



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)

Question	Answer	Outcomes Assessed	Targeted Performance Bands
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">• Clearly outlines how human rights in Australia are protected by statute law and the Constitution• Uses relevant examples	3-4
<ul style="list-style-type: none">• Outlines how human rights in Australia are protected• May make reference to an example	2
<ul style="list-style-type: none">• Makes a general statement about how human rights are protected or may make reference to an example	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">• Makes a conclusive judgement about the validity of the statement• Demonstrates a comprehensive understanding of the social OR economic influences on law• Provides relevant examples to support argument	5-6
<ul style="list-style-type: none">• Makes some judgement about the validity of the statement• Demonstrates an understanding of the social OR economic influences on the law• May provide relevant examples	3-4
<ul style="list-style-type: none">• Makes a general statement about the validity of the statementOR• Makes a general statement about influences on the law	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	1-2
OR	
• Outlines in general terms ONE penalty available.	

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

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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">• Comprehensively evaluates the effectiveness of the Australian legal system in balancing the rights of the victim with the rights of the accused• Makes a sound judgement about the effectiveness of the Australian legal system in relation to the victim and the accused• Communicates ideas comprehensively with reference to criteria• Uses relevant legal terminology and concepts	9-11
<ul style="list-style-type: none">• Accurately evaluates the effectiveness of the Australian legal system in balancing the rights of the victim with the rights of the accused• Makes some judgement about the effectiveness of the Australian legal system in relation to the victim and the accused• Communicates ideas efficiently with some reference to criteria• Uses relevant legal terminology and concepts	6-8
<ul style="list-style-type: none">• Evaluates the effectiveness of the Australian legal system in balancing the rights of the victim with the rights of the accused• Makes limited judgement about the effectiveness of the Australian legal system in relation to the victim and the accused• Uses some appropriate legal terminology	3-5
<ul style="list-style-type: none">• Makes a general statement about Australian legal system in balancing the rights of the victim with the rights of the accused• Limited use of basic legal terminology	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"> • Comprehensively assesses the place of the law in resolving conflict and encouraging cooperation with reference to the nominated focus group • Undertakes a discussion on the legal issue and remedies specified in the question • 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"> • Accurately assesses the place of the law in resolving conflict and encouraging cooperation with reference to the nominated focus group • Undertakes a discussion on the legal issue and remedies specified in the question • 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"> • Assesses the place of the law in resolving conflict and encouraging cooperation with reference to the nominated focus group • Makes statements on the legal issue and remedies specified in the question. • 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"> • Attempts to assess the place of the law in resolving conflict and encouraging cooperation with reference to the nominated focus group • May make reference to the legal issue and remedies specified in the question • 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 the place of the law in resolving conflict and encouraging cooperation with reference to the nominated focus group • Makes little or no reference to case law, legislation, documents and media reports in responding to the question • Makes limited use of legal terms, which may or may not be appropriate 	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">• Makes a conclusive judgement about the extent to which the law reflects the moral and ethical standards in relation to the nominated focus 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 sound judgement about the extent to which the law reflects the moral and ethical standards in relation to the nominated focus 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 some judgement about the extent to which the law reflects the moral and ethical standards in relation to the nominated focus 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">• Makes a basic judgement about the extent to which the law reflects the moral and ethical standards in relation to the nominated focus group• Makes limited reference to case law, legislation, documents and media reports in responding to the question• <u>Uses some appropriate legal terminology</u>	6-10
<ul style="list-style-type: none">• Makes a general statement about the nominated focus group• Makes little or no reference to case law, legislation, documents and media reports in responding to the question• Makes limited use of legal terms, which may or may not be appropriate	1-5

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