



--	--	--	--	--

Centre Number

Student Number

--	--	--	--	--	--	--	--	--	--

2008
TRIAL HIGHER SCHOOL CERTIFICATE
EXAMINATION

Legal Studies

General Instructions

- Reading time – 5 minutes
- Working time – 3 hours
- Write using blue or black pen
- Write your Centre Number and Student Number at the top of this page and page 6 and page 12.

Total marks – 100

Section I Pages 2-7
25 marks

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 Page 8
25 marks

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

Section III Pages 9-11
50 marks

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

Disclaimer

Every effort has been made to prepare this Examination in accordance with the Board of Studies documents. No guarantee or warranty is made or implied that the Examination paper mirrors in every respect the actual HSC Examination question paper in this course. This paper does not constitute 'advice' nor can it be construed as an authoritative interpretation of Board of Studies intentions. No liability for any reliance use or purpose related to this paper is taken. Advice on HSC examination issues is only to be obtained from the NSW Board of Studies. The publisher does not accept any responsibility for accuracy of papers which have been modified.

20 marks

Allow about 45 minutes for this section

Part A – 15 marks

Attempt Questions 1-15

Use the Multiple Choice Answer Sheet provided

Select the alternative A, B, C, or D that best answers the question. Fill in the response oval completely.

Sample $2 + 4 =$ (A) 2 (B) 6 (C) 8 (D) 9

A O

B ●

CO

DO

If you think you have made a mistake, put a cross through the incorrect answer and fill in the new answer.

A B 

CO

DO

If you have changed your mind and have crossed out what you consider to be the correct answer, then indicate this by writing the word *correct* and drawing an arrow as follows:

A 

B 

CO

 $D \subset$

- 1 What is the role of natural justice?
 - (A) To supplement the common law
 - (B) To ensure a fair trial
 - (C) To provide principles for human rights law
 - (D) To promote equality
- 2 Dave hires a roof tiler to fix his leaking roof. The work is faulty and the next heavy storm causes major damage to Dave's house.

Who must prove negligence in this scenario, and what is the standard of proof?

 - (A) The prosecution, beyond reasonable doubt
 - (B) The prosecution, on the balance of probability
 - (C) Dave, on the balance of probability
 - (D) The tiler, on the balance of probability

- 3 The application of which of the following principles has seen the Universal Declaration of Human Rights accepted as international customary law?
- (A) Natural justice
 - (B) The rule of law
 - (C) Jus cogens
 - (D) Legitimate expectation
- 4 Which of the following will best indicate that institutionalized inequality is being overcome?
- (A) Affirmative Action legislation
 - (B) Formal equality
 - (C) Provision of interpreters in court cases
 - (D) A fair trial for all
- 5 Which of the following is a non-legal measure for protecting human rights?
- (A) Reporting to treaty based human rights committees
 - (B) Individual complaints to treaty based human rights committees
 - (C) Periodic monitoring by the Human Rights Council
 - (D) Reporting by non-government organizations
- 6 Which of the following best describes the strengths of international human rights protection?
- (A) Many cultural perspectives are taken into account
 - (B) Nation states may opt out of reporting requirements
 - (C) International pressure may be applied to human rights offenders
 - (D) All nation-states must sign human rights treaties

- 7 Which of the following best describes the operation of the common law?
- (A) The common law is superior to statute law
 - (B) The common law requires that guilt or innocence be decided by the jury
 - (C) The common law is created by elected representatives
 - (D) The common law is often a stimulus for statutory law reform
- 8 What was a basis for the establishment of the Convention against Torture?
- (A) The acceptance of the rule of law
 - (B) The acceptance of the natural law doctrine
 - (C) The recognition of ineffectiveness of torture
 - (D) The recognition of the right to self determination
- 9 Which best describes how customary law is created?
- (A) An indigenous community agrees on acceptable practices over time
 - (B) The High Court creates the concept of native title
 - (C) The Australian government creates legislation to reflect customary law
 - (D) An indigenous community applies to the High Court for permission to change their traditional way of life
- 10 Which of the following best illustrates the nature of justice?
- (A) Legislation protecting human rights of citizens
 - (B) Judges being elected by citizens
 - (C) Review of delegated legislation by the courts
 - (D) Trial by jury

- 11** What is the purpose of contract law?
- (A) To provide justice for employees working under contract
 - (B) To provide justice under public law
 - (C) To provide a remedy when one party has breached an agreement with another
 - (D) To provide a remedy when one party has breached their duty of care to another
- 12** Which of the following best describes the changing understanding of human rights?
- (A) All Australian citizens have the right to vote
 - (B) All those who plead guilty have the right to a fair trial
 - (C) The international community is increasingly committed to the protection of human rights
 - (D) The international community is more effective in protecting human rights
- 13** Which type of international rights did the trade union movement aim to protect?
- (A) Peace rights
 - (B) Economic rights
 - (C) Civil rights
 - (D) Collective rights
- 14** Which of the following is an essential feature of a moral right?
- (A) It is universally applied
 - (B) It is recognised by Australian courts
 - (C) It is recognised by Australian legislation
 - (D) It is based on an individual's ethical beliefs
- 15** Vanessa has been caught illegally downloading music from the internet.
- What type of law has Vanessa breached?
- (A) Common law
 - (B) Public law
 - (C) Private law
 - (D) Property law

--	--	--	--	--

Centre Number

Legal Studies

Section I (continued)

--	--	--	--	--	--	--	--	--

Student Number

Part B - 10 marks
Attempt Question 16

Answer the question in the spaces provided.

