effective operation of the legal system (strengths and limitations).
- The role of a jury in criminal and civil trials.
- Reasons why people may not serve on a jury: ineligible, disqualified, excused and examples of people in each category.
- The process of empanelling a jury in both a criminal and civil case (including peremptory and for cause challenges).

- Reasons why majority verdicts were introduced and when they are accepted.
- Advantages and disadvantages of the jury system.
- Suggested reforms to the operation of the jury system and how these reforms would impact on the effective operation of the legal system.
- Possible alternatives to trial by jury and the impact of these on the effective operation of the legal system.
- The ability of the jury system to achieve the elements of an effective legal system (strengths and limitations).
- Problems and difficulties faced by individuals in gaining access to the legal system.
- Recent changes or recommendations for change in the legal system in order to enhance its effectiveness.

Revision activities

Complete the following activities to assist you in revising Area of Study 2 of Unit 4.

Topic 1: The elements of an effective legal system

Our legal system should be **FAT** in order to be effective. Explain each element of this acronym below.

Fair and unbiased hearing

How our legal system achieves this:

--

effective **A**ccess to mechanisms for dispute resolution

How our legal system achieves this:

--

Timely resolution of disputes

How our legal system achieves this:

--

Topic 2: The adversary system

The adversary system of trial is based on two opponents or adversaries fighting to win a case. There are five significant features of the adversary system. Explain each feature.

Feature	Explanation
Role of the parties	
Role of the judge	
The need for the rules of evidence and procedure	
The burden and standard of proof	
The need for legal representation	

Topic 3: Strengths and weaknesses of the adversary system of trial

List and explain the strengths and weaknesses of the adversary system.

Strength	Explanation	The reason this is a strength is:

Weakness	Explanation	The reason this is a weakness is:

Topic 4: Features of the inquisitorial system of trial

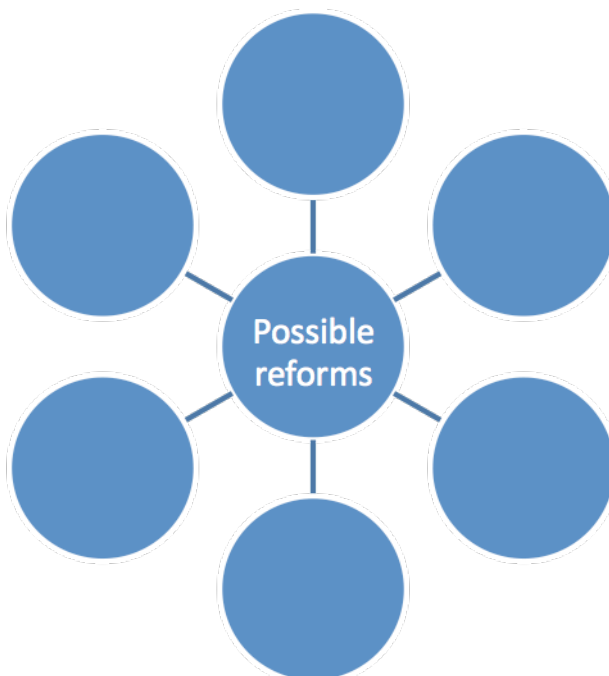
- 1 Complete the table to help explain the features of the inquisitorial system.

Feature	Explanation
Role of the parties	
Role of the judge	
Rules of evidence and procedure	
Burden and standard of proof	
Need for legal representation	

- 2 Use the following table to compare the adversary system with the inquisitorial system.

Topic 5: Possible reforms to the adversary system of trial

List a number of reforms that could be made to the adversary system in the diagram below.

