

VCE Legal Studies: Task

Civil Liability

These exercises are suitable for classroom or online learning.

Task 1

Select one of the cases from the County Court list and complete the following tasks. Read the case summary and the related documents.

countycourt.vic.gov.au/learn-about-court/educational-resources/vce-case-studies

- 6DC v Dunleavy, Prince and Raston [2016] VCC 4253
- Derham v Chamber Trustee Services and Anor [2017] VCC 1174
- DPP v Adams [2017] VCC 2999
- Hale v Bellvoir Football Club and Ors [2016] VCC 0222
- Hunt v Bailey and Anor [2017] VCC 1990
- Kader v Naylor [2017] VCC 878
- Maley v O'Shane [2017] VCC 1996
- Morrice v Ord [2017] VCC 958

1. What is the name of the case?
2. Who are the parties to the case?
3. What right is being protected by this area of law?
4. What is the plaintiff alleging?
5. What must the plaintiff prove to be successful?
6. What is the standard of proof required in a civil case?
7. What possible defences could be argued in this case?
8. What did the court decide?
9. What is the impact of a breach of law on the parties in this case?

Task 2

Carefully read the County Court factsheet Civil Trial Process and complete the following tasks in complete sentences.

countycourt.vic.gov.au/files/documents/2018-08/factsheet-7-civil-trial-processes.pdf

1. Identify and explain the parties to a civil case.
2. When a person commences a civil case, what is that person seeking from the court?
3. What is the purpose of the Victorian Civil Procedure Act (2010)?
4. What document(s) must be lodged by the person commencing a civil case?
5. What documents(s) must be lodged by the person defending a civil case?
6. Explain what would happen if the person against whom a civil case is brought does not defend the case.
7. What is a directions hearing?
8. In Victoria, civil matters are generally heard without a jury. Why might one of the parties in a civil case want the matter heard by a jury?

Task 3

Have a look at the County Court short film on the civil case relating to workplace injury below, then complete the following tasks in complete sentences. Make sure you read the transcript.

countycourt.vic.gov.au/learn-about-court/educational-resources/films

- Introduction
- Part one
- Part two
- Part three

Transcripts for the videos are available at the link above

Introduction

Identify the persons who are involved in a civil case during a court hearing and explain their roles.

Part 1

- Identify the facts of this case and explain what is meant by negligence.
- What is the role of lawyers in cases like this?
- What must the plaintiff establish in a negligence case?

Part 2

- One important step prior to a court hearing is mediation. What is the purpose of mediation? What are the advantages of mediation?
- What are the time limits on civil cases?
- Explain the standard of proof that a plaintiff must establish in a civil case.
- Explain and give an example of an interlocutory hearing in a civil case.
- What is contributory negligence? Use the example in this case to explain your answer.

Part 3

- What is contained in the judge's charge to the jury?
- Explain the types of damages which may be awarded in a civil case.
- On what basis is a jury expected to arrive at an appropriate amount of damages?