



**CATHOLIC SECONDARY SCHOOLS ASSOCIATION**

**2010 TRIAL HIGHER SCHOOL CERTIFICATE EXAMINATION**

**LEGAL STUDIES – MARKING GUIDELINES**

**Section I – Law and Society  
Part A**

**Questions 1-15 (1 mark each)**

<b>Question</b>	<b>Answer</b>	<b>Outcomes Assessed</b>	<b>Targeted Performance Bands</b>
1	D	H2.1	2-3
2	A	H2.1	2-3
3	D	H2.1	2-3
4	A	H2.1,H2.2	2-3
5	B	H3.1	3-4
6	C	H2.1	3-4
7	B	H2.3	3-4
8	C	H2.1,H2.2	3-4
9	D	H2.2	4-5
10	C	H3.1	4-5
11	C	H2.2,H3.1	4-5
12	A	H2.1,H2.2	4-5
13	A	H2.2	5-6
14	B	H3.1,H3.2	5-6
15	A	H2.1	5-6

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## Part B – Law and Society

### Question 16 (10 marks)

(a) (4 marks)

**Outcomes assessed:** H2.3, H4.3

**Targeted Performance Bands:** 2–4

Criteria	Marks
<ul style="list-style-type: none"><li>Clearly outlines how human rights in Australia are protected by statute law and the Constitution</li><li>Uses relevant examples</li></ul>	3-4
<ul style="list-style-type: none"><li>Outlines how human rights in Australia are protected</li><li>May make reference to an example</li></ul>	2
<ul style="list-style-type: none"><li>Makes a general statement about how human rights are protected or may make reference to an example</li></ul>	1

(b) (6 marks)

**Outcomes assessed:** H2.2, H3.1, H3.2, H5.1

**Targeted Performance Bands:** 2–6

Criteria	Marks
<ul style="list-style-type: none"><li>Makes a conclusive judgement about the validity of the statement</li><li>Demonstrates a comprehensive understanding of the social OR economic influences on law</li><li>Provides relevant examples to support argument</li></ul>	5-6
<ul style="list-style-type: none"><li>Makes some judgement about the validity of the statement</li><li>Demonstrates an understanding of the social OR economic influences on the law</li><li>May provide relevant examples</li></ul>	3-4
<ul style="list-style-type: none"><li>Makes a general statement about the validity of the statement OR</li><li>Makes a general statement about influences on the law</li></ul>	1-2

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## Section II – Focus Study – Crime

### Question 17 (25 marks)

(a) (2 marks)

**Outcomes assessed: H1.1, H1.2**

**Targeted Performance Bands: 2–3**

Criteria	Marks
• Identifies TWO courts that deal with criminal law	2
• Identifies ONE court that deals with criminal law	1

(b) (4 marks)

**Outcomes assessed: H1.1, H1.2**

**Targeted Performance Bands: 2–4**

Criteria	Marks
• Clearly and accurately outlines TWO penalties available to judges and magistrates within the Australian legal system	3-4
• Identifies TWO penalties available to judges and magistrates within the Australian legal system OR • Outlines in general terms ONE penalty available.	1-2

(c) (8 marks)

**Outcomes assessed: H1.1, H3.1, H3.2, H5.2, H5.3**

**Targeted Performance Bands: 2-6**

Criteria	Marks
• Comprehensively assesses the role of crime prevention in deterring criminal behaviour • Makes a sound judgement about social and situational crime prevention • Uses relevant legal terminology and concepts	7-8
• Accurately assesses the role of crime prevention in deterring criminal behaviour • Makes some judgement about social and situational crime prevention • Uses relevant legal terminology and concepts	5-6
• Attempts to assess the role of crime prevention in deterring criminal behaviour • Makes a limited judgement about crime prevention • Uses some appropriate legal terminology	3-4
• Makes a general statement about crime prevention • Limited use of basic legal terminology	1-2

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(d) (11 marks)