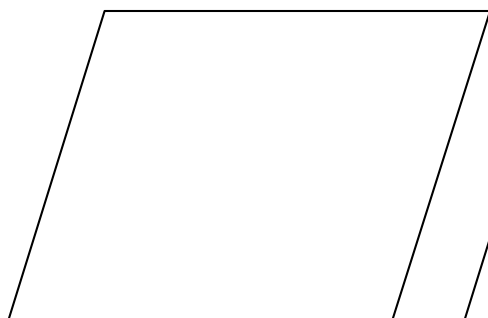
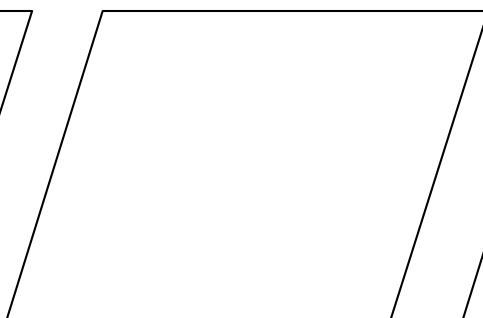
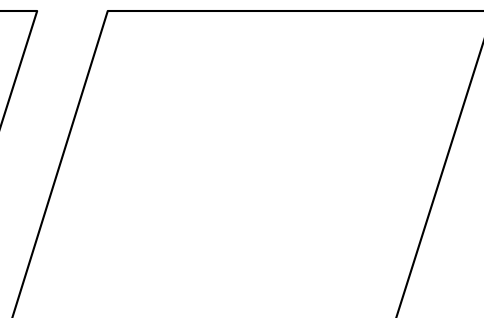
**Topic 6: To what extent does the adversary system provide for an effective legal system?**

1 How does the adversary system achieve the elements of an effective legal system?

Fair and unbiased
hearing

Effective access to mechanisms
for dispute resolution

Timely resolution of disputes

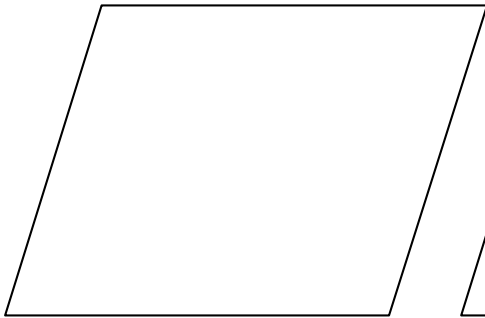
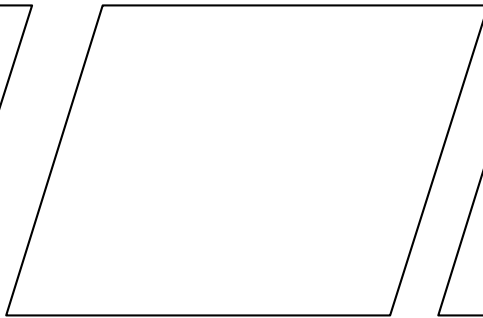
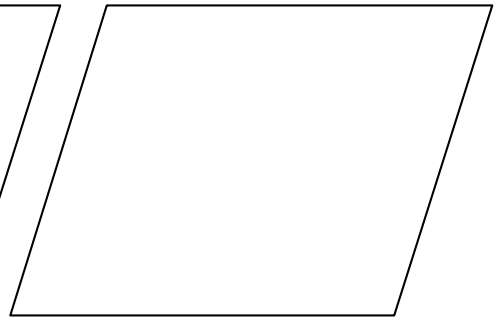
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- 2 What problems exist within the adversary system that stop it achieving the elements of an effective legal system?

Fair and unbiased hearing

Effective access to mechanisms
for dispute resolution

Timely resolution of disputes

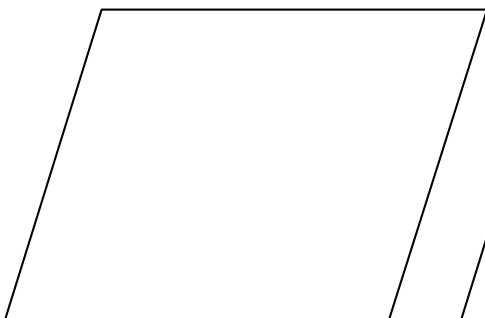
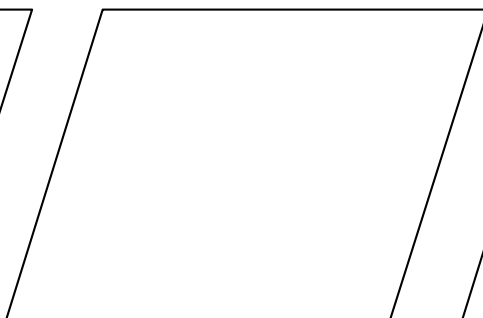
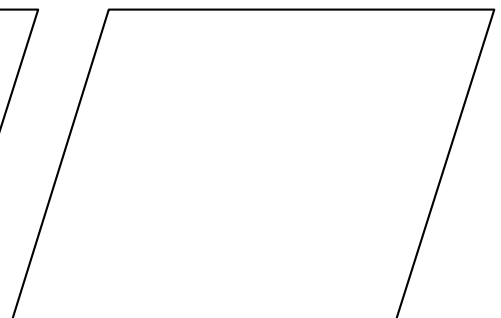




