Neap:

Trial Examination 2018

VCE Legal Studies Units 3&4

Written Examination

Question and Answer Booklet

Reading time: 15 minutes
Writing time: 2 hours

Student's Name: _____

Teacher's Name: _____

Structure of booklet

Section	*Number of questions*	*Number of questions to be answered*	*Number of marks*
A	8	8	40
B	3	3	40
			Total 80

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 booklet of 22 pages

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

Instructions

Write your **name** and your **teacher's name** 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.

Students are advised that this is a trial examination only and cannot in any way guarantee the content or the format of the 2018 VCE Legal Studies Units 3&4 Written Examination.

Neap Trial Exams are licensed to be photocopied or placed on the school intranet and used only within the confines of the school purchasing them, for the purpose of examining that school's students only. They may not be otherwise reproduced or distributed. The copyright of Neap Trial Exams remains with Neap. No Neap Trial Exam or any part thereof is to be issued or passed on by any person to any party inclusive of other schools, non-practising teachers, coaching colleges, tutors, parents, students, publishing agencies or websites without the express written consent of Neap.

Copyright © 2018 Neap ABN 49 910 906 643 58 Pelham St Carlton VIC 3053 Tel: (03) 9639 4318 Fax: (03) 8610 0090

SECTION A

Instructions for Section A

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

Question 1 (5 marks)

A man faces indictable offence charges in relation to the sexual assault on a 39-year-old woman. His lawyer, who was provided by Victorian Legal Aid, indicated her client would plead not guilty to the charge.

a. Outline **one** right the accused will have in relation to this matter. 1 mark

b. Referring to the above case, explain how the principle of equality could be achieved for both the accused and the victim. 3 marks

Copyright © 2018 Neap

c. 'The burden of proof will be normally be the responsibility of the prosecution.'

What does this statement mean? 1 mark

Question 2 (3 marks)

A party that is considering initiating a civil claim needs to consider the 'scope of liability'.

Describe what this means and outline **one** other factor that the party should consider before going ahead with the claim.

Question 3 (3 marks)

The Lower House of the Victorian Parliament's most important role is to make laws by introducing a bill. Name this house and describe **one** further role of this house in law-making.

Copyright © 2018 Neap

Question 4 (4 marks)
Distinguish between 'judicial conservatism' and 'judicial activism' and explain how each may affect the ability of courts to make laws.

Copyright © 2018 Neap

Question 5 (5 marks)
Discuss the extent to which the Senate supports the effectiveness of parliament in its role as a law-maker.

Copyright © 2018 Neap

Question 6 (4 marks)

One power of a judge in a civil trial is to order the parties to undertake mediation.

Discuss whether the ability of a judge to make such an order can improve access to the civil justice system.

Copyright © 2018 Neap

Question 7 (6 marks)

Explain the role played by the High Court in its interpretation of the Commonwealth of Australia Constitution Act (1900). In your answer, refer to **one** High Court case that has had an impact on the division of constitutional powers.

Copyright © 2018 Neap

Question 8 (10 marks)

Just as committal proceedings have an important role as a pre-trial procedure in the criminal justice system, a range of pre-trial procedures also have an important role in the civil justice system.

Discuss the extent that committal proceedings and **two** civil pre-trial procedures you have studied promote justice. In your answer, refer to at least **two** principles.

Copyright © 2018 Neap

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.

Question 1 (16 marks)

Source 1

The following is an extract from the *Herald Sun,* 29 September 2013.

Thousands march for justice one year after murder of Jill Meagher

CONCERNED members of the public asked why taxpayer dollars were used to fund the failed appeal attempt of Jill Meagher's killer, when thousands took to the streets of Brunswick to mark the first anniversary of the 29-year-old's death.

The peace march, attended by more than 8000 people, came four days after Adrian Bayley's application to appeal his 35-year minimum jail term was refused.

