



VCE Study Tips

Legal Studies Units 1 & 2

Many secondary students assume that Legal Studies is only relevant for those intending to pursue law at university; however, this is a misconception.

Legal knowledge is an essential component of active and informed citizenship.



This checklist is your survival guide for Legal Studies: practical things you can actually do now to make exams less stressful later. It helps you stay organised, use real cases confidently, and keep up with what's happening in the legal world, so nothing in an exam feels unfamiliar or overwhelming.



Build core legal knowledge and exam preparation

- ☐ Obtain a copy of the VCE Legal Studies Study Design from www.vcaa.vic.edu.au and use it as your main revision guide
- ☐ Create concise topic notes and summaries early for efficient revision
- ☐ Practise past exam questions under timed conditions
- ☐ Prepare case examples, legislation, and terminology for each key area
- ☐ Learn and regularly revise clear definitions of key criminal and civil law terms
- ☐ Prepare focused notes on key legislation, supported by system/cue cards for recall
- ☐ Before the Exam day, revise ALL areas of the Study Design, do not omit topics or specialise
- ☐ Learn task words (e.g. outline, describe, discuss, evaluate, to what extent)



Understand and apply the law using real-world examples

- ☐ Develop case notes using FIDS (Facts, Issues, Decision, Significance) to support legal arguments and the principles of justice www.austlii.edu.au (see example on page 8)
- ☐ Collect and practise using relevant case studies, including those from the County Court of Victoria website www.countycourt.vic.gov.au
- ☐ Familiarise yourself with primary legal sources, especially Victorian courts and tribunals www.courts.vic.gov.au
- ☐ Stay informed about current legal developments through news and media sources

Common command terms used in VCE Legal Studies

Word	Meaning	Difficulty
Advise	Offer suggestions about the best course of action or make recommendations	
Analyse	Critically examine and identify the essential elements of features and principles	
Compare	Recognise the similarities and differences between approaches, roles or institutions	
Define	Give exact meaning of	
Describe	Give a factual account. If the question refers to a process, you may be expected to describe the process in sequential order	
Discuss	Present a reasoned argument for and against a particular issue. You may add your opinion as part of a balanced argument.	
Distinguish	Recognise or note differences, or note the distinctive characteristics	
Evaluate	Set out the strengths and weaknesses of, or give your opinion of the value of the arguments	
Explain	Provide details to give the reader an understanding of	
Identify	To determine the key characteristics or features	
Justify	Show or prove a statement, opinion, argument or contention to be right or reasonable by providing evidence, information or examples	
Outline	Give a brief overview or summary of the main features of a system, role, scenario or argument	
Provide	Give, supply or specify	
To what extent	Specify the degree to which an institution, procedure, or law fulfils a purpose or principle	
What	Specify or provide further information about feature, concept, issue or circumstance	
Who	Specify an individual (person), group, institution or organisation	
Why	Give a reason or explanation for the cause or purpose of an action or impact	

Unit 1:

The presumption of innocence



Key knowledge

Use this to test your understanding in this unit. You can rate how well you understand the content to see which lessons or chapter you may need to revisit in your Legal Studies for VCE textbook.

AOS 1: Legal foundations

I can explain how laws work and why they matter, including how individuals, laws, and the legal system work together to create social cohesion and protect rights, guided by fairness, equality, and access, and supported by laws that are clear, stable, and reflect society's values.

My understanding

I don't know	Getting there	I can teach this

Go to Chapter 3 for Revision

I can explain how laws are made and organised, including the roles of parliament and courts, the sources of law (statute and common law), the Victorian court hierarchy, and how criminal and civil law work to regulate behaviour and resolve disputes.

I don't know	Getting there	I can teach this

Go to Chapter 3 for Revision

AOS 2: Proving guilt

I can explain the purpose and key principles of criminal law, including protecting society and maintaining order, the presumption of innocence, the age of criminal responsibility, and how the burden and standard of proof apply.

