

3 August 2020  
VCE Legal Studies  
Professional Development Workshop

Preparing your students for exam  
success in VCE Legal Studies

Hosted by Annie Wilson & Lisa Filippin



# Agenda

1 Exam details & specifications

2 Adjusted Study Design

3 Tips for exam success

4 Questions



Please post questions in the 'chat' throughout as we talk and we will respond to them during the question time section of the webinar at the end

# Exam details & specifications

## When

- Monday 23 November 2020, 2pm – 4.15pm

## Format

- Section A (40 marks) & Section B (40 marks)
- Question & answer booklet

## Section A

- Short-answer and extended-answer questions
- **One** extended-answer question worth 10 marks

## Section B

- At least two, **scenario-based** short-answer and extended-answer questions
- Scenarios may be actual, hypothetical or a combination of both (**(note: refer to Study Design as to which)**)

# Adjusted Study Design for 2020

Due to COVID-19, the Study Design for 2020 has been adjusted so that:

- Unit 3 should contribute **60%** of the total marks (approximately **48/80 marks**)
- Unit 4 should contribute **40%** of the total marks (approximately **32/80 marks**)

More specifically:

Outcome	Area of Study	Marks (80 marks)	Percentage of unit
Unit 3 Outcome 1	Victorian criminal justice system	approx. <b>24 marks</b>	50% of Unit 3 15% of study score
Unit 3 Outcome 2	Victorian civil justice system	approx. <b>24 marks</b>	50% of Unit 3 15% of study score
Unit 4 Outcome 1	The people & the Australian Constitution	approx. <b>8 marks</b>	25% of Unit 4 5% of study score
Unit 4 Outcome 2	The people, parliament and the courts	approx. <b>24 marks</b>	75% of Unit 4 15% of study score

# Adjusted Study Design for 2020

Be wary, however, of the following:

- Concepts or principles that canvass more than one AOS (e.g. High Court; parliament)
- The mark split is our assumption based on adjusted Study Design
- These can only ever be approximates



# Adjusted Study Design for 2020

## Outcome 1

On completion of this unit the student should be able to ~~discuss the significance of High Court cases involving the interpretation of the Australian Constitution and~~ evaluate the ways in which the Australian Constitution acts as a check on parliament in law-making.

To achieve this outcome the student will draw on key knowledge and key skills outlined in Area of Study 1.

### Key knowledge

- the roles of the Crown and the Houses of Parliament (Victorian and Commonwealth) in law-making
- the division of constitutional law-making powers of the state and Commonwealth parliaments, including exclusive, concurrent and residual powers
- the significance of section 109 of the Australian Constitution
- the means by which the Australian Constitution acts as a check on parliament in law-making, including:
  - the bicameral structure of the Commonwealth parliament
  - the separation of the legislative, executive and judicial powers
  - the express protection of rights
  - the role of the High Court in interpreting the Australian Constitution
  - the requirement for a double majority in a referendum
- ~~the significance of one High Court case interpreting sections 7 and 24 of the Australian Constitution~~
- ~~the significance of one referendum in which the Australian people have protected or changed the Australian Constitution~~
- ~~the significance of one High Court case which has had an impact on the division of constitutional law-making powers~~
- ~~the impact of international declarations and treaties on the interpretation of the external affairs power.~~

# Adjusted Study Design for 2020

## Key skills

- define and use legal terminology
- discuss, interpret and analyse legal principles and information
- compare the constitutional law-making powers of the state and Commonwealth parliaments, using examples
- discuss the significance of section 109 of the Australian Constitution
- evaluate the ways in which the Australian Constitution acts as a check on parliament in law-making
- analyse the ability of the Australian people to protect or change the Australian Constitution
- ~~discuss the significance of High Court cases involving the interpretation of the Australian Constitution~~
- ~~discuss the impact of international declarations and treaties on the interpretation of the external affairs power~~
- synthesise and apply legal principles to actual scenarios.

