

**2005 HSC Notes from
the Marking Centre
Legal Studies**

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Contents

Section I – Law and Society 5
Section II – Focus Study – Crime 6
Section III – Additional Focus Studies 7

2005 HSC NOTES FROM THE MARKING CENTRE

LEGAL STUDIES

Introduction

This document has been produced for the teachers and candidates of the Stage 6 Course in Legal Studies. It provides comments with regard to responses to the 2005 Higher School Certificate examination, indicating the quality of candidate responses and highlighting the relative strengths and weaknesses of the candidature in each question.

This document should be read along with the Legal Studies syllabus, the 2005 Higher School Certificate examination, the marking guidelines, and other support documents such as the 2001 and 2002 Standards Packages that have been developed by the Board of Studies to assist in the teaching and learning of Legal Studies.

General Comments

In 2005, 8995 candidates attempted the Legal Studies examination, approximately 650 (8%) more candidates than in 2004. The most popular Optional Focus Studies were, in order: Family, Consumers, Workplace, World Order, Shelter and Global Environment. This order is the same as in 2004. Indigenous Peoples and Technological Change were the Optional Focus Studies that attracted the fewest responses.

Teachers and candidates are reminded again of a number of important points in preparation for the examination:

- The six themes need to be addressed (syllabus page 10). The themes are very important to all parts of the course and to all parts of the examination.
- Candidates need to be very familiar with the Glossary of Key Words issued by the Board of Studies. It is very important for candidates to clearly understand and apply these directional terms.
- Candidates need to be very familiar with the rubric in Section III of the examination paper.
- It is not necessary to rewrite the examination question in the answer booklet. Candidates need to clearly identify the alternative (a) or (b) being answered on the front cover of the answer booklet.
- Candidates should be discouraged from writing prepared answers. Invariably, such responses are omitting important aspects of the question and therefore cannot achieve the highest marks.

Section I – Law and Society**Part A – Multiple Choice**

Question	Correct Response	Question	Correct Response
1	A	9	B
2	B	10	D
3	A	11	B
4	C	12	D
5	C	13	C
6	D	14	B
7	C	15	C
8	A		

Part B**General Comments**

The number of parts and mark allocation in Question 16 can vary each year. Also Part B can cover Law and Justice and/or Human Rights. Candidates are to be discouraged from assuming the area of focus. Many responses were unnecessarily long. Candidates did not need to write outside the designated space to achieve full marks. Some candidates are still unclear as to the meaning of key instructive terms, particularly in this case, ‘identify’, ‘describe’ and ‘explain’. Terms in the syllabus such as ‘sources’ and ‘access’ were also clearly misunderstood by some candidates. Better responses, of which there were many, presented clearly written legal explanations to the set question.

Specific Comments**Question 16 – Law and Society**

- (a) Most candidates were able to identify a source of international law and a source of domestic law. A wide range of sources was presented. Candidates needed to link the name and source correctly. Some candidates defined international and domestic law or gave general examples, indicating a lack of understanding of what the question asked.
- (b) The directive term *describe* required provision of characteristics and features, rather than just naming. The majority of candidates were able to do this successfully, with better responses providing concise and accurate descriptions of a range of ways the legal system can be accessed.

Weaker responses simply named some means of access or defined justice. Again, an understanding of the syllabus and directive terms is important to enable candidates to respond correctly.

- (c) Most candidates were able to correctly identify changes in society and corresponding changes in the legal system. Some candidates had difficulty in clearly identifying the connection between the two. Better responses were able to make a thorough explanation with many clearly identifying a number of changes in society and the mechanisms by which the legal system responded to these changes. Candidates often successfully made use of the Optional Focus Studies they had undertaken. Weaker responses did not demonstrate the influence of the changing society on the legal system. Other responses only had one example.

Section II – Focus Study – Crime

Question 17

- (a) It was evident that some candidates misunderstood ‘types of crime’ and, rather than identify crimes against a person and crimes against property, listed a range of offences, such as assault, shoplifting and motor vehicle theft, mentioned in the stimulus.
- (b) In answering this question, many candidates referred to creating social order through education, regulation and coercion, and crime prevention (situational, social). Other satisfactory responses referred to general examples of how society attempts to reduce juvenile crime. Some of the candidates did not use the stimulus provided for this part of the question as its language appeared to be a challenge for them.
- (c) In the better responses, assertions were supported by relevant statements, particularly in relation to the gender-specific requirements of the question. Many candidates made valid general comments about common problems but unsupported assertions on the gender-specific requirements. Weaker responses made very general comments, without following the instructive terms.
- (d) Better responses made a sound judgement based on criteria, explicit or implicit, about the effectiveness of the treatment of adults and juveniles by the criminal justice system. Candidates presented a range of issues and remedies that related to both adults and juveniles. Responses included many examples to support the analysis, and referred to areas where the law is effective and where it is not. Criteria from the syllabus were used such as accessibility, resource efficiency, enforceability and recognition of individual rights. Candidates did not have to give an equal weighting to adults and juveniles, although better responses did thoroughly address both groups.

Section III – Additional Focus Studies

Question 18 – Optional Focus Study 1 – Consumers

This option was attempted by 37% of candidates.

- (a) Better responses developed strong arguments based on explicit or implicit criteria about the ways in which the legal system protects consumers. They often related the discussion of financing a purchase in the evaluations. Responses referred to many areas where consumers are protected by the legal system, such as statutory controls, occupational licensing, the regulation of marketing, and ‘cooling off’ periods. Many average responses did not include the last part of the question: a discussion of financing a purchase. This highlights the need for candidates to plan their responses and manage the time in the examination more carefully.
- (b) Better responses made a sound judgement based on explicit or implicit criteria about the extent to which the law reflects the culture and values of different societies and groups within society, but many candidates found this theme more challenging when addressing issues and remedies. Candidates referred to consumer rights such as the nature of contracts, rights against suppliers and rights against finance companies. Responses that appeared to be prepared answers did not address all parts of the question.

Question 19 – Optional Focus Study 2 – Family

This option was attempted by 87% of candidates.

- (a) Better responses considered a range of protection to family members, such as finance, shelter, education and physical protection from violence. These responses integrated case studies, statutes, and media reports into the evaluations. Better responses referred to recent changes in the legal system to support the evaluations, such as the Federal Magistrates Court and changes to child support and superannuation.

