NSW Education Standards Authority

2018 **HIGHER SCHOOL CERTIFICATE EXAMINATION**

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 21–24

Part B – 15 marks

- Attempt Question 25

Section III – 50 marks (pages 22–23)

- Attempt TWO questions from Questions 26–32, 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.

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1 Human rights in Australia are best protected when they are

A. promoted by the media.

B. incorporated into domestic laws.

C. included in the Charter of Rights.

D. monitored by the United Nations.

2 What is the main role of a jury in a criminal trial?

A. To determine the penalty

B. To represent the views of victims

C. To decide if the accused person is guilty

D. To advise the judge on community standards

3 In sentencing an offender, the judge focuses on the importance of retribution.

What is the judge's aim in focusing on this?

A. To penalise the offender

B. To reduce future criminal behaviour

C. To give the offender employment skills

D. To educate the community about criminal behaviour

4 Which of the following is an example of an intergovernmental organisation?

A. Red Cross

B. United Nations

C. Amnesty International

D. Australian Human Rights Commission

5 A person is found dead at the scene of a house fire. The police have evidence that the fire was lit on purpose.

Which court would investigate the unexplained death?

A. Local

B. District

C. Coroner's

D. Supreme

6 Melanie is arrested for assault. A magistrate decides not to release Melanie while she waits for her trial.

This means that Melanie is on

A. bail.

B. parole.

C. probation.

D. remand.

7 Which of the following is true of victim impact statements?

A. They are used at committal hearings.

B. They do not affect the sentencing of offenders.

C. They include the interests of victims in the criminal justice system.

D. They are presented in court by the victim before the accused is found guilty.

8 Mary was found to be an accessory before the fact in a bank robbery.

Which of the following would have led to this finding?

A. Mary supplied the gun that was used.

B. Mary used the gun at the crime scene.

C. Mary carried the money out of the bank.

D. Mary hid the money taken from the bank.

9 Andrew is 15 years old and is caught shoplifting.

Which of the following is correct in Andrew's case?

A. He may have a conviction recorded.

B. He cannot be charged with the offence.

C. His case will be heard in the Local Court.

D. He is presumed to be incapable of committing the offence.

10 The International Covenant on Economic, Social and Cultural Rights is an example of

A. a statute law.

B. a constitutional law.

C. an international customary law.

D. a formal statement of human rights.

11 During an argument, Don punches Jack, who later dies. Don is convicted of murder.

Which of the following must have been established in court for this finding to be reached?

A. Causation

B. Mitigation

C. Provocation

D. Self-defence

12 A police officer orders a person to come with her to a police station.

What is this an example of?

A. Seizing evidence

B. Arresting a person

C. Issuing a summons

D. Interrogating a person

13 Which statement is true of strict liability offences?

A. *Mens rea* must be proved

B. *Actus reus* must be proved

C. Burden of proof is not relevant

D. Standard of proof is not relevant

14 Of the following, the person most likely to be granted legal aid under NSW law is a person

A. who pleads guilty.

B. involved in a divorce.

C. accused of a serious crime.

D. appealing a criminal conviction.

15 The Australian Government provides a report to a United Nations committee under the International Covenant on Economic, Social and Cultural Rights.

What is this an example of?

A. Exercising state sovereignty

B. Cooperating with a non-governmental organisation

C. Complying with an order from an international tribunal

D. Recognising the power of an independent statutory authority

16 The Australian Government accuses the leader of another country of committing genocide.

Where could the matter be heard and a punishment determined?

A. High Court of Australia

B. International Criminal Court

C. International Court of Justice

D. United Nations Security Council

17 As a result of crowd violence leading to arrests at previous games, fans from opposing teams are now required to sit on different sides of the playing field.

What is this an example of?

A. A diversionary program

B. An exercise of police discretion

C. A social crime prevention strategy

D. A situational crime prevention strategy

18 Which of the following best describes the relationship between the criminal trial process in NSW and the Universal Declaration of Human Rights (UDHR)?

A. The criminal trial process is consistent with the principles of the UDHR.

B. The criminal trial process is required by the Australian Government to comply with the UDHR.

C. The UDHR is incorporated into the laws that determine the criminal trial process.

D. The UDHR provides a remedy to a convicted person who considers their conviction unfair.

19 A driver under the influence of alcohol causes damage to the value of $10 000 to another car. The driver is sentenced to imprisonment for drink driving.

What sort of offence has the driver been convicted of?

A. Economic

B. Indictable

C. Public order

D. Summary

20 Trevor, who is not an Australian citizen, is to be released from a NSW prison after serving a sentence of two years.

On his release, can Trevor be deported to his country of origin?

A. No, as he was sentenced by a NSW court and deportation is a federal matter.

B. No, as the deportation should have been determined at the time of sentencing.

C. Yes, as deportation can occur after serving a sentence of one year or more.

D. Yes, as the judge can use discretion to order deportation as part of the sentence.

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2018 HIGHER SCHOOL CERTIFICATE EXAMINATION

Centre Number

Student Number

Legal Studies

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

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Section II

Part A – Human Rights
15 marks
Attempt Questions 21–24

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

Question 21 (2 marks)

List TWO features of human rights.

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Question 22 (2 marks)

Why is self-determination a human right?

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Question 23 (5 marks)

Explain how the separation of powers can protect human rights in Australia. Use an appropriate example to support your answer.

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Question 24 (6 marks)

How effective have non-government organisations and the media been in promoting human rights? Use appropriate examples to support your answer.

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End of Section II Part A

Turn over for Section II Part B

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Section II Part B — Answer Question 25

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Question Number

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If you require more space to answer Question 25, you may ask for an extra writing booklet.

If you have used an extra writing booklet for Question 25, tick here. ☐

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Legal Studies

Section II (continued)

Part B – Crime
15 marks
Attempt Question 25

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 25 (15 marks)

Discuss the use of discretion in achieving justice in the criminal justice system.

Please turn over

Section III — Options

50 marks
Attempt TWO questions from Questions 26–32, 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

Question 26 — Consumers (25 marks)

(a) Evaluate the influence of changing values and ethical standards on the development of consumer law. **25**

OR

(b) To what extent is the regulation of marketing and advertising effective in achieving consumer protection? **25**

Question 27 — Global Environmental Protection (25 marks)

(a) Evaluate the influence of changing values and ethical standards in promoting global environmental protection. **25**

OR

(b) Discuss the role of state sovereignty in resolving global environmental protection issues. **25**

Question 28 — Family (25 marks)

(a) Evaluate how effective changes to family law have been in reflecting changing community values. **25**

OR

(b) To what extent are legal processes effective in dealing with issues in family relationships? **25**

Question 29 — Indigenous Peoples (25 marks)

(a) Evaluate how effective laws relating to indigenous peoples have been in reflecting changing values and ethical standards. **25**

OR

(b) To what extent have legal processes been effective in assisting indigenous peoples to determine their own future? **25**

Question 30 — Shelter (25 marks)

(a) Evaluate how effective changes to laws relating to shelter have been in reflecting changing values and ethical standards. **25**

OR

(b) To what extent does the legal system protect those securing and providing shelter? **25**

Question 31 — Workplace (25 marks)

(a) Evaluate how effective changes to workplace laws have been in reflecting changing values and ethical standards. **25**

OR

(b) To what extent do workplace laws assist in resolving disputes in the workplace? **25**

Question 32 — World Order (25 marks)

(a) Evaluate the influence of changing values and ethical standards in promoting peace and resolving conflict between nation states. **25**

OR

(b) Analyse issues of compliance and non-compliance in achieving world order. **25**

End of paper

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