



CATHOLIC SECONDARY SCHOOLS ASSOCIATION
2006 TRIAL HIGHER SCHOOL CERTIFICATE EXAMINATION
LEGAL STUDIES – MARKING GUIDELINES

Section I

Part A

Questions 1-15 (1 mark each)

Outcomes assessed: H1.2, H2.1, H2.2, H 2.3, H3.1, H4.3

Question	Answer	Outcomes Assessed	Targeted Performance Bands
1	A	H1.1, H2.1	2–3
2	B	H2.1, H2.3	2–3
3	A	H2.1, H2.2	2–3
4	D	H2.2	2–3
5	C	H3.1	3–4
6	A	H4.3	3–4
7	C	H3.1	3–4
8	A	H3.1, H3.3	3–4
9	C	H2.2	4–5
10	B	H1.1, H2.1	4–5
11	B	H2.1	4–5
12	D	H2.1, H3.1	4–5
13	A	H1.2, H2.1	5–6
14	C	H4.1, H4.3	5–6
15	D	H1.2	5–6

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Part B**Question 16** (10 marks)

(a) (2 marks)

Outcomes assessed: H1.1, H2.1, H3.1**Targeted Performance Bands:** 2-3

Criteria	Marks
• Names TWO of the following – domestic and international law; public and private law; civil and criminal law; contract law; tort law; property law; Aboriginal and Torres Strait Islander customary law	2
• Names ONE of the following - domestic and international law; public and private law; civil and criminal law; contract law; tort law; property law; Aboriginal and Torres Strait Islander customary law	1

(b) (3 marks)

Outcomes assessed: H2.1, H3.1**Targeted Performance Bands:** 2-4

Criteria	Marks
• Accurately states the essential qualities of fairness and provides a relevant example	3
• States the essential qualities of fairness AND provides an example	2
• States the essential qualities of fairness OR provides a relevant example	1

(c) (5 marks)

Outcomes assessed: H2.1, H3.1**Targeted Performance Bands:** 2-6

Criteria	Marks
• Describes moral, customary and legal rights and accurately distinguishes the difference between each	5-4
• Describes moral AND/OR customary AND/OR legal rights and distinguishes the difference between any TWO.	3-2
• Makes a general statement about any of these rights OR names any of these rights.	1

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Section II

Question 17 (25 marks)

(a) (2 marks)

Outcomes assessed: H1.1

Targeted Performance Bands: 2-3

Criteria	Marks
• Identifies TWO functions	2
• Identifies ONE function	1

(b) (5 marks)

Outcomes assessed: H2.2

Targeted Performance Bands: 2-4

Criteria	Marks
• Defines bail accurately • Accurately describes factors taken into account when bail is being determined • Identifies examples of those factors in the above stimulus material	5-4
• Defines bail • Lists a factor taken into account when bail is being determined • May make limited reference to the stimulus material in a general sense	3-2
• Makes a general statement about bail • Makes no reference to the stimulus material	1

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(c) (8 marks)

Outcomes assessed: H1.2, H3.1, H4.1

Targeted Performance Bands: 2-6

Criteria	Marks
<ul style="list-style-type: none">Accurately identifies all THREE post-sentencing decisions (Security classification, protective custody, parole)Comprehensively assesses the effectiveness of post-sentencing decisions in meeting the needs of the individual AND societyCommunicates ideas comprehensivelyUses legal vocabulary in a relevant and effective way	7-8
<ul style="list-style-type: none">Accurately identifies any TWO post-sentencing decisions (Security classification AND/OR protective custody AND/OR parole)Assesses the effectiveness of post-sentencing decisions in meeting the needs of the individual AND/OR society in a clear wayUses legal vocabulary competently	5-6
<ul style="list-style-type: none">Identifies a post-sentencing decision (Security classification OR protective custody OR parole)Makes a statement about the effectiveness of post-sentencing decisions in meeting the needs of the individual OR society.Uses legal vocabulary in a limited way	3-4
<ul style="list-style-type: none">Makes a general statement(s) about post-sentencing decisionsMay make some use of basic legal vocabulary.	1-2