My understanding

I don't know	Getting there	I can teach this

Go to Chapter 4 for Revision

I can explain how criminal law works in practice, including the elements of a crime (*actus reus* and *mens rea*), strict liability, different types of crimes (crimes against the person and crimes against property), the distinction between summary and indictable offences, and the roles of participants (principal offenders and accessories). I can also analyse two criminal offences using elements, possible defences, possible sanctions, and relevant statistics from Victoria and another Australian jurisdiction, as well as explaining the impacts of these offences on individuals and society.

I don't know	Getting there	I can teach this

Go to Chapter 5,6 for Revision

AOS 3: Sanctions

I can explain the principles of justice and how they apply in the Victorian criminal justice system, including fairness, equality, and access, how the system balances institutional powers with individual rights, and how it operates in practice through the roles of police, delegated bodies, courts, and juries, as well as the challenges faced by First Nations people, young people, culturally and linguistically diverse communities, people with mental health issues, and people with disabilities.

My understanding

I don't know	Getting there	I can teach this

Go to Chapter 7 for Revision

I can explain how sentencing works and how the system responds to crime, including the purposes of sanctions (punishment, deterrence, denunciation, protection, and rehabilitation), the types of sanctions available, factors considered when sentencing, alternative approaches such as the Drug Court, Koori Courts, and diversion programs, and sentencing practices in one other Australian jurisdiction.

I don't know	Getting there	I can teach this

Go to Chapter 7 for Revision

Scenario 1

In 2026, the Victorian Parliament passes the *Equine Removal Act 2026* to address environmental damage caused by brumbies. It requires individuals who encounter a brumby in a sensitive ecological area to 'remove it, eliminate it, or report it'.

Cody, a farmer who is aware of the Act, sees a brumby while trekking along a river and moves it 5 km away before releasing it. He is later charged with failing to comply with the Act and tried in the County Court, where the judge denies him access to legal aid lawyers and repeatedly refers to him as 'guilty' in front of the jury. Cody is convicted and sentenced to five years' imprisonment, a harsher penalty than in similar cases.

He appeals to the Court of Appeal, arguing the trial was unfair and the sentence excessive. The court overturns the original conviction, stating a substantial miscarriage of justice had occurred. The court also clarifies the meaning of 'remove' in the Act and defines it as any distance greater than 1km away from a sensitive ecological location.



a. Explain how the relationship between courts and parliament is demonstrated through the interpretation of the Act. (4 marks)

b. Assess how the principles of justice were applied during Cody's trial in the County Court and Court of Appeal. (6 marks)

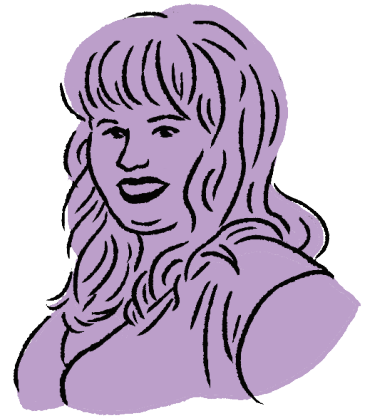
c. Define the elements required to establish criminal guilt and assess whether the penalty imposed on Cody was appropriate. (10 marks)

See model answer on Page 12

Sample civil case note of *Wilson v Bauer Media (2017)* [Supreme Court of Victoria]



Facts - A series of articles were published in Australian celebrity gossip magazines and subsequently attracted attention from media outlets in the United States. The plaintiff, actress Rebel Wilson, claimed the articles were defamatory, alleging they falsely stated that she had lied about her name, age, and upbringing. She argued that the publications caused serious harm to her reputation, resulted in the loss of leading and lucrative film roles, and negatively affected her health due to stress.



Issues

- ❗ Were the statements published in the articles defamatory in nature?
- ❗ Did the articles refer to the plaintiff?
- ❗ Were the defamatory statements communicated to third parties?



Decision

- » Yes, the jury found that the statements published in the articles were defamatory.
- » Yes, the jury found that the articles referred to the plaintiff
- » Yes, the jury found that the defamatory statements were communicated to third parties.



