

**Victorian Certificate of Education
2018**

SUPERVISOR TO ATTACH PROCESSING LABEL HERE

STUDENT NUMBER Letter

LEGAL STUDIES

Written examination

Wednesday 14 November 2018

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

<i>Section</i>	<i>Number of questions</i>	<i>Number of questions to be answered</i>	<i>Number of marks</i>
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 book of 24 pages
- Additional space is available at the end of the book if you need extra paper 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.

SECTION A

Instructions for Section A

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

Question 1 (2 marks)

Outline **one** responsibility of a jury in a criminal trial.

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 (17 marks)

Bob, 24, has been charged with four offences, including armed robbery and common assault. The prosecution alleges that:

- Bob robbed a service station with a firearm
- the offences caused distress to several victims, including a young family and Ada, who was working in the service station
- Bob was serving a community correction order (CCO) at the time of the offences.

Bob has been cooperative with the police since his arrest. Bob cannot afford legal representation and is concerned about being sent to prison as he has served time in jail for numerous offences, including theft.

A committal hearing was held last week. The magistrate decided that the evidence against Bob was of sufficient weight to support a conviction for the offences. The court ordered that Bob stand trial. The trial is expected to last three weeks.

Ada is concerned about giving evidence as she is still distressed about the armed robbery.

Bob has pleaded not guilty.

- a.** Ada wants to sue Bob for damages.

Advise Ada on **one** enforcement issue she should consider before initiating this claim.

2 marks

Question 2 (13 marks)

Tanning units, also known as ‘solariums’ or ‘tanning beds’, are machines used to artificially tan skin through the use of ultraviolet radiation.

In 2007, the Australian Broadcasting Corporation (ABC) broadcast a program titled *The Dangers of a Deadly Tan*. The program considered the increase in the use of tanning units in Victoria, and the possible connection between tanning units and melanoma, a form of cancer.

Amendments were made to the *Radiation Act 2005* (Vic), which came into effect on 1 January 2015. It then became an offence for a person to operate a business allowing the use of a tanning unit. It remains legal to own a solarium for personal use only.

Source 1

The following is an extract from section 3, ‘Definitions’, of the *Radiation Act 2005* (Vic).

tanning unit means an electrically powered radiation apparatus designed to produce tanning of the human skin by utilising ultraviolet radiation

Source: Victorian Legislation and Parliamentary Documents, <www.legislation.vic.gov.au>

Source 2

The following is an extract from the *Radiation Act 2005* (Vic), which was inserted when the Act was amended.

23D Offence to conduct a commercial tanning practice

A person must not—

- (a) provide, or offer to provide, for fee or reward the use of a tanning unit; or
- (b) operate or offer to operate for fee or reward a tanning unit.

Penalty: In the case of a natural person, 60 penalty units;

In the case of a body corporate, 300 penalty units.

Source: Victorian Legislation and Parliamentary Documents, <www.legislation.vic.gov.au>

Source 3**‘It’s criminal, it should be stopped’: Melanoma survivor issues warning on illegal solariums**

Underground solariums are being advertised online across Australia, more than two years after the commercial use of tanning beds was banned nationally.

While it is legal to own a solarium for personal use, since [2015] it has been illegal for tanning beds to be used anywhere that charges a fee.

Source: A Lattouf, “‘It’s criminal, it should be stopped’: Melanoma survivor issues warning on illegal solariums”, ABC news, <www.abc.net.au>, 6 March 2018

a. Outline **one** role of the media in changing the law.

2 marks

b. Describe **one** reason why a court may need to interpret the phrase ‘tanning unit’ in section 23D of the *Radiation Act 2005* (Vic).

3 marks

c. Explain the link between the use of tanning units and the need for law reform.

4 marks

d. If the Commonwealth Parliament were to pass legislation allowing the commercial use of tanning units, how might section 109 of the Australian Constitution be relevant?

4 marks

Question 3 (10 marks)

On 18 June 2018, Australian Greens Senator Jordon Steele-John introduced a Bill into the Senate. The Bill, the Commonwealth Electoral Amendment (Lowering Voting Age and Increasing Voter Participation) Bill 2018, aims to amend the law to allow 16- and 17-year-olds to vote in federal elections.

The following data is from the ‘Senate Official Hansard’, 18 June 2018.

As at 18 June 2018, the composition of the Senate was as follows:	
Liberal-National Coalition (government)	31
Australian Labor Party (opposition)	26
Australian Greens (including Senator Steele-John)	9
Other (independents and minor parties)	10
Total	76

Data: Parliament of Australia, <www.aph.gov.au>

- a. Explain how a parliamentary committee or a royal commission could influence law reform to allow 16- and 17-year-olds to vote in federal elections. 4 marks

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

