



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

**2002**

**HIGHER SCHOOL CERTIFICATE  
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 2–10

**25 marks**

This section has two parts, Part A and Part B

- Allow about 45 minutes for this section

Part A – 15 marks

- Attempt Questions 1–15

Part B – 10 marks

- Attempt Question 16

**Section II** Page 11

**25 marks**

- Attempt Question 17
- Allow about 45 minutes for this section

**Section III** Pages 12–14

**50 marks**

- Attempt TWO questions from Questions 18–25, each from a different Focus Study
- Allow about 1 hour and 30 minutes for this section

## Section I — Law and Society

25 marks

Allow about 45 minutes for this section

Part A – 15 marks

Attempt Questions 1–15

Use the multiple-choice answer sheet.

Select the alternative A, B, C or D that best answers the question. Fill in the response oval completely.

**Sample:**  $2 + 4 =$  (A) 2 (B) 6 (C) 8 (D) 9  
A  B  C  D

If you think you have made a mistake, put a cross through the incorrect answer and fill in the new answer.

A  B  C  D

If you change your mind and have crossed out what you consider to be the correct answer, then indicate the correct answer by writing the word *correct* and drawing an arrow as follows.

A  B  C  D   
*correct* →

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- 1** The Australian legal system is based on parties presenting their arguments to an impartial judge. Which of the following legal systems does this statement describe?
- (A) A civil law system based on an inquisitorial system of justice
  - (B) A civil law system based on an adversarial system of justice
  - (C) A common law system based on an adversarial system of justice
  - (D) A common law system based on an inquisitorial system of justice
- 2** Maria buys a ticket for a concert to be performed by an international rock group in a public park. The group fails to appear and the concert is cancelled. By means of which type of law can Maria attempt to obtain a refund?
- (A) Contract law
  - (B) International law
  - (C) Public law
  - (D) Tort law
- 3** Which of the following attempts to remove institutionalised inequality?
- (A) Common law to protect the reasonable person
  - (B) The doctrine of precedent where judges must be consistent
  - (C) The law of contract where parties can have their day in court
  - (D) Reviews that recommend legislative change to the legal system
- 4** How are property law and tort law similar?
- (A) Both are examples of private law.
  - (B) Both are examples of public law.
  - (C) Both are covered only by statute law.
  - (D) Both deal with ownership of land by individuals.
- 5** Following pressure from the local community concerned about high rates of skin cancer, Sunnyside Council decides to ban people not wearing hats from its public beaches. To which of the following influences has the council responded in introducing this law?
- (A) Social and moral
  - (B) Cultural and moral
  - (C) Social and political
  - (D) Cultural and political

- 6** What is meant by the term *universal suffrage*?
- (A) The right of all adults to vote freely at elections
  - (B) The right of a government to determine who can enter its country
  - (C) The right of all people to have basic human rights and be free from suffering
  - (D) The right of an accused person to remain silent when questioned by the police
- 7** What is meant by the term *state sovereignty*?
- (A) A nation state has power to make laws internationally.
  - (B) A nation state can determine its laws without external interference.
  - (C) International law gives power to nation states to make laws.
  - (D) International conventions bind nation states.
- 8** In Australia, what feature makes domestic law different from international law?
- (A) Only domestic law extends beyond the boundaries of the sovereign state.
  - (B) Only international law deals with civil and political rights.
  - (C) Only domestic law applies within the boundaries of the sovereign state.
  - (D) Only international law includes moral and customary rights.
- 9** Anita's neighbour grows roses for sale. Anita's dog escapes and digs up the neighbour's roses. The neighbour commences legal proceedings against Anita. Under which type of law would the neighbour proceed?
- (A) Contract law
  - (B) Criminal law
  - (C) Property law
  - (D) Tort law
- 10** What is the role of natural justice?
- (A) To promote equality
  - (B) To repeal a statute
  - (C) To ensure a fair hearing
  - (D) To supplement the common law

- 11** In Australia, which of the following attempts to provide some legal protection of human rights?
- (A) A Bill of Rights
  - (B) Common law
  - (C) Self-determination
  - (D) Universal education
- 12** When can the law be characterised as just?
- (A) When a judge allows for individual differences in determining a decision.
  - (B) When a judge makes a decision that reflects his/her cultural values and ethics.
  - (C) When a judge applies the law equally to those appearing before the court without exception.
  - (D) When the main considerations in reaching a decision are the time and the cost of the court process.
- 13** Which of the following recognises and enforces rights?
- (A) Ethics
  - (B) Justice
  - (C) Natural law
  - (D) Precedent
- 14** Kim wants to contest a legal issue in court. When he is told that his case will cost him around \$10 000 a day he decides not to proceed. Kim's decision not to proceed illustrates a difficulty with which legal concept?
- (A) Rule of law
  - (B) Human rights
  - (C) Natural justice
  - (D) Access to the law
- 15** How are human rights protected in Australia?
- (A) Human rights are only protected by international law.
  - (B) Only some human rights are protected by the Australian Constitution.
  - (C) Only when Australia signs an international treaty are human rights protected.
  - (D) Only the human rights of Aboriginal and Torres Strait Islanders are protected by the Australian Constitution.

