

Legal Studies

General
Instructions

- Reading time – 5 minutes
- Working time – 3 hours
- Write using black pen

Total marks:
100

Section I – 20 marks (pages 2–6)

- Attempt Questions 1–20
- Allow about 30 minutes for this section

Section II – 30 marks (pages 9–21)

This section has two parts, Part A and Part B

- Allow about 1 hour for this section

Part A – 15 marks

- Attempt Questions 21–23

Part B – 15 marks

- Attempt Question 24

Section III – 50 marks (pages 22–24)

- Attempt TWO questions from Questions 25–31, each from a different Option
- Allow about 1 hour and 30 minutes for this section

Section I

20 marks

Attempt Questions 1–20

Allow about 30 minutes for this section

Use the multiple-choice answer sheet for Questions 1–20.

- 1** What is the standard of proof in a criminal case?
- A. *Mens rea*
 - B. *Actus reus*
 - C. Beyond reasonable doubt
 - D. On the balance of probabilities
- 2** What is the primary function of a judge in the adversarial system?
- A. To question the witnesses
 - B. To present the case to the jury
 - C. To decide what evidence can be admitted
 - D. To investigate the crime and gather all the facts of a case
- 3** A person is sentenced to imprisonment for a period of five years. The person thinks the sentence is too long and decides to appeal.
- What type of appeal can this best be described as?
- A. Appeal against bias
 - B. Appeal against severity
 - C. Appeal on a point of law
 - D. Appeal on the conviction

- 4** Which of the following describes the fundamental principles of human rights?
- A. Universal and alienable
 - B. Universal and inalienable
 - C. Guaranteed and alienable
 - D. Guaranteed and inalienable
- 5** What is the role of the Director of Public Prosecutions?
- A. To appoint defence barristers
 - B. To assign a judge to hear a case
 - C. To appoint a jury for a trial of an accused person
 - D. To review the charges against an accused person
- 6** Who would usually issue an arrest warrant?
- A. The police
 - B. The Premier
 - C. A judicial officer
 - D. The Attorney-General
- 7** Aberia is a colony of Belinia. Aberia wants to form an independent nation.
- This situation is an example of which type of right?
- A. Collective
 - B. Environmental
 - C. Peace
 - D. Positive
- 8** Human rights are best protected in Australia when they are
- A. subject to media attention.
 - B. incorporated into legislation.
 - C. incorporated into the common law.
 - D. supported by non-government organisations.

9 A sixteen-year-old person has been found in possession of a can of spray-paint.

Which of the following describes this category of offence?

- A. Preliminary
- B. Public order
- C. White collar
- D. Strict liability

10 Jordan commits a serious criminal offence. Derek then helps Jordan conceal this offence.

Which offence has Derek committed?

- A. Accessory after the fact
- B. Accessory before the fact
- C. Principal in the first degree
- D. Principal in the second degree

11 A local council is considering the installation of closed circuit television (CCTV) in a car park to deter criminal activity.

What is this an example of?

- A. Law enforcement
- B. Situational policing
- C. Social crime prevention
- D. Situational crime prevention

12 Which type of hearing establishes if there is a *prima facie* case?

- A. Appeal
- B. Committal
- C. Coronial
- D. Summary

- 13** A former police officer is convicted of a crime and requests to be placed in protective custody.

What is this an example of?

- A. Restorative justice
 - B. Continued detention
 - C. Preventative detention
 - D. Post-sentencing considerations
- 14** A person is charged with an offence of using obscene language.

In which court will the trial most likely take place?

- A. Coroner's
 - B. District
 - C. Local
 - D. Supreme
- 15** The role of the International Court of Justice is to hear
- A. the most serious international crimes.
 - B. disputes between nation states and issue advice.
 - C. cases involving human rights abuses brought by individuals.
 - D. cases involving human rights abuses brought by non-member states.

- 16** A country has been criticised by the United Nations for using capital punishment.

Which of the following allows the country to ignore this criticism?

- A. State sovereignty
- B. Self-determination
- C. Division of powers
- D. Separation of powers

- 17** Why does the Director of Public Prosecutions issue Prosecution Guidelines?
- A. To assist a magistrate to reach an informed decision
 - B. To reduce the costs involved in running a defence case
 - C. To help prosecution barristers to make a legal aid application
 - D. To guide prosecutors and inform the public about actions taken in its name
- 18** Which of the following can be used as a partial defence?
- A. Accident
 - B. Insanity
 - C. Necessity
 - D. Self defence
- 19** A person is arrested for possession of illegal drugs.
- Which of the following will definitely increase the possibility of bail being granted?
- A. The accused is a minor
 - B. The criminal history of the accused
 - C. The accused intends to plead guilty
 - D. The accused has legal representation
- 20** New legislation proposes mandatory sentencing. A judge comments that the proposed legislation challenges judicial discretion.
- The judge is able to make these comments based on which legal principle?
- A. Precedent
 - B. *Ratio decidendi*
 - C. Division of power
 - D. Separation of powers