- 3 Which recommendations for changes to the adversary system will help achieve the elements?

Fair and unbiased hearing

Effective access to mechanisms
for dispute resolution

Timely resolution of disputes

Topic 7: Criminal pre-trial procedures

- 1 The purpose of criminal pre-trial procedures is:

- 2 Bail is:

3 The purpose of bail is:

4 Remand is:

5 The purpose of remand is:

6 A committal hearing is:

7 The purpose of a committal hearing is:

8 Explain what occurs at the following stages of a committal hearing.

Prehearing disclosures

Special mention hearing

Hand up brief

Committal mention hearing

Contested committal mention hearing

Topic 8: Strengths and weaknesses of criminal pre-trial procedures

Complete the table by listing and explaining the strengths and weaknesses of criminal pre-trial procedures.

Strength	Explanation	The reason this is a strength is:

Weakness	Explanation	The reason this is a weakness is:

Topic 9: Sanctions

- 1 List the aims of criminal sanctions.

- 2 Using the diagram below, list and explain three types of sanctions and outline their purpose.

Sanction 1:	Sanction 2:	Sanction 3:
• Explanation:	Explanation:	• Explanation:
• Purpose:	• Purpose:	• Purpose:

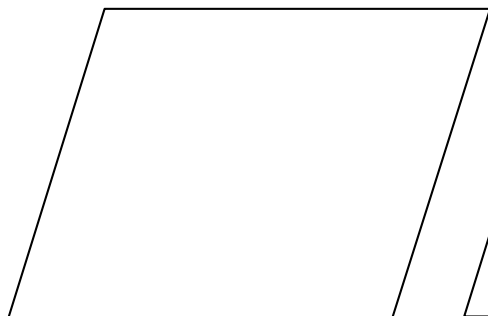
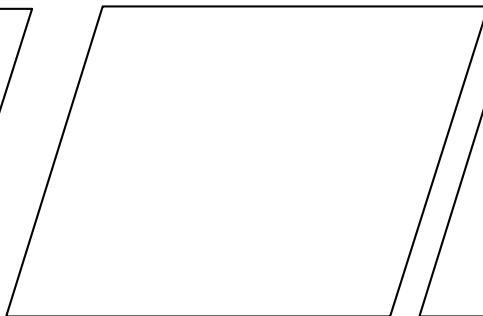
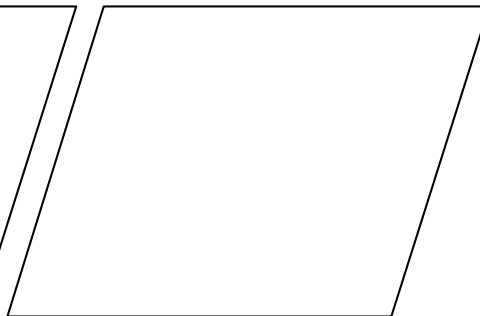
Topic 10: the extent to which criminal pre-trial procedures enhance the effective operation of our legal system.

