Neap:

Trial Examination 2019

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	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 booklet of 24 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 2019 VCE Legal Studies Units 3&4 Written Examination.

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SECTION A

Instructions for Section A

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

Question 1 (4 marks)

'While parliament is the supreme law-maker, courts do have the ability to influence parliament in relation to the legislation they choose to make.'

a. Explain what is meant by 'parliament is the supreme law-maker'. 2 marks

b. Referring to the statement above, outline **one** feature of the relationship between courts and parliament in law-making. 2 marks

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Question 2 (2 marks)
Distinguish between exclusive and residual powers as they relate to the Australian Constitution.

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Question 3 (5 marks)

Analyse the ability of the Australian people to protect or change the Australian Constitution with reference to **one** referendum.

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Question 4 (4 marks)

Describe **one** recent reform to the civil justice system and analyse the extent to which it has helped achieve **one** of the principles of justice.

Question 5 (9 marks)

Tess was attending an international cricket match at the Melbourne Cricket Ground (MCG). When leaving the match, she slipped on liquids that had been spilled inside the MCG. The slip caused her to severely injure her knee. She has required two operations on her knee and suffers ongoing severe pain. This affects her ability to carry out some of her duties at work.

Tess is seeking undisclosed damages. As part of the pleadings, a writ was filed with the County Court claiming that the MCG had failed to clean up the spilled liquid that caused her fall and subsequent injuries.

a. Explain **one** purpose of the pre-trial procedure mentioned in this case. 2 marks

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b. Evaluate **one** method that could be used to resolve this dispute to avoid the matter going to a full court hearing. 4 marks

c. Analyse whether the remedy sought by Tess will achieve its purpose. 3 marks

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Question 6 (6 marks)

'The operation of the doctrine of precedent affects the ability of courts to make law.'

Discuss the extent to which the above statement is true and explain **one** other factor that may affect the ability of courts to make laws.

Question 7 (10 marks)

The Victorian Law Reform Commission (VLRC) and the Victorian Civil and Administrative Appeals Tribunal (VCAT) were both created by Acts of Parliament. However, these bodies have entirely different roles in the legal system.

Describe the role of each of the bodies named above. Evaluate the ability of the VLRC to influence change in the law using **one** recent example.

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END OF SECTION A

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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 (13 marks)

Source 1

The website for the Office of Public Prosecutions provides information about the various stages of the court process. The following is an extract from the website of the Office of Public Prosecutions.

> On behalf of the community we prepare and present court matters against people accused of serious crime.

Source: Reproduced and modified with permission from the Office of Public Prosecutions. Accessed August 2019. www.opp.vic.gov.au

Source 2

The following extract relates to a hypothetical case where a man deliberately drove his vehicle into a group of young people making their way home from a party. He was charged with many offences, the most serious being three charges of culpable driving.

> At a hearing in the County Court on 19 September 2018, the accused (Mr Graham) was found fit to stand trial. A trial was set to begin on Wednesday 8 October 2018, running for approximately three weeks.
>
> On 3 November 2018, a jury convicted Mr Graham of three charges of culpable driving and three charges of reckless conduct endangering life. He was remanded in custody, with a plea hearing listed to run for three days from 19 to 21 November 2018.
>
> Please note: All persons affected by this crime are able to make a victim impact statement.

a. Referring to Source 1, discuss the ability of the criminal justice system to uphold the principles of access and fairness. In your answer, refer to **one** factor that affects the principles being upheld. 6 marks

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b. Referring to Source 2, describe **one** responsibility of the judge prior to the jury's conviction of Mr Graham. 3 marks

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c. Referring to Source 2, discuss the benefits of victim impact statements prior to sentencing. 4 marks

Question 2 (13 marks)

The following is an extract from the *Herald Sun*, 19 October 2018.

> **Push to give crime victims power against lenient sentences**
>
> CRIME victims could be given the ability to fight back against sentences they regard as lenient under a radical plan to increase public confidence in the (criminal) justice system.
>
> Current legislation states that any decision in relation to appealing a lenient sentence will be the decision of the 'Office of Public Prosecutions', due to the sentence being 'manifestly inadequate'.

Source: Reproduced with permission from the *Herald Sun*. 'Push to give crime victims power against lenient sentences'. Accessed October 2018.

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a. Explain **one** right available to a victim in the Victorian criminal justice system. 2 marks

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b. Before handing down a sentence, a judge or magistrate is required to consider the purposes of various sanctions. One sanction is a fine.

Discuss the ability of a fine to achieve **two** of its purposes. 5 marks

c. Describe the concept of representative proceedings and indicate whether it would be appropriate in the matter referred to in the extract. 3 marks

d. Explain the relationship between the process of appealing and a court hierarchy. 3 marks

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Question 3 (14 marks)

The following is an extract from the *Herald Sun*, 19 October 2018.

> **Liberals split on embassy shift**
>
> A rift has erupted in Scott Morrison's Cabinet over the Coalition possibly relocating Australia's embassy in Israel, with Treasurer Josh Frydenberg and Defence Minister Christopher Pyne (suggesting) the government should not proceed with the move …

Source: Reproduced with permission from the *Herald Sun*. 'Liberals split on embassy shift'. Accessed October 2018.

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a. Referring to the above case, discuss **two** factors that affect the ability of parliament to make law. 5 marks

b. If the matter discussed in the extract gains cabinet support, it will proceed to both Houses of Parliament and the Crown as a government bill.

Outline **one** role that each of the following has in law-making:

- the lower house
- the upper house
- the Crown 3 marks

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c. Since Federation, the High Court of Australia has often been required to determine the meaning of Sections 7 and 24 of the Australian Constitution.

Discuss the significance of **one** High Court case that required the interpretation of Sections 7 and 24 of the Australian Constitution. 6 marks

END OF QUESTION AND ANSWER BOOKLET

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Extra space for responses

Clearly number all responses in this space.

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