The discussion of the rights and obligations of both parents and children was a greater challenge for some candidates. Responses dealt with autonomy of children, discipline, care and control and education. Weaker responses gave examples of how the law protected individuals, which focused on family violence only without reference to other family issues such as those included in the better responses.

- (b) Although this question was attempted by fewer candidates, many responses made sound judgements based on explicit or implicit criteria, such as accessibility, resource efficiency and delivery of just outcomes. Better responses referred to a range of issues and remedies affecting family members such as problems in family relationships, abuse, the role of the Federal Magistrates Court and cross-vesting. Many candidates demonstrated a clear understanding of alternative family arrangements. Weaker responses focused on one issue only, usually domestic violence, and had little or no evaluation. The best responses were able to show how the legal system had responded to changes to societies’ culture and values by a range of changes to laws with the use of media reports or documents as support.

Question 20 – Optional Focus Study 3 – Global Environment

This option was attempted by 9% of candidates.

- (a) Better responses to this question made sound judgements about the ways in which the legal system protects the global environment. Candidates made direct connections between the legislation/ documents/cases and their judgement.

These responses demonstrated the criteria of accessibility and enforceability or implied these to make the judgements. Better responses included a discussion of sustainable development and renewable resources by presenting the issues relevant to these concepts in relation to the global environment in the judgements. Better responses made an evaluation of both the international legal system and the domestic legal system, highlighting constitutional constraints and fragmentation at the domestic level. Weaker responses did not address all the elements of the question and had descriptive responses rather than evaluations.

- (b) Better responses to this question made a sound judgement about the extent to which the law reflects the culture and values of different societies and groups within society. Responses demonstrated a discussion of the international tribunals such as the ICJ, and highlighted issues such as lack of enforceability and accessibility. Responses considered competing interests and perspectives of different groups. Generational differences were considered, both intra-generational and intergenerational within societies, and between developing and developed nations in the evaluations. Weaker responses were descriptive and did not address all the elements of the question.

Question 21 – Optional Focus Study 4 – Indigenous Peoples

This option was attempted by 3.6% of candidates.

- (a) Better responses were logically structured answers that displayed a depth of understanding of the plight of indigenous peoples. Candidates referred to the greater effectiveness of some domestic legislation rather than international law, and made use of numerous cases to illustrate their arguments. Some of the indigenous peoples referred to were the Inuit, the Mikmaq, the Kalahari Bushmen and the Karen. Better responses displayed a depth of understanding of the global pressures facing indigenous peoples, such as environmental degradation, removal from their lands, and colonisation.

Weaker responses neglected the emphasis on international law in this focus study. These responses may have described at length the difficulties faced by some ATSI, for example, but this did not address the question's direction to evaluate the effectiveness of international law in achieving justice. The weaker responses made little or no reference to global pressures on indigenous peoples.

- (b) Better responses considered legal issues such as sovereignty, cultural integrity, self-identity and self-determination. A variety of remedies was considered and relevant international tribunals were discussed. Better candidates were able to discuss the ineffectiveness of many international tribunals for indigenous peoples because of the question of locus standi and lack of recognition. Weaker responses made no reference to international tribunals. These responses often focused on ATSI history in Australia rather than relevant legal issues and remedies.

Question 22 – Optional Focus Study 5 – Shelter

This option was attempted by 10% of candidates.

- (a) Better responses considered areas where the legal means of securing shelter were effective and where they were not. Cases, legislation, media reports and statistics were used well to support the arguments. Some responses were more descriptive and concentrated on the rights and obligations of landlords and tenants rather than presenting an evaluation. Some candidates tended to assert that because there was legislation then it was effective, but there was no demonstration of how or why it was effective.

Weaker responses tended to include information about shelter rather than addressing specifics of the question, and often lacked legal terminology. Some weaker responses were clearly prepared answers which failed to address the specific set question.

- (b) Better responses considered many issues, such as leasing, protection for buyers, the role of tribunals and also included a discussion of the settling of disputes between neighbours. Many cases, legislation, and media reports were used to support the evaluations. Weaker responses included the statement but did not give it any consideration. Some responses concentrated on neighbourhood disputes and were descriptive, but did not demonstrate any evaluation.

Question 23 – Optional Focus Study 6 – Technological Change

This option was attempted by 3% of candidates.

- (a) A large number of the responses demonstrated that candidates now clearly understand what ‘evaluate’ means. The majority referred to relevant legislation and case studies and used appropriate legal terminology. The term ‘legal infrastructure’ did pose problems for many candidates. What it referred to was implied in some responses and the candidates were then not disadvantaged. Candidates made reference to protection of privacy, research agreements, and regulation of biotechnology in the responses.
- (b) The statement on the law reflecting the culture and values of different societies and groups within society was a challenge for many candidates. Better responses were able to demonstrate a conflict with the law reflecting the culture of developed countries rather than the culture of developing countries. Although most responses mentioned international bodies, such as ICJ, the UN, and international instruments, only a few discussed the role these bodies play in regulating and controlling the rapid changes in technology.

Question 24 – Optional Focus Study 7 – Workplace

This option was attempted by 30% of candidates.

- (a) Better responses provided extensive discussions on the different types of relationships between employers and employees and the legal system’s regulation of these relationships. These responses also evaluated its effectiveness in relation to the operations of both federal and state industrial relations systems. Better responses went beyond just defining the master-servant relationship and linked it to contemporary debates associated with regulating employment relationships. Weaker responses often gave prepared answers that did not address the question asked or only provided a description of the issues rather than an evaluation of the legal system’s regulation.

- (b) Better responses incorporated reference to culture and values by drawing on specific priorities of our legal system such as anti-discrimination and OHS legislation. Most candidates were able to discuss the importance of safety in the workplace and supported their comments by referring to specific cases and legislation. Again, weaker responses showed evidence of prepared answers that did not relate to the question, or were descriptive rather than analytical.

Question 25 – Optional Focus Study 8 – World Order

This option was attempted by 21% of candidates.

- (a) Better responses demonstrated a clear understanding of the legal instruments and their effectiveness in the maintenance of world order. Cases such as East Timor, Iraq, Rwanda, Sudan and the Congo were integrated into the response. The need for world order was not discussed well.