1 How do criminal pre-trial procedures contribute to the effective operation of the legal system?

Fair and unbiased hearing

Effective access to mechanisms
for dispute resolution

Timely resolution of disputes

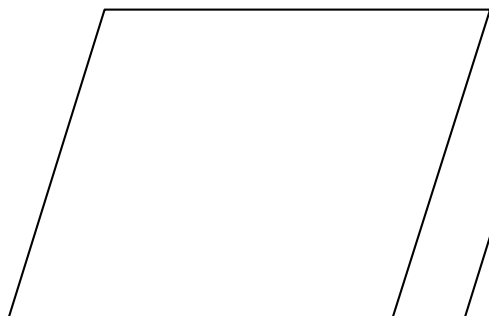
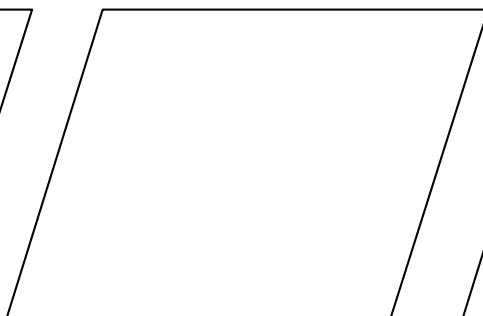
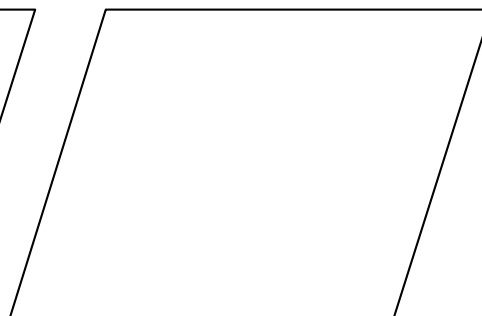




2 What are the limitations/problems of criminal procedures in achieving the effective operation of the legal system?

Fair and unbiased hearing

Effective access to mechanisms for
dispute resolution

Timely resolution of disputes

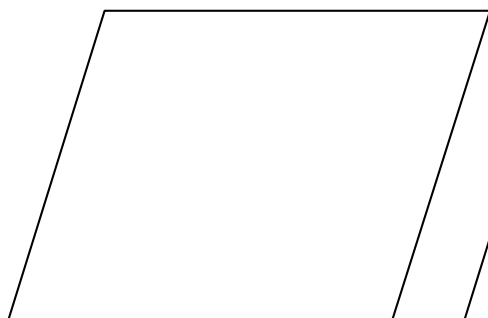
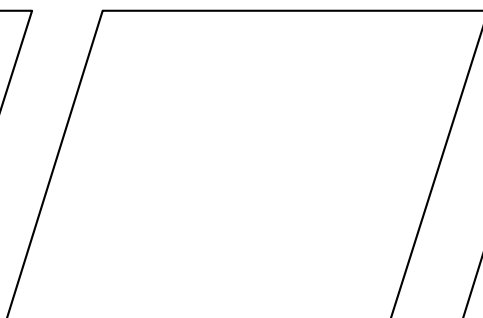
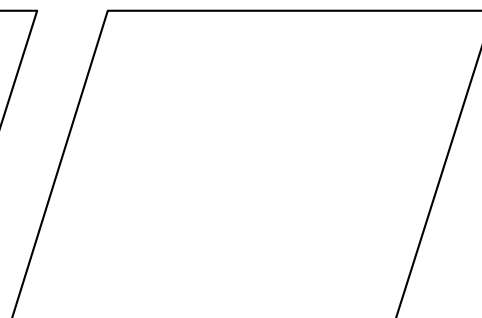




3 Identify recent changes and/or recommendations for change in criminal procedures to assist in achieving the elements of an effective legal system.

Fair and unbiased hearing

Effective access to mechanisms for
dispute resolution

Timely resolution of disputes

Topic 11: Supreme Court civil pre-trial procedures

- 1 List the purpose of Supreme Court civil pre-trial procedures.

- 2 Explain each stage of the pre-trial procedures using the diagram below.

**Supreme Court pre-trial
procedures**

Explanation of what occurs at each stage:



