



**Victorian Certificate of Education  
2012**

SUPERVISOR TO ATTACH PROCESSING LABEL HERE

**STUDENT NUMBER**

Figures

Words


Letter

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**LEGAL STUDIES**

**Written examination**

**Friday 9 November 2012**

**Reading time: 3.00 pm to 3.15 pm (15 minutes)**

**Writing time: 3.15 pm to 5.15 pm (2 hours)**

**QUESTION AND ANSWER BOOK**

**Structure of book**

<i>Number of questions</i>	<i>Number of questions to be answered</i>	<i>Number of marks</i>
13	13	70

- 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 white out liquid/tape.
- No calculator is allowed in this examination.

**Materials supplied**

- Question and answer book of 20 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.
- You should make use of stimulus material where it is included. However, it is not intended that this material will provide you with all the information to fully answer the question.
- 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.**

**Instructions**

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

**Question 1**

The following notice appeared in the *Commonwealth of Australia Gazette*.

**Act of Parliament assented to**

It is hereby notified, for general information, that Her Excellency the Governor-General, in the name of Her Majesty, assented on 7 December 2011 to the following Act passed by the Senate and the House of Representatives in the Parliament assembled:

No. 001 of 2011 – an Act to amend legislation relating to technology (*Mobile Phones Act 2011*)

- a. Outline the stage in the law-making process that is referred to in the above notice.

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2 marks

- b. Other than changes in technology, explain one reason why a law may need to be changed.

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2 marks

**Question 2**

Provide one reason why a state parliament may refer its law-making powers to the Commonwealth Parliament.

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2 marks

**Question 3**

‘The Victorian court hierarchy is an important part of our legal system. It allows the doctrine of precedent to operate and it establishes the jurisdiction of courts.’

- a. Explain one reason why a precedent established in the Victorian Supreme Court (Court of Appeal) may not have to be followed in the Victorian Supreme Court (Trial Division).

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2 marks

- b. Using the Magistrates’ Court as an example, explain the term ‘original jurisdiction’.

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3 marks



**Question 5**

Jane has been charged with manslaughter. She has decided to plead not guilty.

- a.** Jane has been told that she will either be remanded or granted bail.

Explain the difference between remand and bail.

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3 marks

- b.** If Jane is found guilty, identify one sanction that may be imposed and describe its purpose.

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2 marks

**Question 6**

a. Describe one purpose of a directions hearing in a civil proceeding.

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2 marks

b. Explain **two** possible advantages of having a civil dispute resolved by the Victorian Civil and Administrative Tribunal (VCAT) rather than a court.

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4 marks

**Question 7**

‘Every person in Victoria can be confident that, if he or she should face trial in Victoria, the trial will be conducted with impartiality, fairness and independence.’

Referring to the above statement, explain **two** features of the adversary system of trial.

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4 marks



**Question 8**

‘One of the purposes of damages as a civil remedy is to restore the plaintiff to the position that he or she was in before the wrong occurred.’

Discuss the extent to which damages achieve this purpose.

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4 marks

**Question 9**

Evaluate mediation as a dispute resolution method.

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5 marks

**Question 10**

The following comment appeared in a local Victorian newspaper.

Why are judges able to change laws that are already in place? They should not be able to change laws.  
– Concerned Con from Kyabram

Discuss the ability of courts to change the law.

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6 marks

**TURN OVER**

**Question 11**

A former defendant stated, ‘Two features of the jury system are being judged by your peers and having a cross-section of the community on the panel’.

Evaluate these two features of the jury system.

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6 marks

**Question 12**

‘Without the assistance of the Victorian Law Reform Commission (VLRC), the Victorian Parliament would be less able to make laws that reflect society’s values.’

To what extent do you agree? Give reasons for your answer.

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7 marks









**Extra space for responses**

**Clearly number all responses in this space.**

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