



2009
Higher School Certificate
Trial Examination

Legal Studies

General Instructions

- Reading time – 5 minutes
- Working time – 3 hours
- Write using black or blue pen
- Write your student number and/or name at the top of every page

Total marks - 100

Section I – Pages 2 – 7

Total marks (25)

This section has two parts, Part A and Part B

- Allow about 45 minutes for this section

Part A – 15 marks

- Attempt Questions 1 – 15

Part B – 10 marks

- Attempt Question 16

Section II – Pages 8

Total marks (25)

- Attempt Question 17
- Allow about 45 minutes for this section

Section III – Pages 9 – 11

Total marks (50)

- Attempt TWO questions from Questions 18 – 25, each from a different Focus Study
- Allow about 1 hour and 30 minutes for this section

This paper MUST NOT be removed from the examination room

STUDENT NUMBER/NAME:

Section I – Law and Society**Total marks (25)****Allow about 45 minutes for this section****Part A – 15 Marks****Attempt Questions 1 – 15**

Select the alternative A, B, C or D that best answers the question and indicate your choice with a cross (X) in the appropriate space on the grid below.

	A	B	C	D
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1. Assume that a 17 year-old Aboriginal girl is charged with theft. She confessed while being questioned *without* an adult present. As a result, this evidence was held to be inadmissible in court.

What rights are protected by this principle?

- (A) Common law rights
 - (B) Moral rights
 - (C) Property rights
 - (D) Aboriginal Customary law rights
2. Common law *double jeopardy* protections meant that an accused could *not* be retried for the same offence once they had been found not guilty. This was abolished by NSW State Parliament in October 2006.

This demonstrates which of the following?

- (A) Parliamentary sovereignty
 - (B) Common law overriding statute law
 - (C) The rules of natural justice
 - (D) The protection of the rights of the accused
3. Which of the following is a distinctive characteristic of the *common law* system?
- (A) Inquisitorial and case law
 - (B) Adversarial and codified law
 - (C) Adversarial and case law
 - (D) Inquisitorial and codified laws
4. Which of the following is a specific problem of the adversarial system in *civil* matters?
- (A) The burden of proof
 - (B) Unequal legal standing
 - (C) The standard of proof
 - (D) Inequality in access
5. Assume that a Local Council is seeking to rezone residential land for high rise development.

What is the most appropriate initial action for residents *opposed* to this action?

- (A) Contacting the police
- (B) Organising protest rallies
- (C) Seeking High Court intervention
- (D) Applying to the United Nations Human Rights Council

6. The NSW Drug Court is a pilot project operating in the Sydney area offering an alternative sentencing option for those accused of drug offences. This programme *is not* available to people in rural areas.

Which of the following statements regarding the Drug Court is correct?

- (A) This is a breach of natural law.
 - (B) This represents formal equality.
 - (C) This represents institutionalised inequality.
 - (D) This is a consequence of the adversarial system.
7. Assume that the NSW state government decides to ban all street parades, including the "Gay and Lesbian Mardi Gras".

What types of rights are infringed in this ban?

- (A) Same sex rights
 - (B) Collective rights
 - (C) Civil and political rights
 - (D) Economic, social and cultural rights
8. What is the main focus of laws aimed to prevent discrimination?
- (A) Providing access to justice
 - (B) Upholding the rule of law
 - (C) Promoting formal equality
 - (D) Improving resource efficiency

9. Which of the following is an example of property law jurisdiction?

- (A) Terrorist damage to buildings
- (B) Ownership of a stamp collection
- (C) Someone falling over in a supermarket
- (D) Vandals spraying graffiti on school buildings

10. Which body of law was developed by the Chancery Courts to over-ride injustices caused by the strict application of common law?

- (A) Human Rights law
- (B) Equity
- (C) Natural law
- (D) Contract law

11. Assume that a tribal group determines the punishment for a young man who breached their unwritten law by killing a sacred animal. This law resulted from centuries of principles and procedures followed by the tribe.

What type of law does this situation describe?

- (A) Civil law
- (B) Common law
- (C) Customary law
- (D) Public law

12. Religious sects sometimes lobby the government, in an attempt to change the divorce laws because their ethical belief is that marriage is for life.

What type of influence is demonstrated in this situation?

- (A) Social
- (B) Economic
- (C) Political
- (D) Moral

13. Assume that a woman is convicted by trial, where she is unable to present her version of events.

Which of the following statements regarding her conviction is correct?

- (A) The decision is valid based on the doctrine of natural justice.
- (B) The decision is valid based on the doctrine of natural law.
- (C) The decision is invalid based on the doctrine of natural justice.
- (D) The decision is invalid based on the doctrine of natural law.

14. What types of human rights are fundamental necessities of a society underpinned by the rule of law?

- (A) Civil and political rights
- (B) Economic, social and cultural rights
- (C) Collective rights
- (D) Environmental and peace rights

15. What legal concept allows a country to sign and ratify a human rights treaty, *but* refuse to enact it into domestic legislation?