Many candidates did not demonstrate an understanding of this topic. Confusion still remains between the ICJ and the ICC, and between the ICC and the ad hoc war tribunals. Some candidates were still referring to world issues such as the environment, asylum seekers and the plight of refugees, rather than world order issues. Instruments such as the Convention of the Rights of the Child and Convention on the Elimination of all Forms of Discrimination Against Women do not relate to world order issues but continue to be used.

- (b) Very few candidates attempted this question. Better responses addressed all elements of the question and evaluated the statement well. They referred to a range of international tribunals, the ICC, the ICJ, and situations where they have been effective and/or ineffective, but noted that non-legal measures, such as political negotiation, are sometimes more effective in achieving remedies. Weaker responses repeated the statement that introduced the question without demonstrating any evaluation or omitted any reference to it at all. The same concerns are applicable to this question as to question (a), that candidates are citing world issues rather than world order issues.

Legal Studies

2005 HSC Examination Mapping Grid

Question	Marks	Content	Syllabus outcomes
Section I — Law and Society			
Part A			
1	1	Law and justice	H2.2
2	1	Human rights	H2.1, H3.2
3	1	Human rights	H2.1
4	1	Human rights	H1.2, H2.3
5	1	Human rights	H4.3
6	1	Law and justice	H3.1
7	1	Law and justice	H3.1
8	1	Human rights	H2.1
9	1	Law and justice	H2.2
10	1	Human rights	H3.1
11	1	Human rights	H2.3, H3.3
12	1	Law and justice	H3.1
13	1	Law and justice	H2.2
14	1	Human rights	H4.3
15	1	Law and justice	H2.2, H3.1
Section I — Law and Society			
Part B			
16 (a)	2	Law and justice	H2.1
16 (b)	3	Law and justice	H3.1
16 (c)	5	Law and justice	H3.1, H3.2

Question	Marks	Content	Syllabus outcomes
Section II — Focus Study – Crime			
17 (a)	2	Types of crime	H1.1
17 (b)	4	Legal issues and remedies	H1.1, H1.2
17 (c)	7	Legal issues and remedies	H4.1, H5.1
17 (d)	12	Legal issues and remedies and effectiveness of the law	H3.1, H4.2, H5.1, H5.2
Section III — Additional Focus Studies			
18 (a)	25	Principal focus and key legal concepts	H2.3, H3.1, H3.3, H3.4, H5.3
18 (b)	25	Culture, values and ethics and legal issues and remedies	H2.3, H3.1, H3.3, H3.4, H5.3
19 (a)	25	Principal focus and key legal concepts	H2.3, H3.1, H3.3, H3.4, H5.3
19 (b)	25	Culture, values and ethics and legal issues and remedies	H2.3, H3.1, H3.3, H3.4, H5.3
20 (a)	25	Principal focus and key legal concepts	H2.3, H3.1, H3.3, H3.4, H5.3
20 (b)	25	Culture, values and ethics and legal issues and remedies	H2.3, H3.1, H3.3, H3.4, H5.3
21 (a)	25	Principal focus and key legal concepts	H2.3, H3.1, H3.3, H3.4, H5.3
21 (b)	25	Culture, values and ethics and legal issues and remedies	H2.3, H3.1, H3.3, H3.4, H5.3
22 (a)	25	Principal focus and key legal concepts	H2.3, H3.1, H3.3, H3.4, H5.3
22 (b)	25	Culture, values and ethics and legal issues and remedies	H2.3, H3.1, H3.3, H3.4, H5.3
23 (a)	25	Principal focus and key legal concepts	H2.3, H3.1, H3.3, H3.4, H5.3
23 (b)	25	Culture, values and ethics and legal issues and remedies	H2.3, H3.1, H3.3, H3.4, H5.3
24 (a)	25	Principal focus and key legal concepts	H2.3, H3.1, H3.3, H3.4, H5.3
24 (b)	25	Culture, values and ethics and legal issues and remedies	H2.3, H3.1, H3.3, H3.4, H5.3
25 (a)	25	Principal focus and key legal concepts	H2.3, H3.1, H3.3, H3.4, H5.3
25 (b)	25	Culture, values and ethics and legal issues and remedies	H2.3, H3.1, H3.3, H3.4, H5.3

2005 HSC Legal Studies Marking Guidelines

Section I — Law and Society Part B

Question 16 (a)

Outcomes assessed: H2.1

MARKING GUIDELINES

Criteria	Marks
• Correctly identifies a source of international law AND a source of domestic law	2
• Correctly identifies either a source of international law or a source of domestic law	1

Question 16 (b)

Outcomes assessed: H3.1

MARKING GUIDELINES

Criteria	Marks
• Correctly describes three ways the Australian legal system provides access to justice	3
• Correctly describes two ways the Australian legal system provides access to justice	2
• Describes one or identifies two or more ways the Australian legal system provides access to justice	1

Question 16 (c)*Outcomes assessed: H3.1, H3.2***MARKING GUIDELINES**

Criteria	Marks
<ul style="list-style-type: none">Clearly explains and shows how and why the Australian legal system is influenced by the changing society in which it operatesMakes comprehensive use of relevant examples	4–5
<ul style="list-style-type: none">Provides some explanation as to how the Australian legal system is influenced by the changing society in which it operatesMakes use of relevant example(s)	2–3
<ul style="list-style-type: none">Makes a general statement as to how the Australian legal system is influenced by the changing society in which it operates <p>OR</p> <ul style="list-style-type: none">Identifies a relevant example	1

Section II — Focus Study – Crime

Question 17 (a)

Outcomes assessed: H1.1

MARKING GUIDELINES

Criteria	Marks
• Correctly identifies TWO types of crime mentioned in the stimulus	2
• Correctly identifies only ONE type of crime mentioned in the stimulus	1

Question 17 (b)

Outcomes assessed: H1.1, H1.2

MARKING GUIDELINES

Criteria	Marks
• Clearly outlines how our society attempts to reduce juvenile crime	4
• Outlines how our society attempts to reduce juvenile crime	2–3
• Makes a general statement about society and crime	1

Question 17 (c)

Outcomes assessed: H4.1, H5.1

MARKING GUIDELINES

Criteria	Marks
• Examines shared and gender specific problems faced by young male offenders and young female offenders coming into contact with the criminal justice system. • Recognises gender specific differences as well as problems common to both	6–7
• Identifies and attempts to examine some shared and/or gender specific problems faced by young male offenders and/or young female offenders coming into contact with the criminal justice system	3–5
• Makes general statements about problems faced by young offenders coming into contact with the criminal justice system	1–2

