# VCE Legal Studies

# Sample Questions

# Written Examination - End of Year

These sample questions are intended to demonstrate how new aspects of Units 3 and 4 of VCE Legal Studies may be examined. They do not constitute a full examination paper.

# Section A

# Question 1 (3 marks)

Explain how representation by a legal practitioner for the accused in a criminal case might assist in achieving one of the principles of justice.



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# Question 2 (4 marks)

Explain how the achievement of equality as one of the principles of justice could be affected by the existence of cultural differences in a criminal case.

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# Question 3 (3 marks)

Explain the right of a victim to give evidence using alternative arrangements during a criminal trial.



#### **Question 4** (10 marks)

Aiden spray-painted a property with graffiti, broke several windows and was heard making threats. Afterwards, neighbours were left feeling unsafe. As a result, Aiden has received a summons to attend the Magistrates' Court to face a charge of wilful damage to property. He faces a maximum term of two years of imprisonment if found guilty.

**a.** Is this a summary offence or an indictable offence? Outline **two** reasons to justify your response.

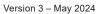


**b.** Compare the role of a magistrate in the Magistrates' Court with that of a judge in either the County or Supreme Court in Victoria.

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c. Explain how a legal practitio sist Aiden during his criminal

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Explain now a legal practitioner can assist Alden during his criminal case.	3 marks
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# Question 5 (4 marks)

Explain **one** similarity and **one** difference between the role of a judge in a criminal case and their role in a civil case.



# Question 6 (4 marks)

Explain **two** features of the role of a magistrate in a criminal case that differ from those of a County or Supreme Court judge in a civil dispute.

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# Question 7 (4 marks)

Compare the role of a jury in a civil trial with that of a jury in a criminal trial in Victoria.



#### Question 8 (10 marks)

John and Steven were previously business partners, whose partnership had ended after several ongoing disputes. As a consequence, John sued Steven in the Supreme Court of Victoria for breach of contract and defamation. John was unsuccessful in both actions but won an appeal against both decisions in the Court of Appeal of the Supreme Court of Victoria. The High Court subsequently refused Steven leave to appeal the decision of the Court of Appeal of the Supreme Court is still to rule on what proportion of these costs John and Steven will each have to pay.

Discuss the ability of the Victorian civil justice system to achieve the principles of justice. In your response, refer to the text above.

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# Question 9 (4 marks)

Explain how the bicameral structure of a parliament can affect its ability to make law.



# Question 10 (8 marks)

'The doctrine of precedent provides certainty in applying common law but provides no opportunity for judges to change common law.'

Discuss the extent to which you agree with this statement.

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# Question 11 (5 marks)

Analyse why success in a referendum in Australia can be difficult to achieve. In your answer, refer to the 2023 referendum.

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#### Question 12 (4 marks)

William appeared at the Magistrates' Court to plead not guilty to a charge of murder. The magistrate decided that, on the 'balance of probabilities', William was guilty and sentenced him to a community corrections order that required him to undertake 100 hours of community service as part of this order.

Identify two errors in legal process or procedure from the scenario. For each error, explain the correct criminal process or procedure that should have occurred.

Error 1:

Correct criminal process or procedure:



Correct criminal process or procedure:

#### Question 13 (10 marks)

The 1967 referendum, which removed discriminatory references to Aboriginal people from the Australian Constitution, confirmed that constitutional change is possible. However, only 8 of 45 referendums put to the vote of the Australian people have been successful since 1901.

Discuss the ability of the Australian people to change the Constitution in light of the statement above.

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# Section B

#### Question 1 (15 marks)

#### Self-representation in legal proceedings

#### Source 1

Between August and October 2019, 24 full-day sessions in the Victorian Magistrates' Court presided over by 19 different magistrates were observed. The researchers noted that of the 208 accused persons, 125 (60%) were represented by a lawyer and 83 (40%) were unrepresented.

Source: N Antolak-Saper, J Clough and B Nair, Unrepresented accused in the Magistrates' Court of Victoria, Australian Institute of Judicial Administration, Sydney NSW Australia, October 2021, pp. 9 and 31, <a href="https://aija.org.au">https://aija.org.au</a>

#### Source 2

In 2017 Justice Bell, in the Supreme Court of Victoria, in the case *Matsoukatidou v*. *Yarra Ranges Council* [2017] VSC 61, delivered an important decision on 'the obligations of courts to ensure fair hearing and equality rights for unrepresented litigants'. Justice Bell identified that self-represented litigants are usually disadvantaged in all types of legal proceedings.

Source: Gavin Warner, 'Victorian Supreme Court rules that courts have fair hearing and equality obligations to assist self-represented litigants', Human Rights Law Centre, Sydney NSW, 2020, <a href="https://www.hrlc.org.au">https://www.hrlc.org.au</a>

 With reference to Justice Bell's comments, analyse the need for legal practitioners in either criminal or civil cases in Victoria.

Explain the role of <b>both</b> Victoria Legal Aid (VLA) and Victorian Community Legal Centres (CLCs) in assisting an unrepresented accused.	4 mar
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**c.** Discuss how a legal practitioner can contribute to the achievement of justice for an accused person.

#### Reform of Victoria's bail laws

In March 2023, a newspaper article in *The Guardian* announced that Victoria's bail laws were to be reformed. The bail laws at the time were described as a 'complete, unmitigated<sup>1</sup> disaster' by the coroner after an inquest into the death of a First Nations woman in custody in 2020. It was noted that the bail laws had doubled the imprisonment rate of First Nations women in Victoria.

Victorian Attorney General, Jaclyn Symes, commented 'Remand and custody should be used to keep Victorians safe, not to unnecessarily punish vulnerable community members for minor crimes'.

Source: Adeshola Ore, 'Victoria's bail laws to be loosened after being labelled "complete, unmitigated disaster", The Guardian, 5 March 2023, <www.theguardian.com>

#### <sup>1</sup>unmitigated – total, absolute

a. Describe two reasons why reform of Victoria's bail laws was considered necessary. 4 marks



5 marks

C.	Using an example from the past four years, evaluate the ability of a law reform body to
	influence a change in the law.

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#### Question 3 (9 marks)

#### Raising the age of criminal responsibility

#### Source 1

The United Nations Committee on the Rights of the Child in 2019 recommended that all countries raise the minimum age of criminal responsibility to 14 years. The Committee considered that children of 12 and 13 years of age are unlikely, due to their developmental stage, to 'understand the impact of their actions or to comprehend criminal proceedings'.

Source: General comment No. 24 (2019), 'Children's rights in juvenile justice', Committee on the Rights of the Child, Convention on the Rights of the Child, United Nations, 2019, <CRC/C/GC/24 (ohchr.org)>

#### Source 2

The Victorian government has decided to raise the age of criminal responsibility from 10 years to 12 with a further extension to 14 years by 2027.

This change will address the current situation where 10-year-old children 'can be arrested, charged with a crime, held on remand and jailed in juvenile detention'.

However, Indigenous organisations, legal experts, medical bodies and social advocacy groups have strongly argued that the age of criminal responsibility should be immediately raised to 14.

Source: Sumeyya Ilanbey and Annika Smethurst, 'Victoria to raise the age of criminal responsibility to 12', The Age, 25 April 2023

#### a. Explain one factor affecting the ability of the Victorian Parliament to make law.



**b.** Discuss how international pressures could promote changes to laws concerning the age of criminal responsibility in Victoria.