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HIGHER SCHOOL CERTIFICATE
EXAMINATION

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Centre Number

Legal Studies

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Student Number

Section II Answer Booklet

30 marks

Allow about 1 hour for this section

Instructions

- Write your Centre Number and Student Number at the top of this page
- Use this answer booklet for Section II ONLY
- Answer BOTH Part A and Part B
- Follow the instructions inside this booklet as to where you should write your answers

Please turn over

Section II

Part A – Human Rights

15 marks

Attempt Questions 21–23

Answer the questions in the spaces provided. These spaces provide guidance for the expected length of response.

Question 21 (3 marks)

Outline how trade unionism can protect labour rights.

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Do NOT write in this area.

Question 22 (4 marks)

Describe how the common law in Australia promotes and enforces human rights. Use an appropriate example to support your answer.

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Do NOT write in this area.

Do NOT write in this area.

End of Section II Part A

Turn over for Section II Part B

Lined writing area with 25 horizontal lines.

Do NOT write in this area.

Lined writing area with 25 horizontal lines.



Do NOT write in this area.

Do NOT write in this area.

If you require more space to answer Question 24, you may ask for an extra writing booklet.

If you have used an extra writing booklet for Question 24, tick here.

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Do NOT write in this area.

Legal Studies

Section II (continued)

Part B – Crime

15 marks

Attempt Question 24

Answer the question on pages 14–19 of the Section II Answer Booklet. Extra writing booklets are available.

Your answer will be assessed on how well you:

- demonstrate knowledge and understanding of legal issues relevant to the question
 - communicate using relevant legal terminology and concepts
 - refer to relevant examples such as legislation, cases, media, international instruments and documents
 - present a sustained, logical and cohesive response
-

Question 24 (15 marks)

‘A court’s decision whether to allow an accused person bail or to hold them in remand reflects the tension between community interests and individual rights and freedoms.’

Assess this statement with reference to the criminal justice system.

Please turn over

Section III — Options

50 marks

Attempt TWO questions from Questions 25–31, each from a different Option

Allow about 1 hour and 30 minutes for this section

Answer both questions in the Section III Writing Booklet. Extra writing booklets are available.

Your answers will be assessed on how well you:

- demonstrate knowledge and understanding of legal issues relevant to the question
 - communicate using relevant legal terminology and concepts
 - refer to relevant examples such as legislation, cases, media, international instruments and documents
 - present a sustained, logical and cohesive response
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Question 25 — Consumers (25 marks)

- (a) ‘The legal system is constantly changing as it seeks to achieve justice.’ **25**

Evaluate this statement with respect to at least one contemporary issue concerning consumers.

OR

- (b) Assess the effectiveness of both legal and non-legal measures in achieving justice for consumers. **25**

Question 26 — Global Environmental Protection (25 marks)

- (a) ‘The legal system is constantly changing as it seeks to achieve justice.’ **25**

Evaluate this statement with respect to at least one contemporary issue concerning global environmental protection.

OR

- (b) Assess the effectiveness of both legal and non-legal measures in protecting the global environment. **25**

Question 27 — Family (25 marks)

- (a) ‘The legal system is constantly changing as it seeks to achieve justice.’ **25**

Evaluate this statement with respect to at least one contemporary issue concerning family law.

OR

- (b) Assess the effectiveness of both legal and non-legal measures in achieving just outcomes for family members. **25**

Question 28 — Indigenous Peoples (25 marks)

- (a) ‘The legal system is constantly changing as it seeks to achieve justice.’ **25**

Evaluate this statement with respect to at least one contemporary issue concerning indigenous peoples.

OR

- (b) Assess the effectiveness of both legal and non-legal measures in achieving justice for indigenous peoples. **25**

Question 29 — Shelter (25 marks)

- (a) ‘The legal system is constantly changing as it seeks to achieve justice.’ **25**

Evaluate this statement with respect to at least one contemporary issue concerning shelter.

OR

- (b) Assess the effectiveness of both legal and non-legal measures in achieving just outcomes in regard to the provision of shelter. **25**

Please turn over

Question 30 — Workplace (25 marks)

- (a) ‘The legal system is constantly changing as it seeks to achieve justice.’ **25**

Evaluate this statement with respect to at least one contemporary issue concerning the workplace.

OR

- (b) Assess the effectiveness of both legal and non-legal measures in achieving justice in the workplace. **25**

Question 31 — World Order (25 marks)

- (a) ‘The legal system is constantly changing as it seeks to achieve justice.’ **25**

Evaluate this statement with respect to at least one contemporary issue concerning world order.

OR

- (b) Assess the effectiveness of both legal and non-legal measures in promoting and maintaining world order. **25**

End of paper