Question 17 (d)*Outcomes assessed: H3.1, H4.2, H5.1, H5.2***MARKING GUIDELINES**

Criteria	Marks
<ul style="list-style-type: none">• Makes a sound judgement with reference to criteria/arguments/justification as to the effectiveness of the treatment of adults and juveniles by the criminal justice system• Makes a sophisticated analysis as to how effective the criminal justice system is in its treatment of adults and juveniles• Explicitly recognises similarities and differences in the treatment of adults and juveniles	10–12
<ul style="list-style-type: none">• Makes some judgement with reference to criteria/arguments/justification as to the effectiveness of the treatment of adults and juveniles by the criminal justice system• Makes some analysis as to how effective the criminal justice system is in its treatment of adults and juveniles• Identifies some difference in the treatment of adults and juveniles	7–9
<ul style="list-style-type: none">• Describes the ways in which the criminal justice system attempts to treat adults and juveniles• Makes some examination of the way the criminal justice system treats adults and/or juveniles	4–6
<ul style="list-style-type: none">• Identifies some of the ways in which the criminal justice system treats people• Makes some general statements about the criminal justice system.	1–3

Section III — Additional Focus Studies

Question 18 — Optional Focus Study 1 – Consumers

Question 18 (a)

Outcomes assessed: H2.3, H3.1, H3.3, H3.4, H5.3

MARKING GUIDELINES

Criteria	Marks
<ul style="list-style-type: none"> • Makes a sound judgement based on criteria (explicit or implicit) about the ways in which the legal system protects consumers • Undertakes a discussion of financing a purchase • Integrates relevant legislation and/or documents and/or treaties and/or cases and/or media reports into the response • Presents a sustained, logical and well-structured answer using relevant legal terminology and concepts 	21–25
<ul style="list-style-type: none"> • Makes a judgement based on some criteria (explicit or implicit) about the ways in which the legal system protects consumers • Undertakes a discussion of financing a purchase • Uses relevant legislation and/or documents and/or treaties and/or cases and/or media reports in the response • Presents a logical and well-structured answer using relevant legal terminology and concepts 	16–20
<ul style="list-style-type: none"> • Makes statements about the ways in which the legal system protects consumers • Makes statements about the ways in which the legal system protects consumers when financing a purchase. • Cites some relevant legislation and/or documents and/or treaties and/or cases and/or media reports in the response • Presents a structured answer using relevant legal terminology and concepts 	11–15
<ul style="list-style-type: none"> • Makes reference to examples/issues about the legal system protecting consumers • May make reference to financing a purchase. • Makes limited reference to legislation and/or documents and/or treaties and/or cases and/or media reports in the response • Uses some appropriate legal terminology and/or concepts 	6–10
<ul style="list-style-type: none"> • Makes a general statement about the law relating to consumers • May make limited reference to legislation and/or documents and/or treaties and/or cases and/or media reports • Makes limited reference to legal information/terms, which may or may not be correct/appropriate 	1–5

Question 18 (b)

Outcomes assessed: H2.3, H3.1, H3.3, H3.4, H5.3

MARKING GUIDELINES

Criteria	Marks
<ul style="list-style-type: none"> • Makes a sound judgement based on criteria (explicit or implicit) about the extent to which the law reflects the culture and values of different societies and groups within society • Integrates references to relevant legal issues and remedies affecting consumers • Undertakes a discussion of consumers' rights • Integrates relevant legislation and/or documents and/or treaties and/or cases and/or media reports into the response • Presents a sustained, logical and well-structured answer using relevant legal terminology and concepts 	21–25
<ul style="list-style-type: none"> • Makes a judgement based on some criteria (explicit or implicit) about the extent to which the law reflects the culture and values of different societies and groups within society • Makes references to relevant legal issues and remedies affecting consumers which may or may not be integrated into the response • Undertakes a discussion of consumers' rights • Uses relevant legislation and/or documents and/or treaties and/or cases and/or media reports in the response • Presents a logical and well-structured answer using relevant legal terminology and concepts 	16–20
<ul style="list-style-type: none"> • Makes statements about the law reflecting the culture and values of different societies and groups within society • Makes some reference to relevant legal issues/remedies affecting consumers • Makes statements about consumers' rights • Cites some relevant legislation and/or documents and/or treaties and/or cases and/or media reports in the response • Presents a structured answer using relevant legal terminology and concepts 	11–15
<ul style="list-style-type: none"> • Makes reference to examples of the law reflecting the culture and values of different societies and groups within society • Makes limited reference to legal issues/remedies for consumers • May make reference to consumer rights • Makes limited reference to legislation and/or documents and/or treaties and/or cases and/or media reports in the response • Uses some appropriate legal terminology and/or and concepts 	6–10
<ul style="list-style-type: none"> • Makes a general statement about the law relating to consumers • May make limited reference to legislation and/or documents and/or cases and/or treaties and/or media reports • Makes limited reference to legal information/terms, which may not be correct/appropriate 	1–5

Question 19 — Optional Focus Study 2 – Family
Question 19 (a)

Outcomes assessed: H2.3, H3.1, H3.3, H3.4, H5.3

MARKING GUIDELINES

Criteria	Marks
<ul style="list-style-type: none"> • Makes a sound judgement based on criteria (explicit or implicit) about the ways in which the legal system protects family members • Undertakes a discussion about the rights and obligations of BOTH parents AND children • Integrates relevant legislation and/or documents and/or treaties and/or cases and/or media reports into the response • Presents a sustained, logical and well-structured answer using relevant legal terminology and concepts 	21–25
<ul style="list-style-type: none"> • Makes a judgement based on criteria (explicit or implicit) about the ways in which the legal system protects family members • Undertakes a discussion about the rights and obligations of parents AND/OR children • Uses relevant legislation and/or documents and/or treaties and/or cases and/or media reports in the response • Presents a logical and well-structured answer using relevant legal terminology and concepts 	16–20
<ul style="list-style-type: none"> • Makes statements about the ways in which the legal system protects family members • Makes statements about the rights and obligations of parents AND/OR children • Cites some relevant legislation and/or documents and/or treaties and/or cases and/or media reports in the response • Presents a structured answer using relevant legal terminology and concepts 	11–15
<ul style="list-style-type: none"> • Makes reference to examples/issues about the legal system protecting family members • May make reference to the rights or obligations of either parents or children • Makes limited reference to legislation and/or documents and/or treaties and/or cases and/or media reports in the response • Uses some appropriate legal terminology with limited examples and/or concepts 	6–10
<ul style="list-style-type: none"> • Makes a general statement about the law relating to family • May make limited reference to legislation and/or documents and/or treaties and/or cases and/or media reports • Makes limited reference to legal information/terms, which may or may not be correct/appropriate 	1–5

