



B O A R D O F S T U D I E S
NEW SOUTH WALES

2011

**HIGHER SCHOOL CERTIFICATE
SPECIMEN EXAMINATION**

Legal Studies

General Instructions

- Reading time – 5 minutes
- Working time – 3 hours
- Write using black or blue pen
- Write your Centre Number and Student Number at the top of page 9

Total marks – 100

Section I Pages 2–6

20 marks

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

Section II Pages 9–13

30 marks

This section has two parts, Part A and Part B

- Allow about 60 minutes for this section

Part A – 15 marks

- Attempt Questions 21–23

Part B – 15 marks

- Attempt Question 24

Section III Pages 14–16

50 marks

- 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 one goal of the United Nations?

 - (A) To promote respect for human rights
 - (B) To govern the international community
 - (C) To arrest those who breach international law
 - (D) To promote sovereignty in domestic jurisdictions

- 2** Which of the following legal personnel has responsibility for presiding over cases in the Local Court?

 - (A) Judge
 - (B) Magistrate
 - (C) Public Defender
 - (D) Director of Public Prosecutions

- 3** Which of the following is a major consideration of the Children’s Court when sentencing young offenders?

 - (A) Imprisonment is viewed as a last resort.
 - (B) Fines are regarded as appropriate punishment.
 - (C) Retribution is the main purpose of punishment.
 - (D) Community service is regarded as an inappropriate punishment.

- 4** Which one of the following crimes is heard by the International Criminal Court?

 - (A) Piracy
 - (B) Genocide
 - (C) Drug smuggling
 - (D) Credit card fraud

- 5 Which of the following statements is true in relation to the Universal Declaration of Human Rights?
- (A) It is enforced in NSW.
 - (B) It was written by the Security Council.
 - (C) It documents the entitlements of all individuals.
 - (D) It is incorporated into the Australian Constitution.
- 6 Which of the following is an example of a strict liability offence?
- (A) Arson
 - (B) Assault
 - (C) Speeding
 - (D) Theft
- 7 In New South Wales, which of the following is a partial defence that can be used to reduce an offence from murder to manslaughter?
- (A) Accident
 - (B) Compulsion
 - (C) Insanity
 - (D) Provocation
- 8 How are human rights best protected in Australia?
- (A) By a charter of rights
 - (B) Through codification of rights into law
 - (C) Through the ratification of international treaties
 - (D) By the enforcement of State and Commonwealth Constitutions
- 9 An 8-year-old cannot be charged with a criminal offence because there is an absence of
- (A) *mens rea*.
 - (B) causation.
 - (C) *actus reus*.
 - (D) strict liability.

- 10** Jamie holds up a service station and threatens the attendant with a gun. Taylor drives the car in which they make their escape.

In legal terms, Taylor is considered to be

- (A) an accessory after the fact.
- (B) an accessory before the fact.
- (C) the principal in the first degree.
- (D) the principal in the second degree.

Use the following information to answer Questions 11–12.

Drew and three other men were involved in a murder. The three men agreed to a lesser plea in return for giving evidence against Drew.

- 11** In which of the following processes have the three men participated?
- (A) Restorative justice
 - (B) Charge negotiation
 - (C) Pre-trial negotiation
 - (D) Inquisitorial justice
- 12** How does the fact that the men agreed to a lesser plea assist the operation of the criminal justice system?
- (A) It promotes fairness.
 - (B) It supports the rights of the victim.
 - (C) It protects the rights of parties to a crime.
 - (D) It improves the efficiency of the legal system.
- 13** What is the aim of legal aid in the criminal justice system?
- (A) To promote self-representation
 - (B) To promote the welfare of citizens
 - (C) To overcome cultural disadvantage
 - (D) To overcome institutional inequality

Use the following information to answer Questions 14–17.

Kelsey and Bailey plan to hack into the banking system and steal several million dollars to finance their retirement. The police uncover the plot and arrest them.

