



BOARD OF STUDIES
NEW SOUTH WALES

2005

**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 12–15

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 →

- 1** What standard of proof is required in a criminal case?
- (A) Beyond reasonable doubt
 - (B) On the balance of evidence
 - (C) On the balance of probabilities
 - (D) Beyond the balance of probabilities
- 2** Which of the following is NOT a widely recognised element of human rights?
- (A) Human rights are inalienable.
 - (B) Human rights are culturally specific.
 - (C) Human rights have universal application.
 - (D) Human rights are all of equal importance.
- 3** Which of the following best describes state sovereignty?
- (A) The right of a state to make laws for its citizens
 - (B) The right of a person to vote in a federal election
 - (C) The right of a group of people to determine its own future
 - (D) The right of a person to vote in a local government election
- 4** Which statement best illustrates how the Australian legal system recognises and protects human rights?
- (A) The Prime Minister is critical of international human rights abuses.
 - (B) Police reports indicate a large increase in child abuse cases in NSW.
 - (C) A decision of the High Court applies Australia's human rights treaty obligations.
 - (D) The federal government is a signatory to United Nations conventions on human rights.
- 5** Which of the following best describes a Bill of Rights?
- (A) A document proposing a referendum in Australia
 - (B) A document proposing that Australia become a republic
 - (C) A document proposing to enshrine human rights in Australia
 - (D) A document proposing to support the Australian Constitution

- 6** Kim was speeding on her motorbike and was stopped by a police officer who decided not to issue a speeding ticket.

What feature of the legal system does this scenario demonstrate?

- (A) Alternative dispute resolution
 - (B) Ministerial discretion
 - (C) Natural justice
 - (D) Police discretion
- 7** Which of the following is the main feature of the doctrine of natural justice?
- (A) Common law
 - (B) Discretionary powers
 - (C) Procedural fairness
 - (D) Statute law

- 8** Which of the following is a collective human right?

- (A) Self-determination
- (B) Trade unionism
- (C) Universal education
- (D) Universal suffrage

- 9** Don has a contract with the government to maintain the gardens of Government House. Don has commenced legal action against the government over unpaid accounts.

What is the most likely outcome of this action?

- (A) The plaintiff receives damages in tort.
- (B) The government pays the plaintiff's claim.
- (C) The government pays the defendant's claim.
- (D) The plaintiff proves his claim beyond reasonable doubt.

- 10** Maria works in a factory overseas. Her employer forbids her to join a trade union.
- Which of the following is best illustrated by Maria's situation?
- (A) A breach of contract law
 - (B) A breach of industrial law
 - (C) An abuse of a collective human right
 - (D) An abuse of an individual human right
- 11** Which of the following best illustrates how human rights are currently protected in Australia?
- (A) Codification of all human rights
 - (B) Common law and legislation
 - (C) International treaties and covenants
 - (D) Referenda
- 12** Which of the following statements most accurately describes the operation of the rule of law?
- (A) All law makers are elected.
 - (B) All law is made by parliament.
 - (C) Innocent people are free from imprisonment.
 - (D) Police discretion is subject to judicial review.
- 13** Which of the following statements best describes the operation of common law?
- (A) Common law only applies to individuals.
 - (B) Common law can only be changed by statute.
 - (C) Common law can adapt to changes in society.
 - (D) Common law requires that a jury decide guilt or innocence.

- 14** In country *X*, all citizens require a permit to work. A citizen, Chris, has had his work permit cancelled. His appeal against this decision has been rejected by the courts in country *X*.

What rights are being denied to Chris?

- (A) Cultural
 - (B) Economic
 - (C) Legal
 - (D) Political
- 15** Which of the following is commonly classified as both public and private law?
- (A) Criminal law
 - (B) Indigenous customary law
 - (C) International law
 - (D) Tort law

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Legal Studies

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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) Identify a source of international law AND a source of domestic law. 2

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(b) Describe THREE ways the Australian legal system provides access to justice. 3

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Question 16 continues on page 10

Question 16 (continued)

- (c) Using examples, explain how the Australian legal system is influenced by the changing society in which it operates.

