Captivate
EDUCATION

Legal Studies

Question and Answer Book

Practice examination 1 – 2027

Student name _____

Teacher _____

- Reading time is 15 minutes
- Writing time is 2 hours

Materials supplied

- Question and Answer Book

Instructions

- Use the additional space at the end of this book if you need extra space to complete an answer.

Students are not permitted to bring mobile phones and/or any unauthorised electronic devices into the examination room.

Contents

Section A (6 questions, 40 marks)

Section B (2 questions, 40 marks)

Practice material in the layout of the 2025 VCAA paper – generated 2027. Not a VCAA examination.

SAMPLE

Section A

Instructions

- Answer **all** questions in the spaces provided.
- Write your responses in English.

Question 1 (2 marks)

Outline **one** reason for the Victorian court hierarchy in determining civil disputes. 2 marks

SAMPLE

Question 2 (7 marks)

Yusuf, a plumber, completed $18 000 of plumbing work on a new apartment building owned by a property developer, Harbourline Pty Ltd. Harbourline has refused to pay Yusuf, claiming that the work was defective. Yusuf's contract with Harbourline contains a clause stating that any dispute about payment must first be referred to arbitration.

a. Explain **one** reason why arbitration may be an appropriate method of resolving the dispute between Yusuf and Harbourline. 3 marks

SAMPLE

b.

If arbitration fails, Yusuf intends to sue Harbourline in the County Court of Victoria.

Compare the role of the judge in a civil trial between Yusuf and Harbourline with the role of the judge in a criminal trial. 4 marks

SAMPLE

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Marking scheme – teacher copy

Practice examination 1 – 2027

Not for distribution to students.

Section	Questions	Marks available	Marks awarded
Section A	6	40	
Section B	2	40	
Total		**80**	

Section A

SAMPLE

Question 1. (2 marks)

*Outline **one** reason for the Victorian court hierarchy in determining civil disputes.*

To be awarded full marks, students were required to:

Name one reason for the Victorian court hierarchy in determining civil disputes and outline how that reason operates, with reference to the ranking of courts.

Common issues: restating the reason using the same word ('appeals exist so that people can appeal'); giving a reason without any reference to higher and lower courts; describing the civil jurisdiction of each court without giving a reason for ranking them.

Mark allocation: 1 mark for identifying a reason; 1 mark for outlining how the hierarchy achieves it.

Responses could have included:

- **Administrative convenience** — ranking the courts allows civil disputes to be distributed according to their seriousness, complexity and the amount claimed, so that the Magistrates' Court deals quickly with smaller claims while the County Court and the Supreme Court devote their time and resources to larger and more complex matters.
- **Appeals** — a hierarchy allows a party who believes an error has been made to have the decision reviewed by a higher court, so that mistakes can be corrected and the parties can have confidence in the outcome.
- Specialisation, which the study design names for criminal cases, was also accepted where it was explained in civil terms (for example, the Supreme Court's expertise in complex commercial disputes).

Sample full-mark response

> One reason for the civil court hierarchy is administrative convenience. Because the courts are ranked, smaller and simpler civil claims can be heard in the Magistrates' Court, while complex or high-value disputes go to the County Court or the Supreme Court. This spreads the workload so that the higher courts are free to spend the time that complex matters need, and minor claims are not delayed behind them.

SAMPLE

Question 2a. (3 marks)

*Explain **one** reason why arbitration may be an appropriate method of resolving the dispute between Yusuf and Harbourline.*

To be awarded full marks, students were required to:

Identify one reason why arbitration may be appropriate, explain that reason, and link it to the dispute between Yusuf and Harbourline.

Common issues: describing mediation (a facilitated, non-binding process) and calling it arbitration; writing about an institution such as VCAT rather than the method; explaining what arbitration is without saying why it suits this dispute. Only the first reason was marked.

Mark allocation: 1 mark for identifying a reason; 1 mark for explaining it; 1 mark for linking it to Yusuf's dispute (the $18 000 claim, the contract clause or the parties' commercial relationship).

Responses could have included:

- The arbitrator's decision (the award) is **binding and enforceable**, so Yusuf would obtain a decision that Harbourline must comply with, rather than a non-binding suggestion as in mediation.
- The parties have **agreed in their contract** to refer payment disputes to arbitration, so Harbourline is obliged to participate and the method respects the parties' own choice.
- Arbitration is **private and confidential**, which suits two businesses that may wish to keep a dispute about allegedly defective work out of the public record.
- An arbitrator can be chosen for **expertise** in building disputes, and the process is generally **quicker and less costly** than a trial in the County Court, which matters for a tradesperson waiting on $18 000.

Sample full-mark response

> One reason arbitration may be appropriate is that the arbitrator's decision is binding on both parties. Unlike mediation, where Harbourline could simply walk away from any proposed settlement, an arbitral award can be enforced in the same way as a court order. This matters for Yusuf, who has completed $18 000 of work and needs a decision that Harbourline must comply with, rather than another round of refusals. Because the contract already requires arbitration, Harbourline cannot avoid the process.

SAMPLE