(d) (10 marks)

Outcomes assessed: H3.1, H3.3, H4.2, H5.3

Targeted Performance Bands: 2-6

Criteria	Marks
<ul style="list-style-type: none">Effectively and accurately evaluates the implications of plea-bargaining for the notion of justice for the accused, the victim, the community and the efficiency of the court processCommunicates ideas comprehensivelyUses legal vocabulary in a relevant and effective way	9-10
<ul style="list-style-type: none">Clearly defines evaluates the implications of plea-bargaining for the notion of justice for AT LEAST TWO of the following - the accused, the victim, the community and the efficiency of the court processUses legal vocabulary competently	6-8
<ul style="list-style-type: none">Provides some description of the implications of plea-bargaining for ONE of the following - the accused, the victim, the community and the efficiency of the court processUses appropriate legal vocabulary	3-5
<ul style="list-style-type: none">Makes a general statement about plea-bargainingMay make some use of basic legal vocabulary	1-2

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Section III
50 marks

Question 18 – 25 (25 marks)

This marking criteria is applicable to all (a) questions in Section III.

Outcomes assessed: H1.1, H4.1, H4.2, H4.3, H5.3

Targeted Performance Bands: 2-6

Criteria	Marks
<ul style="list-style-type: none"> • Makes a conclusive judgement about how legal processes and institutions protect the rights of the nominated group • Makes consistent and accurate use of relevant case law, legislation, documents and media reports in responding to the question • Presents a sustained, logical and well-structured answer using relevant legal terminology 	21-25
<ul style="list-style-type: none"> • Makes a judgement how legal processes and institutions protect the rights of the nominated group • Makes use of relevant case law, legislation, documents and media reports in responding to the question • Presents a logical and well-structured answer using relevant legal terminology 	16-20
<ul style="list-style-type: none"> • Makes statements how legal processes and institutions protect the rights of the nominated group • Cites some relevant case law, legislation, documents and media reports in responding to the question • Presents a structured answer using relevant legal terminology 	11-15
<ul style="list-style-type: none"> • Identifies legal processes and institutions that protect the rights of the nominated group • Makes limited reference to case law, legislation, documents and media reports in responding to the question • Uses some appropriate legal terminology 	6-10
<ul style="list-style-type: none"> • Makes a general statement about how legal processes and institutions protect the rights of the nominated group • Makes little or no reference to case law, legislation, documents and media reports in responding to the question • Uses little if any legal terminology 	1-5

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Question 18 – 25 (25 marks)

This marking criteria is applicable to all (b) questions in Section III.

Outcomes assessed: H1.1, H4.1, H4.2, H4.3, H5.3

Targeted Performance Bands: 2-6

Criteria	Marks
<ul style="list-style-type: none">• Makes a conclusive judgement of the effectiveness of the law in balancing individual rights and values with community rights and values in the nominated additional focus study• Makes consistent and accurate use of relevant case law, legislation, documents and media reports in responding to the question• Presents a sustained, logical and well-structured answer using relevant legal terminology	21-25
<ul style="list-style-type: none">• Makes a sound judgement of the effectiveness of law in balancing individual rights and values with community rights and values in the nominated additional focus study• Makes use of relevant case law, legislation, documents and media reports in responding to the question• Presents a logical and well-structured answer using relevant legal terminology	16-20
<ul style="list-style-type: none">• Makes some judgement of the effectiveness of the law in balancing individual rights and values with community rights and values in the nominated additional focus study• Cites some relevant case law, legislation, documents and media reports in responding to the question• Presents a structured answer using relevant legal terminology	11-15
<ul style="list-style-type: none">• Makes a general statement(s) about the role of the law balancing individual rights and values with community rights and values in the nominated additional focus study• Makes limited reference to case law, legislation, documents and media reports in responding to the question• Uses some appropriate legal terminology	6-10
<ul style="list-style-type: none">• Displays a limited knowledge of how the law balances individual rights and values with community rights and values in the nominated additional focus study• Makes little or no reference to case law, legislation, documents and media reports in responding to the question• Uses little, if any legal terminology	1-5

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