



Barker College

**2005
TRIAL
HIGHER SCHOOL
CERTIFICATE**

Legal Studies

ANSWER SHEET

Staff Involved:

AM WEDNESDAY 3 AUGUST

- RAW*
- SCM
- PAH

73 copies

Section I

Part A – Multiple Choice

Choose the best response and fill in the response oval completely

1.	(A)	(B)	(C)	(D)
2.	(A)	(B)	(C)	(D)
3.	(A)	(B)	(C)	(D)
4.	(A)	(B)	(C)	(D)
5.	(A)	(B)	(C)	(D)
6.	(A)	(B)	(C)	(D)
7.	(A)	(B)	(C)	(D)
8.	(A)	(B)	(C)	(D)
9.	(A)	(B)	(C)	(D)
10.	(A)	(B)	(C)	(D)
11.	(A)	(B)	(C)	(D)
12.	(A)	(B)	(C)	(D)
13.	(A)	(B)	(C)	(D)
14.	(A)	(B)	(C)	(D)
15.	(A)	(B)	(C)	(D)



Barker College

**2005
TRIAL
HIGHER SCHOOL
CERTIFICATE**

Legal Studies

Staff Involved:

- RAW*
- SCM
- PAH

73 copies

AM WEDNESDAY 3 AUGUST

General Instructions

- Reading time – 5 minutes
- Working time – 3 hours
- Write using blue or black pen
- Write your Student Number at the top of the Answer Sheet and on all answer pages submitted

Total marks – 100

Section I Pages 2 – 7

Total marks – 25

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
- Indicate all answers on the Answer Sheet provided

PART B – 10 marks

- Attempt Question 16
- Indicate all answers in the spaces provided

Section II Page 8

25 marks

- Attempt Question 17
- Allow about 45 minutes for this section
- Indicate all answers on the paper provided

Section III Pages 9 – 11

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
- Indicate all answers on the paper provided

Section I — Law and Society

Total marks – 25

Allow about 45 minutes for this section

Part A – 15 marks

Attempt Questions 1 – 15

Allow about 25 minutes for this part

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 this by writing the word *correct* and drawing an arrow as follows.

(A) (B) (C) (D)

correct
↙

1. In what ways do legal rights differ from moral and customary rights?

- (A) Legal rights are based on society's values.
 - (B) Legal rights are written down.
 - (C) Legal rights are enforceable.
 - (D) Legal rights derive from the Universal Declaration of Human Rights.
2. What is the purpose of Aboriginal and Torres Strait Islander customary law?
- (A) To decide native title claims.
 - (B) To regulate marriage, adoption and family relationships.
 - (C) To decide sentencing of indigenous offenders.
 - (D) To regulate indigenous society and resolve disputes.
3. When are the human rights of an individual best protected under Australian law?
- (A) When the parliament passes domestic legislation.
 - (B) When a majority of the international community signs a treaty.
 - (C) When the International Court of Justice makes a ruling.
 - (D) When the High Court makes a ruling.
4. The concept of human rights has developed over time.
Which of the following best describes how this recognition occurred over time?
- (A) The concept of natural law was developed, the movement to abolish slavery and introduce universal suffrage occurred and then the UN created the Universal Declaration of Human Rights.
 - (B) The UN created the Universal Declaration of Human Rights, the movement to abolish slavery and introduce universal suffrage occurred and then historic constitutional documents were written.
 - (C) Historic constitutional documents were written, the concept of natural law was developed and then the UN created the Universal Declaration of Human Rights.
 - (D) The movement to abolish slavery and introduce universal suffrage occurred, historic constitutional documents were written and the concept of natural law was developed.
5. Helena is an Australian citizen who is being held in Villawood detention centre.
What legal remedy is most likely to achieve her release?
- (A) An action in the International Court of Justice.
 - (B) An appeal to the UN Human Rights Commission.
 - (C) A *Four Corners* documentary on Helena's situation.
 - (D) An action in an Australian court.
6. The Australian government is reluctant to intervene in the case of an Australian backpacker held on drug charges in Bali.

Which of the following statements best describes the Australian government's position?

- (A) The government cannot intervene because it has no extradition treaty with Indonesia.
- (B) To intervene would violate state sovereignty.
- (C) The government is respecting Indonesia's Bill of Rights.
- (D) To intervene would be a breach of international law.

7. What is a civil law system?

- (A) A legal system which uses an adversarial form of trial.
- (B) A legal system which uses an inquisitorial form of trial.
- (C) A legal system which operates in England.
- (D) A legal system which operates in America.

8. A celebrity agrees to appear in *Dancing with the Stars* under certain conditions.

Which type of law best describes this situation?

- (A) Tort law
- (B) Private law
- (C) Contract law
- (D) Public law

9. A high profile barrister, driving after having too much to drink, hits and kills a pedestrian. He does not stop and immediately seeks legal advice before walking into a police station six hours later. He is not breath tested and, at a jury trial, he is acquitted of driving in a manner dangerous to the public.

What of the following statements best describes this situation?

- (A) The police did not apply the doctrine of natural justice.
- (B) The law serves some better than others.
- (C) The law is not effective in drink driving cases.
- (D) The jury system should be reformed.

10. In sentencing an offender, a judge refers to *R v Miles*.

Which of the following is this an example of?

- (A) The doctrine of precedent
- (B) Statutory precedent
- (C) The doctrine of natural justice
- (D) Delegated legislation

11. Charles assaults his wife.

What is a possible civil outcome of this situation?

