



BOARD OF STUDIES
NEW SOUTH WALES

HIGHER SCHOOL CERTIFICATE EXAMINATION

1995

LEGAL STUDIES

3 UNIT (ADDITIONAL)

*Time allowed—One hour and a half
(Plus 5 minutes' reading time)*

DIRECTIONS TO CANDIDATES

- Attempt TWO questions, each from a different Section.
- Each question is worth 25 marks.
- Answer each question in a *separate* Writing Booklet.
- You may ask for extra Writing Booklets if you need them.

SECTION I
CHALLENGE: GLOBAL ENVIRONMENTAL PROTECTION

EITHER

QUESTION 1. (25 Marks)

In the middle of the twentieth century, we saw our planet from space for the first time . . . We see a small and fragile ball dominated not by human activity and buildings but by a pattern of clouds, oceans, greenery, and soils. Humanity's inability to fit its activities into that pattern is changing planetary systems, fundamentally. Many such changes are accompanied by life-threatening hazards. This new reality, from which there is no escape, must be recognized—and managed.

Brundtland Report, United Nations.

Clearly identify, at the beginning of your answer, the TWO depth studies you will discuss.

Refer to the above statement and use examples drawn from the TWO depth studies you have identified to answer the following question.

To what extent has international law succeeded in recognizing and managing this 'new reality'?

OR

QUESTION 2. (25 Marks)

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Clearly identify, at the beginning of your answer, the TWO depth studies you will discuss.

Refer to the above statement and use examples drawn from the TWO depth studies you have identified to answer the following question.

Assess Australia's record in meeting its international obligations in the area of environmental law and policy.

SECTION II
CHALLENGE: TECHNOLOGICAL CHANGE

EITHER

QUESTION 3. (25 Marks)

Technological progress has affected people and society more decisively than ever before. It has a decisive impact on international relations. Culture and technology have become two complementary aspects of human experience.

MANFRED LACHS, *Thoughts on Science, Technology, and World Law*

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Clearly identify, at the beginning of your answer, the TWO depth studies you will discuss.

Refer to the above statement and use examples drawn from the TWO depth studies you have identified to answer the following question.

Discuss the effectiveness of international law in addressing issues relating to technological progress and culture.

OR

QUESTION 4. (25 Marks)

Technology is a dynamic, rapidly evolving area and one that will ultimately affect everyone. Developments are occurring at such a rate that legislation is having trouble keeping pace.

Clearly identify, at the beginning of your answer, the TWO depth studies you will discuss.

Refer to the above statement and use examples drawn from the TWO depth studies you have identified to answer the following question.

Evaluate the responsiveness of Australian law to the global challenges posed by the rate of technological development.

SECTION III
CHALLENGE: WORLD ORDER

EITHER

QUESTION 5. (25 Marks)

Normally a state is considered to possess independence and 'sovereignty' over its subjects and its affairs, and within its territorial limits. Yet at the present time there is hardly a state which, in the interests of the international community, has not accepted restrictions on its liberty of action.

J.G. STARKE, *Introduction to International Law*
Butterworths 1984.

Clearly identify, at the beginning of your answer, the TWO depth studies you will discuss.

Refer to the above statement and use examples drawn from the TWO depth studies you have identified to answer the following questions.

What problems of World Order demand an international legal response? How effective is international law in getting nations to look beyond national boundaries in solving these problems?

OR

QUESTION 6. (25 Marks)

Although Australia is geographically isolated, questions of World Order are of great significance to Australia's Government and its people.

Clearly identify, at the beginning of your answer, the TWO depth studies you will discuss.

Refer to the above statement and use examples drawn from the TWO depth studies you have identified to answer the following question.

How effective have Australia's responses been to international initiatives on issues of World Order?

SECTION IV
CHALLENGE: INDIGENOUS PEOPLES

EITHER

QUESTION 7. (25 Marks)

Let us go back 500 years to the period which saw the rise of the modern state, the beginnings of European colonial expansion, and the birth of modern international law . . .

Themes emerged then in discussions about the relationships between colonizers and indigenous peoples that continue to resound today. Satisfactory resolution seems as elusive today as it was then.

GARTH NETTHEIM, *International Law and Indigenous Political Rights: Yesterday, Today and Tomorrow*
Nettheim, ALTA, 1991.

Clearly identify, at the beginning of your answer, the TWO depth studies you will discuss.

Refer to the above statement and use examples drawn from the TWO depth studies you have identified to answer the following question.

To what extent does international law address issues faced by indigenous peoples?

OR

QUESTION 8. (25 Marks)

The Universal Declaration of Human Rights drafted after the Second World War was squarely based on the recognition of individual rights. The current Draft Declaration on the Rights of Indigenous Peoples reflects a realization that the collective rights of the world's indigenous peoples require special recognition.

Aboriginal and Torres Strait Islander Social Justice Commission, First Report, AGPS, 1993
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Clearly identify, at the beginning of your answer, the TWO depth studies you will discuss.

Refer to the above statement and use examples drawn from the TWO depth studies you have identified to answer the following question.

How has Australia responded to international initiatives designed to further the interests of indigenous peoples?

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