



BOARD OF STUDIES
NEW SOUTH WALES

2003

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** What is statute law?
- (A) Law made by courts
 - (B) Law made by parliaments
 - (C) Law that can be changed by courts
 - (D) Law that cannot be changed by parliaments
- 2** When does the law promote human rights?
- (A) When the High Court applies an international treaty
 - (B) When slavery is available to all
 - (C) When the Governor signs a covenant
 - (D) When the sittings of parliament are shown on television
- 3** Morgan steals and damages a car during a police chase. What is a possible civil outcome of this event?
- (A) Morgan is sent to gaol
 - (B) Morgan is fined \$1000
 - (C) Morgan is sued by the owner of the car for damages
 - (D) Morgan is placed on a good behaviour bond
- 4** A NSW statute is introduced which states in Section 6: 'All NSW residents with tattoos must pay an annual tax of \$5 to the NSW Government for each tattoo'.
- Which of the following best describes this section of the statute?
- (A) A non-legal rule
 - (B) A public law
 - (C) A private law
 - (D) A just rule

- 5** Lee hires a plumber to repair a broken toilet. The repair work is faulty and causes flooding and major damage to Lee's house.

Who must prove negligence in this scenario, and what is the standard of proof?

- (A) The prosecution, beyond reasonable doubt
 - (B) The prosecution, on the balance of probability
 - (C) Lee, on the balance of probability
 - (D) The plumber, on the balance of probability
- 6** Which of the following provides for formal equality before the law?
- (A) The abolition of slavery
 - (B) Trade unionism
 - (C) The rule of law
 - (D) Ethics

- 7** What is the purpose of tort law?

- (A) To amend outdated statutes
- (B) To update Aboriginal and Torres Strait Islanders' customary laws
- (C) To compensate for breaches of contract
- (D) To remedy civil wrongs

- 8** Chris bought a packet of cereal from a corner shop. She opened it and discovered pieces of metal mixed with the cereal. Chris wishes to take legal action against the manufacturer of the cereal.

Which type of law will she use?

- (A) Contract law
- (B) Tort law
- (C) Criminal law
- (D) Property law

- 9** By what means does the Australian legal system attempt to resolve a dispute about collective human rights?
- (A) By lobby groups organising a peace march
 - (B) By a referendum to change the Australian Constitution so that Australia becomes a republic
 - (C) By a law reform commission inviting public submissions on the dispute
 - (D) By the courts applying domestic and international law
- 10** Which of the following is a feature of customary law?
- (A) The doctrine of precedent
 - (B) Dispute resolution
 - (C) Native title
 - (D) Terra nullius
- 11** By what means are human rights best protected in Australia?
- (A) By a combination of universal suffrage and universal education
 - (B) By a combination of state sovereignty and international law
 - (C) By a combination of common law and universal suffrage
 - (D) By a combination of common law and the Australian Constitution
- 12** With reference to the Australian legal system, which of the following statements is true?
- (A) The rule of law means that courts may only hear parties argue domestic law.
 - (B) Natural justice means that courts may only hear parties represented by legal practitioners.
 - (C) A legal action is a criminal matter if the burden of proof is upon the defendant.
 - (D) A legal action is a civil matter if the standard of proof is the balance of probability.
- 13** Which of the following is NOT true of common law?
- (A) It is based on a system of precedent.
 - (B) It may be made by judges.
 - (C) It may be made by juries.
 - (D) It is based upon an adversarial system.

14 'In Australia, human rights are only enforceable by law if they are embodied in statute law.'

With reference to the above statement, which of the following is correct?

- (A) The statement is false as human rights are also enforceable by judge-made law.
- (B) The statement is false as human rights are only enforceable if found in international treaties.
- (C) The statement is true in relation to civil and political rights.
- (D) The statement is true in relation to economic and social rights.

15 Which of the following best describes the right to universal suffrage?

- (A) A collective cultural right
- (B) A collective economic right
- (C) An individual political right
- (D) An individual moral right

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Legal Studies

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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 ONE human right recognised by Australian law, and outline how this human right is protected by Australian law. 2

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- (b) Identify ONE human right recognised by international law, and outline how this human right is protected by international law. 2

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Question 16 continues on page 10

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)

Toney rents a house in the outer city. Sam is 15 years old and lives in the same house. Police are contacted by a neighbour who suspects that Sam is being physically abused by Toney and is taking illegal drugs.

Acting on this report, the police visit the house and find a large quantity of blank credit cards, many machines used to copy video-cassettes, large quantities of drugs which police suspect are destined for overseas markets, and many computers.

When examining the computers in an effort to locate their owners the police discover digital images involving child pornography on many of the computers, together with long lists of international addresses.

The police also learn that Toney is wanted by an overseas law enforcement authority in relation to drug offences.

- (a) With reference to the above scenario, identify THREE types of crime. **3**
- (b) Describe TWO legal measures Australian authorities could use to deal with international crimes identified in the scenario. **4**
- (c) With reference to Toney and/or Sam, assess the effectiveness of the legal system in dealing with international crime. **8**
- (d) ‘Criminal penalties always reflect community standards and expectations.’ **10**

Evaluate this statement.

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) ‘Compliance with the law is necessary to achieve justice for all.’ **25**

Evaluate this statement in relation to issues of compliance and non-compliance for consumers.

OR

- (b) Evaluate the effectiveness of the law relating to consumers in achieving justice for the individual and justice for society. **25**

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

- (a) ‘Compliance with the law is necessary to achieve justice for all.’ **25**

Evaluate this statement in relation to issues of compliance and non-compliance for family members.

OR

- (b) Evaluate the effectiveness of the law relating to the family in achieving justice for the individual and justice for society. **25**

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

- (a) ‘Compliance with the law is necessary to achieve justice for all.’ **25**

Evaluate this statement in relation to issues of compliance and non-compliance in protecting the global environment.

OR

- (b) Evaluate the effectiveness of the law relating to the global environment in achieving justice for the individual, justice for society and justice for the nation-state. **25**

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

- (a) ‘Compliance with the law is necessary to achieve justice for all.’ **25**

Evaluate this statement in relation to issues of compliance and non-compliance for indigenous peoples.

OR

- (b) Evaluate the effectiveness of the law relating to indigenous peoples in achieving justice for the individual, justice for society and justice for the nation-state. **25**

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

- (a) ‘Compliance with the law is necessary to achieve justice for all.’ **25**

Evaluate this statement in relation to issues of compliance and non-compliance in securing shelter.

OR

- (b) Evaluate the effectiveness of the law relating to shelter in achieving justice for the individual and justice for society. **25**

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

- (a) ‘Compliance with the law is necessary to achieve justice for all.’ **25**

Evaluate this statement in relation to issues of compliance and non-compliance applying to technological change.

OR

- (b) Evaluate the effectiveness of the law relating to technological change in achieving justice for the individual, justice for society and justice for the nation-state. **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 24 — Optional Focus Study 7 – Workplace (25 marks)

- (a) ‘Compliance with the law is necessary to achieve justice for all.’ **25**

Evaluate this statement in relation to issues of compliance and non-compliance in the workplace.

OR

- (b) Evaluate the effectiveness of the law relating to the workplace in achieving justice for the individual and justice for society. **25**

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

- (a) ‘Compliance with the law is necessary to achieve justice for all.’ **25**

Evaluate this statement in relation to issues of compliance and non-compliance applying to world order.

OR

- (b) Evaluate the effectiveness of the law relating to world order in achieving justice for the individual, justice for society and justice for the nation-state. **25**

End of paper