Question 19 (b)

Outcomes assessed: H2.3, H3.1, H3.3, H3.4, H5.3

MARKING GUIDELINES

Criteria	Marks
<ul style="list-style-type: none"> • Makes a sound judgement based on criteria (explicit or implicit) about the extent to which the law reflects the culture and values of different societies and groups within society • Integrates references to relevant legal issues and remedies affecting family members • Undertakes a discussion of alternate family arrangements • Integrates relevant legislation and/or documents and/or treaties and/or cases and/or media reports into the response • Presents a sustained, logical and well-structured answer using relevant legal terminology and concepts 	21–25
<ul style="list-style-type: none"> • Makes a judgement based on some criteria (explicit or implicit) about the extent to which the law reflects the culture and values of different societies and groups within society • Makes references to relevant legal issues and remedies affecting family members which may or may not be integrated into the response • Undertakes a discussion of alternate family arrangements • Uses relevant legislation and/or documents and/or treaties and/or cases and/or media reports in the response • Presents a logical and well-structured answer using relevant legal terminology and concepts 	16–20
<ul style="list-style-type: none"> • Makes statements about the law reflecting the culture and values of different societies and groups within society • Makes some reference to relevant legal issues and remedies affecting family members • Makes statements about alternate family arrangements • Cites some relevant legislation and/or documents and/or treaties and/or cases and/or media reports in the response • Presents a structured answer using relevant legal terminology and concepts 	11–15
<ul style="list-style-type: none"> • Makes reference to examples of the law reflecting the culture and values of different societies and groups within society • Makes limited reference to legal issues/remedies for family members • May make reference to alternative family arrangements • Makes limited reference to legislation and/or documents and/or treaties and/or cases and/or media reports in the response • Uses some appropriate legal information and/or concepts 	6–10
<ul style="list-style-type: none"> • Makes a general statement about the law relating to family • May make limited reference to legislation and/or documents and/or cases and/or treaties and/or media reports • Makes limited reference to legal information/terms, which may not be correct/appropriate 	1–5

Question 20 — Optional Focus Study 3 – Global Environment

Question 20 (a)

Outcomes assessed: H2.3, H3.1, H3.3, H3.4, H5.3

MARKING GUIDELINES

Criteria	Marks
<ul style="list-style-type: none"> • Makes a sound judgement based on criteria (explicit or implicit) about the ways in which the legal system protects the global environment • Undertakes a discussion of sustainable development and renewable resources • Integrates relevant legislation and/or documents and/or treaties and/or cases and/or media reports into the response • Presents a sustained, logical and well-structured answer using relevant legal terminology and concepts 	21–25
<ul style="list-style-type: none"> • Makes a judgement based on some criteria (explicit or implicit) about the ways in which the legal system protects the global environment • Undertakes a discussion of sustainable development and renewable resources • Uses relevant legislation and/or documents and/or treaties and/or cases and/or media reports in the response • Presents a logical and well-structured answer using relevant legal terminology and concepts 	16–20
<ul style="list-style-type: none"> • Makes statements about the ways in which the legal system protects the global environment • Makes statements about the ways in which the legal system protects the global environment through sustainable development and renewable resources • Cites some relevant legislation and/or documents and/or treaties and/or cases and/or media reports in the response • Presents a structured answer using relevant legal terminology and concepts 	11–15
<ul style="list-style-type: none"> • Makes reference to examples/issues about the legal system protecting the global environment • May make reference to sustainable development or renewable resources • Makes limited reference to legislation and/or documents and/or treaties and/or cases and/or media reports in the response • Uses some appropriate legal terminology and/or concepts 	6–10
<ul style="list-style-type: none"> • Makes a general statement about the law relating to the global environment • May make limited reference to legislation and/or documents and/or treaties and/or cases and/or media reports • Makes limited reference to legal information/terms, which may or may not be correct/appropriate 	1–5

Question 20 (b)

Outcomes assessed: H2.3, H3.1, H3.3, H3.4, H5.3

MARKING GUIDELINES

Criteria	Marks
<ul style="list-style-type: none"> • Makes a sound judgement based on criteria (explicit or implicit) about the extent to which the law reflects the culture and values of different societies and groups within society • Integrates references to relevant legal issues and remedies affecting the global environment • Undertakes a discussion of the role of international tribunals • Integrates relevant legislation and/or documents and/or treaties and/or cases and/or media reports into the response • Presents a sustained, logical and well-structured answer using relevant legal terminology and concepts 	21–25
<ul style="list-style-type: none"> • Makes a judgement based on some criteria (explicit or implicit) about the extent to which the law reflects the culture and values of different societies and groups within society • Makes references to relevant legal issues and remedies affecting the global environment which may or may not be integrated into the response • Undertakes a discussion of the role of international tribunals • Uses relevant legislation and/or documents and/or treaties and/or cases and/or media reports in the response • Presents a logical and well-structured answer using relevant legal terminology and concepts 	16–20
<ul style="list-style-type: none"> • Makes statements about the law reflecting the culture and values of different societies and groups within society • Makes some reference to relevant legal issues and remedies affecting the global environment • Makes statements about the role of international tribunals • Cites some relevant legislation and/or documents and/or treaties and/or cases and/or media reports in the response • Presents a structured answer using relevant legal terminology and concepts 	11–15
<ul style="list-style-type: none"> • Makes reference to examples of the law reflecting the culture and values of different societies and groups within society • Makes limited reference to legal issues/remedies relating to the global environment • May make reference to international tribunals • Makes limited reference to legislation and/or documents and/or treaties and/or cases and/or media reports in the response • Uses some appropriate legal information and/or concepts 	6–10
<ul style="list-style-type: none"> • Makes a general statement about the law relating to the global environment • May make limited reference to legislation and/or documents and/or cases and/or treaties and/or media reports • Makes limited reference to legal information/terms, which may not be correct/appropriate 	1–5