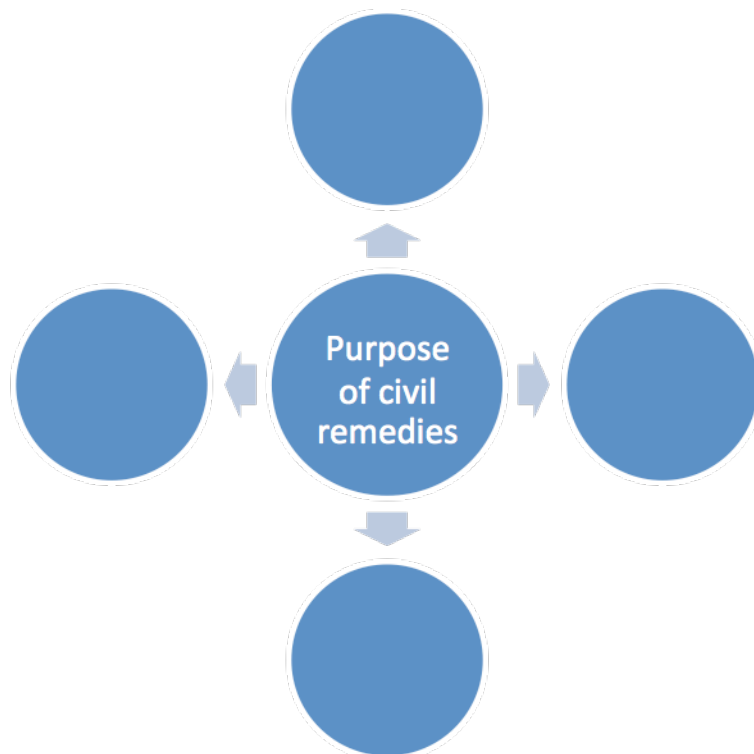
- 3 The purpose of pleadings is:

4 The purpose of directions hearings is:

5 The purpose of discovery is:

Topic 12: The purpose of civil remedies

1 List the purpose of civil remedies in each circle



2 For each types of civil remedy listed below provide an explanation.

Type of remedy	Explanation
Damages	
Injunction	

3 To what extent do criminal sanctions and civil remedies achieve their purpose?

a. How they DO:

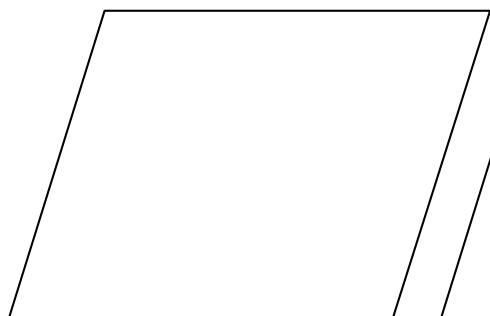
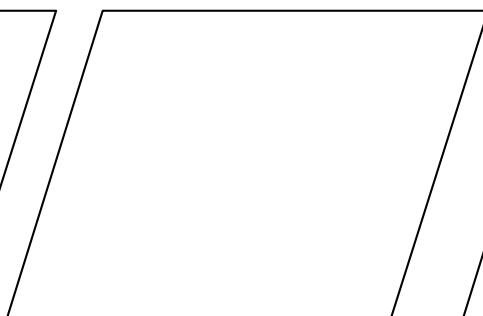
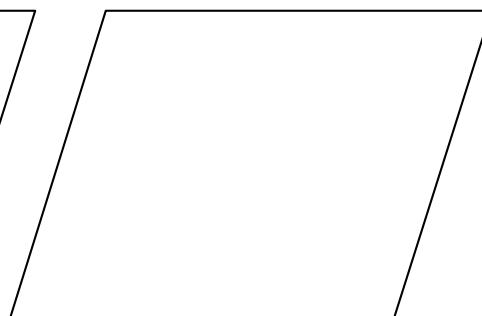
b. How they DON'T:

4 How do civil procedures contribute to the effective operation of the legal system?

Fair and unbiased hearing

Effective access to mechanisms for
dispute resolution

Timely resolution of disputes

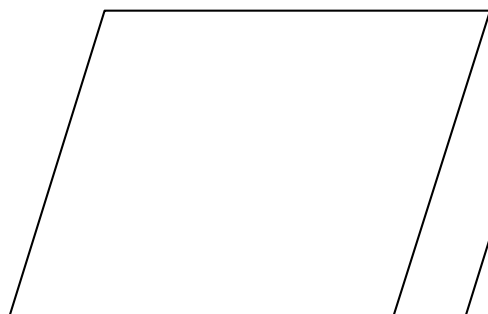
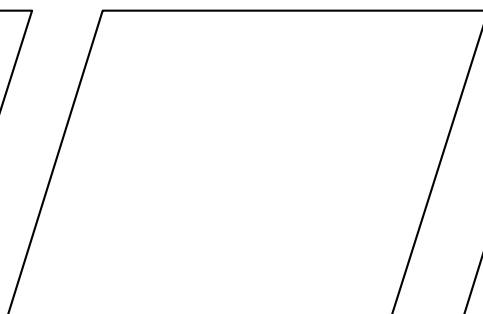
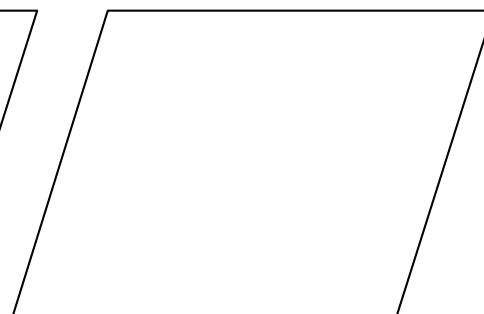




5 What are the limitations of civil procedures in achieving the effective operation of the legal system?

Fair and unbiased hearing

Effective access to mechanisms for dispute resolution

Timely resolution of disputes

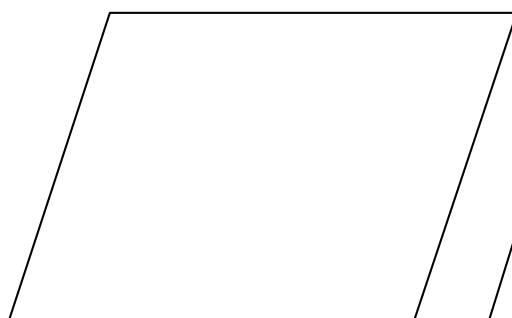
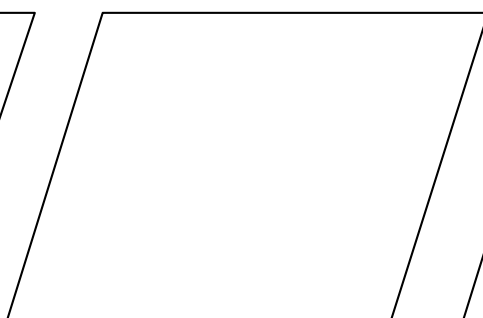
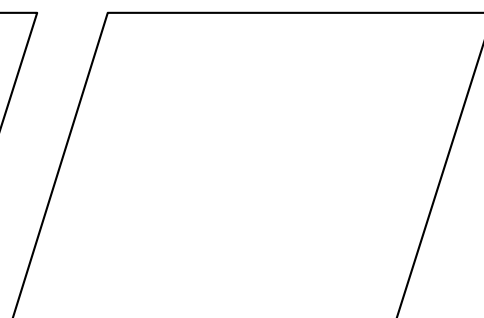




