

Student Number: Teacher:

Baulkham Hills High School

Trial Examination

Higher School Certificate

2015

Legal Studies

General Instructions:

- Reading time, 5 minutes
- Working time, 3 hours
- Write using black or blue pen only
- Attempt all questions
- Write your candidate number and teacher's name in the spaces indicated

Total Marks 100

Section I [pages 2-5] **20 marks**

Multiple Choice
Attempt Questions 1-20
Allow about 30 minutes for this section

Section II [pages 6-9] **30 marks**

This section has TWO parts
Allow about 1 hour for this section

Part A -15 marks
Attempt Questions 21-23

Part B -15 marks
Attempt Question 24

Section III [pages 10-13] **50 marks**

Attempt Questions TWO questions from
Question 25-31, each from a different option
Allow about 1½ hours for this section

Section I – Multiple Choice

20 marks

Attempt Questions 1-20

Allow about 30 minutes for this section

Attempt Questions 1-20 on the answer sheet provided.

Select the alternative A, B, C or D that best answers the question. If you think you have made a mistake, clearly cross out the incorrect answer and fill in the new answer.

1. Jesse, an Australian citizen, is suspected of committing a major art fraud in NSW. He is arrested three years later in France.
What is the term given to the process by which he can be forced into returning to Australia?
 - a) International Criminal Court indictment
 - b) Deportation
 - c) Extradition
 - d) International Court of Justice indictment

2. NSW law allows a person to be tried twice for the same offence if there is compelling evidence to retry the alleged offender. This changes the legal rule of?
 - a) Preventative detention
 - b) Double jeopardy
 - c) Precautionary principle
 - d) Obiter dictum

3. In a NSW criminal trial which defence will lead to an acquittal?
 - a) Provocation
 - b) Substantial impairment of mind
 - c) Panic
 - d) Self defence

4. Who represents the Crown at an indictable trial?
 - a) The police prosecutor
 - b) The Director of Public Prosecutions
 - c) Legal Aid
 - d) The defendant

5. A trial in the District Court will be presided over by a:
 - a) Justice of the Peace
 - b) Justice
 - c) Magistrate
 - d) Judge

6. The UN Declaration Of Human Rights is:
 - a) Enforced globally by all nation states
 - b) Ratified by all nation states
 - c) Applicable to all nation states
 - d) Ignored by all nation states

7. Youth and an early guilty plea are examples of ?
 - a) Aggravating Factors
 - b) Mitigating Factors
 - c) Evidence of justice
 - d) The softness of the legal system

8. A victim's impact statement plays a part in:
 - a) Deciding the verdict
 - b) Deciding the sentence
 - c) Deciding the admissibility of evidence
 - d) Deciding the make -up of the jury members

9. The main goal of the juvenile justice system is to?
 - a) ensure that the offender is punished heavily
 - b) enable the offender to commit more offences
 - c) ensure that the offender is guilty
 - d) enable the offender to be rehabilitated

10. The right to vote is considered to be?
 - a) A collective right
 - b) A human right
 - c) An environmental right
 - d) An extinguishable right

11. Kevin an alleged armed robber, is apprehended by the police. His committal hearing would be in the:
 - a) District Court
 - b) Supreme Court
 - c) Local Court
 - d) High Court

12. The High Court of Australia has jurisdictional powers to make original decisions in the area of ?
- a) Criminal Law
 - b) Family Law
 - c) Commercial law
 - d) Constitutional law
13. One human right that is protected by the Constitution is:
- a) the right to bear arms
 - b) the right to trial by jury
 - c) the right to drive
 - d) the right to work
14. If a person is charged with an indictable offence and not granted bail they will be:
- a) Held on remand
 - b) Released without charge
 - c) Sentenced to gaol
 - d) Bailed at the earliest opportunity
15. A major limitation of the effectiveness of the International Criminal Court to prosecute offenders is:
- a) The United Nations
 - b) State sovereignty
 - c) The Red Cross
 - d) Domestic public pressure
16. A non-legal method of promoting and enforcing human rights would be:
- a) Court action
 - b) A Human Rights Commission ruling
 - c) Media reports
 - d) An International Criminal Court indictment
17. The prosecution does NOT need to prove mens rea in:
- a) Indictable matters
 - b) Strict liability matters
 - c) Committal hearings
 - d) Civil matters