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

Outcomes assessed: H2.3, H3.1, H3.3, H3.4, H5.3

MARKING GUIDELINES

Criteria	Marks
<ul style="list-style-type: none"> • Makes a sound judgement based on criteria (explicit or implicit) about the ways indigenous peoples use international law to achieve justice • Undertakes a discussion about the effect of global pressures on indigenous peoples • Integrates relevant legislation and/or documents and/or treaties and/or cases and/or media reports into the response • Presents a sustained, logical and well-structured answer using relevant legal terminology and concepts 	21–25
<ul style="list-style-type: none"> • Makes a judgement based on some criteria (explicit or implicit) about the ways in which indigenous peoples use international law to achieve justice • Undertakes a discussion about the effect of global pressures on indigenous peoples • Uses relevant legislation and/or documents and/or treaties and/or cases and/or media reports in the response • Presents a logical and well-structured answer using relevant legal terminology and concepts 	16–20
<ul style="list-style-type: none"> • Makes statements about the ways in which indigenous peoples use international law to achieve justice • Makes statements about the effects of global pressures on indigenous peoples • Cites some relevant legislation and/or documents and/or treaties and/or cases and/or media reports in the response • Presents a structured answer using relevant legal terminology and concepts 	11–15
<ul style="list-style-type: none"> • Makes reference to examples/issues about indigenous peoples' use of international law to achieve justice • May make reference to global pressures on indigenous peoples • Makes limited reference to legislation and/or documents and/or treaties and/or cases and/or media reports in the response • Uses some appropriate legal terminology and/or concepts 	6–10
<ul style="list-style-type: none"> • Makes a general statement about the law relating to indigenous peoples • May make limited reference to legislation and/or documents and/or treaties and/or cases and/or media reports • Makes limited reference to legal information/terms, which may or may not be correct/appropriate 	1–5

Question 21 (b)

Outcomes assessed: H2.3, H3.1, H3.3, H3.4, H5.3

MARKING GUIDELINES

Criteria	Marks
<ul style="list-style-type: none"> • Makes a sound judgement based on criteria (explicit or implicit) about the extent to which the law reflects the culture and values of different societies and groups within society • Integrates references to relevant legal issues and remedies affecting indigenous peoples • Undertakes a discussion of the role of international tribunals • Integrates relevant legislation and/or documents and/or treaties and/or cases and/or media reports into the response • Presents a sustained, logical and well-structured answer using relevant legal terminology and concepts 	21–25
<ul style="list-style-type: none"> • Makes a judgement based on some criteria (explicit or implicit) about the extent to which the law reflects the culture and values of different societies and groups within society • Makes references to relevant legal issues and remedies affecting indigenous peoples which may or may not be integrated into the response • Undertakes a discussion of the role of international tribunals • Uses relevant legislation and/or documents and/or treaties and/or cases and/or media reports in the response • Presents a logical and well-structured answer using relevant legal terminology and concepts 	16–20
<ul style="list-style-type: none"> • Makes statements about the law reflecting the culture and values of different societies and groups within society • Makes some reference to relevant legal issues and remedies affecting indigenous peoples • Makes statements about the role of international tribunals • Cites some relevant legislation and/or documents and/or treaties and/or cases and/or media reports in the response • Presents a structured answer using relevant legal terminology and concepts 	11–15
<ul style="list-style-type: none"> • Makes reference to examples of the law reflecting the culture and values of different societies and groups within society • Makes limited reference to legal issues/remedies for indigenous peoples • May make reference to international tribunals • Makes limited reference to legislation and/or documents and/or treaties and/or cases and/or media reports in the response • Uses some appropriate legal information and/or concepts 	6–10
<ul style="list-style-type: none"> • Makes a general statement about the law relating to indigenous peoples • May make limited reference to legislation and/or documents and/or cases and/or treaties and/or media reports • Makes limited reference to legal information/terms, which may not be correct/appropriate 	1–5

Question 22 — Optional Focus Study 5 – Shelter
Question 22 (a)

Outcomes assessed: H2.3, H3.1, H3.3, H3.4, H5.3

MARKING GUIDELINES

Criteria	Marks
<ul style="list-style-type: none"> • Makes a sound judgement based on criteria (explicit or implicit) about the effectiveness of the legal means of securing shelter • Undertakes a discussion of the right to shelter • Integrates relevant legislation and/or documents and/or treaties and/or cases and/or media reports into the response • Presents a sustained, logical and well-structured answer using relevant legal terminology and concepts 	21–25
<ul style="list-style-type: none"> • Makes a judgement based on some criteria (explicit or implicit) about the effectiveness of the legal means of securing shelter • Undertakes a discussion of the right to shelter • Uses relevant legislation and/or documents and/or treaties and/or cases and/or media reports in the response • Presents a logical and well-structured answer using relevant legal terminology and concepts 	16–20
<ul style="list-style-type: none"> • Makes statements about the effectiveness of the legal means of securing shelter • Makes statements about the right to shelter • Cites some relevant legislation and/or documents and/or treaties and/or cases and/or media reports in the response • Presents a structured answer using relevant legal terminology and concepts 	11–15
<ul style="list-style-type: none"> • Makes reference to examples/issues about the legal means of securing shelter • May make reference to the right to shelter • Makes limited reference to legislation and/or documents and/or treaties and/or cases and/or media reports in the response • Uses some appropriate legal terminology and/or concepts 	6–10
<ul style="list-style-type: none"> • Makes a general statement about the law relating to shelter • May make limited reference to legislation and/or documents and/or treaties and/or cases and/or media reports • Makes limited reference to legal information/terms, which may or may not be correct/appropriate 	1–5

Question 22 (b)
Outcomes assessed: H2.3, H3.1, H3.3, H3.4, H5.3
MARKING GUIDELINES

