



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

2001

**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 12–14

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** Which of the following best describes customary law?
- (A) Statutory law and common law concerning Aboriginal and Torres Strait Islander peoples
 - (B) Decisions of the High Court concerning Aboriginal and Torres Strait Islander peoples
 - (C) Internal rules of social groups of Aboriginal and Torres Strait Islander peoples
 - (D) International human rights treaties that affect Aboriginal and Torres Strait Islander peoples
- 2** 'Law is influenced by the society in which it operates.'
- (A) This statement is true.
 - (B) This statement is false.
 - (C) This statement is true only in relation to moral and political influences.
 - (D) This statement is true only in relation to social and economic influences.
- 3** Under which category is property law best placed?
- (A) Private law
 - (B) Customary law
 - (C) Public law
 - (D) Tort law
- 4** 'Law is based upon legislative instruments and judicial decisions.'
- This statement is NOT true for which of the following?
- (A) The common law system
 - (B) The civil law system
 - (C) Customary law
 - (D) International law

- 5** Which of the following would indicate if a court is hearing a criminal law or a civil law matter?
- (A) The presence or absence of a jury
 - (B) Whether parties had legal representation
 - (C) The standard of proof required
 - (D) Whether the case is heard in the Supreme Court
- 6** Which statement is correct in relation to private law?
- (A) Private law is less just than public law because private law considers only two individuals.
 - (B) Aboriginal customary law is an example of private law because it is not written down.
 - (C) Private law is that body of law that relates to disputes between individuals and not to disputes between individuals and the state.
 - (D) International law does not cover any private law issues because international law involves only matters between nations.
- 7** When does an international treaty become enforceable in Australia?
- (A) When Australia becomes a signatory to the treaty
 - (B) When Commonwealth legislation is passed giving effect to the treaty
 - (C) When the United Nations assents to the application of the treaty in Australia
 - (D) When the High Court of Australia ratifies the treaty
- 8** What is meant by equality of access to the legal system?
- (A) Anyone charged with a criminal offence is given a fair hearing in court.
 - (B) Anyone should be able to go to court to seek justice.
 - (C) Anyone who is involved in a civil dispute in court is given a fair hearing.
 - (D) Anyone is able to obtain financial assistance to go to court to receive justice.

- 9** Which of the following is an example of a tort?
- (A) A hit and run driver kills a pedestrian and is charged by the police.
 - (B) A driver is found to have a blood alcohol reading of 0.09 and is charged with drink driving.
 - (C) A building supplier fails to deliver a load of bricks as arranged and is sued for damages.
 - (D) A person falls into a trench left uncovered by road workers and sues the Roads and Traffic Authority for damages.
- 10** What characteristic determines whether a law is just?
- (A) The statute passed all the correct steps before being enacted.
 - (B) Minority groups in the community are not disadvantaged by the Act.
 - (C) The government introducing the Bill into parliament was elected with an overwhelming majority.
 - (D) The judge followed an eighteenth century precedent in reaching a decision in the court case.
- 11** Which of the following statements best describes the concept of the rule of law?
- (A) Everyone must obey the law and no-one is above the law.
 - (B) Everyone must be heard by an unbiased decision maker and know the reason for the decision.
 - (C) Everyone has the right to legal representation and legal aid.
 - (D) Everyone over 18 has the right to be heard and has 'standing' in court.
- 12** Which of the following best describes the reason for the development of equity as a branch of law?
- (A) To produce the greatest happiness for the greatest number of people
 - (B) To produce a fair and just outcome from the legal process
 - (C) To ensure equality before the law
 - (D) To ensure that common law precedents are always followed

- 13** How is public law different from private law?
- (A) Only public law is influenced by the society in which it operates.
 - (B) Only public law is subject to the rule of law.
 - (C) Only private law avoids the problems of institutionalised inequality.
 - (D) Only private law includes tort law.
- 14** Which of the following best protects the human rights of citizens of New South Wales?
- (A) The Bill of Rights
 - (B) The common law
 - (C) The International Court of Justice
 - (D) The NSW Constitution
- 15** Which one of the following best illustrates the doctrine of natural justice?
- (A) People who appear before a court have a right to be heard, and the judge must be free from bias.
 - (B) People who appear before a court have the right to remain silent, and the judge must disclose his/her bias.
 - (C) A judge issues an injunction because certain actions were unfair.
 - (D) A judge orders that the names of those appearing before the court are not to be published.