6 Identify recent changes or recommendations for change to civil procedures.

Fair and unbiased hearing

Effective access to mechanisms for dispute resolution

Timely resolution of disputes

Topic 13: The role of juries and factors influencing their composition

1 What is the role of a jury in a criminal trial and a civil trial?

2 Describe each factor that influences the composition of a jury:

Eligibility for jury service

Disqualified

Ineligible

Excused

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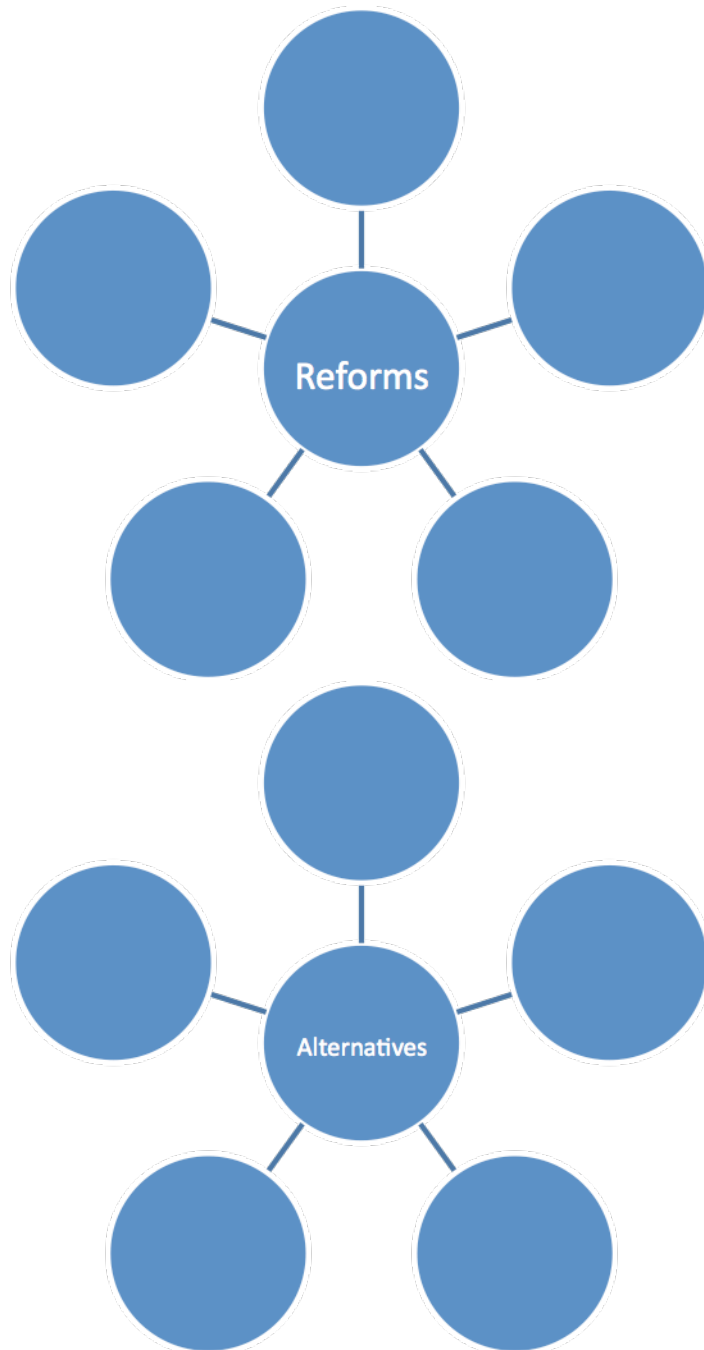
What are the strengths and weaknesses of the jury system? Complete the table.

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Weakness	Explanation	The reason this is a weakness is:

Topic 15: Reforms and alternatives to the jury system

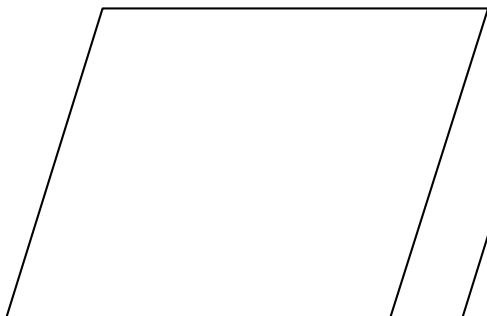
Fill in each bubble with possible reforms and alternatives to the jury system.



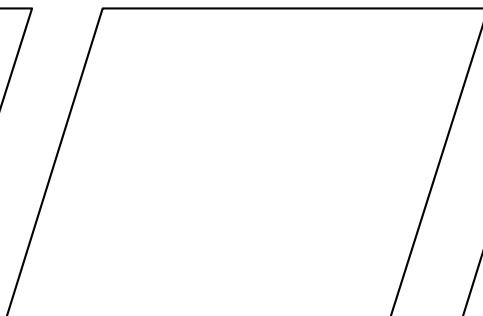
Topic 16: To what extent do juries contribute to the effective operation of the legal system?

