

Student number.....

Teachers Name.....

BAULKHAM HILLS HIGH SCHOOL

TRIAL HSC 2013

LEGAL STUDIES

GENERAL INSTRUCTIONS

- **Reading Time – 5 Minutes**
- **Working Time – 3 Hours**
- **Write using blue or black pen**
- **Use your student number**

Total Marks 100

Section 1 Multiple Choice (20 Marks)

Section 2 Short Responses (30 Marks)

Section 3 Extended Responses (50 Marks)

SECTION 1 MULTIPLE CHOICE (20 Marks)

Answer Questions 1- 20 on the Answer Sheet

- 1) The role of a magistrate in a committal hearing is to
 - a) To decide the verdict
 - b) To chose the jury
 - c) To decide the sentence
 - d) To decide whether there is sufficient evidence for a prosecution

- 2) An example of an offence which would be tried in the Local Court might be
 - a) Murder
 - b) Shoplifting
 - c) Drug Trafficking
 - d) Armed Robbery

- 3) The sentencing process will be influenced by
 - a) Aggravating factors only
 - b) Mitigating factors only
 - c) Aggravating and mitigating factors
 - d) Political beliefs

- 4) Which of the following does **NOT** have to be proven in a strict liability offence
 - a) Mens rea
 - b) Actus reus
 - c) Causation
 - d) Injury

USE THE FOLLOWING SITUATION TO ANSWER QUESTIONS 5 – 7

O.B is the ex – president of the nation of Nadus who has ordered the mass deportation and murder of an ethnic minority in his nation. He has fled to Australia and been indicted by the International Criminal Court.

- 5) What category of international crime has O.B . allegedly committed
 - a) War Crime
 - b) Murder
 - c) A transnational crime
 - d) Crime Against Humanity

- 6) What legal process needs to be completed for O.B. to face the International Criminal Court
- a) Rendition
 - b) Extradition
 - c) Deportation
 - d) Non refoulement
- 7) What punishment could be given to O.B.
- a) Death
 - b) Exile
 - c) Imprisonment
 - d) Public shaming
- 8) The right to self determination is an example of what type of right
- a) Civil rights
 - b) Universal suffrage
 - c) Trade union membership
 - d) Indigenous Land Councils
- 9) An example of a partial defence to a homicide could be
- a) Insanity
 - b) Self defence
 - c) Accident
 - d) Diminished Responsibility
- 10) The State Government of Victoria commences legal proceedings to declare that a new Federal Government law that recognises same sex marriages under the Marriage Act 1961 is invalid. The court that would hear this matter would be
- a) Family Court
 - b) High Court
 - c) Supreme Court
 - d) Federal Court

- 11) The power given to nation states that allows them to enforce law within their own territories is termed
- a) Nationalism
 - b) Self Determination
 - c) Sovereignty
 - d) Non co-operation
- 12) The purpose of having the offence of driving under the influence of alcohol is to act as a
- a) Deterrent
 - b) Incapacitation
 - c) Retribution
 - d) Rehabilitation
- 13) Which of the following is a purpose of a criminal punishment
- a) Justice
 - b) Incapacitation
 - c) Political gain
 - d) The use of forensics
- 14) The legal principle of *double jeopardy* refers to
- a) Being tried for two crimes at once
 - b) Being charged with two different crimes at the same crime scene
 - c) Being tried twice for the same offence
 - d) Being forced to give evidence against other suspects
- 15) The document that allows police to search a premises is called
- a) An affidavit
 - b) A summons
 - c) A subpoena
 - d) A warrant
- 16) The only parties that can bring actions in the International Court of Justice are
- a) Non government organisations
 - b) States
 - c) Lobby groups
 - d) Terrorists

- 17) If the Federal Government brings in a law that is not consistent with an established principle of common law the legislation is
- a) Enforceable
 - b) Non – enforceable
 - c) Unconstitutional
 - d) Unfair.
- 18) In NSW if a jury is hung 11-1 in favour of a conviction in a criminal trial the defendant will be
- a) Acquitted
 - b) Guilty
 - c) Retried
 - d) Not punished as harshly
- 19) In Australia the right to vote is best protected by
- a) The Government
 - b) The State Parliament
 - c) The Supreme Court
 - d) The Constitution
- 20) What is the name given to the trial system where the judge takes an active part in determining the facts of the case
- a) Summary
 - b) Adversarial
 - c) Inquisitorial
 - d) Judicial

Question 22 (3 Marks)

Explain how ONE human rights document (international or domestic) has contributed to the protection of human rights

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Question 23 (9 marks)

