



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

**HIGHER SCHOOL CERTIFICATE EXAMINATION**

**1999**

# **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 the questions 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)

UNESCO's World Heritage listing of areas such as the Great Barrier Reef, the Tasmanian wilderness and Kakadu National Park has brought Australia a number of advantages both tangible, such as tourism, and intangible, such as the ability to pass on these areas largely untouched to future generations.

*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.

Discuss the extent to which Australia's cooperation with international regimes provides effective protection for the environment.

Evaluate the effectiveness of national and international law in achieving global environmental protection.

OR

**QUESTION 2** (25 marks)

The desire to protect areas of the planet can be a source of cooperation and unity. The key to finding this unity is in respecting the different values and meanings of various cultural traditions; the indigenous view of country as home; the scientific view of wilderness as essential to the protection of biodiversity; and the view of wilderness as a source of joy and spiritual renewal. They all find common ground in a shared understanding that large areas of naturalness must remain.

*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.

Compare the approaches to the environment taken by any TWO of the cultural traditions referred to, that is, the indigenous view, the scientific view and the spiritual view.

Evaluate the extent to which national and international bodies have been able to balance competing environmental and developmental issues.

**SECTION II**  
**CHALLENGE: TECHNOLOGICAL CHANGE**

EITHER

**QUESTION 3** (25 marks)

One of the challenges of any legal system is to grow with the society it serves so that it continues to be relevant to emerging needs. The international character of technological change means that it cannot be adequately regulated by a multitude of nation-based legal structures. A coherent, cooperative, global response is necessary.

*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 is it necessary for a nation to be part of an international regime to benefit from, and control, technological change?

Evaluate the effectiveness of national and international law in creating a coherent, cooperative, global response to technological change.

OR

**QUESTION 4** (25 marks)

It is apparent that developing a system for managing intellectual property and instilling a culture of awareness of intellectual property rights is becoming an urgent need in all developed countries.

*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.

Outline and describe the international instruments and agencies dealing with the protection of intellectual property.

Evaluate the effectiveness of national and international law in balancing the desirability of encouraging innovation and protecting technology while seeking to ensure that technologies are made available in the public interest.

**SECTION III**  
**CHALLENGE: WORLD ORDER**

EITHER

**QUESTION 5** (25 marks)

World policing may involve keeping the peace between combating factions in a nation. It may also involve combined international efforts to control areas of criminal activity. It has a function in the control of transnational trade and in responding to the problems caused by displaced peoples. Views on what issues most require world policing will differ according to national, individual, governmental and business perceptions.

*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 factors generate conflicts that may disrupt world order and may necessitate world policing?

Evaluate the effectiveness of national and international law in responding to the need for world policing and securing settlements to world order conflicts.

OR

**QUESTION 6** (25 marks)

A high ranking military official in a recent world order conflict said: 'If world powers try to impose on us unacceptable conditions, we will have no other choice but to resist, and respond to force, with force'.

*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 approaches may be taken nationally and internationally to promote and achieve world order?

Evaluate the effectiveness of the various processes and institutions in negotiating world order with conditions that will be acceptable to all parties involved.

**SECTION IV**  
**CHALLENGE: INDIGENOUS PEOPLES**

EITHER

**QUESTION 7** (25 marks)

Discussions are taking place in the hope that a formal document to promote Aboriginal reconciliation will be ready by the Centenary of Federation in 2001. Such a document must acknowledge the historical truths of this country including prior occupation by indigenous people. It must also acknowledge injustices. It must acknowledge current disadvantage and must focus on the need to have practical outcomes to improve the position of indigenous Australians.

*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 the common features of the history of indigenous peoples throughout the world.

Evaluate the effectiveness of both national and international law in responding to the need to have practical outcomes to improve the position of indigenous peoples.

OR

**QUESTION 8** (25 marks)

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

The San bushmen of South Africa are battling the South African government for land, language and cultural rights. Recently, the South African National Parks Board announced an agreement to relinquish control over 55 000 hectares of land in the Kalahari National Park to the San. At an early stage of negotiations about this claim, the Board produced a paper which stated that ‘the idea of *indigenous peoples* is close to being meaningless and has no status in the South African Constitution or laws’.

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.

Discuss the meaning of the term *indigenous peoples* and the ways in which the challenge of identifying indigenous peoples can be overcome.

Evaluate the effectiveness of both Australian and international law in responding to the desire of indigenous peoples for land, language and cultural rights.

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