- (A) Charles will be sent to gaol.
- (B) Charles will receive a good behaviour bond.
- (C) Charles will have to do community service.
- (D) Charles will have to pay compensation to his wife.

12. Mary is found not guilty of an armed robbery charge after a jury trial.

Which of the following statements is true?

- (A) The Defence proved its case beyond a reasonable doubt.
- (B) The Prosecution failed to prove its case beyond a reasonable doubt.
- (C) The Defence proved its case on the balance of probabilities.
- (D) The Prosecution proved its case beyond a reasonable doubt.

13. Which of the following marked a decisive change with the past in terms of human rights?

- (A) International Convention on the Rights of the Child
- (B) International Covenant on Economic, Social and Cultural Rights
- (C) Universal Declaration of Human Rights
- (D) International Covenant on Civil and Political Rights

14. To which of the following do civil and political rights refer?

- (A) Rights which require citizens to participate fully and safely in society.
- (B) Rights which enable future generations to enjoy the same environmental quality as current generations do.
- (C) Rights which enable people to live in a peaceful environment, free from war.
- (D) Rights which protect citizens from the arbitrary abuse of state power.

15. The decision in *Mabo and others vs. State of Queensland (No.2)* (1992) demonstrates the upholding of human rights by what kind of law?

- (A) Administrative law
- (B) Public law
- (C) Common law
- (D) Criminal law

Student No.

Section I (Continued)

25 marks

Attempt Question 17

Allow about 45 minutes for this section

Answer the question on the paper provided. Extra paper is available if required.

Start each part of this question on a new page.

Marks

Question 17 (25 marks)

Sarah, a former Australian Air Force pilot who served in Iraq, has been out of work for four years. During that time she has often suffered from severe stress. This stress results from a combination of factors, including despair about unemployment, bad memories of several crashes as a pilot, nightmares about experiences in Iraq and heavy drinking.

Adam, Sarah's husband, has recently reacted to Sarah's stressed condition by abusing her and bashing her up. Sarah threatened to leave Adam on several occasions, but this response always resulted in more beatings and threats to kill her if she left him.

Adam became violent one Saturday morning and punched Sarah three or four times, knocking her out. He then left the house and went to Kings Cross where he bought some cocaine and took a dose of it. Three hours later he sent her a text message saying: "I'm on my way home and I'm high, baby". Sarah was terrified.

As Adam walked through the door on returning home to Sarah, he tripped on a wine cask and crashed into Sarah, bruising her severely. Sarah's reaction was to dive into the wine cabinet, grab a bottle and smash it over Adam's head, killing him.

Sarah was later interviewed by the police. She said "it was like one of our exercises in Iraq where we constantly encountered surprise attacks and our motto was 'defend yourself first and ask questions later'. When Adam crashed into me in a drug-crazed state I suddenly remembered those awful days and my reaction was impulsive and semi-automatic. The whole episode now seems virtually unreal to me."

- (a) Identify **ONE** type of crime contained in the scenario and **ONE** other type of crime. **2**
- (b) Identify and explain **TWO** factors from the scenario above which could affect the judge's sentencing decision. **4**
- (c) You are representing Sarah at her trial. Outline the defences which could be raised and assess the likely success of each one. **8**
- (d) "The criminal justice system is effective in enforcing the law through punishment." Evaluate this statement. **11**

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 the question on the paper provided. Extra paper is available if required.

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 18 – Optional Focus Study 1 – Consumers (25 marks)

- (a) In relation to consumers, evaluate the place of law in providing for continuity and change, including discussion of the regulation of marketing and advertising. **25**

OR

- (b) With reference to legal processes and institutions, evaluate the effectiveness of the law in protecting consumers, manufacturers and suppliers. **25**

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

- (a) In relation to the family, evaluate the place of law in providing for continuity and change, including discussion of children. **25**

OR

- (b) With reference to legal processes and institutions, evaluate the effectiveness of legal measures in responding to problems in families. **25**

Marks

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

- (a) In relation to the global environment, evaluate the place of law in providing for continuity and change, including discussion of the implementation of international agreements. 25

OR

- (b) With reference to legal processes and institutions, evaluate the effectiveness of legal measures in protecting the global environment. 25

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

- (a) In relation to indigenous peoples, evaluate the place of law in providing for continuity and change, including discussion of the implementation of international agreements. 25

OR

- (b) With reference to legal processes and institutions, evaluate the effectiveness of legal measures in protecting the rights of indigenous peoples. 25

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

- (a) In relation to shelter, evaluate the place of law in providing for continuity and change, including discussion of the rights and obligations of landlords and tenants. 25

OR

- (b) With reference to legal processes and institutions, evaluate the effectiveness of legal measures in resolving disputes related to housing. 25

Marks

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

- (a) In relation to technological change, evaluate the place of law in providing for

continuity and change, including discussion of the implementation of international agreements. 25

OR

(b) With reference to legal processes and institutions, evaluate the effectiveness of the law in keeping pace with technological change. 25

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

(a) In relation to the workplace, evaluate the place of law in providing for continuity and change, including discussion of negotiations between employers and employees. 25

OR

(b) With reference to legal processes and institutions, evaluate the effectiveness of legislation in responding to the changing needs of employers and employees. 25

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

(a) In relation to world order, evaluate the place of law in providing for continuity and change, including discussion of the implementation of international agreements. 25

OR

(b) With reference to legal processes and institutions, evaluate the effectiveness of legal measures for the peaceful settlement of international disputes. 25

End of Paper