

Student number _____

YEAR 11
LEGAL STUDIES TERM 3 EXAMINATION: 2012



General Instructions

- Reading time – 5 minutes
- Working time – 2 hours
- Write using blue or black pen
- For Section I, use the Multiple Choice Answer Sheet provided
- For Section II, answer on the Question Paper
- For Section III, answer on the Question Paper
- For Section IV, answer on writing booklet provided
- Write your Student Number on the front page of each section, including the Multiple Choice Answer Sheet.

Total marks – 80

This paper has four parts, Sections I, II, III and IV

Section I – Multiple Choice - 20 marks

- Attempt Questions 1-20
- Allow about 20 minutes for this part

Section II – Short Answer - 25 marks

- Attempt Questions 21-26
- Allow about 40 minutes for this part

Section III – Longer Response - 10 marks

- Attempt Question 27
- Allow about 15 minutes for this part

Section IV – Extended Response - 25 marks

- Attempt Question 28 **or** 29
- Allow about 45 minutes for this part

SECTION I
MULTIPLE CHOICE
20 MARKS

- 1 The *Anti-Terrorism (Amendment) Act* 2005 (Cth) is an example of which of the following?
 - (A) International law
 - (B) Customary law
 - (C) Common law
 - (D) Statute law

- 2 Standing up when the national anthem is played is an example of which of the following?
 - (A) A custom
 - (B) A legal obligation
 - (C) The recognition of precedent
 - (D) An international legal obligation

- 3 Which main body of the United Nations has control over the United Nations peacekeeping forces?
 - (A) The Secretariat
 - (B) The Security Council
 - (C) The General Assembly
 - (D) The Special Military Operations Branch

Use the following information to answer questions 4-5

Following an argument about the song 'Call me Maybe', Leporello was punched in the face by his neighbour Don Giovanni. As a consequence, he was required to miss a week of work and undergo significant and expensive dental treatment. The total bill for Leporello was \$73,000.

- 4 Which of the following courts would hear Leporello's case?
 - (A) The High Court of Australia
 - (B) The District Court
 - (C) The Local Court
 - (D) The Federal Court

- 5 What type of law would be used to decide Leporello's claim for damages?
 - (A) Contract law
 - (B) Family law
 - (C) Tort law
 - (D) Civil law

- 6 Which of the following is correct of Aboriginal customary law?
 - (A) It is not enforceable
 - (B) It is based on ritual and oral traditions
 - (C) It has no relevance to contemporary Australian law
 - (D) All indigenous Australian customary laws are the same

- 7 The NSW Supreme Court in the case of R v Traviata [2012] NSWSC 23 set a precedent in a criminal case. Which of the following courts must follow the precedent?
- (A) The District Court
 - (B) The NSW Court of Criminal Appeal
 - (C) The Supreme Court
 - (D) The High Court

Use the following information to answer question 8

Figaro applies to the Federal Minister for Agriculture and Fisheries, Susanna, for a fishing licence. Susanna knocks back Figaro's application based on a rumour that Figaro is illegally obtaining abalone in Jervis Bay.

- 8 The events in the above scenario are an example of:
- (A) Judicial decision making
 - (B) A breach of natural justice
 - (C) Allegedly corrupt behaviour
 - (D) A breach of the rule of law
- 9 The Federal Government wishes to change the Constitution. Which of the following would allow this change?
- (A) A United Nations Resolution supporting the change
 - (B) A unanimous High Court decision supporting the change
 - (C) A referendum in which a majority of States and a majority of people support the change
 - (D) The passing of legislation by Federal, State and Territory parliaments supporting the change
- 10 Common law was developed by which of the following?
- (A) The Chancellor's Court
 - (B) Common people taking matters to court
 - (C) The House of Commons in England
 - (D) Judges recording decisions in cases
- 11 The Commonwealth Government has responsibility for immigration under section 51 of the Constitution. This is an example of what?
- (A) Commonwealth sovereignty
 - (B) The separation of powers
 - (C) State sovereignty
 - (D) The division of powers
- 12 An international treaty states that all children are entitled to free medical care until the age of 18. When would this treaty come into effect in Australia?
- (A) When the United Nations votes in favour of it
 - (B) When Australia enacts it in domestic legislation
 - (C) When all member states of the United Nations sign it
 - (D) When a majority of member states of the United Nations sign it

Use the following information to answer question 13

Brunnhilde, a recent immigrant from Germany, is the victim of domestic violence perpetrated by her husband, Siegfried. While she would like to file for a divorce, she cannot afford the \$40,000 it will cost for Family Court proceedings.

- 13 Which element of justice is missing from this scenario?
- (A) Equality
 - (B) Precedent
 - (C) Access
 - (D) Fairness
- 14 Which countries make up the five permanent members of the UN Security Council?
- (A) Russia, the United States, India, France and China
 - (B) The United States, China, France, Russia and India
 - (C) The United States, the United Kingdom, China, France and Russia
 - (D) Russia, Indonesia, China, the United States and India
- 15 The government of Syria has not allowed free elections and it has imprisoned opposition leaders. Which term best describes this situation?
- (A) Anarchy
 - (B) Democracy
 - (C) Monarchy
 - (D) Tyranny

Use the following information to answer question 16

Papageno feels that traffic laws in Australia are too strict and wants the law to be reformed. He hopes to influence the Prime Minister, Papagena, so that she will change the laws.

- 16 Which of the following is not an agency of law reform that will help Papageno achieve his goal?
- (A) The Sydney Morning Herald
 - (B) The Australian Law Reform Commission
 - (C) The NSW Law Reform Commission
 - (D) The Federal Court
- 17 Which of the following is not a feature of common law?
- (A) Case law
 - (B) Precedent
 - (C) The adversarial system
 - (D) The inquisitorial system
- 18 The decision to end capital punishment in Australia was mostly caused by:
- (A) A change in social values
 - (B) A change in technology
 - (C) A change in concepts of justice
 - (D) A change in mechanisms of law reform

- 19 Victoria's parliament passes the *Equality in Marriages Act 2012* (Vic), which is inconsistent with the Federal Government's *Marriage Act 1961* (Cth). What section of the Constitution allows the Federal law to override the State law?
- (A) S 128
 - (B) S 51
 - (C) S 96
 - (D) S 75
- 20 The body of Musetta, a 23 year old woman from Perth, was recently found in bushland near Fremantle. The cause and manner of her death is unclear. Who would first determine how she died and whether foul play might have been a factor?
- (A) The Supreme Court of WA.
 - (B) The District Court of WA.
 - (C) The Coroner's Court of WA.
 - (D) The Criminal Appeal Court of WA.

A series of 20 horizontal dotted lines for writing.

Legal Studies

Section IV – Extended Response – 25 marks

**Attempt Question 28 or Question 29 in a separate workbook (s)
Allow about 45 minutes for this part**

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, cases, media reports
 - communicate using legal terminology and concepts
 - present a sustained, logical and well-structured answer to the question
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Question 28

Assess the effectiveness of law reform in achieving justice in Australia. In your answer, you should refer to case studies undertaken this year.

Support your answer with references to cases, media and legislation.

Question 29

With reference to TWO contemporary issues, assess the effectiveness of the legal and non-legal responses to those issues.

Support your answer with references to cases, media and legislation.

End of paper