18. The right to legal assistance for indictable criminal matters in Australia is protected by:
- a) Common law
 - b) Statute law
 - c) Constitutional law
 - d) International law
19. The process where judge lacks judicial discretion in determining a penalty is called:
- a) Legal Aid
 - b) Mandatory sentencing
 - c) A continuing detention order
 - d) Judicial concession
- 20) The right to practice a religion would be found in what internationally recognised document?
- a) The Australian Constitution
 - b) The Charter of the United Nations
 - c) The Treaty of Westphalia 1648
 - d) The International Covenant on Economic, Social and Cultural Rights

End of Section I

Section II
30 marks
Allow about 60 minutes for this section

Part A – Human Rights
15 marks
Attempt Questions 21-24

Answer the questions in the spaces provided. These spaces provide guidance for the expected length of the response.

Question 21 (2 marks)

Identify TWO formal statements of human rights **2**

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.....

Question 22 (4 marks)

How are human rights incorporated into Australian domestic law? **4**

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Section II continued

Part B – Crime

15 marks

Attempt Question 24

Answer the question in the writing booklet provided. Extra writing booklets are available. Write your Student Number and Teacher's name at the top each writing booklet.

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 and concepts
 - refer to relevant examples such as legislation, cases, media reports, international instruments and documents
 - present a sustained, logical and cohesive response
-

Question 24 (15 marks)

Assess the effectiveness of the criminal trial process as a means of achieving justice.

End of Section II

Session III – 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 SEPARATE writing booklet. Extra writing booklets are available.

Clearly indicate the number of the question you are attempting.

Write your Student Number and Teacher's name at the top each writing booklet.

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 and concepts
 - refer to relevant examples such as legislation, cases, media reports, international instruments and documents
 - present a sustained, logical and cohesive response
-

Question 25– Consumers (25 marks)

- a) Evaluate the effectiveness of the Australian Consumer Law in achieving justice for consumers. **25**

OR

- b) Evaluate the effectiveness of the legal and non-legal responses in achieving justice for consumers in relation to technology and innovations. **25**

Question 26 – Global Environmental Protection (25 marks)

- a) Assess the role of state sovereignty in assisting and impeding the resolution of global environmental protection. **25**

OR

- b) With reference to international legal and non-legal measures, assess the impact of barriers to achieving an international response to global environmental protection. **25**

Question 27 - Family (25 marks)

- a) Evaluate the effectiveness of law reform in achieving just outcomes for victims of domestic violence. **25**

OR

- b) Evaluate the effectiveness of the legal and non-legal responses in achieving justice for family members in regards to recognition of same sex relationships. **25**

Question 28 - Indigenous Peoples (25 marks)

- a) Evaluate the role of law reform in recognising the rights of indigenous peoples. **25**

OR

- b) Evaluate the effectiveness of the legal and non-legal responses in achieving justice indigenous people in relation to natural resources. **25**

Question 29– Shelter (25 marks)

- a) Evaluate the role of law reform in protecting the rights of those seeking and providing shelter. **25**

OR.

- b) Evaluate the effectiveness of the legal and non-legal responses in achieving justice for people seeking housing and providing shelter. **25**

Question 30 – Workplace (25 marks)

- a) Evaluate the effectiveness of dispute resolution processes in achieving justice in the workplace. **25**

OR

- b) Evaluate the effectiveness of legal and non-legal responses in achieving justice in regard to the issue of workplace discrimination and termination of employment. **25**

Question 31 – World Order (25 marks)

- a) Assess the role of law reform in promoting and enforcing world order **25**

OR

- b) Evaluate the effectiveness of the legal and non-legal responses in achieving world order in regard to regional and global situations that threaten peace and security. **25**

End of Paper

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Section I – Multiple Choice Answer Sheet (20 marks)

