

Victorian Certificate of Education  
2023

SUPERVISOR TO ATTACH PROCESSING LABEL HERE

STUDENT NUMBER

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## LEGAL STUDIES

### Written examination

Wednesday 8 November 2023

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	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 – continued**  
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**SECTION A – continued**  
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**Question 2** (15 marks)

The rights and roles of victims in criminal trials have been the subject of a Victorian Law Reform Commission (VLRC) inquiry. Recommendations for reform have been made but not yet implemented. These included a recommendation for restorative justice, a process that focuses on healing rather than punishment. It can allow victims of crime greater participation in the justice process than is currently available to them.

**Source 1**

A social media influencer recently captured the attention of millions of social media users when they made comments about their experience as a victim of crime. These comments have drawn attention to the issue of victims' rights. The social media influencer's comments are shown below.

As one of many victims of crime, I know the system does not provide justice for people like us. We are angry, unheard and damaged by the process. Our justice system does not meet victims' needs. It only cares about determining guilt and punishing an offender.

Plenty of people are talking about this, including the VLRC. The criminal justice system is not set up for victims.

#ReformIsOverdue #RestorativeJustice

**Source 2**

The following is an extract from Justice Cummins' preface to the VLRC report tabled in the Victorian Parliament, August 2016.

The judiciary applies itself assiduously<sup>1</sup> and conscientiously<sup>2</sup> to the demanding task of ensuring that every trial is fair. And yet the overwhelming—not universal—response of victims to the Commission's inquiry was dismay at how poorly they were treated in the trial process: how they were not acknowledged or respected; how they were demeaned; how they were re-traumatised; and how they were not participants.

...

The time has come for the proper interests of the victim as a participant—whether a witness or not—in the criminal trial process to be recognised. This is part of the evolution of the criminal law. While securing the proper rights of the State and of the accused, this report shows a way forward for securing the rights of victims as participants in the modern criminal trial.

Source: Victorian Law Reform Commission, 'The Role of Victims of Crime in the Criminal Trial Process', report, August 2016, pp. vi–vii, <[www.lawreform.vic.gov.au/wp-content/uploads/2021/07/VLRC\\_Victims-Of-Crime-Report-W.pdf](http://www.lawreform.vic.gov.au/wp-content/uploads/2021/07/VLRC_Victims-Of-Crime-Report-W.pdf)>

<sup>1</sup>**assiduously** – with great care and perseverance

<sup>2</sup>**conscientiously** – in a thorough and responsible way

**Source 3**

A recommendation for the introduction of restorative justice was made in the VLRC report.

**Recommendation 32**

The Victorian Government should establish a statutory scheme for restorative justice conferencing for indictable offences that is supplementary<sup>1</sup> to the criminal trial process and available in the following contexts<sup>2</sup>:

- (a) where a decision is made by the Director of Public Prosecutions to discontinue a prosecution
- (b) after a guilty plea and before sentencing
- (c) after a guilty plea and in connection with an application for restitution or compensation orders by a victim.

Source: Victorian Law Reform Commission, 'The Role of Victims of Crime in the Criminal Trial Process', report, August 2016, p. xxvi, <[www.lawreform.vic.gov.au/wp-content/uploads/2021/07/VLRC\\_Victims-Of-Crime-Report-W.pdf](http://www.lawreform.vic.gov.au/wp-content/uploads/2021/07/VLRC_Victims-Of-Crime-Report-W.pdf)>

<sup>1</sup>**supplementary** – additional

<sup>2</sup>**contexts** – situations

a. Explain **one** reason why law reform has been sought in relation to victims' rights.

3 marks

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