

LEGAL STUDIES UNIT 2

Legal Studies Unit 2 exam 2019 and suggested answers

The following exam covers the three areas of study in Unit 2 of the *VCE Legal Studies Study Design (2018–2022)*.

The exam consists of two sections comprising 10 questions presented in the form of a question and answer book. All questions are compulsory. The total marks available are 80.

The exam is divided into two sections:

- Section A: seven short-answer questions, including questions with multiple parts, and extended-response questions covering all areas of study in Unit 2
- Section B: three short-answer questions with multiple parts, each covering a different area of study in Unit 2.

Some questions are introduced with stimulus material.

Additional space is provided at the end of the question and answer book.

The exam and suggested answers are based on the authors' interpretation of the *VCE Legal Studies Study Design*.

Teachers are advised to preview and evaluate all exam material before distributing it to students.

Name: _____ Teacher: _____

LEGAL STUDIES UNIT 2

Written examination 2019

Reading time: 15 minutes

Writing time: 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>
Section A	7	40
Section B	3	40

- Students are to write in blue or black pen.
- 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 white-out liquid/tape.
- No calculator is allowed in this examination.

Materials supplied

- Question and answer book.
- Additional space is available at the end of the book if you need extra paper to complete an answer. Clearly label all answers with the appropriate section and question number.

Instructions

- Write your name and your teacher's name in the spaces 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

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

Question 1 (4 marks)

A range of institutions and bodies enforce criminal law in Victoria.

Identify and describe the law enforcement role of **one** institution or body that enforces criminal law in Victoria.

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Question 2 (6 marks)

Amelia, who is a 17-year-old secondary student, was caught stealing a mobile phone valued at \$200 from a retail store at her local shopping centre. Police were called to the centre and issued her an on-the-spot fine of two penalty units (\$303.34) for shoplifting as it was her first offence and the stolen property was valued at under \$600.

Discuss the extent to which the sanction imposed on Amelia is likely to achieve **two** of its purposes in this case.

[illegible]

Question 3 (8 marks)

Ben and Kim, who are newly married, cancelled a booking at a wedding reception venue in a Victorian country town because of a dispute about the quality of the menu and the chosen dishes. At a tan sting of the wedding menu, Ben and Kim were not served the dishes they had requested. Although the couple had signed a booking agreement and paid a \$5000 deposit, they rebooked their reception with another venue and the wedding went ahead. The initial wedding reception venue took legal action, stating that the couple did not give them enough notice to find another booking, and demanded they pay 60% of their planned \$20 000 reception as a cancellation fee. The case was resolved through mediation in a Victorian tribunal.

a. Is this a criminal case or a civil case? Justify your answer.

2 marks

b. Identify and describe **one** other method of alternative dispute resolution the parties in this case could have used to resolve their dispute.

3 marks

- c. Identify **one** tribunal or complaints body that could have been used to resolve this dispute and explain **one** way using this institution could promote access to justice. 3 marks

Question 4 (6 marks)

Carla, 35, drove at 100 km/h in a 60 km/hour area with a blood alcohol content of 0.22% (well over the legal limit) and hit a cyclist who suffered head injuries and died two days later. A judge in the Magistrates' Court found Carla guilty of culpable driving causing death and imposed a fine of \$500.

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 correction

Error 2 and correction

Error 3 and correction

Question 5 (5 marks)

Marco, a farmer who owns a vineyard in eastern Victoria, sued a neighbour for causing chemicals sprayed on his crops to drift onto Marco's grapevines and destroy them. The Supreme Court awarded Marco \$5 million in damages for losses caused by his neighbour's negligent spraying.

Identify and describe the role and civil jurisdiction of the court that resolved this case.

[illegible]

Question 6 (7 marks)

Using examples, evaluate **two** ways in which rights are protected in Australia.

[illegible]

Question 7 (4 marks)

Explain how **one** international declaration or treaty influences the protection of rights in Australia.

[illegible]

SECTION B

Instructions

Use stimulus material where provided to answer the questions in this section. It is not intended that the material will provide you with all the information to fully answer the questions.

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

Question 1 (15 marks)

Jimmy, 38 and unemployed, drove a stolen car into a group of pedestrians who were waiting to cross a major intersection to enter a sporting arena, killing four people, including a young boy, and injuring several others. He was sentenced to life imprisonment with a non-parole period of 35 years, after being found guilty of four counts of murder and 10 counts of reckless conduct endangering life. Jimmy was on bail at the time of the attack after being released from custody following an unrelated assault charge.

