

Victorian Certificate of Education
Year

SUPERVISOR TO ATTACH PROCESSING LABEL HERE

STUDENT NUMBER

--	--	--	--	--	--	--	--	--	--

Letter

LEGAL STUDIES

Written examination

Day Date

Reading time: *.* to *.* (15 minutes)

Writing time: *.* to *.* (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	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 book of 24 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.
- 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 (4 marks)

Louis has an ongoing dispute with his neighbour. The neighbour has said that he will soon cut down a tree on the boundary of his and Louis's properties. Louis wants to seek an injunction as a remedy.

- a.** Define the term 'remedy'. 1 mark

- b.** Describe what an injunction is and outline **one** of its purposes in this case. 3 marks

Question 2 (3 marks)

Explain how community legal centres uphold the principle of access when assisting accused people.

Question 3 (3 marks)

Why is the requirement for standing important for a court to be able to make laws?

Question 4 (4 marks)

Explain how the High Court's interpretation of the external affairs power, in relation to international treaties, has had an impact on the Commonwealth Parliament's law-making powers.

[illegible]

Question 5 (5 marks)

Betty, a 19-year-old university student, purchased a pair of running shoes last year. Betty has since discovered that both shoes are faulty. The vendor has told Betty that she cannot return the shoes and that she cannot receive a refund. Betty wishes to have this dispute resolved and wants a final and binding decision that she is entitled to a refund. Betty's friend suggests that she take the matter to Consumer Affairs Victoria (CAV).

Advise Betty about whether CAV is the most appropriate body to help her resolve this dispute.

[illegible]

Question 6 (5 marks)

Referring to **one** case, discuss how the High Court has acted as a guardian of the Australian Constitution in its interpretation of sections 7 and 24.

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.

Question 7 (6 marks)

Evaluate the extent to which the double majority requirement acts as a check on parliament in law-making.

[illegible]

Question 8 (10 marks)

Discuss the extent to which the use of a judge and jury in criminal and civil trials helps the justice system achieve the principles of fairness and equality.

[illegible]

[illegible]

END OF SECTION A

CONTINUES OVER PAGE

TURN OVER

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 (17 marks)**Source 1**

The following is an extract from section 5 of the *Victorian Law Reform Commission Act 2000* (Vic).

Functions of the Commission

- (1) The functions of the Commission are –
- (a) to examine, report and make recommendations to the Attorney-General on any proposal or matter relating to law reform in Victoria that is referred to the Commission by the Attorney-General;
 - (b) to examine, report and make recommendations to the Attorney-General on any matter that the Commission considers raises relatively minor legal issues that are of general community concern if the Commission is satisfied that the examination of that matter will not require a significant deployment of the resources available to the Commission;

Source: *Victorian Law Reform Commission Act 2000* (Vic), Australasian Legal Information Institute, <www.austlii.edu.au/>

Source 2

The following is an extract from the Victorian Law Reform Commission (VLRC) website.

In March 2013 the Commission was asked to review three aspects of jury empanelment for both criminal and civil trials:

- Whether jurors should be identified in court by name or number
- Peremptory challenges (and the Crown right to stand aside in criminal trials)
- The balloting off of additional jurors.

...

The jury empanelment report was tabled in Parliament on 3 September 2014. The Commission made 16 recommendations to improve the way in which juries are selected in court and how additional jurors empanelled for long trials should be managed.

Source: Victorian Law Reform Commission website, <www.lawreform.vic.gov.au/all-projects/jury-empanelment>

- b.** Explain **two** factors that may affect the ability of the Victorian Parliament to implement the recommendations made by the VLRC in its jury empanelment report.

6 marks

[illegible]

- c. 'There are other bodies that are more effective than the VLRC in influencing law reform.'

With reference to **either** parliamentary committees **or** royal commissions, discuss the extent to which you agree with this statement.

8 marks

[illegible]

Question 2 (12 marks)

After a lengthy police investigation, Benji and two co-accused have been charged with murder. Benji has pleaded not guilty. His committal proceeding in the Magistrates' Court has commenced. Benji's trial is expected to last three months and several witnesses are expected to give evidence at the trial. The prosecution has said that the evidence against Benji is strong. The prosecution believes that the trial will be stressful for the witnesses but that the witnesses want to see that justice is achieved at the trial.

- a. Describe the relationship between the burden of proof and the presumption of innocence. 3 marks

- b.** Other than to determine if there is evidence of sufficient weight to support a conviction at trial, explain **one** purpose of the committal proceeding in this instance.

3 marks

- c. Explain **one** reason why a plea negotiation would be appropriate in determining Benji's case and explain **one** reason why it would not.

6 marks

[illegible]

Question 3 (11 marks)

Emiko is a famous actor. Some time ago, a journalist named Flavio Gozip published an online article portraying Emiko as a liar. Emiko claims that she has not been offered any acting work since the publication of the article and that she has suffered pain, humiliation and anxiety.

Emiko has decided to sue Flavio in the Supreme Court of Victoria for damaging her reputation. Emiko's lawyer explains that the Supreme Court of Victoria, when resolving the dispute, may need to act as a law-maker as well as a dispute resolver.

- a. Why should Emiko consider the costs and limitation of actions before issuing a proceeding against Flavio?

5 marks

[illegible]

- b.** Will Emiko be able to give evidence as a vulnerable witness at the trial? Justify your answer. 2 marks

c. Explain **one** reason why the court may not be able to change the law in this case.

4 marks

[illegible]

Extra space for responses

Clearly number all responses in this space.

[illegible]

[illegible]