- 14** What motivated Kelsey and Bailey to plan the crime?
- (A) Self-interest
 - (B) Political motives
 - (C) Substance addiction
 - (D) Differential association
- 15** With what type of crime might Kelsey and Bailey be charged?
- (A) Drug offence
 - (B) Economic offence
 - (C) Preliminary offence
 - (D) Offence against the sovereign
- 16** Who has the burden of proof if Kelsey and Bailey are charged with the crime?
- (A) The jury
 - (B) The judge
 - (C) The prosecution
 - (D) The defense lawyer
- 17** What is the standard of proof necessary to convict Kelsey and Bailey?
- (A) Beyond reasonable doubt
 - (B) The balance of probability
 - (C) The balance of reasonable doubt
 - (D) Beyond the balance of probability

- 18** Which of the following is outside the jurisdiction of the Local Court?
- (A) Appellate
 - (B) Civil
 - (C) Criminal
 - (D) Original
- 19** Which of the following groups might seek self-determination?
- (A) Asylum seekers
 - (B) Non-government organisations (NGOs)
 - (C) Indigenous peoples within a nation-state
 - (D) Individuals with grievances against a state
- 20** Which of the following statements is true of human rights?
- (A) Human rights apply to nation-states.
 - (B) Human rights are enforced by the United Nations.
 - (C) Human rights are granted to citizens of all nation-states.
 - (D) Human rights should give some degree of legal protection.

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Legal Studies

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Centre Number

Section II

30 marks

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Student Number

Allow about 60 minutes for this section

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 the response.

Question 21 (2 marks)

Define *state sovereignty*.

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Question 22 (5 marks)

With reference to ONE example, explain how law reform has assisted in protecting human rights.

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Legal Studies

Section II (continued)

Part B – Crime

15 marks

Attempt Question 24

Answer the question in a writing booklet. Extra writing booklets are available.

In your answers you 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 24 (15 marks)

To what extent do penalties imposed during the sentencing process achieve justice for victims, offenders and society?

Section III — Options

50 marks

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

Allow 1 hour and 30 minutes for this section

Answer each question in a SEPARATE writing booklet. Extra writing booklets are available.

In your answers you 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) How effective are legal and non-legal measures in responding to credit and product certification issues? **25**

OR

- (b) To what extent do remedies available through the legal system achieve justice for consumers? **25**

Question 26 — Global Environmental Protection (25 marks)

- (a) How effective is the law in achieving an international response to global environmental protection? **25**

OR

- (b) To what extent do legal and non-legal processes promote compliance with global environmental initiatives? **25**

Question 27 — Family (25 marks)

- (a) *'Society moves ahead and the law limps behind.'* **25**

Discuss this statement referring to contemporary issues concerning family law.

OR

- (b) Compare the legal consequences and responsibilities of marriage with those of ONE alternative family arrangement. **25**

Question 28 — Indigenous Peoples (25 marks)

- (a) Assess the significance of state sovereignty in encouraging cooperation and resolving conflict in issues regarding indigenous peoples. **25**

OR

- (b) Evaluate legal and non-legal responses to the issue of land rights for indigenous peoples. **25**

Question 29 — Shelter (25 marks)

- (a) How effective is the law in achieving justice for people seeking and providing shelter? In your response, make reference to ONE contemporary issue concerning shelter. **25**

OR

- (b) *'Compliance with the law is necessary to achieve justice for all.'* **25**

Assess this statement in relation to the protection of those who seek and provide shelter.

In your answers you 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 30 — Workplace (25 marks)

- (a) Assess the effectiveness of the changing legal framework in recognising rights and enforcing responsibility of employees and employers. **25**

OR

- (b) To what extent does workplace law reflect the changing values and ethical standards of society? **25**

Question 31 — World Order (25 marks)

- (a) Assess the effectiveness of legal and non-legal measures in promoting peace and resolving conflict between nation-states. **25**

OR

- (b) Evaluate legal and non-legal responses to regional and global situations that threaten peace and security. **25**

End of paper