# Adjusted Study Design for 2020

A reminder that the most important documents are the following:

- Adjusted Study Design
- FAQ's
- FAQ's on Adjusted Study Design
- Examination reports
- Past examinations
- Any other VCAA-authorised materials





# Tip 1: Managing time

80 marks

120 mins writing; 15 mins reading

Combination of “minutes per mark”  
and “minutes per skill/knowledge”

Proper use of reading time

# Tip 1: Managing time

Consider the following reading time strategies:

Scan the entire paper

Read paper again

Look carefully at task words / mark allocation

Categorise questions into 3 groups:

- I know the answer to this
- I think I know answer but not sure
- I have no idea how to answer

Decide which questions you'll answer first

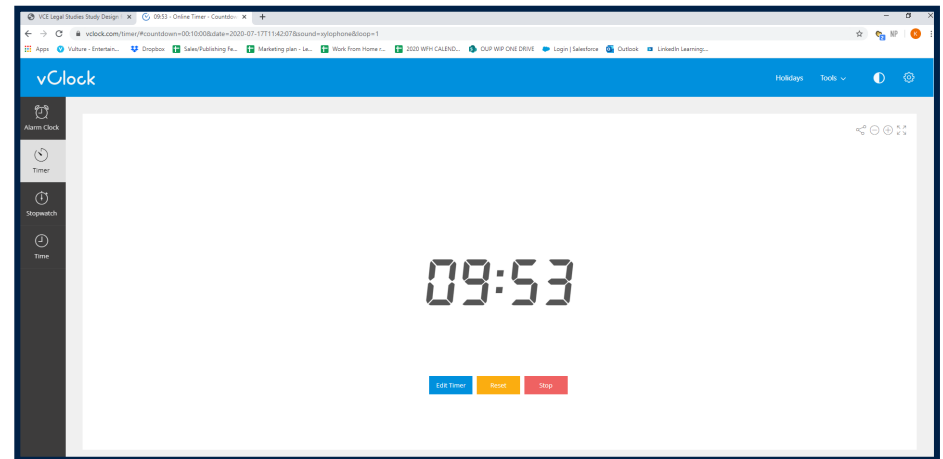
Go back and read questions to answer first or stimulus material

# Tip 1: Managing time

Create a simple PowerPoint with sample questions and **embedded 'countdown clocks/timers'**.

To find 'timers', search '***X minute timer***' on the internet.

After students complete each question, they can swap their answer with a partner and mark it or view a sample solution.



# Tip 2: Line/space allocation

Generally, 4 lines per mark (this can vary)

For 10 mark question, 2 full pages of lines

Lines are a guesstimate

Best indicators of length of response are mark allocation, task/command words, and knowledge being assessed



## Tip 2: Line/space allocation

When it comes to filling up the space, student should...

- Use paragraphs to structure their answers extended responses (but not short questions)
- Start each new feature/factor in a new paragraph
- Write in the space provided and use the 'additional space' at the end of the booklet. Clearly mark responses with the question number and write 'see end' or 'PTO'.
- **Not** write in dot points, or use tables and charts



DOs



DON'Ts

# Tip 3: Reading and responding

To perform well on the exam, students should read each question carefully and understand what is being asked of them. For example:

Describe what an injunction is and outline **one** of its purposes in this case.

3 marks

give a detailed account of what an injunction is

give a brief summary of the key features

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# Tip 3: Reading and responding






A summary of all task/command words and what exactly they ask of the students is included in the Legal Toolkit chapter of the Oxford Legal Studies for VCE books, alongside examples of where these questions have appeared in previous exams:

TASK WORD OR COMMAND WORD	DEFINITION	DIFFICULTY	EXAMPLE QUESTION FROM PAST EXAMS*
<b>Advise</b>	To offer suggestions about the best course of action or make recommendations	Medium to high	Question 1a (Section B) (2018) See examination for the stimulus material. <b>Advise</b> Ada on one enforcement issue she should consider before initiating this claim.
<b>Analyse</b>	To examine a complex feature, issue or concept by breaking it down into smaller parts and showing how they relate to one another	High	Question 12 (2013) Using one successful referendum and one High Court case, <b>analyse</b> the impact of referendums and the High Court's interpretation of the Commonwealth Constitution on the division of law-making powers.
<b>Comment on</b>	To express an opinion or reaction (in order to demonstrate your understanding of it)	Medium	Question 5 (2009) 'Pre-trial procedures are designed to speed up the resolution of civil disputes.' <b>Comment on</b> this statement. In your answer, describe one civil pre-trial procedure.
<b>Compare</b>	To explain or discuss how concepts, definitions or features are similar and different (by identifying the qualities or features they have in common as well as those they don't)	Low to medium	Question 5 (2010) Jane and David have been involved in an ongoing dispute. They have been advised to use either mediation or arbitration as a dispute resolution method. <b>Compare</b> mediation and arbitration as methods of dispute resolution.
<b>Define</b>	To state the exact nature, features, or meaning of a term, feature or concept	Low	Question 1 (2015) A plaintiff is seeking an injunction and damages of \$1 million in the Supreme Court of Victoria. <b>Define</b> the term 'injunction'.
<b>Describe</b>	To give a detailed account of a system, process or feature	Low	Question 1b, Section A (2019) John has been charged with an indictable offence. He has pleaded not guilty. The victims are worried about giving evidence at the upcoming trial, which is expected to last for six weeks. John's lawyer has recommended that John should apply to the court for a sentence indication and consider pleading guilty. <b>Describe</b> one impact that a guilty plea may have on John's criminal case.