Criteria	Marks
<ul style="list-style-type: none"> • Makes a sound judgement based on criteria (explicit or implicit) about the extent to which the law reflects the culture and values of different societies and groups within society • Integrates references to relevant legal issues and remedies affecting people securing shelter • Undertakes a discussion of settling disputes between neighbours • Integrates relevant legislation and/or documents and/or treaties and/or cases and/or media reports into the response • Presents a sustained, logical and well-structured answer using relevant legal terminology and concepts 	21–25
<ul style="list-style-type: none"> • Makes a judgement based on some criteria (explicit or implicit) about the extent to which the law reflects the culture and values of different societies and groups within society • Makes references to relevant legal issues and remedies affecting people securing shelter which may or may not be integrated into the response • Undertakes a discussion of settling disputes between neighbours • Uses relevant legislation and/or documents and/or treaties and/or cases and/or media reports in the response • Presents a logical and well-structured answer using relevant legal terminology and concepts 	16–20
<ul style="list-style-type: none"> • Makes statements about the law reflecting the culture and values of different societies and groups within society • Makes some reference to relevant legal issues and remedies affecting people securing shelter • Makes statements about settling disputes between neighbours • Cites some relevant legislation and/or documents and/or treaties and/or cases and/or media reports in the response • Presents a structured answer using relevant legal terminology and concepts 	11–15
<ul style="list-style-type: none"> • Makes reference to examples of the law reflecting the culture and values of different societies and groups within society • Makes limited reference to legal issues/remedies for people securing shelter • May make reference to the settling of disputes between neighbours • Makes limited reference to legislation and/or documents and/or treaties and/or cases and/or media reports in the response • Uses some appropriate legal information with limited examples and/or concepts 	6–10
<ul style="list-style-type: none"> • Makes a general statement about the law relating to shelter • May make limited reference to legislation and/or documents and/or cases and/or treaties and/or media reports • Makes limited reference to legal information/terms, which may not be correct/appropriate 	1–5

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

Outcomes assessed: H2.3, H3.1, H3.3, H3.4, H5.3

MARKING GUIDELINES

Criteria	Marks
<ul style="list-style-type: none"> • Makes a sound judgement based on criteria (explicit or implicit) about the ways in which the legal system responds to changing technology • Undertakes a discussion about the legal infrastructure of technological change • Integrates relevant legislation and/or documents and/or treaties and/or cases and/or media reports into the response • Presents a sustained, logical and well-structured answer using relevant legal terminology and concepts 	21–25
<ul style="list-style-type: none"> • Makes a judgement based on some criteria (explicit or implicit) about the ways in which the legal system responds to changing technology • Undertakes a discussion about the legal infrastructure of technological change • Uses relevant legislation and/or documents and/or treaties and/or cases and/or media reports in the response • Presents a logical and well-structured answer using relevant legal terminology and concepts 	16–20
<ul style="list-style-type: none"> • Makes statements about the ways in which the legal system responds to changing technology • Makes statements about the legal infrastructure of technological change • Cites some relevant legislation and/or documents and/or treaties and/or cases and/or media reports in the response • Presents a structured answer using relevant legal terminology and concepts 	11–15
<ul style="list-style-type: none"> • Makes reference to examples/issues about the legal system’s response to changing technology • May make reference to the legal infrastructure of technological change • Makes limited reference to legislation and/or documents and/or treaties and/or cases and/or media reports in the response • Uses some appropriate legal terminology and/or concepts 	6–10
<ul style="list-style-type: none"> • Makes a general statement about the law relating to technological change • May make limited reference to legislation and/or documents and/or treaties and/or cases and/or media reports • Makes limited reference to legal information/terms, which may or may not be correct/appropriate 	1–5

Question 23 (b)
Outcomes assessed: H2.3, H3.1, H3.3, H3.4, H5.3
MARKING GUIDELINES

Criteria	Marks
<ul style="list-style-type: none"> • Makes a sound judgement based on criteria (explicit or implicit) about the extent to which the law reflects the culture and values of different societies and groups within society • Integrates references to relevant legal issues and remedies that arise from technological change • Undertakes a discussion of the role played by the various international bodies • Integrates relevant legislation and/or documents and/or treaties and/or cases and/or media reports into the response • Presents a sustained, logical and well-structured answer using relevant legal terminology and concepts 	21–25
<ul style="list-style-type: none"> • Makes a judgement based on some criteria (explicit or implicit) about the extent to which the law reflects the culture and values of different societies and groups within society • Makes references to relevant legal issues and remedies that arise from technological change which may or may not be integrated into the response • Undertakes a discussion of the role played by the various international bodies • Uses relevant legislation and/or documents and/or treaties and/or cases and/or media reports in the response • Presents a logical and well-structured answer using relevant legal terminology and concepts 	16–20
<ul style="list-style-type: none"> • Makes statements about the law reflecting the culture and values of different societies and groups within society • Makes some reference to relevant legal issues and remedies relating to technological change • Makes statements about the role played by the various international bodies • Cites some relevant legislation and/or documents and/or treaties and/or cases and/or media reports in the response • Presents a structured answer using relevant legal terminology and concepts 	11–15
<ul style="list-style-type: none"> • Makes reference to examples of the law reflecting the culture and values of different societies and groups within society • Makes limited reference to legal issues/remedies relating to technological change • May make reference to various international bodies • Makes limited reference to legislation and/or documents and/or treaties and/or cases and/or media reports in the response • Uses some appropriate legal information and/or concepts 	6–10
<ul style="list-style-type: none"> • Makes a general statement about the law relating to technological change • May make limited reference to legislation and/or documents and/or cases and/or treaties and/or media reports • Makes limited reference to legal information/terms, which may not be correct/appropriate 	1–5

Question 24 — Optional Focus Study 7 – Workplace
Question 24 (a)

Outcomes assessed: H2.3, H3.1, H3.3, H3.4, H5.3

MARKING GUIDELINES

Criteria	Marks
<ul style="list-style-type: none"> • Makes a sound judgement based on criteria (explicit or implicit) about the ways the legal system regulates the relationship between the employer and employee in the workplace • Undertakes a discussion of the changes in the master/servant relationship • Integrates relevant legislation and/or documents and/or treaties and/or cases and/or media reports into the response • Presents a sustained, logical and well-structured answer using relevant legal terminology and concepts 	21–25
<ul style="list-style-type: none"> • Makes a judgement based on some criteria (explicit or implicit) about the ways the legal system regulates the relationship between the employer and employee in the workplace • Undertakes a discussion of the changes in the master/servant relationship • Uses relevant legislation and/or documents and/or treaties and/or cases and/or media reports in the response • Presents a logical and well-structured answer using relevant legal terminology and concepts 	16–20
<ul style="list-style-type: none"> • Makes statements about the ways in which the legal system regulates the relationship between the employer and the employee in the workplace • Makes statements about the changes in the master/servant relationship • Cites some relevant legislation and/or documents and/or treaties and/or cases and/or media reports in the response • Presents a structured answer using relevant legal terminology and concepts 	11–15
<ul style="list-style-type: none"> • Makes reference to examples/issues about the legal system’s regulation of the workplace • May make reference to the master/servant relationship • Makes limited reference to legislation and/or documents and/or treaties and/or cases and/or media reports in the response • Uses some appropriate legal terminology and/or concepts 	6–10
<ul style="list-style-type: none"> • Makes a general statement about the law relating to the workplace • May make limited reference to legislation and/or documents and/or treaties and/or cases and/or media reports • Makes limited reference to legal information/terms, which may or may not be correct/appropriate 	1–5