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
↓
B

Start here →

- | | |
|---|---|
| 1. A <input type="radio"/> B <input type="radio"/> C <input type="radio"/> D <input type="radio"/> | 11. A <input type="radio"/> B <input type="radio"/> C <input type="radio"/> D <input type="radio"/> |
| 2. A <input type="radio"/> B <input type="radio"/> C <input type="radio"/> D <input type="radio"/> | 12. A <input type="radio"/> B <input type="radio"/> C <input type="radio"/> D <input type="radio"/> |
| 3. A <input type="radio"/> B <input type="radio"/> C <input type="radio"/> D <input type="radio"/> | 13. A <input type="radio"/> B <input type="radio"/> C <input type="radio"/> D <input type="radio"/> |
| 4. A <input type="radio"/> B <input type="radio"/> C <input type="radio"/> D <input type="radio"/> | 14. A <input type="radio"/> B <input type="radio"/> C <input type="radio"/> D <input type="radio"/> |
| 5. A <input type="radio"/> B <input type="radio"/> C <input type="radio"/> D <input type="radio"/> | 15. A <input type="radio"/> B <input type="radio"/> C <input type="radio"/> D <input type="radio"/> |
| 6. A <input type="radio"/> B <input type="radio"/> C <input type="radio"/> D <input type="radio"/> | 16. A <input type="radio"/> B <input type="radio"/> C <input type="radio"/> D <input type="radio"/> |
| 7. A <input type="radio"/> B <input type="radio"/> C <input type="radio"/> D <input type="radio"/> | 17. A <input type="radio"/> B <input type="radio"/> C <input type="radio"/> D <input type="radio"/> |
| 8. A <input type="radio"/> B <input type="radio"/> C <input type="radio"/> D <input type="radio"/> | 18. A <input type="radio"/> B <input type="radio"/> C <input type="radio"/> D <input type="radio"/> |
| 9. A <input type="radio"/> B <input type="radio"/> C <input type="radio"/> D <input type="radio"/> | 19. A <input type="radio"/> B <input type="radio"/> C <input type="radio"/> D <input type="radio"/> |
| 10. A <input type="radio"/> B <input type="radio"/> C <input type="radio"/> D <input type="radio"/> | 20. A <input type="radio"/> B <input type="radio"/> C <input type="radio"/> D <input type="radio"/> |

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Section I – Multiple Choice Answer Sheet (20 marks)

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
↓

Start here →

- | | |
|--|--|
| 1. A <input type="radio"/> B <input type="radio"/> C <input checked="" type="radio"/> D <input type="radio"/> | 11. A <input type="radio"/> B <input type="radio"/> C <input checked="" type="radio"/> D <input type="radio"/> |
| 2. A <input type="radio"/> B <input checked="" type="radio"/> C <input type="radio"/> D <input type="radio"/> | 12. A <input type="radio"/> B <input type="radio"/> C <input type="radio"/> D <input checked="" type="radio"/> |
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| 4. A <input type="radio"/> B <input checked="" type="radio"/> C <input type="radio"/> D <input type="radio"/> | 14. A <input checked="" type="radio"/> B <input type="radio"/> C <input type="radio"/> D <input type="radio"/> |
| 5. A <input type="radio"/> B <input type="radio"/> C <input type="radio"/> D <input checked="" type="radio"/> | 15. A <input type="radio"/> B <input checked="" type="radio"/> C <input type="radio"/> D <input type="radio"/> |
| 6. A <input type="radio"/> B <input type="radio"/> C <input checked="" type="radio"/> D <input type="radio"/> | 16. A <input type="radio"/> B <input type="radio"/> C <input checked="" type="radio"/> D <input type="radio"/> |
| 7. A <input type="radio"/> B <input checked="" type="radio"/> C <input type="radio"/> D <input type="radio"/> | 17. A <input type="radio"/> B <input checked="" type="radio"/> C <input type="radio"/> D <input type="radio"/> |
| 8. A <input type="radio"/> B <input checked="" type="radio"/> C <input type="radio"/> D <input type="radio"/> | 18. A <input checked="" type="radio"/> B <input type="radio"/> C <input type="radio"/> D <input type="radio"/> |
| 9. A <input type="radio"/> B <input type="radio"/> C <input type="radio"/> D <input checked="" type="radio"/> | 19. A <input type="radio"/> B <input checked="" type="radio"/> C <input type="radio"/> D <input type="radio"/> |
| 10. A <input type="radio"/> B <input checked="" type="radio"/> C <input type="radio"/> D <input type="radio"/> | 20. A <input type="radio"/> B <input type="radio"/> C <input type="radio"/> D <input checked="" type="radio"/> |