Marks

Question 16 (10 marks)

- (a) Outline the movement for the abolition of slavery and how it contributed to the development of human rights. 5

HSC Focus

- (b) Using examples, explain how the concepts of access and equality are reflected in the nature of justice. 5

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

End of Question 16

Legal Studies

Section II – Focus Study – Crime

25 marks

Attempt Question 17

Allow about 45 minutes for this section

Answer the question in a writing booklet. Extra writing booklets are available.
Start each part of this question on a new page.

	Marks
Question 17 (25 marks)	
(a) Identify two complete defences to murder.	2
(b) Outline the role of police and magistrates in the criminal process.	4
(c) Describe how the criminal justice system promotes compliance with the law.	7
(d) Evaluate the effectiveness of the adversarial system in achieving justice for the individual and society. You may wish to refer to:	12
Plea bargaining (charge negotiation)	
Jury trials	
Rights to appeal	
Access to legal aid	
Examination of witnesses	

Legal Studies

Section III – Additional Focus Studies

50 marks

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 in a SEPARATE writing booklet. Extra writing booklets are available.

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

Question 18 – Optional Focus Study 1 – Consumers (25 marks) **Marks**

- (a) ‘Consumer law accurately reflects society’s notions of justice.’ Evaluate this statement in relation to consumers’ rights and redress. **25**

OR

- (b) Evaluate the role of tribunals and other legal institutions in providing adequate protection for consumers. **25**

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

- (a) Discuss the challenges faced by the law in providing justice for family members and the wider community. **25**

OR

- (b) Evaluate the role of the Family Court and other legal institutions in providing adequate protection for family members. **25**

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

Marks

- (a) Discuss whether the international legal system has kept pace with the global community's concept of justice in the area of environmental protection. **25**

OR

- (b) Evaluate the role of international tribunals and other legal institutions in providing adequate protection for the global environment. **25**

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

- (a) Discuss whether the international legal system has kept pace with the global community's concept of justice in the area of law dealing with indigenous peoples. **25**

OR

- (b) 'International legal institutions struggle to enforce rights of indigenous peoples.' Evaluate this statement in relation to self-determination, sovereignty and cultural integrity of indigenous peoples. **25**

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

- (a) Discuss whether the legal system has kept pace with the community's concept of justice in the area of law dealing with shelter. **25**

OR

- (b) 'Legal institutions are crucial to securing shelter for all.' Evaluate this statement in relation to the law as it applies to shelter. **25**

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

- (a) 'The interrelationship between justice, law and society is complex.' Evaluate this statement in relation to the law's attempt to address issues arising from developments in technology. **25**

OR

- (b) 'International legal institutions struggle to keep pace with technological change.' Evaluate this statement in relation to the role of law in responding to technological change. **25**

Question 24 – Optional Focus Study 7 – Workplace (25 marks)

Marks

- (a) ‘The interrelationship between justice, law and society is complex.’ Evaluate this statement in relation to the law’s attempt to address issues arising in the workplace. **25**

OR

- (b) Evaluate the role of tribunals and other legal institutions in providing adequate protection for workers. **25**

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

- (a) Discuss whether the international legal system has kept pace with the global community’s concepts of justice in the area of world order. **25**

OR

- (b) Evaluate the role of international tribunals and other legal institutions in responding to the need for world order. **25**

End of paper

--	--	--	--	--

Centre Number

--	--	--	--	--	--	--	--	--	--

Student Number

YEAR 12 TRIAL HIGHER SCHOOL CERTIFICATE EXAMINATION 2008

LEGAL STUDIES – MULTIPLE CHOICE ANSWER SHEET

ATTEMPT ALL QUESTIONS

- | | | | | | |
|----------|----|-------------------------|-------------------------|-------------------------|-------------------------|
| Question | 1 | A <input type="radio"/> | B <input type="radio"/> | C <input type="radio"/> | D <input type="radio"/> |
| | 2 | A <input type="radio"/> | B <input type="radio"/> | C <input type="radio"/> | D <input type="radio"/> |
| | 3 | A <input type="radio"/> | B <input type="radio"/> | C <input type="radio"/> | D <input type="radio"/> |
| | 4 | A <input type="radio"/> | B <input type="radio"/> | C <input type="radio"/> | D <input type="radio"/> |
| | 5 | A <input type="radio"/> | B <input type="radio"/> | C <input type="radio"/> | D <input type="radio"/> |
| | 6 | A <input type="radio"/> | B <input type="radio"/> | C <input type="radio"/> | D <input type="radio"/> |
| | 7 | A <input type="radio"/> | B <input type="radio"/> | C <input type="radio"/> | D <input type="radio"/> |
| | 8 | A <input type="radio"/> | B <input type="radio"/> | C <input type="radio"/> | D <input type="radio"/> |
| | 9 | A <input type="radio"/> | B <input type="radio"/> | C <input type="radio"/> | D <input type="radio"/> |
| | 10 | A <input type="radio"/> | B <input type="radio"/> | C <input type="radio"/> | D <input type="radio"/> |
| | 11 | A <input type="radio"/> | B <input type="radio"/> | C <input type="radio"/> | D <input type="radio"/> |
| | 12 | A <input type="radio"/> | B <input type="radio"/> | C <input type="radio"/> | D <input type="radio"/> |
| | 13 | A <input type="radio"/> | B <input type="radio"/> | C <input type="radio"/> | D <input type="radio"/> |
| | 14 | A <input type="radio"/> | B <input type="radio"/> | C <input type="radio"/> | D <input type="radio"/> |
| | 15 | A <input type="radio"/> | B <input type="radio"/> | C <input type="radio"/> | D <input type="radio"/> |