Question 24 (b)
Outcomes assessed: H2.3, H3.1, H3.3, H3.4, H5.3
MARKING GUIDELINES

Criteria	Marks
<ul style="list-style-type: none"> • Makes a sound judgement based on criteria (explicit or implicit) about the extent to which the law reflects the culture and values of different societies and groups within society • Integrates references to relevant legal issues and remedies affecting people in the workplace • Undertakes a discussion of safety in the workplace • Integrates relevant legislation and/or documents and/or treaties and/or cases and/or media reports into the response • Presents a sustained, logical and well-structured answer using relevant legal terminology and concepts 	21–25
<ul style="list-style-type: none"> • Makes a judgement based on some criteria (explicit or implicit) about the extent to which the law reflects the culture and values of different societies and groups within society • Makes references to relevant legal issues and remedies affecting people in the workplace which may or may not be integrated into the response • Undertakes a discussion of safety in the workplace • Uses relevant legislation and/or documents and/or treaties and/or cases and/or media reports in the response • Presents a logical and well-structured answer using relevant legal terminology and concepts 	16–20
<ul style="list-style-type: none"> • Makes statements about the law reflecting the culture and values of different societies and groups within society • Makes some reference to relevant legal issues and remedies affecting people in the workplace • Makes statements about safety in the workplace • Cites some relevant legislation and/or documents and/or treaties and/or cases and/or media reports in the response • Presents a structured answer using relevant legal terminology and concepts 	11–15
<ul style="list-style-type: none"> • Makes reference to examples of the law reflecting the culture and values of different societies and groups within society • Makes limited reference to legal issues/remedies for people in the workplace • May make reference to safety in the workplace • Makes limited reference to legislation and/or documents and/or treaties and/or cases and/or media reports in the response • Uses some appropriate legal information and/or concepts 	6–10
<ul style="list-style-type: none"> • Makes a general statement about the law relating to the workplace • May make limited reference to legislation and/or documents and/or cases and/or treaties and/or media reports • Makes limited reference to legal information/terms, which may not be correct/appropriate 	1–5

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

Outcomes assessed: H2.3, H3.1, H3.3, H3.4, H5.3

MARKING GUIDELINES

Criteria	Marks
<ul style="list-style-type: none"> • Makes a sound judgement based on criteria (explicit or implicit) about the effectiveness of legal instruments in the maintenance of world order • Undertakes a discussion of the need for world order • Integrates relevant legislation and/or documents and/or treaties and/or cases and/or media reports into the response • Presents a sustained, logical and well-structured answer using relevant legal terminology and concepts 	21–25
<ul style="list-style-type: none"> • Makes a judgement based on some criteria (explicit or implicit) about the effectiveness of legal instruments in the maintenance of world order • Undertakes a discussion of the need for world order • Uses relevant legislation and/or documents and/or treaties and/or cases and/or media reports in the response • Presents a logical and well-structured answer using relevant legal terminology and concepts 	16–20
<ul style="list-style-type: none"> • Makes statements about the effectiveness of legal instruments in the maintenance of world order • Makes statements about the need for world order • Cites some relevant legislation and/or documents and/or treaties and/or cases and/or media reports in the response • Presents a structured answer using relevant legal terminology and concepts 	11–15
<ul style="list-style-type: none"> • Makes reference to examples/issues about the role of legal instruments in the maintenance of world order • May make reference to the need for world order • Makes limited reference to legislation and/or documents and/or treaties and/or cases and/or media reports in the response • Uses some appropriate legal terminology and/or concepts 	6–10
<ul style="list-style-type: none"> • Makes a general statement about the law relating to world order • May make limited reference to legislation and/or documents and/or treaties and/or cases and/or media reports • Makes limited reference to legal information/terms, which may or may not be correct/appropriate 	1–5

Question 25 (b)
Outcomes assessed: H2.3, H3.1, H3.3, H3.4, H5.3
MARKING GUIDELINES

Criteria	Marks
<ul style="list-style-type: none"> • Makes a sound judgement based on criteria (explicit or implicit) about the extent to which the law reflects the culture and values of different societies and groups within society • Integrates references to relevant legal issues and remedies affecting world order • Undertakes a discussion of the role of international tribunals • Integrates relevant legislation and/or documents and/or treaties and/or cases and/or media reports into the response • Presents a sustained, logical and well-structured answer using relevant legal terminology and concepts 	21–25
<ul style="list-style-type: none"> • Makes a judgement based on some criteria (explicit or implicit) about the extent to which the law reflects the culture and values of different societies and groups within society • Makes references to relevant legal issues and remedies affecting world order which may or may not be integrated into the response • Undertakes a discussion of the role of international tribunals • Uses relevant legislation and/or documents and/or treaties and/or cases and/or media reports in the response • Presents a logical and well-structured answer using relevant legal terminology and concepts 	16–20
<ul style="list-style-type: none"> • Makes statements about the law reflecting the culture and values of different societies and groups within society • Makes some reference to relevant legal issues and remedies affecting world order • Makes statements about the role of international tribunals • Cites some relevant legislation and/or documents and/or treaties and/or cases and/or media reports in the response • Presents a structured answer using relevant legal terminology and concepts 	11–15
<ul style="list-style-type: none"> • Makes reference to examples of the law reflecting the culture and values of different societies and groups within society • Makes limited reference to legal issues/remedies relating to world order • May make reference to international tribunals • Makes limited reference to legislation and/or documents and/or treaties and/or cases and/or media reports in the response • Uses some appropriate legal information and/or concepts 	6–10
<ul style="list-style-type: none"> • Makes a general statement about the law relating to world order • May make limited reference to legislation and/or documents and/or cases and/or treaties and/or media reports • Makes limited reference to legal information/terms, which may not be correct/appropriate 	1–5