TASK WORD OR COMMAND WORD	DEFINITION	DIFFICULTY	EXAMPLE QUESTION FROM PAST EXAMS*
<b>Illustrate</b>	To provide examples in order to better describe or explain a feature or concept	Medium	Question 4 (2005) Use one example to explain and <b>illustrate</b> how the law-making powers of the Commonwealth Parliament and the State Parliaments have been changed by High Court interpretation of the Commonwealth Constitution.
<b>Justify</b>	To show (or prove) a statement, opinion or contention to be right or reasonable by providing evidence or examples	Low to medium	Question 5, Section A (2019) See examination for the stimulus material. Referring to committal proceedings, <b>justify</b> one reason for the Victorian court hierarchy.
<b>Outline</b>	To give a brief summary of the key features	Low	Question 2a, Section B (2018) See examination for the stimulus material. <b>Outline</b> one role of the media in changing the law.
<b>Provide</b>	To give, supply or specify	Low	Question 1b, Section B (2018) See examination for the stimulus material. Distinguish between mitigating factors and aggravating factors to be considered in sentencing, and <b>provide</b> an example of each in Bob's case.
<b>To what extent</b>	To describe the degree or level to which a statement, opinion or contention is (or is believed to be) correct or valid	Medium to high	Question 2, Section A (2019) See examination for stimulus material. In your view, <b>to what extent</b> does the composition of the Commonwealth Parliament affect its ability to be representative in law-making? Justify your answer with reference to the table above.
<b>What</b>	To specify a thing or things	Low	Question 5, Section A (2018) Kylie is a professional sportsperson. She has commenced a civil proceeding in the Supreme Court of Victoria against her former agent for breach of contract. Her former agent has engaged legal practitioners to defend the claim. <b>What</b> has the burden of proof in Kylie's case and <b>what</b> is the standard of proof in this case?
<b>Who</b>	To specify a person or people	Low	Question 5, Section A (2018) See above for the stimulus material. <b>Who</b> has the burden of proof in Kylie's case and <b>what</b> is the standard of proof in this case?
<b>Why</b>	Provide a reason or explanation	Low	Question 7 (2017) See examination for stimulus material. Will there be a committal hearing in this case? <b>Why</b> or <b>why not</b> ?

\*Selected VCE Legal Studies examination questions (2010–2019) are reproduced by permission, © VCAA.

# Tip 3: Reading and responding

-  No pre-prepared responses or rote-learned answers
-  Reference to source material (always: Section B; as required: Section A)
-  Don't define key terms or concepts unless question requires it
-  Don't describe methods or institutions unless the response needs it or the question asks for it (e.g. mediation)
-  Abbreviations okay but a student must write term in full and put abbreviation in bracket



## Tip 4: Keeping recent

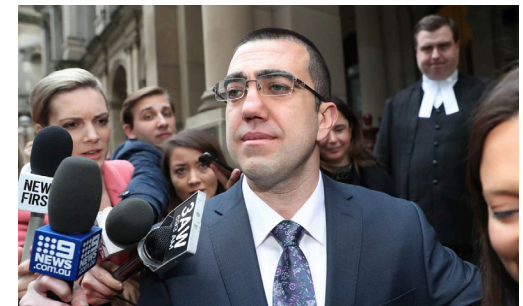
As stated in the **VCE Legal Studies 2018–23 Frequently Asked Questions** document from the VCAA, for the purposes of the Study Design, ‘recent’ is “being within the last four years”:

*“For recent recommendations for reform (Unit 4), the particular recommendation may have originated more than four years previous to the current year, however, there must have been some type of change, appeal, legal discussion or a new aspect of the particular case or recommendation to have occurred within the last four years, and be cited during the study of the case or recommendation. E.g. a reform proposed more than four years ago may be used if there has been recent discussion (within the last four years) about it in the media”.*