**Outcomes assessed:** H1.1, H1.2, H3.2, H3.3, H3.4, H4.1, H4.2, H5.3

**Targeted Performance Bands:** 2–6

Criteria	Marks
<ul style="list-style-type: none"><li>Comprehensively evaluates the effectiveness of the Australian legal system in balancing the rights of the victim with the rights of the accused</li><li>Makes a sound judgement about the effectiveness of the Australian legal system in relation to the victim and the accused</li><li>Communicates ideas comprehensively with reference to criteria</li><li>Uses relevant legal terminology and concepts</li></ul>	9-11
<ul style="list-style-type: none"><li>Accurately evaluates the effectiveness of the Australian legal system in balancing the rights of the victim with the rights of the accused</li><li>Makes some judgement about the effectiveness of the Australian legal system in relation to the victim and the accused</li><li>Communicates ideas efficiently with some reference to criteria</li><li>Uses relevant legal terminology and concepts</li></ul>	6-8
<ul style="list-style-type: none"><li>Evaluates the effectiveness of the Australian legal system in balancing the rights of the victim with the rights of the accused</li><li>Makes limited judgement about the effectiveness of the Australian legal system in relation to the victim and the accused</li><li>Uses some appropriate legal terminology</li></ul>	3-5
<ul style="list-style-type: none"><li>Makes a general statement about Australian legal system in balancing the rights of the victim with the rights of the accused</li><li>Limited use of basic legal terminology</li></ul>	1-2

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**Section III –Additional Focus Studies**  
**50 marks**

**Question 18 – 25 (25 marks)**

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

**Outcomes assessed: H1.1, H3.1, H3.2, H3.3, H3.4, H4.1, H4.2, H4.3, H5.1, H5.3**  
**Targeted Performance Bands: 2–6**

Criteria	Marks
<ul style="list-style-type: none"> <li>Comprehensively assesses the place of the law in resolving conflict and encouraging cooperation with reference to the nominated focus group</li> <li>Undertakes a discussion on the legal issue and remedies specified in the question</li> <li>Makes consistent and accurate use of relevant case law, legislation, documents and media reports in responding to the question</li> <li>Presents a sustained, logical and well-structured answer using relevant legal terminology</li> </ul>	21-25
<ul style="list-style-type: none"> <li>Accurately assesses the place of the law in resolving conflict and encouraging cooperation with reference to the nominated focus group</li> <li>Undertakes a discussion on the legal issue and remedies specified in the question</li> <li>Makes use of relevant case law, legislation, documents and media reports in responding to the question</li> <li>Presents a logical and well-structured answer using relevant legal terminology</li> </ul>	16-20
<ul style="list-style-type: none"> <li>Assesses the place of the law in resolving conflict and encouraging cooperation with reference to the nominated focus group</li> <li>Makes statements on the legal issue and remedies specified in the question.</li> <li>Cites some relevant case law, legislation, documents and media reports in responding to the question</li> <li>Presents a structured answer using relevant legal terminology</li> </ul>	11-15
<ul style="list-style-type: none"> <li>Attempts to assess the place of the law in resolving conflict and encouraging cooperation with reference to the nominated focus group</li> <li>May make reference to the legal issue and remedies specified in the question</li> <li>Makes limited reference to case law, legislation, documents and media reports in responding to the question</li> <li>Uses some appropriate legal terminology</li> </ul>	6-10
<ul style="list-style-type: none"> <li>Makes a general statement about the place of the law in resolving conflict and encouraging cooperation with reference to the nominated focus group</li> <li>Makes little or no reference to case law, legislation, documents and media reports in responding to the question</li> <li>Makes limited use of legal terms, which may or may not be appropriate</li> </ul>	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, H2.3, H3.1, H3.2, H3.4, H4.3, H5.1, H5.3***

***Targeted Performance Bands: 2–6***

Criteria	Marks
<ul style="list-style-type: none"><li>• Makes a conclusive judgement about the extent to which the law reflects the moral and ethical standards in relation to the nominated focus group</li><li>• Makes consistent and accurate use of relevant case law, legislation, documents and media reports in responding to the question</li><li>• Presents a sustained, logical and well-structured answer using relevant legal terminology</li></ul>	21-25
<ul style="list-style-type: none"><li>• Makes a sound judgement about the extent to which the law reflects the moral and ethical standards in relation to the nominated focus group</li><li>• Makes use of relevant case law, legislation, documents and media reports in responding to the question</li><li>• Presents a logical and well-structured answer using relevant legal terminology</li></ul>	16-20
<ul style="list-style-type: none"><li>• Makes some judgement about the extent to which the law reflects the moral and ethical standards in relation to the nominated focus group</li><li>• Cites some relevant case law, legislation, documents and media reports in responding to the question</li><li>• Presents a structured answer using relevant legal terminology</li></ul>	11-15
<ul style="list-style-type: none"><li>• Makes a basic judgement about the extent to which the law reflects the moral and ethical standards in relation to the nominated focus group</li><li>• Makes limited reference to case law, legislation, documents and media reports in responding to the question</li><li>• Uses some appropriate legal terminology</li></ul>	6-10
<ul style="list-style-type: none"><li>• Makes a general statement about the nominated focus group</li><li>• Makes little or no reference to case law, legislation, documents and media reports in responding to the question</li><li>• Makes limited use of legal terms, which may or may not be appropriate</li></ul>	1-5

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