VCE Legal Studies 2018–2023  
Frequently asked questions

1. What are the three principles of justice that students are required to consider across Units 1 to 4?

The Australian legal system aims to provide justice through universal basic fairness, equality and access for all citizens. Students are required to consider these three principles across Units 1 to 4.

FAIRNESS: Are fair legal processes in place? Do all parties receive a fair hearing?

EQUALITY: Are all people treated equally before the law? Do all people have an equal opportunity to present their case?

ACCESS: Do people have an understanding of their legal rights and an ability to pursue their case through a range of methods and institutions designed to settle disputes within the legal system?

1. What does limitation of actions mean? (Units 1 and 3)

Limitation of actions is a term used to describe the time period within which a plaintiff is required to commence a civil proceeding. Different time periods apply to different civil proceedings, depending on the nature of the claim and the type of loss suffered.

1. What does scope of liability mean? (Unit 3, Area of Study 2)

Scope of liability is a term used to describe the extent to which a defendant may be found liable for the harm caused to the plaintiff. The defendant may not be wholly liable for the harm, or there may be other people who have caused the harm.

1. Who may be a vulnerable witness? (Unit 3, Area of Study 1)

Vulnerable witnesses are certain types of people who are required to give evidence in a criminal hearing for certain types of offences and can be at risk as a result of giving evidence. The *Criminal Procedure Act 2009* (Vic) sets out protections available to vulnerable witnesses when giving evidence, and the *Evidence Act 2008* (Vic) also provides some protection for vulnerable witnesses from being asked improper questions.

1. In Unit 4, Area of Study 1, is it possible to study one referendum that protected the Constitution, or merely one referendum that changed the Constitution?

The key knowledge specifies that either a referendum that protected the Australian Constitution **or** a referendum that changed the Australian Constitution may be studied. Consequently, it is not required that a referendum have been successful for it to be studied. An unsuccessful referendum may be deemed to have protected the Australian Constitution and is therefore applicable.

1. Units 3 and 4 key knowledge refer to ‘factors that affect’. Does this include both positive and negative factors?

Yes it does. For example, as part of Unit 4, Area of Study 2, ‘factors that affect the ability of courts to make law’ is referred to. Relevant factors to be studied can either enable courts to make law or hinder courts from making law. Similarly Unit 3 refers to ‘factors that affect the ability of the criminal and civil justice systems to achieve the principles of justice’. Relevant factors in this case may include those that can either help or hinder the justice systems in achieving the three principles of justice - fairness, equality and access.

1. What are representative proceedings?

The use of the term representative proceedings in the study design refers to class actions, otherwise known as group proceedings.

1. What does the term ‘recent’ mean?

For the purposes of this study, ‘recent’ is defined as being within the last four years.

For recent cases (Unit 2) and recommendations for reform (Unit 4), the particular case or recommendation may have originated more than four years previous to the current year. There must, however, have been some type of change, appeal, legal discussion or a new aspect of the particular case or recommendation to have occurred within the last four years, and be cited during the study of the case or recommendation. For example, a reform proposed more than four years ago may be used in Unit 4 if there has been recent discussion (within the last four years) about it in the media. Similarly, a court case originating more than four years ago may also be studied in Unit 2 if an appeal has been launched or heard within the last four years.

1. Units 1–4 reference the use of actual and/or hypothetical scenarios. Is the term ‘scenario’ to be used and applied interchangeably with the term ‘case study’? Or does a scenario encompass more than a case study?

The intention is that students apply their learning to a set of facts and/or circumstances. The use of both hypothetical and/or actual scenarios is intended as a vehicle upon which students may do this. It is intended that a broad definition be applied to the term ‘scenario’. A scenario may be a set of facts, a set of stated circumstances, a case, a referendum, a series of information or a case study. Teachers are encouraged to consider scenarios beyond legal cases. A referendum, an issue or a series of arguments are all examples of different types of scenarios that may be applied when addressing key skills. A case study is simply one of several types of scenario formats that could be applied.