

**Victorian Certificate of Education
2018**

SUPERVISOR TO ATTACH PROCESSING LABEL HERE

STUDENT NUMBER

									Letter
--	--	--	--	--	--	--	--	--	--------

LEGAL STUDIES**Written examination****Wednesday 14 November 2018****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>Section</i>	<i>Number of questions</i>	<i>Number of questions to be answered</i>	<i>Number of marks</i>
A	7	7	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 (2 marks)

Outline **one** responsibility of a jury in a criminal trial.

Question 2 (3 marks)

Kai is in a dispute with his landlord. The landlord refuses to repair the pipes in the bathroom and has declined Kai's requests to meet to resolve the matter. Kai has been advised that Consumer Affairs Victoria (CAV) is the most appropriate body to resolve this dispute.

Explain **one** reason why CAV may **not** be the most appropriate body to resolve this dispute.

Question 3 (3 marks)

Describe the relationship between international treaties and the external affairs power.

Question 4 (6 marks)

a. Identify **two** rights of victims in the Victorian criminal justice system.

2 marks

b. Explain how the rights identified in **part a.** aim to uphold the principle of access.

4 marks

Question 5 (8 marks)

Kylie is a professional sports person. She has commenced a civil proceeding in the Supreme Court of Victoria against her former agent for breach of contract. Her former agent has engaged legal practitioners to defend the claim.

- a.** Who has the burden of proof in Kylie's case and what is the standard of proof in this case? 2 marks

- b.** Describe **one** responsibility of the legal practitioners for Kylie's former agent at trial if Kylie's case goes to trial. 3 marks

[illegible]

- c. Explain **one** way in which the judge's use of case management powers in this dispute could achieve the principle of fairness.

3 marks

Question 6 (8 marks)

Evaluate **two** ways in which the Australian Constitution enables the Australian people to act as a check on parliament in law-making.

[illegible]

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, text, or other markings on the paper.

Question 7 (10 marks)

‘The best way for individuals to influence law-makers to reform the Victorian civil justice system is to appeal cases.’

Discuss the extent to which you agree with this statement. In your answer, explain how **one** recommended reform to the civil justice system may assist in achieving justice.

[illegible]

[illegible]

END OF SECTION A
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)

Bob, 24, has been charged with four offences, including armed robbery and common assault. The prosecution alleges that:

- Bob robbed a service station with a firearm
- the offences caused distress to several victims, including a young family and Ada, who was working in the service station
- Bob was serving a community correction order (CCO) at the time of the offences.

Bob has been cooperative with the police since his arrest. Bob cannot afford legal representation and is concerned about being sent to prison as he has served time in jail for numerous offences, including theft.

A committal hearing was held last week. The magistrate decided that the evidence against Bob was of sufficient weight to support a conviction for the offences. The court ordered that Bob stand trial. The trial is expected to last three weeks.

Ada is concerned about giving evidence as she is still distressed about the armed robbery.

Bob has pleaded not guilty.

- a.** Ada wants to sue Bob for damages.

Advise Ada on **one** enforcement issue she should consider before initiating this claim.

2 marks

- [illegible]

5 marks

[illegible]

- 6 marks

[illegible]

Question 2 (13 marks)

Tanning units, also known as ‘solariums’ or ‘tanning beds’, are machines used to artificially tan skin through the use of ultraviolet radiation.

In 2007, the Australian Broadcasting Corporation (ABC) broadcast a program titled *The Dangers of a Deadly Tan*. The program considered the increase in the use of tanning units in Victoria, and the possible connection between tanning units and melanoma, a form of cancer.

Amendments were made to the *Radiation Act 2005* (Vic), which came into effect on 1 January 2015. It then became an offence for a person to operate a business allowing the use of a tanning unit. It remains legal to own a solarium for personal use only.

Source 1

The following is an extract from section 3, ‘Definitions’, of the *Radiation Act 2005* (Vic).

tanning unit means an electrically powered radiation apparatus designed to produce tanning of the human skin by utilising ultraviolet radiation

Source: Victorian Legislation and Parliamentary Documents, <www.legislation.vic.gov.au>

Source 2

The following is an extract from the *Radiation Act 2005* (Vic), which was inserted when the Act was amended.

23D Offence to conduct a commercial tanning practice

A person must not—

- (a) provide, or offer to provide, for fee or reward the use of a tanning unit; or
- (b) operate or offer to operate for fee or reward a tanning unit.

Penalty: In the case of a natural person, 60 penalty units;
In the case of a body corporate, 300 penalty units.

Source: Victorian Legislation and Parliamentary Documents, <www.legislation.vic.gov.au>

Source 3**‘It’s criminal, it should be stopped’: Melanoma survivor issues warning on illegal solariums**

Underground solariums are being advertised online across Australia, more than two years after the commercial use of tanning beds was banned nationally.

While it is legal to own a solarium for personal use, since [2015] it has been illegal for tanning beds to be used anywhere that charges a fee.

Source: A Lattouf, “‘It’s criminal, it should be stopped’: Melanoma survivor issues warning on illegal solariums”, ABC news, <www.abc.net.au>, 6 March 2018

- a. Outline **one** role of the media in changing the law.

2 marks

- b. Describe **one** reason why a court may need to interpret the phrase ‘tanning unit’ in section 23D of the *Radiation Act 2005* (Vic).

3 marks

c. Explain the link between the use of tanning units and the need for law reform. 4 marks

- 4 marks

This image shows a blank 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, text, or other markings on the paper.

- 6 marks

[illegible]

Clearly number all responses in this space.

[illegible]

[illegible]

[illegible]

An answer book is available from the supervisor if you need extra paper to complete an answer. Please ensure you write your **student number** in the space provided on the front cover of the answer book. **At the end of the examination, place the answer book inside the front cover of this question and answer book.**