

VCE Legal Studies

Written Examination – End of Year

Sample questions

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.

SAMPLE

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.

SAMPLE

Question 3 (3 marks)

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

SAMPLE

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.

3 marks

SAMPLE

- 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.

4 marks

SAMPLE

c. Explain how a legal practitioner can assist Aiden during his criminal case. 3 marks

SAMPLE

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.

SAMPLE

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.

SAMPLE

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.

SAMPLE

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 of Victoria. The associated legal costs have totalled \$2.5 million. 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.

SAMPLE

SAMPLE

SAMPLE

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.

SAMPLE

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:

SAMPLE

Error 2:

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.

SAMPLE

SAMPLE

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, <<https://aija.org.au>>

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, <<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.

5 marks

SAMPLE

c. Discuss how a legal practitioner can contribute to the achievement of justice for an accused person.

6 marks

SAMPLE

Question 2 (17 marks)**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, unmitigated¹ 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>

¹**unmitigated** – total, absolute

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

SAMPLE

b. Analyse the role of the media in law reform.

5 marks

SAMPLE

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

8 marks

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. 3 marks

SAMPLE