Question 21

2 Marks - Identifies two formal statements of human rights

1Mark – Identifies one formal statement of human rights

Question 22

3- 4 Marks – Identifies the means by which international human rights legislation is formed into Australian domestic law. Examines the Constitutional matters and, using examples, shows how the international human rights law is incorporated into the domestic law

1-2 Marks Identifies examples of international human rights statements and links the Australian legislation to this

Question 23

8-9 Marks - Clearly identifies the human rights issue. Makes judgements on how the international legal system protects rights. Uses domestic and international examples of how the law protects human rights within the human rights issue chosen. Uses statistics to draw comparisons between nations involved in the issue.

6-7 Marks – Identifies a human rights issue. Describes how the international legal system may protect rights. Uses a limited range of examples, statistics and documents to draw a conclusion.

4-5 Marks – Identifies a human rights issue. Makes reference to one or more international documents. May include general examples of human rights branches.

Criteria – Question 24 Part B: Crime	Mark
<ul style="list-style-type: none"> • Demonstrates extensive understanding of the criminal trial process • Makes an informed judgement (explicitly or implicitly) about the effectiveness of the criminal trial process as means of achieving justice. • Integrates relevant examples such as legislation, cases, media reports, international instruments and documents • Presents a sustained, logical and cohesive answer to the question using relevant legal terminology and concepts 	13 - 15
<ul style="list-style-type: none"> • Demonstrates a detailed understanding of the criminal trial process • Makes a judgement (explicitly or implicitly) about the effectiveness of the criminal trial process as means of achieving justice • Uses relevant examples such as legislation, cases, media reports, international instruments and documents • Presents a logical and cohesive answer to the question using relevant legal terminology and concepts 	10 - 12
<ul style="list-style-type: none"> • Demonstrates an understanding of the criminal trial process • Attempts a judgement of the effectiveness of the criminal trial process in achieving justice • Makes some reference to examples such as legislation, cases, media reports, international instruments and documents • Presents a structured answer to the question using relevant legal terminology and concepts 	7 - 9
<ul style="list-style-type: none"> • Makes general statements about the criminal trial process • Demonstrates limited knowledge of the effectiveness of the criminal trial process as a means of achieving justice • Makes limited reference to examples such as legislation, cases, media reports, international instruments and documents • Uses some relevant legal terminology and/or concepts 	4 - 6
<ul style="list-style-type: none"> • Writes in general terms about the criminal trial process • May include reference to legislation, cases, media reports, international instruments and documents • Uses legal terminology 	1 - 3

General Comments: Must carefully read the set question and distinguish elements of *the Criminal Trial Process* from the criminal investigation process. The Criminal Trial Process involves all aspects of this process as listed in the syllabus plus also includes the aspects of Sentencing & Young Offenders. **However, it does not include the Criminal Investigation Process in this question.**

To assess need to consider factors that ensure effectiveness and factors that limit. Give a balanced informed judgement, with reference to cases, legislation.... Quote cases correctly as it looks more professional & shows your skills as Legal Studies student

Better answers referred to factors that ensure effectiveness & limit effectiveness with reference to areas on the syllabus. Don't forget to refer to the committal trial & prima facie, enough evidence to take it to trial as a means of achieving justice. Legislation such as Jury Act 1977 NSW; Legal Aid Commission Act 1979 NSW.....; Cases such as R v Gittany 2013 NSW, Dietrich v Queen HC 1992, R v Morgan 1997 NSW, R v LMW(Corey Davies case) NSW 1999,....

GLOBAL ENVIRONMENT

Question 26 (a)

21 – 25

- **Clearly assesses the role state sovereignty in assisting global environmental protection**
- **Clearly assesses the role of state sovereignty in impeding global environmental protection**
- **Using a range of international bodies, international agreements and relevant legal documents draws conclusions about the role of state sovereignty in resolving global environmental protection. Refers to both domestic and international responses**
- **Uses a wide range of examples including case law and statistics to illustrate response**
- **Is logical, sustained and cohesive**

16-20

- **Assesses the role of state sovereignty in assisting global environmental protection**
- **Assesses the role of state sovereignty in impeding global environmental protection**
- **Refers to relevant legal bodies and instruments and draws general conclusions about resolving global environmental protection.**
- **Uses a number of examples including domestic an international examples to illustrate responses**
- **Is sustained and cohesive**