Significance - This case can be used as an example in Unit 2 Area of Study 2.

Fairness - The trial was conducted before an impartial judge and jury, with evidence given under oath, in accordance with the principles of natural justice and the rules of evidence and procedure. The decision was legally binding, the matter was resolved in a timely manner, and both parties had the right to appeal on questions of fact or law.

Equality - Both parties were represented by experienced legal counsel and were equally entitled to call witnesses and present evidence, ensuring equal treatment before the law.

Access - The court provided a formal mechanism to resolve the dispute after other methods were unsuccessful, and both parties had the financial capacity to pursue the action and the right to appeal the decision.

Unit 2:

Wrongs and rights

Key knowledge

Use this to test your understanding in this unit. You can rate how well you understand the content to see which lessons or chapter you may need to revisit in your Legal Studies for VCE textbook.

AOS 1: Civil liability

My understanding

I can explain the purpose, scope, and participants in civil law, including how civil law aims to resolve disputes and provide remedies, the different types of civil law, the roles of plaintiffs and defendants, and the key principles for civil liability such as breach, causation, loss, limitation of actions, and the burden and standard of proof.

I don't know	Getting there	I can teach this

Go to Chapter 8 for Revision

I can explain how civil law is applied and the outcomes available, including how liability is established through specific elements, subject to possible defences and time limits, and how remedies are used to address breaches and their impact on the parties.

I don't know	Getting there	I can teach this

Go to Chapter 9 for Revision

AOS 2: Remedies

I can explain the principles and accessibility of the civil justice system, including how it is guided by fairness, equality, and access, and how some groups may face greater barriers when engaging with the system.

I don't know	Getting there	I can teach this

Go to Chapter 10 for Revision

I can explain the processes and institutions used to resolve civil disputes, including methods such as mediation, conciliation, arbitration, and court processes, and the roles of institutions such as tribunals, ombudsmen, complaints bodies, judges, and juries within their civil jurisdictions.

I don't know	Getting there	I can teach this

Go to Chapter 10 for Revision

I can explain the purpose and types of remedies in civil law, including how remedies such as damages and injunctions are used to address civil wrongs, compensate parties, and prevent further harm.

I don't know	Getting there	I can teach this

Go to Chapter 10 for Revision

AOS 3: Human rights

I can explain the origins, meaning, and protection of human rights, including how human rights developed to protect human dignity, the role of the Universal Declaration of Human Rights, and how rights are protected in Australia through the Australian Constitution, the Victorian Charter of Human Rights and Responsibilities, statute law, and common law.

I don't know	Getting there	I can teach this

Go to Chapter 11 for Revision

I can explain human rights in practice, including issues, debates, and reform in Australia, how rights are developed and applied, the role of laws and societal attitudes, potential reforms, and how individuals or groups have influenced the protection of rights through case studies.

I don't know	Getting there	I can teach this

Go to Chapter 11 for Revision

Scenario 2

In 2026, the Victorian Government leases residential buildings near Melbourne's CBD to Urbanrise Developments to be renovated to become affordable housing.

Mina, a new tenant, is seriously injured when her recently renovated balcony collapses. She sues Urbanrise in negligence, claiming it ignored safety warnings. Urbanrise denies responsibility, blaming contractors.

Despite mediation failing and Mina facing high legal and medical costs, the County Court finds Urbanrise liable, awards damages, and orders safety repairs to all balconies in the complex.



a. Identify and explain the two remedies awarded to Mina in this case. (4 marks)

b. Assess the elements of negligence as they apply to this case. (8 marks)

c. Discuss whether Urbanrise Developments could successfully defend the negligence claim. (5 marks)

d. Explain the role of mediation in a civil suit. (3 marks)