# Tip 4: Keeping recent

Unit	Description
Unit 3	<ul style="list-style-type: none"> <li>Recent reforms and recommended reforms to enhance the ability of the criminal AND civil justice system to achieve the principles of justice</li> </ul>
Unit 4	<ul style="list-style-type: none"> <li>One recent example of the Victorian Law Reform Commission recommending law reform</li> <li>One recent example of a recommendation for a law reform by one parliamentary committee or one Royal Commission</li> </ul>

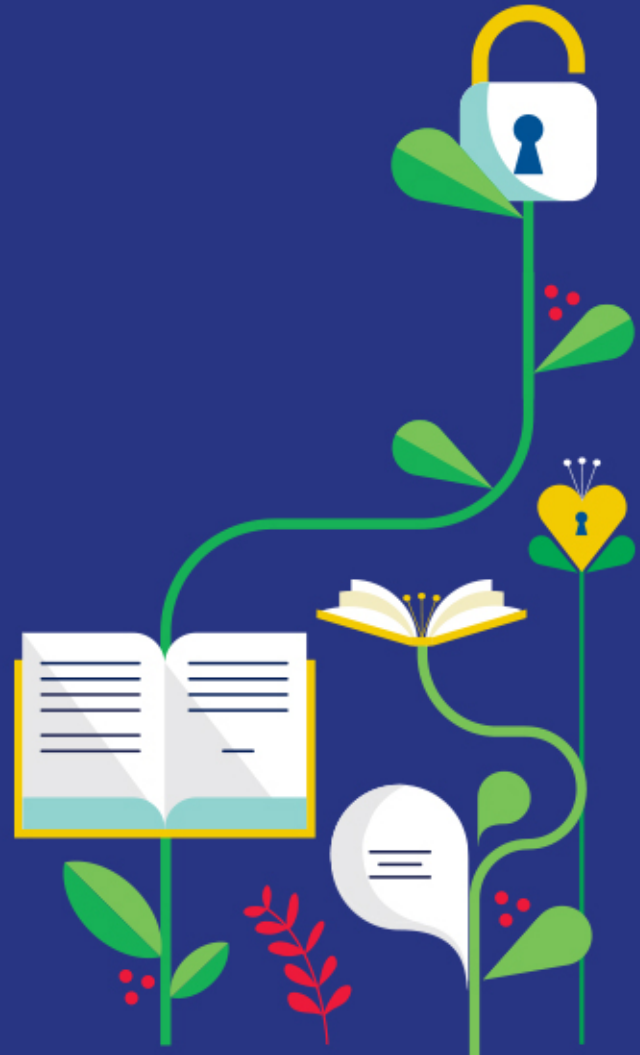


# Tip 5: Make wise choices

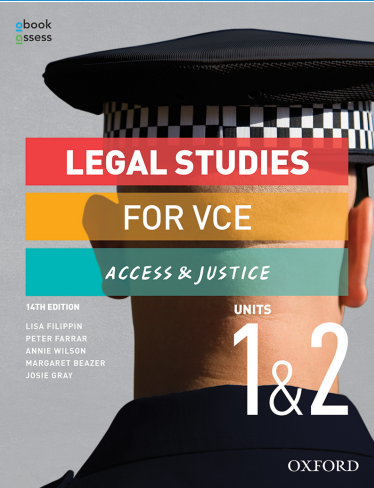
-  Go with methods/sanctions/reasons etc. that have the richest source material
-  Obscure cases and examples can be dangerous!
-  Use cases and examples wisely and where they enhance the answer
-  Make an election where you are asked for it
-  Look for 'choice' questions and remember which ones you studied (e.g. Royal Commission/Parliamentary Committee)

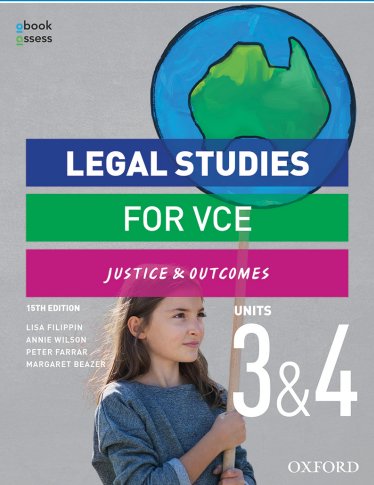


Q & A



# Product information

	Legal Studies for VCE Units 1 & 2	Format	Price
	Student book + <u>o</u> book <u>a</u> ssess Print book with 2 years' digital access included	PRINT + DIGITAL	\$74.95
	Student <u>o</u> book <u>a</u> ssess Digital book with 2 years' digital access included	DIGITAL	\$54.95
	Teacher <u>o</u> book <u>a</u> ssess* Digital book that includes access to additional teacher only resources. Perpetual access.	DIGITAL	\$299.95

