



HIGHER SCHOOL CERTIFICATE EXAMINATION

1996

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)

The challenge for Australia is to continue to be an influential player, both globally and regionally, and to make a significant contribution to sustainable development, consistent with our national interests and taking into account our diverse needs.

Department of the Environment, Sport and Territories
'Australia's International Environmental obligations', Background Briefs, 1995.
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Clearly identify, at the beginning of your answer, the TWO depth studies you will discuss.

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

What is meant by sustainable development?

Discuss the effectiveness of national and international law in addressing issues of sustainable development and environmental protection.

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, provide relevant information from the CORE, and use examples drawn from the TWO depth studies you have identified to answer the following questions.

How have concepts of international environmental law evolved and expanded?

Discuss the way in which national and international law responds to and incorporates new and innovative ideas of environmental law.

SECTION II

CHALLENGE: TECHNOLOGICAL CHANGE

EITHER

QUESTION 3. (25 marks)

Technological achievement has a downside. However, that downside is not an inevitable by-product of technological achievement. It can be avoided, or at least minimised, if the technology, any technology, is introduced in the right framework of checks and balances.

KERRY STOKES, *Boyer Lectures*, 1994.ABC.
Reproduced with permission.

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

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

Discuss the effectiveness of national and international law in addressing issues arising out of technological achievement.

OR

QUESTION 4. (25 marks)

Technology and the law make uneasy companions. The one, constantly striving for change and innovation, fights with a partner who upholds the values of certainty and respect for precedent. No matter how uneasy the relationship might be, the development of a satisfactory legal response to behaviour, rendered practically or economically feasible by technology, is a matter of critical importance.

IAN LLOYD, 1993
'Information Technology Law', Lloyd I, Butterworths, London 1993. Preface p.v

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

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

Explain how the private interest in change and innovation conflicts with the public interest in certainty and respect for precedent.

Discuss the effectiveness of national and international law in reconciling these conflicting interests.

SECTION III

CHALLENGE: WORLD ORDER

EITHER

QUESTION 5. (25 marks)

World Order becomes increasingly stable when more nations establish democratic forms of government based on respect for the rule of law and government through consensus.

LOUISE SHELLEY
'Transnational Crime and national Security'.

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

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

What measures can contribute to increasing the stability of World Order?

Compare the effectiveness of national and international responses to the problem of World Order.

OR

QUESTION 6. (25 marks)

We are in an era of globalising power, yet dividing politics. The traditional nation-state is now having to share its power with international organisations, transnational corporations and non-governmental organisations. There is an end of hierarchy, with the nation-state at the top. Now the power structure is more dispersed.

KEITH SUTER, *Global Change*, 1992
Albatross books, p329-30. Reproduced with permission.

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

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

Describe the different perceptions and frameworks that may be adopted in approaching questions of World Order.

Evaluate the effectiveness of national and international law in dealing with the division of power.

SECTION IV

CHALLENGE: INDIGENOUS PEOPLES

EITHER

QUESTION 7. (25 marks)

Despite similar colonial histories and systems of government, the quality of life for American Indians, Canadian Inuit and New Zealand Maoris is improving faster than that of Australian Aborigines and Torres Strait Islanders. At the same time, the other countries are narrowing the gap between their indigenous and non-indigenous people faster than Australia.

PAUL MCGEOGH, *The Sydney Morning Herald*, 1995

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

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

Discuss the effectiveness of national and international law in addressing the problems of indigenous people in the twentieth century.

OR

QUESTION 8. (25 marks)

The experience of indigenous peoples around the world has been that the superior force of the majority culture law has overridden their law and their sense of identity and purpose. The law of the dominant culture must genuinely recognise, and protect the interests of, the indigenous group if the law is to allow indigenous peoples to live according to their own laws and customs.

PETER BAILEY, *Bringing Human Rights to Life*, 1993
Federation Press, p3-4.

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

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

To what extent does the self-identification of indigenous peoples demand a global and domestic response?

Evaluate the effectiveness of national and international law in responding to this challenge.

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