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Centre Number

Section I (continued)

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Student Number

Part B – 10 marks

Attempt Question 16

Answer the question in the spaces provided.

Marks

Question 16 (10 marks)

- (a) Define the notion of individual human rights, and use an appropriate example to illustrate your definition. 2

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- (b) Define the notion of collective human rights, and use an appropriate example to illustrate your definition. 2

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Question 16 continues on page 10



## Legal Studies

### Section II — Focus Study – Crime

25 marks

Attempt Question 17

Allow about 45 minutes for this section

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

Start each part of this question on a new page.

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Marks

#### Question 17 (25 marks)

Helen plans to rob a bank. She needs someone to drive a get-away car. Helen calls Tom and threatens that if he does not drive the car she will stop supplying him with illegal drugs.

On the day of the robbery Tom sits in the car while Helen walks into the bank armed with a stolen gun. After a short wait Tom sees Helen running towards the car. The bank security guard chases and shoots at Helen. Helen turns and fires, killing the guard.

In speeding away from the bank, Tom drives through two red traffic lights.

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|-----|--|---|
| (a) | Explain the difference between summary and indictable offences, illustrating your answer with examples from the above scenario.  | 3 |
| (b) | Define the following three elements of a crime and, with reference to the above scenario, provide an example of each element:  |   |
|     | (i) <i>mens rea</i> ;  | 2 |
|     | (ii) <i>actus reus</i> ;   | 2 |
|     | (iii) <i>causation</i> .   | 2 |
| (c) | If you had to defend Helen and Tom in court, what possible defence(s) to the charge of murder would you use for Helen, and what possible defence(s) would you use for any charges faced by Tom. Justify the use of these defences. | 7 |
| (d) | Discuss the purpose and effectiveness of possible punishments the judge could consider before sentencing Helen and Tom.  | 9 |

### Section III — Additional Focus Studies

**50 marks**

**Attempt TWO questions from Questions 18–25, each from a different Focus Study  
Allow about 1 hour and 30 minutes for this section**

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

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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, documents, treaties, cases, media reports
  - communicate using legal terminology and concepts relevant to domestic or international law
  - present a sustained, logical and well-structured answer to the question
- 

**Question 18 — Optional Focus Study 1 – Consumers (25 marks)** **Marks**

- (a) Outline the legal issues facing consumers, and evaluate the extent to which the remedies available to consumers achieve justice. **25**

**OR**

- (b) Outline the conditions that give rise to the need for law reform for consumers, and discuss the role of agencies of reform in addressing the needs of consumers. **25**

**Question 19 — Optional Focus Study 2 – Family (25 marks)**

- (a) Outline the legal issues facing family members, and evaluate the extent to which the remedies available to family members achieve justice. **25**

**OR**

- (b) Outline the conditions that give rise to the need for law reform for family members, and discuss the role of agencies of law reform in addressing the needs of family members. **25**

**Marks**

**Question 20 — Optional Focus Study 3 – Global Environment (25 marks)**

- (a) Outline the legal issues in relation to the global environment, and evaluate the extent to which the remedies available protect the global environment. **25**

**OR**

- (b) Outline the conditions that give rise to the need for law reform in protecting the global environment, and discuss the role of agencies of reform in addressing the protection of the global environment. **25**

**Question 21 — Optional Focus Study 4 – Indigenous Peoples (25 marks)**

- (a) Outline the legal issues facing indigenous peoples, and evaluate the extent to which the remedies available to indigenous peoples achieve justice. **25**

**OR**

- (b) Outline the conditions that give rise to the need for law reform for indigenous peoples, and discuss the role of agencies of law reform in addressing the needs of indigenous peoples. **25**

**Question 22 — Optional Focus Study 5 – Shelter (25 marks)**

- (a) Outline the legal issues in securing shelter, and evaluate the extent to which the remedies available achieve security of shelter. **25**

**OR**

- (b) Outline the conditions that give rise to the need for law reform in securing shelter, and discuss the role of agencies of reform in addressing the need for securing shelter. **25**

**Please turn over**

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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, documents, treaties, cases, media reports
  - communicate using legal terminology and concepts relevant to domestic or international law
  - present a sustained, logical and well-structured answer to the question
- 

**Marks**

**Question 23 — Optional Focus Study 6 – Technological Change (25 marks)**

- (a) Outline the legal issues in relation to technological change, and evaluate the extent to which the remedies available have kept pace with technological change. **25**

**OR**

- (b) Outline the conditions that give rise to the need for law reform in the area of technological change, and discuss the role of agencies of reform in addressing the many aspects of life transformed by technological change. **25**

**Question 24 — Optional Focus Study 7 – Workplace (25 marks)**

- (a) Outline the legal issues that arise in the workplace, and evaluate the extent to which the remedies available respond to the needs of employers and employees. **25**

**OR**

- (b) Outline the conditions that give rise to the need for law reform in the workplace, and discuss the role of agencies of reform in addressing the needs of employers and employees. **25**

**Question 25 — Optional Focus Study 8 – World Order (25 marks)**

- (a) Outline the legal issues in relation to world order, and evaluate the extent to which the remedies available achieve world order. **25**

**OR**

- (b) Outline the conditions that give rise to the need for law reform in world order, and discuss the role of agencies of reform in achieving world order. **25**

**End of paper**