Unit 1 Scenario 1 sample answer

- a. This case demonstrates the complementary relationship between Parliament and the courts through statute-making and statutory interpretation. Parliament fulfilled its role by passing the *Equine Removal Act* (2026) to address environmental harm caused by brumbies. However, because legislation cannot anticipate every situation, the courts play a crucial role in interpreting unclear terms. In this case, the word "remove" was ambiguous, and on appeal the Court of Appeal clarified its meaning as relocating a brumby more than 1 km away. This shows how courts give practical meaning to legislation and ensure consistent application through precedent.
- b. The principles of justice (fairness, equality, and access) were breached at trial but restored on appeal. Fairness was undermined when the judge repeatedly referred to Cody as "guilty" in front of the jury, creating apprehended bias and undermining the presumption of innocence. Access was denied when Cody was refused Legal Aid, limiting his ability to participate effectively in the trial. Equality was also breached, as Cody received a harsher sentence than others in similar cases. The Court of Appeal corrected these failures by quashing the conviction for a substantial miscarriage of justice, demonstrating the importance of the court hierarchy in upholding justice and ensuring consistent treatment under the law.
- c. To prove criminal guilt, the prosecution must establish *actus reus* and *mens rea* beyond reasonable doubt. Although Cody was charged with failing to comply with the Act, he knowingly moved the brumby 5 km away, exceeding the Court of Appeal's later clarification that removal required only 1 km. As a result, the *actus reus* was not satisfied. Cody also lacked *mens rea*, as he made a genuine attempt to comply with the law and did not intend to break it. Even if guilt had been established, the five-year prison sentence was inappropriate, as it did not properly serve the purposes of punishment, deterrence, denunciation, protection, or rehabilitation. The severity of the sanction was disproportionate, reinforcing that justice was not served at trial.

Area of Study 1

- 1 mark – defining relationship (complementary/ interdependent/ reliance etc)
- 1 mark – defining one role of courts
- 1 mark – defining one role of parliament
- 1 mark – connection to case

Area of Study 1

- 1 mark – naming all 3
- 1 mark – defining all 3
- 1 mark – saying if they were not applied well/badly
- 1 mark – saying they were applied well
- 1 mark – connecting to CC
- 1 mark – connecting to CoA

Area of Study 2 + 3

Proving guilt (4 marks):

- 1 mark – *mens rea*
- 1 mark – *actus reus*
- 1 mark – beyond reasonable doubt
- 1 mark – applying the above to the case

Sanctions (6 marks):

- 1 mark – punishment
- 1 mark – denunciation
- 1 mark – rehabilitation
- 1 mark – protection
- 1 mark – deterrence
- 1 mark – applying the above to the case

Unit 2 Scenario 2 sample answer

- a. In this case, the County Court awarded Mina two remedies: compensatory damages and an injunction. Compensatory damages are a monetary remedy intended to place Mina, as far as money can, in the position she would have been in had the negligence not occurred. These damages included special and general damages. Special damages covered Mina's measurable financial losses, such as medical and rehabilitation expenses, mental health treatment, loss of income due to her injuries, and the cost of seeking alternative accommodation while the balcony repairs were undertaken. General damages were also awarded to compensate Mina for non-economic loss, including pain and suffering, loss of enjoyment of life, and the ongoing physical and psychological impact of her serious injuries. In addition to damages, the court granted an injunction ordering Urbanrise Developments to carry out safety repairs to all balconies in the complex. This equitable remedy was designed to prevent future harm by addressing the ongoing safety risk posed to other tenants and to ensure compliance with safety standards.

Area of Study 2

- 1 mark – identifying compensatory damages
- 1 mark – injunction
- 1 mark – explaining purposes of both
- 1 mark – connecting to case