In a letter submitted to the court, Jimmy insisted that he was not a bad person and blamed his actions on his difficult childhood. He said he had been the victim of physical abuse as child, which had contributed to an addiction to drugs and alcohol for most of his adult life.

- a. Which court would have heard the initial charges against Jimmy prior to his trial? Justify your answer. 3 marks

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b. Describe **two factors the judge would have considered in sentencing Jimmy.** 4 marks

[illegible]

c. Jimmy could appeal the sentence.

Identify a possible avenue of appeal open to him. Justify your answer. 2 marks

[illegible]

- d.** Discuss the extent to which a jury trial would have helped the criminal justice system achieve the principles of equality and fairness in this case. 6 marks

[illegible]

Question 2 (13 marks)

Sally, a former shire councillor, sued the proprietor of a local newspaper following the publication of a defamatory article that incorrectly claimed that she had pushed a political rival, Simon, out of a photo opportunity with the shire mayor.

Sally initially asked for an apology to be published in the newspaper but this was refused. She later commenced legal proceedings against the owner of the newspaper, seeking up to \$300 000 in damages to compensate her for the emotional stress she and her family suffered and for loss of wages, as she had to take time off work for an extended period. Lawyers acting for the owner of the newspaper argued for a lesser amount in the County Court.

A six-person jury found that Sally had been defamed and the incorrect portrayal of the photo incident had damaged both her reputation and standing in the community.

The judge in the case awarded Sally \$170 000 in damages, which included an amount of \$20 000 for loss of wages. The owner of the newspaper was also ordered to pay her legal fees, which were \$55 000.

- a. Using an example in relation to this case, define the term 'remedy'. 2 marks

- b. Describe **one** of the purposes of the remedy awarded to Sally in this case and discuss the extent to which the remedy could achieve this purpose. 5 marks

[illegible]

d. Compare the role of the jury in this civil trial with that of a jury in a criminal trial. 6 marks

[illegible]

Question 3 (12 marks)

In October 2017, anti-abortion activist, Kathleen Clubb, became the first person to be found guilty of breaching the Victorian *Public Health and Wellbeing Amendment (Safe Access Zones) Act 2015*, which bans individuals and groups from protesting directly outside premises that provide services for the termination of pregnancies. Ms Clubb was arrested after ignoring police warnings that it was unlawful for her to hand out anti-abortion pamphlets within a 150-metre 'safe zone' around an East Melbourne fertility clinic. Ms Clubb was ultimately fined \$5000 for her actions. The maximum penalty for breaching the Safe Access Zones law is 12 months' imprisonment.

In 2018, Ms Clubb and another anti-abortion protester, Graham Preston (who had been charged with breaching similar Safe Access Zones laws in Tasmania), challenged the validity of the Safe Access Zones laws in the High Court, claiming the laws breached their right to freedom of political communication, that is, their right to publicly express their views on political issues. In April 2019, the High Court dismissed Ms Clubb and Mr Preston's appeal and ordered them to pay the opposing parties' costs. In ruling against the activists, the court confirmed that while Australians do have the right to freedom of political communication, this does not give individuals and groups the right to force a political message on another person if that message is 'inconsistent with the human dignity of that person'.

References

Public Health and Wellbeing Amendment (Safe Access Zones) Act 2015,
http://www5.austlii.edu.au/au/legis/vic/num_act/phawaaza201566o2015493/s5.html
Clubb v. Edwards & Anor; Preston v. Avery & Anor (2019),
<http://eresources.hcourt.gov.au/downloadPdf/2019/HCA/11>

- a. Ms Clubb was originally found guilty and fined for her breach of the law in the Magistrates' Court.

Describe the main role of the Magistrates' Court in relation to this case.

2 marks

- b. With reference to Ms Clubb's court actions, explain **one** reason why the Victorian courts are ranked in a hierarchy. 3 marks

- c. Analyse the impact of **one** Australian case you have studied this year on the rights of individuals and on the legal system in Australia. 7 marks

[illegible]

END OF QUESTION AND ANSWER BOOK

Extra space for responses

Clearly number all responses in this space.

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