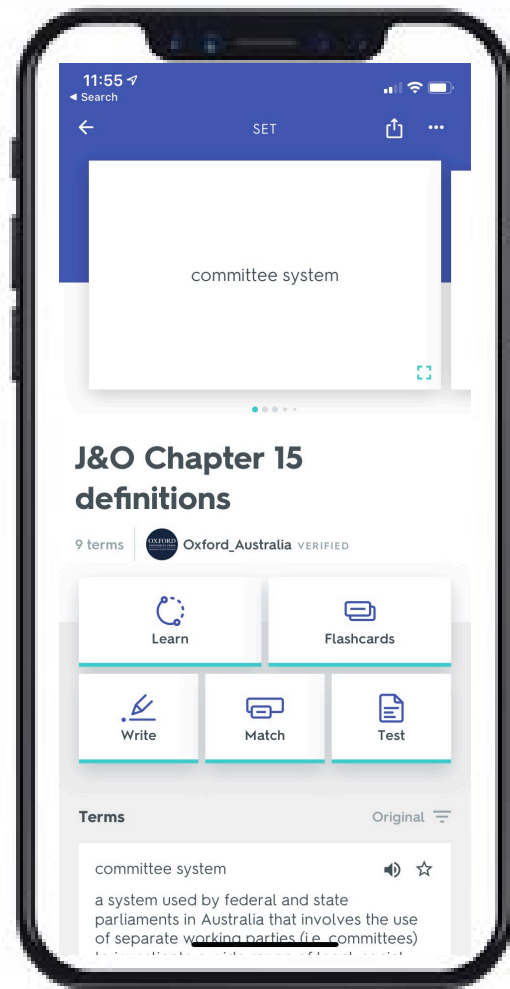
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	Student book + <u>o</u> book <u>a</u> ssess Print book with 2 years' digital access included	PRINT + DIGITAL	\$74.95
	Student <u>o</u> book <u>a</u> ssess Digital book with 2 years' digital access included	DIGITAL	\$54.95
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UNITS 3&4

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Select a class, group or student to view their results.

Use the navigation menu on the left-hand side to view the different Markbook levels: Overview, Chapter or Topic.

2019 11 Maths Live  Group  Student

### Chapter 15 Law reform

Export results

First name	Last name	Are you ready?	Topic 4A	Topic 4B	Topic 4C	Topic 4D	Topic 4E	Topic 4F	Chapter 4 review	Overall comments
Adam	Apple	60%	83%	50%	33%	50%	83%	33%	65%	Needs to work on his weakn...
Bertie	Banana	90%	83%	83%	83%	100%	83%	100%	100%	Excellent work! Keep it up
Caroline	Cheese	100%	83%	67%	100%	67%	67%	67%	85%	Very consistent. A good st...
Diana	Doritos	60%	17%	0%	33%	33%	50%	50%	20%	Often gets distracted.
Erica	Egg	70%	67%	83%	50%	67%	83%	67%	70%	A keen learner.
Freddy	Fig	70%	100%	67%	83%	83%	83%	67%	85%	Always tries very hard.
Class average		75%	72%	58%	64%	67%	75%	64%	71%	

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# What's new?

## STUDENT BOOK FEATURES

- Over 80% of the legal scenarios in the series have been updated to new, recent and relevant cases.
- An updated review spread at the end of each chapter which includes three top tips from that chapter, three exam-style graded questions, and a practice assessment task.
- **We've pared it back!** This includes:
  - delivering complex and potentially confusing content in clear, easy-to-read formats, such as tables and diagrams
  - moving the “going further” sections from the previous editions to obook assess in order to enhance the focus of the Student book
  - updating the terminology throughout to simplify the structure of the book and encourage students to use syllabus terminology (e.g. ‘actual scenarios’ and ‘hypothetical scenarios’)

We've kept the best features from the previous edition, including:

- The Legal Toolkit chapter at the start of each book, which provides clear course information, exam advice and preparation, tips for mastering legal citation and career information.
- An introductory chapter at the beginning of each unit to cover core concepts and essential prior knowledge.
- Chapter opener spreads which succinctly cover outcomes, key knowledge and key terms from the Study Design.
- Margin notes throughout, such as must-see Study Tips and exciting Did You Know? content.
- A range of leveled learning questions found at the end of every topic that support differentiation.
- Last but certainly not least, our well-respected, well-connected **author team** are back to bring their knowledge and experience to each book.