- b. Mina successfully established all elements of negligence against Urbanrise. First, Urbanrise owed Mina a duty of care because it was the developer and manager of the residential building and had control over the condition of the premises. As a lawful tenant, Mina was owed a duty to be protected from reasonably foreseeable risks of harm, and it was foreseeable that unsafe balcony renovations could cause serious injury. Second, Urbanrise breached this duty of care by ignoring safety warnings and failing to ensure that contractors carried out the renovation work safely. A reasonable property developer in Urbanrise's position would have acted on those warnings and conducted proper inspections. Third, causation was established because Mina's injuries were a direct result of the balcony collapse, and the harm would not have occurred but for Urbanrise's failure to address known safety risks. The injury was also not too remote, as physical injury from a structural collapse was a foreseeable consequence. Finally, Mina suffered actual injury, loss, and damage, including serious physical injury, psychological harm, and significant financial loss, satisfying the final element of negligence. Under the *Limitation of Actions Act 1958* (Vic), Mina should commence her claim within six years from the date of the injury, and doing so promptly is important to preserve evidence and manage ongoing costs.
- c. Urbanrise could raise contributory negligence and voluntary assumption of risk, but neither defence is likely to succeed. There is no evidence that Mina failed to take reasonable care, misused the balcony or knew that it was unsafe. As the defect was apparently hidden, she could reasonably rely on a recently renovated balcony being structurally safe. Urbanrise may also argue that independent contractors were responsible for the defective work. However, engaging contractors does not excuse Urbanrise's own negligence. If Urbanrise received and ignored safety warnings, it likely failed to take reasonable care and may also have breached its responsibilities as the rental provider. Urbanrise could seek contribution from any negligent contractor, but this would not necessarily defeat Mina's claim. Therefore, Urbanrise would be unlikely to defend the negligence claim successfully.
- d. Mediation plays an important role in civil proceedings by providing an alternative dispute resolution process that can save time and costs compared to going to court. It is less formal, confidential, and facilitated by a neutral and unbiased mediator who assists the parties in negotiating a mutually agreeable outcome. If successful, mediation results in a deed of settlement, which is a legally binding contract enforceable by law. Although no judge imposes a decision, mediation empowers parties to control the outcome and can significantly streamline disputes. In this case, mediation failed to resolve the dispute, demonstrating that while mediation can enhance access to justice, it is not always effective, particularly where liability is strongly contested.

Area of Study 1

Duty of care (2 marks):

1 mark – identifying duty of care

1 mark – explaining why

Breach of duty (2 marks):

1 mark – identifying breach

1 mark – applying facts

Causation (2 marks):

1 mark – identifying causation

1 mark – application

Damage (2 marks):

1 mark – identifying loss/damage

1 mark – applying facts

Area of Study 3

1 mark – identifies possible defences

1 mark – contributory negligence

1 mark – voluntary assumption of risk

1 mark – responsibility for contractors

1 mark – overall conclusion

Area of Study 3

Role of mediation (2 marks):

1 mark – identifying mediation as an ADR process

1 mark – explaining its purpose (cost-effective, informal, confidential, facilitated negotiation)

Application to the case (1 mark):

1 mark – explaining that mediation was attempted but failed, showing mediation does not always resolve disputes

Key organisations and websites for study

Australian Electoral Commission	www.aec.gov.au
Australian Law Reform Commission	www.alrc.gov.au
Australasian Legal Information Institute	www.austlii.edu.au
Australian Parliament	www.aph.gov.au
Court Services Victoria	courts.vic.gov.au
Department of Justice and Regulation	www.fcfcoa.gov.au
Family Court of Australia	www.fcfcoa.gov.au
Governor of Victoria	www.governor.vic.gov.au
Governor-General of Australia	www.gg.gov.au
High Court of Australia	www.hcourt.gov.au
Law Institute of Victoria	www.liv.asn.au
Law Reform Committee	www.parliament.vic.gov.au/lawreform
Parliament of Victoria	www.parliament.vic.gov.au
Parliamentary Counsel	www.vic.gov.au/office-chief-parliamentary-counsel
Sentencing Advisory Council	www.sentencingcouncil.vic.gov.au
Victoria Police	www.police.vic.gov.au
Victoria Law Foundation	www.victorialawfoundation.org.au
Victoria Legal Aid	www.legalaid.vic.gov.au
Victorian Electoral Commission	www.lawreform.vic.gov.au
Victorian Law Reform Commission	www.lawreform.vic.gov.au

Disclaimer: AI was used as a drafting and editing aid in the development of this document. Human review, decision-making, and accountability were maintained throughout.