- (A) Sovereignty
- (B) Natural law
- (C) Self determination
- (D) Jurisdiction

Section I (continued)

Part B – 10 marks

Attempt Question 16

Answer the questions in the spaces provided.

Question 16 (10 marks)

Marks

- (a) Explain how *human rights* are protected by Australian law.

In your answer refer to ONE example of a human right.

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Question 16 continues on the next page

Question 16 (continued)

Marks

- (b) Explain how the *rule of law* seeks to ensure justice in the Australian Legal System.

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End of question 16

Section II – Focus Study – Crime**Total marks (25)****Attempt Question 17****Allow about 45 minutes for this section**

Answer the question on your own paper or writing booklet, if provided.

Question 17 (25 marks)**Marks**

- | | |
|--|----|
| (a) Outline the purpose of criminal law. | 2 |
| (b) Describe situational AND social crime prevention. | 4 |
| (c) Examine the range of measures available to deal with international crime. | 7 |
| (d) <i>Criminal law's main focus should be on what is beneficial for the whole community.</i> | |
| Assess the effectiveness of the criminal justice system in meeting the needs of the community. | 12 |

End of Section II

Section III – Additional Focus Studies**Total marks (50)****Attempt TWO questions from Questions 18 - 25, each from a different Focus Study****Allow about 1 hour and 30 minutes for this section**

Answer the question on your own paper or writing booklet, if provided. Start each question on a new page.

In your answer you will be assessed on how well you:

- Demonstrate an understanding of relevant legal information and issues.
 - Illustrate your answer with examples from one or more of the following: legislation, documents, treaties, cases, media reports.
 - Communicate using legal terminology and concepts relevant to domestic or international law
 - Present a sustained logical and well-structured answer to the question.
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Question 18 – Optional Focus Study 1 – Consumers (25 marks)**Marks**

- (a) Analyse the effectiveness of law in protecting consumers and manufacturers/suppliers. **25**

OR

- (b) Outline the role of law in protecting the rights of the consumer.

In your answer, assess the effectiveness of legal processes in resolving conflict in consumer law.

25**Question 19 – Optional Focus Study 2 – Family (25 marks)**

- (a) Explain the importance of law reform in protecting family members. **25**

OR

- (b) Outline the role of law in protecting the rights of family members.

In your answer, assess the effectiveness of legal processes in resolving conflict in family law.

25

Question 20 – Optional Focus Study 3 – Global Environment (25 marks)**Marks**

- (a) Explain the importance of law reform in protecting the global environment.

In your answer, distinguish between law reform at an international and domestic level.

25**OR**

- (b) Outline the role of law in protecting the global environment.

In your answer, assess the effectiveness of international agreements in resolving conflict regarding global environmental issues.

25**Question 21 – Optional Focus Study 4 – Indigenous Peoples (25 marks)**

- (a) Analyse the effectiveness of international law in achieving justice for Indigenous peoples.

25**OR**

- (b) Outline the role of law in recognising and protecting Indigenous peoples.

In your answer, assess the effectiveness of international instruments in resolving conflict regarding Indigenous people.

25**Question 22 – Optional Focus Study 5 – Shelter (25 marks)**

- (a) Examine the extent to which the legal system protects those trying to secure shelter.

25**OR**

- (b) Outline the role of the law in protecting the rights of people seeking shelter.

In your answer, assess the effectiveness of legal processes in resolving conflicts which arise in regard to securing shelter.

25**Question 23 – Optional Focus Study 6 – Technological Change (25 marks)**

- (a) Explain the importance of law reform in regard to technological change.

25**OR**

- (b) Outline the role of law in responding to technological change.

In your answer, assess the effectiveness of international instruments in responding to global challenges regarding technological change.

25

In your answer you will be assessed on how well you:

- Demonstrate an understanding of relevant legal information and issues.
 - Illustrate your answer with examples from one or more of the following: legislation, documents, treaties, cases, media reports.
 - Communicate using legal terminology and concepts relevant to domestic or international law
 - Present a sustained logical and well-structured answer to the question.
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Question 24 – Optional Focus Study 7 – Workplace (25 marks)**Marks**

- (a) Assess the extent to which law protects both employees AND employers in the workplace.

In your answer, include a discussion on industrial relations in this regard.

25**OR**

- (b) Outline the role of law in protecting the rights of employees in the workplace.

In your answer, assess the effectiveness of legal processes in resolving conflict in workplace law.

25**Question 25 – Optional Focus Study 8 – World Order (25 marks)**

- (a) Explain the importance of law reform in regards to world order.

In your answer, include a discussion on how the main ways of working for world order have been reformed.

25**OR**

- (b) Outline the role of law in promoting world order.

In your answer, assess the effectiveness of international instruments in responding to the global challenges regarding World Order.

25**End of paper**