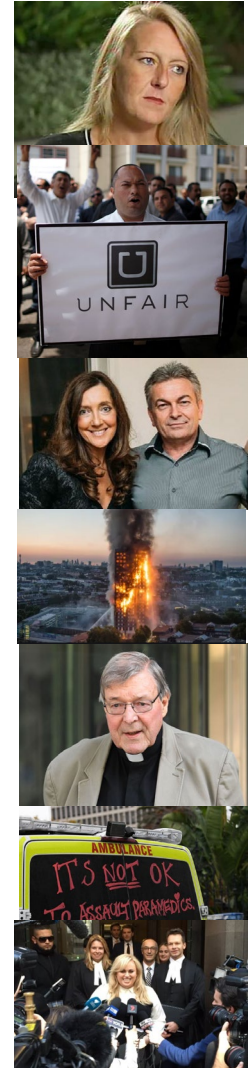


## Unit 2, AOS1 – Sanctions

- A weekend at an Airbnb ends in murder  
*DPP v AK (Sentence) [2019] VSC 852 (20 December 2019)*
- The case that captivated Victoria  
*DPP v Ristevski [2019] VSC 253 (18 April 2019); DPP v Ristevski [2019] VSCA 287 (6 December 2019)*
- The assault of a paramedic  
*Tang v Haberfield (Victorian Magistrates' Court, Magistrate Zebrowski, 28 August 2019); DPP v Haberfield [2019] VCC 2082 (16 December 2019)*
- The trials and acquittal of George Pell  
*DPP v Pell (Sentence) [2019] VCC 260 (13 March 2019); Pell v The Queen [2019] VSCA 186 (21 August 2019); Pell v The Queen [2020] HCA 12 (7 April 2020)*

## Unit 2, AOS1 – Sanctions

- The crime reporter who sued *The Age*  
*YZ (a pseudonym) v The Age Company Limited [2019] VCC 148 (22 February 2019); The Age Company Limited v YZ (a Pseudonym) [2019] VSCA 313 (19 December 2019)*
- Uber success drives Taxis to class action  
*Andrianakis v Uber Technologies Incorporated and others S ECI 2019 01926*
- Highrise fire in Docklands earns \$5M in damages  
*Owners Corporation No.1 of PS613436T v LU Simon Builders Pty Ltd (Building and Property) [2019] VCAT 286*
- The shocking revelations of Lawyer X  
*Orman v State of Victoria (2020)*
- Rebel with a cause (obook only)  
*Wilson v Bauer Media Pty Ltd [2017] VSC 521 (13 September 2017); Bauer Media Pty Ltd v Wilson (No 2) [2018] VSCA 154 (14 June 2018)*





### Unit 3 AOS1 – The Victorian Criminal Justice System

#### Recent

- Expansion of the Koori Court (2019)
- Victim Support Dog Program (2019)
- Changes to committal proceedings for some sexual offence matters (2018 and 2020)

#### Recommended

- Continued expansion of the Koori Court
- Judge-alone trials
- Increased funding for legal aid, legal centres and other services

### Unit 3 AOS1 – The Victorian Civil Justice System

#### Recent

- Group class orders in class actions (2020)
- Technological improvements in the legal system (2019)
- Expansion of VCAT's fast track mediation and hearing processes (2019)

#### Recommended

- Allowing contingency fee agreements
- Increased use of case management
- Introduction of a National Justice Interpreter Scheme

### Unit 4 AOS2 – The People, the Parliament and the Courts

**Recent example of the VLRC recommending law reform:** Improvements to the committal system

**Recent example of a recommendation for law reform by one parliamentary committee:** New bill proposes drug testing for those on unemployment benefits, Senate Committee investigates

**Recent example of a recommendation for law reform by Royal Commission:** Royal Commission into the Management of Police Informants

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# Thank you for attending