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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) Distinguish between domestic law and international law.

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(b) Using ONE specific example of an international human rights issue, outline how domestic law has responded to this issue.

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Question 16 continues on page 10

Question 16 (continued)

- (c) Define a Bill of Rights and explain ONE benefit and ONE limitation of a Bill of Rights in protecting human rights. **5**

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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)

John and Sue have criminal records in NSW for using and trafficking in drugs. They decide to go overseas for a holiday. While they are overseas, the police in NSW charge John and Sue in relation to further drug offences. Warrants are issued for their arrest and extradition.

From the stimulus material above and your own knowledge, answer the following:

- | | | |
|-----|---|----------|
| (a) | Using the example of John and Sue, define the meaning of extradition AND outline the role of extradition in dealing with international crime. | 4 |
| (b) | John and Sue are charged with drug offences. Describe other types of crime. | 4 |
| (c) | Describe the criminal process that John and Sue might face from the time of their arrest until the matter is concluded. | 8 |
| (d) | Using the example of John and Sue, OR another example, explain how the law addresses issues concerning the rights of victims, the accused and the community in relation to crime. | 9 |

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:

- apply criteria to evaluate the effectiveness of the legal system OR to assess the place of the law
 - 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
 - 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 effectiveness of the legal system in responding to changing community values in terms of achieving justice for consumers. **25**

OR

- (b) With reference to legal issues faced by consumers, discuss remedies and the difficulties in gaining access to these remedies. **25**

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

- (a) Evaluate the effectiveness of the legal system in responding to changing community values in terms of achieving justice for family members. **25**

OR

- (b) With reference to legal issues faced by family members, discuss remedies and the difficulties in gaining access to these remedies. **25**

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

- (a) Evaluate the effectiveness of the legal system in responding to changing community values in terms of protecting the global environment. **25**

OR

- (b) With reference to legal issues faced by nation states in relation to the global environment, discuss remedies and the difficulties in gaining access to these remedies. **25**

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

- (a) Evaluate the effectiveness of the legal system in responding to changing community values in terms of achieving justice for indigenous peoples. **25**

OR

- (b) With reference to legal issues faced by indigenous peoples, discuss remedies and the difficulties in gaining access to these remedies. **25**

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

- (a) Evaluate the effectiveness of the legal system in responding to changing community values in terms of securing shelter for individuals. **25**

OR

- (b) With reference to legal issues faced by individuals seeking to secure shelter, discuss remedies and the difficulties in gaining access to these remedies. **25**

Please turn over

In your answer you will be assessed on how well you:

- apply criteria to evaluate the effectiveness of the legal system OR to assess the place of the law
 - 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
 - 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) Evaluate the effectiveness of the legal system in responding to the ways in which technology has changed many aspects of life.	25
OR	
(b) With reference to legal issues faced by nation states in relation to technological change, discuss remedies and the difficulties in gaining access to these remedies.	25
 Question 24 — Optional Focus Study 7 – Workplace (25 marks)	
(a) Evaluate the effectiveness of the legal system in responding to changing community values in terms of achieving justice for individuals in the workplace.	25
OR	
(b) With reference to legal issues faced by individuals in the workplace, discuss remedies and the difficulties in gaining access to these remedies.	25
 Question 25 — Optional Focus Study 8 – World Order (25 marks)	
(a) Evaluate the effectiveness of the legal system in responding to changing community values in terms of achieving justice in world order.	25
OR	
(b) With reference to legal issues faced by nation states in relation to world order, discuss remedies and the difficulties in gaining access to these remedies.	25

End of paper