

Victorian Certificate of Education
2020

SUPERVISOR TO ATTACH PROCESSING LABEL HERE

STUDENT NUMBER

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LEGAL STUDIES

Written examination

Monday 23 November 2020

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

Section	Number of questions	Number of questions to be answered	Number of marks
A	8	8	40
B	2	2	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 28 pages
- Additional space is available at the end of the book if you need extra space 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.

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SECTION A**Instructions for Section A**

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

Question 1 (2 marks)

Describe **one** role of community legal centres in assisting an accused.

Question 2 (2 marks)

Outline how a victim impact statement is used when determining a sentence.

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SECTION A – continued
TURN OVER

The table below shows results of two referendums.

Voters	Referendum 1	Referendum 2
New South Wales	47.25%	47.17%
Queensland	61.87%	55.76%
South Australia	40.13%	47.29%
Tasmania	38.94%	50.26%
Victoria	65.10%	48.71%
Western Australia	47.58%	55.09%
Australia	53.56%	49.44%

Would the proposal for change have been successful in either or both referendums? Provide reasons for your answer with reference to the table.

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SECTION A – continued
TURN OVER

To what extent do fines achieve **two** purposes of sanctions?

[illegible]

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Question 5 (6 marks)

Adrian entered into a contract to sell his car to Maria. When the time came to deliver the car, Adrian told Maria that he had changed his mind and he was not going to fulfil his part of the contract.

Maria initiated civil action against Adrian. She sued him and the matter proceeded straight to the Supreme Court. The judge did not have the power to order the case to go to mediation. The burden of proof lay with Adrian to prove that he had not breached the contract with Maria. He was found guilty.

Identify three errors in the scenario above and, for each error, explain the correct civil process or procedure that should have occurred.

Error 1 _____

Correct civil process/procedure _____

Error 2 _____

Correct civil process/procedure _____

Error 3 _____

Correct civil process/procedure _____

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Other than referendums, evaluate **one** of the ways in which the Australian Constitution acts as a check on parliament in law-making.

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SECTION A – continued
TURN OVER

Question 7 (6 marks)

‘The use of parliamentary committees and royal commissions serves a number of valuable purposes.’

Referring to **one** recent example of a recommendation for law reform, explain **one** strength and **one** weakness of either a parliamentary committee or royal commission in influencing a change in the law.

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SECTION A – continued
TURN OVER

Do jury trials achieve the principles of justice? Justify your answer, with reference to both criminal and civil trials.

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**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 (23 marks)

Guy was the victim of an attack by Tom. He suffered significant injuries, including a fractured eye socket and a broken nose. Tom was charged with intentionally causing serious injury, a crime that carries a maximum penalty of 20 years' imprisonment. He pleaded guilty at the committal hearing and was sentenced by the County Court to four years' imprisonment.

Guy's injuries required significant medical treatment, including major surgery. He is now unable to work. Guy wants to take civil action against Tom to recover the cost of his medical treatment and \$150 000 in loss of earnings. He is unable to afford legal representation and has been researching how to represent himself in court. Guy believes the pre-trial procedures will add to the time it will take to have the case heard. He does not understand why these procedures are needed.

- a.** Was Tom charged with a summary offence or an indictable offence? Give **one** reason for your answer. 3 marks

[illegible]

b. Explain how the standard of proof in a criminal case differs from the standard of proof in a civil case. 3 marks

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6 marks

[illegible]

- 5 marks

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SECTION B – continued
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Question 2 (17 marks)**Introduction**

The school strikes for climate are demonstrations that have taken place globally since 2018. In Australia, the School Strike 4 Climate organisation consists of school students and their supporters who strike from school 'to tell our politicians to take our futures seriously and treat climate change for what it is: a crisis'. Their demands include no new coal, oil and gas projects, 100% renewable energy generation and exports by 2030, and funding of a just transition and job creation for all fossil fuel workers and communities.

Source: quotation from School Strike 4 Climate Australia, <www.schoolstrike4climate.com>

Source 1

The following is an extract from an article published in *The Guardian* on 20 September 2019.

Hundreds of thousands of Australians took to the streets on Friday as they called for greater action on the climate emergency in more than 100 cities and towns across the country.

Organisers of the school strike for climate claimed about 300 000 people attended dozens of rallies, including an estimated 100 000 in Melbourne and 80 000 in Sydney ...

'I fight for climate justice because everyone deserves a safe future,' [a] 17-year-old student ... told a crowd that spilled out of a Melbourne park and into the city streets. 'The government is not supporting it yet, but together we will change that.'

Source: L Henriques-Gomes, with H Davidson, L Cox, B Smee and N Zhou, 'Hundreds of thousands attend school climate strike rallies across Australia', *The Guardian*, 20 September 2019, <www.theguardian.com>

Source 2

The following is an extract from independent Member of Parliament (MP) Zali Steggall's proposed Climate Change (National Framework for Adaptation and Mitigation) Bill 2020.

The objects of this Act are to establish a framework to address the challenge of climate change, including by doing the following:

- (a) setting a target for achieving net zero greenhouse gas emissions by the year 2050;
- (b) providing for a system of emissions budgeting;
- (c) assessing the risk and preparing for climate change impacts;
- (d) building the resilience of the national economy to climate change;
- (e) establishing an independent body to ensure accountable and transparent plans to manage the climate challenge;
- (f) to assist and guide the taking of action by government and the community to reduce emissions in order to meet Australia's obligations under any or all of the following:
 - (i) the Climate Change Convention;
 - (ii) the Kyoto Protocol;
 - (iii) the Paris Agreement;
 - (iv) any other international agreement relating to climate change.

Source: The Parliament of the Commonwealth of Australia, House of Representatives, Climate Change (National Framework for Adaptation and Mitigation) Bill 2020; from Climate Act Now, <<https://climateactnow.com.au>>

a. Using the introduction and sources provided, explain **two** reasons why laws may need to change. 6 marks

[illegible]

b. Explain why the phrase 'climate change' may require statutory interpretation.

3 marks

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c. Political pressures, including the actions of student demonstrators, and the role of the media, are effective in changing the law.

8 marks

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Clearly number all responses in this space.

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An answer book is available from the supervisor if you need extra space 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.**