

Victorian Certificate of Education
2017

SUPERVISOR TO ATTACH PROCESSING LABEL HERE

STUDENT NUMBER

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LEGAL STUDIES

Written examination

Wednesday 15 November 2017

Reading time: 2.00 pm to 2.15 pm (15 minutes)

Writing time: 2.15 pm to 4.15 pm (2 hours)

QUESTION AND ANSWER BOOK

Structure of book

<i>Number of questions</i>	<i>Number of questions to be answered</i>	<i>Number of marks</i>
10	10	70

- Students are permitted to bring into the examination 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 book of 20 pages
- 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.
- You should make use of stimulus material where it is included. However, it is not intended that this material will provide you with all the information to fully answer the question.
- 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.

Instructions

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

Question 1 (12 marks)

Simon Fortune, 40, was charged with kidnapping. His trial was heard in the County Court of Victoria, and he was found guilty and sentenced. Simon intends to appeal.

- a.** Describe **one** sanction that may have been imposed on Simon. 2 marks

- b.** Identify the court that would hear Simon's appeal and outline its criminal appellate jurisdiction. 3 marks

- c. Other than appeals, explain **one** reason why a court hierarchy is beneficial in this case. 3 marks

- d. Describe **two** features of Simon's trial if the trial were to be heard using the inquisitorial system. 4 marks

TURN OVER

Question 2 (3 marks)

Explain **one** way in which a residual power may become a concurrent power.

[illegible]

Question 3 (4 marks)

‘Following criticisms of judicial decisions, a law has been passed that will allow members of parliament to hear and determine court disputes.’

Would this law be valid? Justify your answer.

This image shows a single sheet of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins or other markings on the paper.

Explain the relationship between the Victorian Parliament and the Victorian Law Reform Commission (VLRC).

This image shows a blank sheet of white paper with horizontal ruling lines. The lines are evenly spaced and extend across the width of the page. There are no margins, text, or other markings on the paper.

Describe the circumstances in which a court's interpretation of a statute will become a persuasive precedent.

[illegible]

‘The only reason that judges are effective law-makers is because they do not have to worry about being re-elected.’

[illegible]

Question 7 (16 marks)

Sam purchased high-heeled shoes from Snazzy Heels. She was walking home from work and the heel on the left shoe broke. Sam fell backwards and suffered significant spinal injuries. She wants to sue Snazzy Heels and the local designer for over \$1 million for past and future medical expenses, pain and suffering, humiliation, and past and future loss of income. Sam has been advised that either a court or the Victorian Civil and Administrative Tribunal (VCAT) could resolve this dispute.

- a.** Will there be a committal hearing in this case? Why or why not? 2 marks

- b.** Could Sam's case be heard before a jury? Justify your answer. 3 marks

- 5 marks

[illegible]

- 6 marks

[illegible]

Question 8 (6 marks)

The following scenario contains errors: 'At times a state law can be in conflict with a Commonwealth law. In a recent case, the Supreme Court of Victoria (Trial Division) interpreted the Commonwealth Constitution. The Supreme Court decided in conciliation that a Victorian law that is inconsistent with a Commonwealth law prevails to the extent of the inconsistency.'

Identify the three errors in the scenario above and provide the correct outcome or process that should have occurred for each error.

Error 1 and correct outcome/process _____

Error 2 and correct outcome/process _____

Error 3 and correct outcome/process _____

Evaluate the extent of this protection.

[illegible]

‘The Victorian Parliament represents all Victorian people and everyone in Victoria has access to our legal system.’

[illegible]

[illegible]

[illegible]

Clearly number all responses in this space.

[illegible]

[illegible]

[illegible]

[illegible]