VCE LEGAL STUDIES EDROLO ANSWERS 2017

1. **Amelia has been reading several reports about the use of capsicum spray by Victoria Police and wants to try to influence the Victorian Parliament to change the law.**

Question 1.a (2 marks)

Outline the structure of the Victorian parliament.

Victorian parliament is composed of the lower house, the upper house and the crown. The lower house in Victoria is known as the Legislative Assembly, whilst the upper house is the Legislative Council. The crown is represented by the Governor.

1.b (2m) Describe one way that Amelia could use to try to influence the Victorian parliament to change the law.

Amelia could try to influence change of the law through the organisation of a petition. A petition demonstrates the support of the public in changing the law, through signing such petition. Amelia would then present the petition to a member of parliament, in which it will be tabled, and possibly considered.

2a) Outline the role played by the Crown in the law-making process.(1m)

One of the Crown's role is to give Royal Assent to Bills proposed in Parliament. Once a Bill passes through both houses of parliament, the Queen's representative (either the Governor-General at federal level or the Governor at state level) is able to sign the Bill, approving it of becoming an act of legislation.

2b)Explain one reason why laws may need to be changed. Provide an example to illustrate your answer. (2m)

One reason for why the laws may need to be changed is the changing attitudes and values in the community. The Domestic Animals Amendment Act 2011 (Vic.) provides further regulation of puppy farm activities, thus amending the Prevention of Cruelty to Animals Act 1986.

3) Explain the principle of separation of powers (3m)

The Australian Parliamentary principle "Separation of Powers" states that the three different types of power held by the Commonwealth must be exercised independently and separately, so that no one power or body has absolute power or control. The three powers that compose this principle include legislative power, which is the power to make laws as exercised by the parliament. Secondly, executive power is the administration of these laws, and is exercised by the government in practice. Finally, the judicial power is the application and enforcement of the law, and is exercised by the courts, and is kept completely independent from the other two powers.

4) Evaluate the effectiveness of two methods that are used by individuals or groups to influence a change in the law. (6m)

Petitions are one method of informal pressure that is used by individuals or groups to influence a change in the law. A petition is a written request to parliament for action. It is accompanied by a collection of signatures, demonstrating the public's concern in regards to the issue or the support of the change of law. Petitions are to be presented to parliament, in which it will be tabled in parliament. For example, the citizens of Bendigo signed a petition in request that the Legislative Assembly abstain from acting on the proposal of the decriminalisation of abortion. There are

many strengths and limitations of petitions. A strength of petitions is that the request will be tabled in parliament, regardless of the amount of signatures accompanying the petition, thus allowing all members of the public to voice their opinions and concerns to parliament. Another strength of petitions as a mean of influencing a change in the law is that the greater number of signatures, the greater the perceived influence and importance, signifying a higher degree of support and thus making it more likely for the requested change to be considered in parliament. However, while greater support can attract more attention, this means that those petitions that are still valid but don't have as much support from the general public are often overlooked in parliament, additionally, petitions generally do not attract much media attention, thus is not as effective in raising awareness in the community and receiving signatures and support. While a petition is always tabled in parliament, there is no certainty to the extend to which petitions influence parliament, as they may ignore and not consider the proposed change to the law, especially if there is not much public support. Lastly, petitions can be very time-consuming and costly, as raising awareness of the issue and advertising the proposed change can be very expensive and can take large amounts of time.

Demonstrations are another mean of influencing change in the law. Demonstrations such as rallies, strikes, protests etc. are gatherings of the general public community, in which are designed to demonstrate the support for a change in legislation. The purpose of demonstrations are to portray the views of the public to parliament. For example, in 2008, many teachers took strike action, in a protest for higher pay and working conditions. One advantage of demonstrations is that they are likely to gain media attention, due to the large amount of public support typically shown, thus raising awareness and increasing support of the cause. Demonstrations actively communicate the views of the public. However, demonstrations rely on the support of a large amount of people to be effective and thus raise awareness, and also may inconvenience members of the public if areas of public place are made inaccessible. Similarly to petitions, demonstrations can be very time consuming and costly, and difficult to organise, with setting a time that majority of the supporters can vocalise their opinions together. Lastly, parliament may dismiss these members of demonstrations as a vocal minority group, and thus not consider the change in the law.