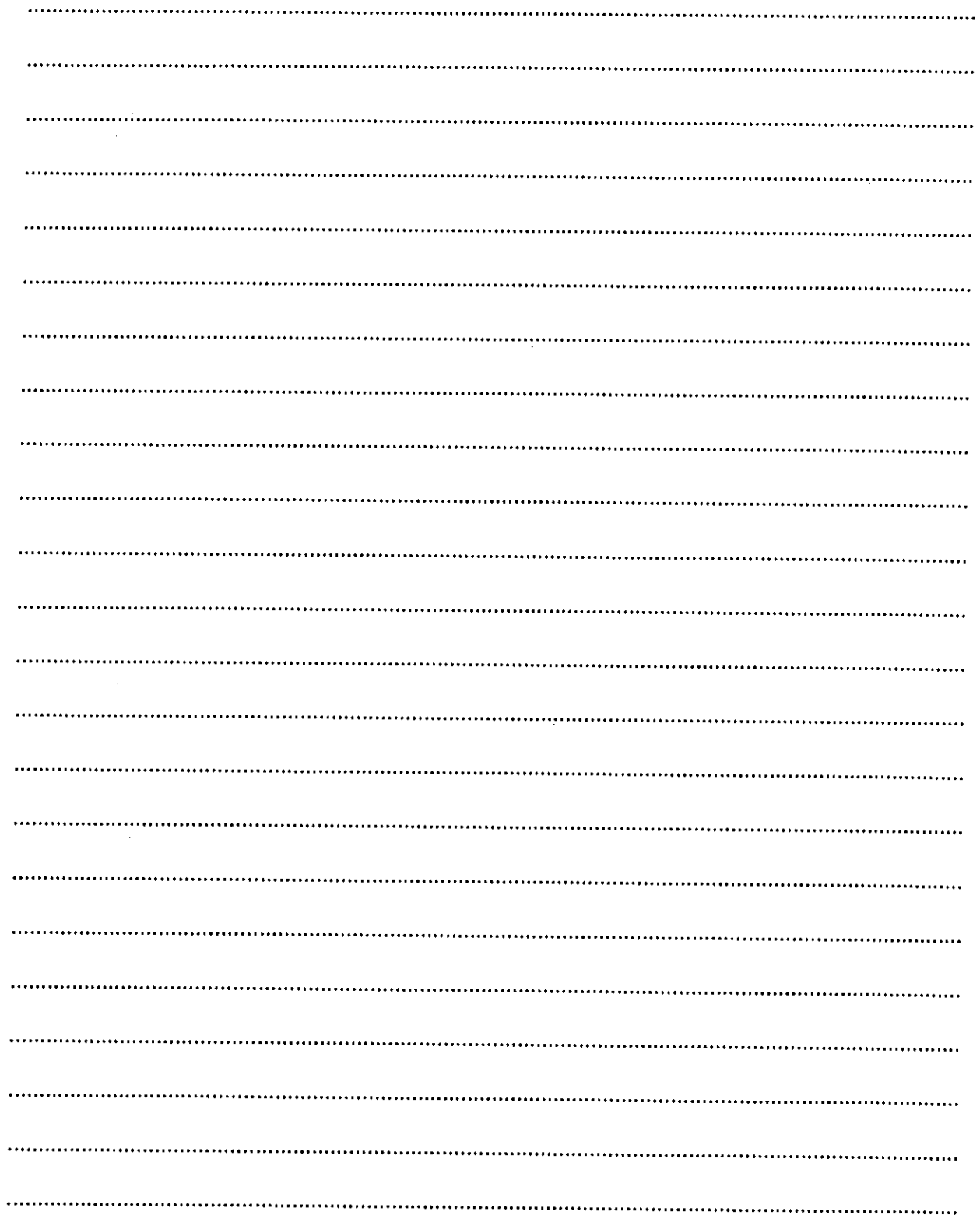
Assess the degree to which state sovereignty has effectively promoted human rights (9 Marks)

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Continued



Section B – Crime

15 Marks

Attempt Question 24

Answer the question on the paper provided

In your answer you will be assessed on how well you

- Demonstrate knowledge and understanding of legal issues relevant to the question
- Communicate using relevant legal terminology
- Refer to relevant examples such as legislation, cases, media, international instruments and documents
- Present a sustained, logical and cohesive response

Question 24 (15 Marks)

Discuss the effectiveness of the range of punishments available to courts in NSW in 2013 in promoting justice for individuals and society

Section 3 – Options

50 Marks

Attempt TWO questions from Questions 25 – 31, each from a different option

Allow about 1 hour and 30 minutes for this section

Answer each question in a SEPERATELY.

IN your answers you will be assessed on how well you:

- Demonstrate knowledge and understanding of legal issues relevant to the question
- Communicate using relevant legal terminology and concepts
- Refer to relevant examples such as legislation, cases, media, international instruments and documents
- Presents a sustained, logical and cohesive response

Question 25 – Consumers (25 Marks)

- a) With reference to product certification and one other contemporary consumer issue, evaluate the effectiveness of legal and non legal responses in achieving justice for consumers

OR

- b) How important is law reform in recognising and protecting the rights of consumers

Question 26 – Global Environment (25 Marks)

- a) Evaluate the effectiveness of the international and domestic responses in achieving global environmental protection

OR

- b) Discuss the extent to which the law reflects changing values and ethical standards in regard to the protection of the global environment

Question 27 – Family

- a) Evaluate the effectiveness of the legal and non legal responses in achieving justice for family members in respect of surrogacy and birth technologies and the care and protection of children

OR

- b) Discuss the extent to which law reflects the changing values and ethical standards in regards to family members

Question 28 – Indigenous Peoples (25 Marks)

- a) Discuss whether the law reflects changing values and ethical standards in regards to indigenous peoples

OR

- b) Evaluate the effectiveness of legal and non legal responses in achieving justice for indigenous peoples in regards to land rights and intellectual property rights

Question 29 – Shelter (25 Marks)

- a) Discuss whether the law reflects changing values and ethical standards in regards to people seeking shelter and providing shelter

OR

- b) Evaluate the effectiveness of legal and non legal responses in achieving justice for people seeking and providing shelter in regards to affordability and discrimination

Question 30 – Workplace

- a) Discuss whether the law relating to the workplace reflects changing values and ethical standards

OR

- b) Evaluate the effectiveness of legal and non legal responses in achieving justice in the workplace in regards to safety and leave

Question 31 – World Order

- a) Discuss the extent to which the law reflects changing values and ethical standards in regards to world order

OR

- b) Evaluate the effectiveness of legal and non legal responses in achieving world order in regards to the principle of “responsibility to protect” and the rules regarding conflict

END OF EXAMINATION