

Trial Examination 2020

VCE Legal Studies Units 3&4

Written Examination

Question and Answer Booklet

Reading time: 15 minutes

Writing time: 2 hours

Student's Name: _____

Teacher's Name: _____

Structure of booklet

<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 booklet of 24 pages

Additional space is available at the end of the booklet if you need extra paper to complete an answer.

Instructions

Write your **name** and your **teacher's name** 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.

Students are advised that this is a trial examination only and cannot in any way guarantee the content or the format of the 2020 VCE Legal Studies Units 3&4 Written Examination.

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SECTION A

Instructions for Section A

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

Question 1 (5 marks)

Mary recently moved into a townhouse, signing a contract for a one-year lease. After moving in, Mary identified various problems, including an oven that did not work and faulty door locks.

A number of weeks have passed since she first reported the problems to the landlord, who has not returned her calls. A friend told her that the Victorian Civil and Administrative Tribunal (VCAT) would resolve the issue for her.

- a.** Outline **one** reason why Mary should follow her friend’s advice. 2 marks

- b.** Identify **one** other avenue that may also be appropriate to resolve the matter **and** justify which of the two avenues Mary should choose. 3 marks

Question 2 (5 marks)

The bicameral structure of the Commonwealth Parliament is one way that the Australian Constitution acts as a check on parliament in law-making.

Outline what is meant by 'bicameral structure' in relation to the Commonwealth Parliament **and** describe **one** other way that the Australian Constitution acts as a check on parliament in law-making.

Question 3 (4 marks)

Distinguish between the concepts of ‘standard of proof’ and ‘burden of proof’ in the criminal justice system **and** explain how **either** standard of proof **or** burden of proof upholds the principle of equality.

Question 4 (9 marks)

Under Victorian legislation, a judge or magistrate is required to:

- consider the aims of punishment, deterrence, rehabilitation, denunciation and protection of the community prior to sentencing an offender; and
- hear or read a victim impact statement from any victim of the crime for which the judge is handing down a sentence.

a. Discuss the ability of a Community Corrections Order (CCO) to achieve the aims of punishment **and** deterrence.

5 marks

b. Explain **one** reason why a victim impact statement **may not** be appropriate prior to sentencing. 2 marks

c. Describe how a victim impact statement might uphold the principle of fairness. 2 marks

Question 5 (2 marks)

Political pressures have various origins and may affect the ability of parliament to make laws.

Outline how **one** type of political pressure may affect parliament's ability to make laws.

Question 6 (5 marks)

Lior is not familiar with the Australian Constitution. He stated that he doesn't believe that areas of law-making that fall under concurrent powers can operate effectively. He believed it could lead to laws being made by one or more state parliaments that are different to laws on the same matter made by the Commonwealth Parliament.

Discuss the extent to which you agree with Lior.

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 (15 marks)

Rugby Australia terminated the employment of deeply religious player, Israel Folau, for posting on social media that homosexual people, adulterers, fornicators and drunkards were going to hell.

Folau subsequently commenced legal action against Rugby Australia and the team he played for, the New South Wales Waratahs, citing unlawful sacking in a 26-page statement of claim.

The following extracts relate to the legal action that commenced.

Source 1

The following is an extract from *news.com.au*, published on 1 August 2019.

“Unfortunately, our conciliation before the Fair Work Commission did not resolve the matters between us and I have been left with no choice but to commence court action,” Folau said in a statement ...

Source: Reproduced with permission from *news.com.au*. Accessed March 2020.

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Source 2

The following is an extract from *The Guardian*, published on 13 August 2019.

Judge urges Israel Folau and Rugby Australia to settle dispute through mediation

...

If mediation fails, Folau will fight Rugby Australia and the NSW Waratahs at a three- to five-day trial from 4 February.

Source: Reproduced with permission from *The Guardian*. Accessed March 2020.

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Source 3

The following is an extract from *The Australian Financial Review*, published on 4 December 2019.

“Rugby Australia, NSW Rugby and Israel Folau have today settled their legal dispute following the dismissal of Israel Folau after he posted a religious message on social media,” Mr Folau and Rugby Australia said in a joint statement on Wednesday.

...

The settlement comes after both sides talked behind closed doors for 12 hours at a private mediation ...

Source: Reproduced with permission from *The Australian Financial Review*. Accessed March 2020.

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Source 4

The following is an extract from *The Australian Financial Review*, published on 29 August 2019.

Larger businesses, including sporting bodies, will find it harder to sack people in situations such as the Israel Folau case under a new Religious Discrimination Act proposed by the Morrison government.

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- a. Outline the pre-trial procedure that includes the key document, ‘statement of claim’, mentioned in Source 1 **and** describe **one** purpose of this pre-trial procedure. 4 marks

- c. Outline the role that would be played by the Crown if the ‘new Religious Discrimination Act proposed by the Morrison government’ were passed. In your answer, identify the title of the person representing the Crown. 3 marks

Question 2 (12 marks)

There are many options available to parliament to ensure that it effectively carries out its main roles of making and changing laws. These functions can be better achieved through the operation of the committee system and the establishment of Royal Commissions.

- a.** Outline **one** reason why parliament may wish to change the law. 2 marks

- c. Explain **one** way that parliament and courts can work together to ensure effective law reform.

3 marks

Question 3 (13 marks)

The following is a hypothetical scenario.

Charges have been dropped against two men accused of being members of a gang that carried out 11 separate armed robberies of Electronics-R-Us stores across Melbourne in recent months. Staff and customers in the stores at the times of the robberies have been left severely traumatised, with concerns expressed that no security measures appeared to be in place at Electronics-R-Us stores.

All charges faced by Stephen Smith, 32, and Campbell Roycroft, 27, were withdrawn on Friday at the request of the Office of Public Prosecutions due to uncertainty as to whether their role in the raids fit with the legislative definition of ‘armed robbery’. The two men, who were remanded in custody, were immediately released.

Clarification as to whether armed robbery was the appropriate charge for the released men is to be decided by a Supreme Court judge.

The withdrawal of the charges leaves only 32-year-old David Warne still facing armed robbery charges in relation to the raids. Warne, who denies the charges, continues to be remanded in custody, with committal proceedings set down to commence next month.

- a. Referring to ‘presumption of innocence’ **and** ‘rights of the accused’, to what extent have the accused in this case been treated appropriately by the criminal justice system? 5 marks

b. Outline **one** purpose of conducting committal proceedings in this case. 2 marks

c. A significant number of staff and customers have been left severely traumatised by the events.
How might they most effectively use the civil justice system in this case? Justify your answer. 3 marks

- d. Describe **one** effect that the Supreme Court judge interpreting the term ‘armed robbery’ in this case may have on future cases. 3 marks

END OF QUESTION AND ANSWER BOOKLET