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End of Question 16

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.

Marks

Question 17 (25 marks)

Juveniles in Crime

In the 12 months prior to the survey we estimated that 29% of [secondary] students assaulted someone, 27% maliciously damaged property, 15% received or sold stolen goods, 9% shoplifted, 5% committed break and enter and 5% committed motor vehicle theft.

Male students generally had higher rates of participation in each offence than female students, . . .

Given the low rate of apprehension amongst juvenile offenders, there is a clear need to focus more on primary prevention strategies rather than rely solely on criminal justice system approaches in dealing with juvenile crime. Primary preventative strategies would involve targeting the opportunities and incentives for involvement in crime, . . .

Adapted from: *Juveniles in Crime – Part 1*
NSW BUREAU OF CRIME STATISTICS AND RESEARCH (1998)

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|-----|--|----|
| (a) | Identify TWO types of crime from the offences mentioned in the stimulus material. | 2 |
| (b) | Outline how our society attempts to reduce juvenile crime. | 4 |
| (c) | Compare and contrast the problems faced by young male and young female offenders when they come into contact with the criminal justice system. | 7 |
| (d) | Evaluate the effectiveness of the treatment of adults and juveniles by the criminal justice system. | 12 |

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.

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

- (a) Evaluate the ways in which the legal system protects consumers, and include a discussion of financing a purchase. **25**

OR

- (b) The law reflects the culture and values of different societies and groups within society. **25**

Evaluate this statement in relation to legal issues and remedies affecting consumers, and include a discussion of consumer rights.

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

- (a) Evaluate the ways in which the legal system protects family members, and include a discussion of the rights and obligations of both parents and children. **25**

OR

- (b) The law reflects the culture and values of different societies and groups within society. **25**

Evaluate this statement in relation to legal issues and remedies affecting family members, and include a discussion of alternative family arrangements.

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

- (a) Evaluate the ways in which the legal system protects the global environment, and include a discussion of sustainable development and renewable resources. **25**

OR

- (b) The law reflects the culture and values of different societies and groups within society. **25**

Evaluate this statement in relation to legal issues and remedies affecting the global environment, and include a discussion of the role of international tribunals.

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

- (a) Evaluate the ways in which indigenous peoples use international law to achieve justice, and include a discussion of the effect of global pressures on indigenous peoples. **25**

OR

- (b) The law reflects the culture and values of different societies and groups within society. **25**

Evaluate this statement in relation to legal issues and remedies affecting indigenous peoples, and include a discussion of the role of international tribunals.

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
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	Marks
Question 22 — Optional Focus Study 5 – Shelter (25 marks)	
(a) Evaluate the effectiveness of the legal means of securing shelter, and include a discussion of the right to shelter.	25

OR

(b) The law reflects the culture and values of different societies and groups within society.	25
Evaluate this statement in relation to legal issues and remedies affecting people securing shelter, and include a discussion of the settling of disputes between neighbours.	

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

(a) Evaluate the ways in which the legal system responds to changing technology, and include a discussion of the legal infrastructure of technological change.	25
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OR

(b) The law reflects the culture and values of different societies and groups within society.	25
Evaluate this statement in relation to legal issues and remedies that arise from technological change, and include a discussion of the role played by various international bodies.	

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

- (a) Evaluate the ways in which the legal system regulates the relationship between employer and employee in the workplace, and include a discussion of the changes in the master/servant relationship. **25**

OR

- (b) The law reflects the culture and values of different societies and groups within society. **25**

Evaluate this statement in relation to legal issues and remedies affecting people in the workplace, and include a discussion of safety in the workplace.

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

- (a) Evaluate the effectiveness of legal instruments in the maintenance of world order, and include a discussion of the need for world order. **25**

OR

- (b) The law reflects the culture and values of different societies and groups within society. **25**

Evaluate this statement in relation to legal issues and remedies affecting world order, and include a discussion of the role of international tribunals.

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