5) Parliament is said to have many strengths as a law-making body. Identify and critically evaluate two of those strengths. (6m)

Parliament is an elected body. Parliament is elected by the people, thus is known to be a representative body. Elected members represent the majority of the people. Thus, laws are reflective of the public majority's values and attitudes. However, parliament may not always represent the majority of the people. Government and members of parliament can be unintentionally influenced by pressure groups, whether informal or formal, thus they may legislate a proposed bill that is not representative of the views of the public in which they were elected to represent. Additionally, as these parliament members are elected, they may make laws that are popular, but not necessarily in the best interest of the public, as the pressure or threat of not being re-elected if they oppose the popular verdict may be influential.

Another strength of parliament is that it is able to delegate its law-making powers to subordinate authorities, in which have the expertise, resources and time to create legislation, whilst also being more accessible to the public. These subordinate authorities can often adapt to changing needs in the area of interest quicker than parliament would be able to, due to parliament's large scale of issues that it addresses. However, subordinate authorities are not elected and thus may not represent views that majority of the public hold. Additionally, when a subordinate authority makes a law, it often lacks the scrutiny from both upper and lower houses of parliament, and also lack of debate, transparency and public awareness of the issue, as it is not as publicly announced.

Laws may need to change for many reasons. One of these reasons it for the protection of the community. If a new harm becomes evident or an existing harm intensifies, the law will need to adapt to try to overcome the threat of the community's safety. For example, the Tobacco

Amendment (protection of Children) Act 2009 (Vic) aims to protect children from exposure to secondhand smoke, through banning smoking in cars that hold children under 18 years.

Another reason that the law may need to be changed is due to changing attitudes and values of the community. When there s a change in the social, moral, economic or political values, laws should adapt so that laws are kept relevant and acceptable to community. For example, the growing acceptance of de facto and same-sex relationships has led to the Relationships Act 2008 (Vic), which allowed for the registration of domestic partnerships, regardless of their composition.

Whilst parliament can fail to respond to needs for change of the law, parliament is typically a very effective law-maker. One strength of parliament is that is an elected body, and thus is representative. Parliament is elected by the people, thus laws are designed to be reflective of the views and values of majority of the people, meaning that as values may change and as the need for change is present, parliament should be able to adapt to these needs and thus be an effective law-maker. However, parliament may not always represent majority of the people. Parliament members may be influenced by pressure groups, and thus make laws or pass legislation that is not in the best interest of the public, and thus failing to respond adequately to needs for changing the law. Whilst there are strengths and weaknesses to Parliament as being an effective law-making body, their abilities to respond to the need for change are adequate and effective, as typically, the members of parliament are acting in the best interest of the public and accommodating changes that are seen sensible to majority of the public.

Individuals and groups can influence law through the use of informal pressures. These include petitions, demonstrations, and the media. Petitions are a written request to parliament for action, such as a need to change the existing law. It requires a collection of signatures that demonstrates the public's support and explains the area of concern. Petitions must be presented to parliament, in which they will be tabled. Demonstrations are another method used to influence change, which may include rallies, strikes or marches, in which are gatherings of the community.These gatherings are held in public places that are designed to actively show the public support for such change in the law. Finally, the use of the media is another mean of influencing legal change. the media plays a significant role in educating and informing the public of community views in relation to areas of concern and possible law reform. The media typically influences the formation of the public or members of parliament's views.

A formal pressure group in Victoria is known as the Victorian Law Reform Commission (VLRC). This involves specialist bodies examining particular areas of the law, conducting an investigation, and thus making recommendations as to whether the change should be accommodated. One of the VLRC's main roles are to make law reform recommendations on matters referred to it by the Attorney General. The VLRC makes recommendations on minor legal issues, and suggest to the Attorney General that they refer a law reform matter to the commission. The VLRC educates the community on areas of law relevant to the Commission's work, and monitor and coordinate law reform activity within Victoria.