Source: Reproduced with permission from the *Herald Sun*, 'Thousands march for justice one year after murder of Jill Meagher'. Accessed June 2018.http://www.heraldsun.com.au/news/law-order/thousands-march-in-melbourne-to-remember-murder-victim-jill-meagher/news-story/ba1bf0eb5471a354e1d36af8e294c727

The use of this work has been licensed by Copyright Agency except as permitted by the Copyright Act, you must not re-use this work without the permission of the copyright owner or Copyright Agency

Source 2

The following is an extract from the *Herald Sun,* 14 January 2017.

Petition for rail link to Melbourne Airport attracts thousands of signatures

THOUSANDS of people have signed an online petition that says Melbourne has been "left behind in the Stone Age", despite our crowning as the world's most liveable city again.

The change.org petition calls for the construction of a rail link to Melbourne Airport and has won widespread support, gaining more than 3600 signatures within a month.

The petition, started by a Melbourne woman, said the State Government must "urgently" build a rail link to the airport.

Source: Reproduced with permission from the *Herald Sun*, 'Petition for rail link to Melbourne Airport attracts thousands of signatures'. Accessed June 2018. http://www.heraldsun.com.au/leader/north-west/petition-for-rail-link-to-melbourne-airport-attracts-thousands-of-signatures/news-story/80f78c36d76818b83881610eca8d0f82

The use of this work has been licensed by Copyright Agency except as permitted by the Copyright Act, you must not re-use this work without the permission of the copyright owner or Copyright Agency

a. Referring to the articles on the march for justice and the rail link petition, describe **two** ways in which individuals can influence law reform and discuss the extent to which each way would be effective. 8 marks

Copyright © 2018 Neap

b. Referring to the rail link petition, explain **one** reason for law reform. 2 marks

c. Explain the significance of the role played by the media in the march for justice and the rail link petition. 2 marks

d. In relation to this case, describe **one** sanction purpose likely to have been given greater consideration by the judge and **one** sanction purpose likely to have been given less consideration by the judge. Justify your answer. 4 marks

Copyright © 2018 Neap

Question 2 (12 marks)

A 20-year-old woman was placed on a two-year community correction order where she will be supervised and undergo drug treatment. After initially pleading not guilty to a charge of armed robbery an elderly man, using a walking frame, a plea negotiation led to a guilty plea.

a. To what extent does a 'plea negotiation' reflect justice in a criminal case? 3 marks

b. Using the information provided, outline **one** mitigating factor and **one** aggravating factor that may have been raised prior to sentencing. 2 marks

c. Explain the role of the jury in this case. 3 marks

Copyright © 2018 Neap

d. Due to it being a residual power, criminal law is an area of law-making not mentioned in the Commonwealth of Australia Constitution Act (1900).

Explain the term 'residual power', indicating how such powers are protected and outline one exclusive power listed in S51 of the Commonwealth of Australia Constitution Act (1900). 4 marks

Question 3 (12 marks)

Court-ordered mediation has failed to resolve a dispute between a club and its former coach. Lawyers for both parties met in a bid to settle the $1.5 million damages claim by the coach for breach of contract. Lawyers for the club confirmed that, in line with the Supreme Court of Victoria order, the club participated in mediation with the coach and his lawyers in respect of the claim the coach had brought.

a. Identify and describe the purpose of **one** pre-trial procedure that would have occurred prior to the court ordering the parties mediate. 3 marks

Copyright © 2018 Neap

b. Mediation has been the method used to attempt to resolve the dispute between the coach and the club.

Describe **one** further method of dispute resolution prior to going to court resolution and discuss its appropriateness. 4 marks

c. Describe a remedy that was **not** mentioned in the dispute between the coach and the club that may be requested in a civil dispute. 2 marks

d. During the court hearing, there may be the need for the interpretation of statutes by the court.

Outline the meaning of 'the interpretation of statutes by the court' and explain **one** reason it may be necessary. 3 marks

END OF QUESTION AND ANSWER BOOKLET

Copyright © 2018 Neap

Extra space for responses

Clearly number all responses in this space.

Copyright © 2018 Neap