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## Trial Examination 2021

# **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

Section	Number of questions	Number of questions to be answered	Number of marks
А	7	7	40
В	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 2021 VCE Legal Studies Units 3&4 Written Examination.

#### **SECTION A**

#### **Instructions for Section A**

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

#### Question 1 (2 marks)

Outline **one** reason why Consumer Affairs Victoria (CAV) would be an appropriate body to resolve a civil dispute.

#### Question 2 (4 marks)

Explain how judicial conservatism differs from judicial activism as a mechanism for affecting the ability of the courts to make laws.

#### Question 3 (5 marks)

'When presiding over a civil dispute, the judge has significant case management powers, including the power to order mediation.'

a.Other than the power to order mediation, explain one judicial power<br/>of case management.3 marks

**b.** Outline **one** responsibility of the judge in a civil dispute after all evidence has been presented.

2 marks

Que	estion 4 (6 marks)	
a.	Identify <b>two</b> rights of the accused in the Victorian criminal justice system.	2 marks
b.	Explain how the rights identified in <b>part a.</b> aim to uphold the principle of equality.	4 marks

#### **Question 5** (6 marks)

A recently commenced defamation case may not proceed. The Supreme Court judge presiding over the case has been alerted to the fact that the defendant in the matter will soon be declared bankrupt. Additionally, the plaintiff has possibly taken too long to file the lawsuit.

Analyse **two** factors the plaintiff should consider before continuing with the civil claim.



#### Question 6 (7 marks)

'Cost, time and accessibility are all factors that may impact on the ability of the civil justice system to achieve justice.'

Describe **either** a recent reform **or** a recommended reform and consider the extent to which the reform has enhanced **or** would enhance the ability of the civil justice system to achieve justice.

#### Question 7 (10 marks)

'Both the High Court and the people have the ability to act as checks on parliament in law-making.'

Evaluate this statement with reference to **one** High Court case that has affected the division of constitutional law-making powers and **one** matter where the people have protected **or** changed the Australian Constitution.


#### 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 (16 marks)

The following extracts relate to the murder of Celeste Manno.

#### Source 1

The following is an extract from an article published in *The Age* on 20 November 2020.

Thirty-five year old Roxburgh Park man Luay Sako was arrested on Monday after driving himself to the Mernda police station. He was charged with one count of murder ...

Source: Reproduced with permission from *The Age*. Accessed May 2021. The use of this work has been licensed by Copyright Agency. Except as permitted by the Copyright Act, you must not re-use this work without the permission of the copyright owner or Copyright Agency.

#### Source 2

The following is an extract from an article published in *The Age* on 8 December 2020.

A petition to strengthen laws around stalking sparked by the death of Melbourne woman Celeste Manno has been tabled in State Parliament after it garnered more than 8000 signatures.

The community petition, tabled by Justice Party MP Tania Maxwell on Tuesday, calls for the introduction of "more stringent laws for victims of stalking and violence".

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#### Source 3

The following is an extract from an article published in *The Age* on 9 December 2020.

On Wednesday Ms Manno's mother Aggie Di Mauro met with Attorney-General Jill Hennessy to call for change ...

... Ms Hennessy said Ms Manno's death had been an "unimaginable tragedy" ...

"That's why I will ask the Victorian Law Reform Commission to urgently review Victoria's responses to stalking, harassment and similar conduct ..."

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a. Identify all courts that may preside over this matter. Justify your answer. 4 marks

Using the sources provided, discuss the effectiveness of the ability of individuals o influence law reform.	5 mark

c. Referring to one recent example of a recommendation for law reform, explain the role of the Victorian Law Reform Commission (VLRC) and evaluate its effectiveness in influencing law reform.
7 marks



#### Question 2 (12 marks)

The following is an extract from an article published on the *news.com.au* website on 22 November 2017.

#### Euthanasia scheme given the go-ahead in historic day for Victoria

HUNDREDS of terminally-ill patients will be able to apply for lethal medication within 18 months, after parliament yesterday approved Victoria's first voluntary euthanasia scheme. In a historic day in the Legislative Council, 22 of 40 MPs in parliament's Upper House backed the Andrews Government's Bill.

The Bill will next week return to the Legislative Assembly for the Lower House to ratify some amendments made to satisfy crossbench and Liberal MPs in the Upper House.

Source: Reproduced with permission from *news.com.au*. Accessed May 2021. The use of this work has been licensed by Copyright Agency. Except as permitted by the Copyright Act, you must not re-use this work without the permission of the copyright owner or Copyright Agency.

**a.** Using the extract provided, explain how the roles of the houses may affect the ability of parliament to make laws.

4 marks

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3 ma
5 1114

d. 'The Australian Constitution determines the law-making powers of the Victorian parliament.'
Explain how this statement is reflected in the Bill.
3 marks



#### Question 3 (12 marks)

The following is an extract from an article published in the Herald Sun on 3 March 2020.

#### State government move to close loophole for emergency service mandatory jail laws

Mandatory jail sentence laws for thugs that bash emergency service workers will be tightened by the state government after several people have walked free from court.

The Sentencing Amendment (Emergency Worker Harm) Bill 2020 will be introduced to the state parliament today to close the loophole in the current law that requires a minimum six months for anyone who attacks an officer on duty.

The move comes after James Haberfield, 22, sidestepped mandatory sentencing laws in a decision handed down in the Melbourne Magistrates Court in August.

He avoided a prison term after admitting to attacking the paramedics while on a cocktail of drugs and was placed on an 18-month Community Correction Order instead.

The sentence sparked outrage among the community as well as prompted anger from the paramedics and police unions.

Attorney-General Jill Hennessy said the new legislation to be introduced today would mean people who assault emergency workers can only claim "special reasons" in court for very narrow set of mental impairments.

Under the change if a person's mental state is self-induced from drunkenness or drugs use they will not be able to rely on the "special reasons" clause and claim lower culpability.

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**a.** Using the extract provided, discuss the extent to which a Community Corrections Order (CCO) achieves **one** of its purposes.

5 marks

or and <b>one</b> aggravating factor that may have been	
	4

# END OF QUESTION AND ANSWER BOOKLET

### Extra space for responses

Clearly number all responses in this space.

