



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

2007

**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 5

Total marks – 100

Section I Pages 2–6

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 7

25 marks

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

Section III Pages 8–10

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 for Questions 1–15.

- 1** Who is responsible for making a Federal statute?
 - (A) The High Court
 - (B) The Prime Minister
 - (C) The Governor-General
 - (D) The Australian Parliament

- 2** Which best describes how a criminal case must be proved?
 - (A) By the defendant, beyond reasonable doubt
 - (B) By the prosecution, beyond reasonable doubt
 - (C) By the plaintiff, on the balance of probabilities
 - (D) By the prosecution, on the balance of probabilities

- 3** Which of the following best illustrates the concept of state sovereignty?
 - (A) The right of citizens to vote
 - (B) The right of a country to make its own laws
 - (C) The right of indigenous peoples to seek self-determination
 - (D) The right of a country to influence the laws of other countries

- 4** How is a domestic legal right created?
 - (A) By common law
 - (B) By customary law
 - (C) Through cultural traditions
 - (D) By signing a United Nations convention

- 5** What are the distinctive features of the civil law system?
 - (A) Natural justice and customary law
 - (B) Inquisitorial system and natural justice
 - (C) Customary law and codification of laws
 - (D) Inquisitorial system and codification of laws

- 6** What is NOT an essential concept of justice?
- (A) Access
 - (B) Equality
 - (C) Fairness
 - (D) Representation
- 7** Which of the following is a treaty that enshrines human rights?
- (A) The Convention on the Rights of the Child
 - (B) The United States Bill of Rights
 - (C) The Law of the Sea
 - (D) Magna Carta
- 8** Con has been fined for driving 60 km/h in a 40 km/h zone.
What type of law has Con breached?
- (A) Common law
 - (B) Private law
 - (C) Statutory law
 - (D) Tort law
- 9** Who is most likely to be granted legal aid?
- (A) All Australian citizens
 - (B) All those who plead guilty
 - (C) People who pass a means test
 - (D) Young people facing criminal charges
- 10** Which of the following is a non-legal measure that addresses human rights issues?
- (A) Amendments to the NSW Constitution
 - (B) Published reports in the Australian media
 - (C) Decisions of the International Court of Justice
 - (D) Investigations by the Commonwealth Ombudsman

- 11** How could the right to protest best be protected in Australia?
- (A) By passing a statute
 - (B) By a decision of a High Court judge
 - (C) By amending the Australian Constitution
 - (D) By a resolution of the Australian Parliament
- 12** Which of the following is an essential element of the natural law doctrine?
- (A) State sovereignty
 - (B) Procedural fairness
 - (C) Customary law cannot be overruled
 - (D) The state does not have unlimited power
- 13** Which of the following attempts to remove institutionalised inequality?
- (A) Legal aid
 - (B) The rule of law
 - (C) Victim impact statements
 - (D) The doctrine of precedent
- 14** Which of the following is an essential feature of a human right?
- (A) It is universal.
 - (B) It is collective.
 - (C) It is recognised by a court.
 - (D) It is recognised by the state.
- 15** Judges are always required to provide reasons for their decisions.
What does this best illustrate?
- (A) The operation of the rule of law
 - (B) The operation of customary law
 - (C) The operation of the doctrine of natural justice
 - (D) The operation of the doctrine of the separation of powers

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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 TWO ways that human rights are protected by Australian domestic law. **2**

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- (b) How is an international treaty incorporated into Australian domestic law? **2**

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Question 16 continues on page 6

Question 16 (continued)

(c) Explain the differences between statute law and common law and how each responds to changes in society.

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End of Question 16

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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)	
(a) Identify a penalty no longer available in Australia and give an example.	2
(b) What are the elements of a crime?	3
(c) Identify and analyse TWO conditions that have led to the reform of criminal law.	8
(d) Thoroughly examine the purposes of punishment. Refer to relevant examples to support your answer.	12

Please turn over

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) To what extent does the law, as it applies to consumers, reflect changes in the market place? **25**

OR

- (b) Analyse how the law protects consumers and manages conflict in the market place. **25**

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

- (a) ‘Society moves ahead and the law limps behind.’ **25**

Discuss this statement in relation to continuity and change in the law as it applies to family members.

OR

- (b) ‘The law only exists to manage conflict.’ **25**

Evaluate this statement in relation to family members.

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

- (a) Discuss the need for continuity and change in the law in order to protect the global environment. **25**

OR

- (b) How effective is the law in responding to conflict arising from the need to protect the global environment? **25**

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

- (a) Discuss the need for continuity and change in the law as it applies to indigenous peoples. **25**

OR

- (b) How effective is international law in managing conflict that arises when protecting the rights of indigenous peoples? **25**

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

- (a) ‘Society moves ahead and the law limps behind.’ **25**

Discuss this statement in relation to the law as it applies to securing shelter.

OR

- (b) How effective is the law in managing conflict and promoting cooperation in relation to shelter? **25**

Please turn over

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 23 — Optional Focus Study 6 – Technological Change (25 marks)	
(a) How effective is the law in keeping pace with technological change?	25
OR	
(b) ‘The law only exists to manage conflict.’	25
Evaluate this statement in relation to technological change.	
Question 24 — Optional Focus Study 7 – Workplace (25 marks)	
(a) How effective is the law in responding to current issues in the workplace?	25
OR	
(b) ‘The law only exists to manage conflict.’	25
Evaluate this statement in relation to the workplace.	
Question 25 — Optional Focus Study 8 – World Order (25 marks)	
(a) ‘International law is being left behind by a rapidly changing world.’	25
Discuss this statement in relation to continuity and change as it applies to world order.	
OR	
(b) How effective are legal instruments and non-legal measures in achieving world order?	25

End of paper