1 How juries do contribute to the effective operation of the legal system?

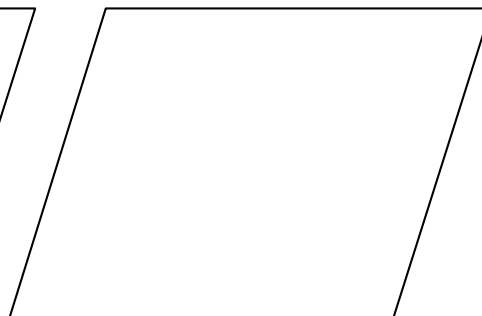
Fair and unbiased hearing

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Effective access to mechanisms for
dispute resolution

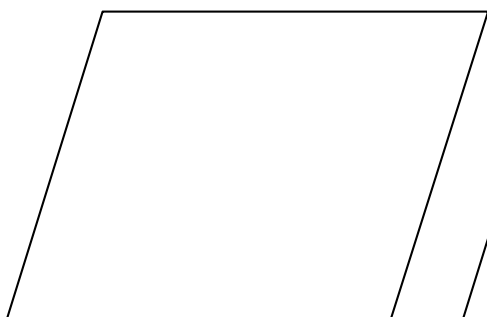
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Timely resolution of disputes

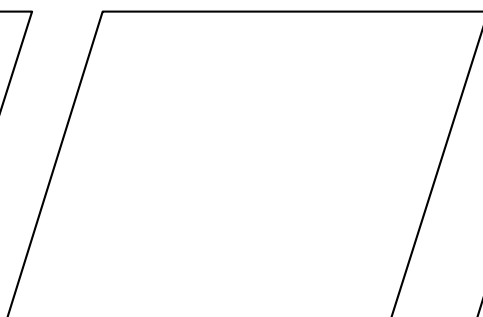
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2 What are the limitations of juries in achieving the effective operation of the legal system?

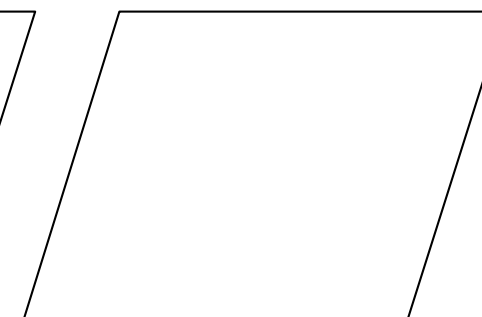
Fair and unbiased hearing

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Effective access to mechanisms for
dispute resolution

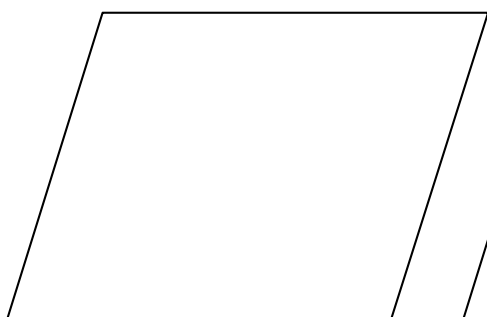
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Timely resolution of disputes

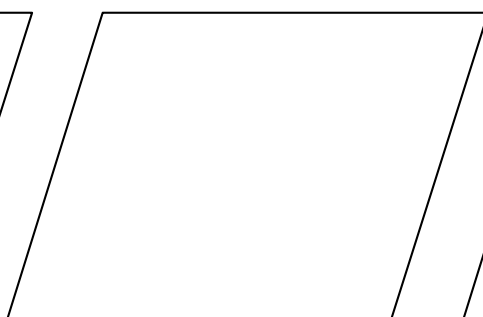
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3 What are recent changes to the legal system or recommendations for change?

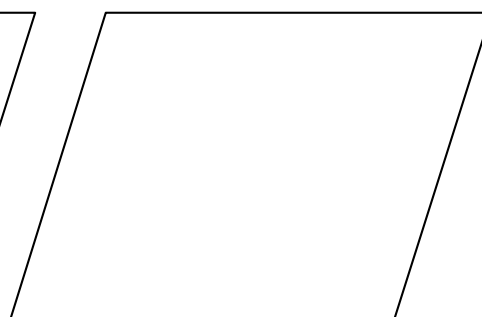
Fair and unbiased hearing

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Effective access to mechanisms for
dispute resolution

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Timely resolution of disputes

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Topic 17: Problems faced by individuals in using the legal system

Identify the problems that are faced by individual in using the legal system. Complete the table.

Problem	Discussion of problem	Recent change to overcome problem	Proposed change to overcome problem