9 – 15

- **Describes the role of state sovereignty**
- **Uses a limited number of examples both domestic and international to illustrate responses**
- **Makes reference to relevant legal bodes and instruments**
- **Is logical**

Question 26(b)

21-25

- **Clearly assesses the impact of barriers in achieving global environmental protection**
- **Uses a wide range of legal and non legal measures to illustrate the impact of these barriers to achieving global environmental protection**
- **Uses domestic and international documents, legislation and statistics to support response**
- **Uses appropriate legal terminology**
- **Is logical, sustained and cohesive**

16 - 20

- **Assesses the impact of barriers in achieving global environmental protection**
- **Uses a range of legal and non legal measures to illustrate the impact of these barriers to achieving global environmental protection**
- **Uses domestic and international examples to support response**
- **Uses some appropriate legal terminology**
- **Is logical and cohesive**

9- 15

- **Describes the role of barriers in achieving global environmental protection**
- **Uses a limited number of legal and non legal measures to illustrate response**
- **May make use of domestic and international responses to support response**
- **May use appropriate legal terminology**
- **Is logical**

Criteria – Question 31(a) World Order	Mark
<ul style="list-style-type: none"> • Demonstrates extensive knowledge of law reform in relation to promoting and enforcing world order • Makes an informed judgement(implicitly or explicitly) about the effectiveness of law reform in promoting and enforcing world order • Integrate relevant examples such as legislation, cases, media reports, international instruments and documents • Presents a sustained, logical and cohesive answer to the question using relevant legal terminology and concepts 	21 - 25
<ul style="list-style-type: none"> • Demonstrates substantial knowledge of law reform in relation to promoting and enforcing world order • Makes a sound judgement(implicitly or explicitly) about the effectiveness of law reform in promoting and enforcing world order • Uses relevant examples such as legislation, cases, media reports, international instruments and documents • Presents a logical and cohesive answer to the question using relevant legal terminology and concepts 	16 - 20
<ul style="list-style-type: none"> • Demonstrates some knowledge of law reform in relation to promoting and enforcing world order • Makes some judgement(implicitly or explicitly) about the effectiveness of law reform in promoting and enforcing world order • Makes some reference to relevant examples such as legislation, cases, media reports, international instruments and documents • Presents a structured answer using relevant legal terminology and concepts 	11 – 15
<ul style="list-style-type: none"> • Demonstrates limited knowledge of law reform in relation to promoting and enforcing world order • Makes general statements about law reform in promoting and enforcing world order • Makes limited reference to examples such as legislation, cases, media reports, international instruments and documents • Uses some relevant legal terminology 	6 – 10
<ul style="list-style-type: none"> • Writes in general terms about the law OR reform relating to world order • May include reference to legislation, cases, media reports, international instruments and documents • May refer to general legal terms 	1 - 5

General Comments:

Only 2 students attempted this question. Both made a very good attempt at this response. Need to give a balanced view of how law reform has both promoted & enforced & not promoted & enforced WO. Look at changes over time & what has helped & hindered world order. Make sure cases, legislation & UN resolutions are quoted correctly in your response. Refer to UN Resolutions such as: 770 (Bosnia), 1718 (North Korea, nuclear testing), 1929 (Iran sanctions).....; Treaty of Westphalia 1648, Nuclear Non-Proliferation Treaty 1968.....

There has been major achievement since 1945 in promotion & enforcement of WO, eg no World Wars, nuclear weapons haven't been used on other states or people & basic HR have been recognised in a majority of nation states. However, there is still a need for law reform as there are still serious issues for individuals, societies & nations existing across the globe. Poverty, environmental problems, self- determination, human rights issues, accessing resources, diseases & erosion of state sovereignty are all conditions that give rise to law reform. Main issue is still state sovereignty with the promotion & enforcement of WO. The agencies able to bring about current WO are: UN, Intern Law Commission, Law Reform Commissions of nation states, R2P, parliaments of nation-states, international courts/tribunals, courts of nation-states, courts of regional federations & IGO's, pressure from NGO's, the media & individuals. Refer to role of force, persuasion & political negotiation with promotion & enforcement of WO.