



BOARD OF STUDIES
NEW SOUTH WALES

2006

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 The Australian Parliament passes an Act protecting an individual's freedom of religion.

What has been created?

- (A) A legal right
- (B) A moral right
- (C) A political right
- (D) A customary right

2 The High Court hears a case between the NSW Government and the Australian Government on a constitutional matter.

This is an example of which of the following?

- (A) Contract law
- (B) Private law
- (C) Public law
- (D) Tort law

3 Which of the following gives the best international recognition to an individual's human rights?

- (A) Treaties
- (B) Natural justice
- (C) State sovereignty
- (D) The International Court of Justice

4 After being falsely imprisoned by Police Sergeant Bond, Grace is taking legal action seeking compensation.

Who bears the burden of proof in this case?

- (A) Bond
- (B) Grace
- (C) The Crown
- (D) The Police Commissioner

- 5 Charlotte, an Australian citizen travelling overseas, is refused entry into Kenya as she does not have the required travel documents.

This is an example of the operation of which type of law?

- (A) Domestic law
 - (B) Human rights law
 - (C) Private international law
 - (D) Public international law
- 6 Which of the following is the best example of the Australian legal system having acknowledged Aboriginal and Torres Strait Islander customary law?
- (A) The writing down of Aboriginal and Torres Strait Islander law
 - (B) The provision of court interpreters for Aboriginal and Torres Strait Islanders
 - (C) The recognition of traditional punishments when sentencing Aboriginal and Torres Strait Islanders
 - (D) The recognition of the collective right to self-determination of Aboriginal and Torres Strait Islanders
- 7 Which of the following is legally bound by a precedent set by the High Court in a matter of NSW criminal law?
- (A) The NSW Parliament
 - (B) The Australian Parliament
 - (C) A foreign national living in NSW
 - (D) A NSW resident on holiday in Tasmania
- 8 Which of the following provides the best protection of an individual's human rights in Australia?
- (A) A jury in a criminal trial
 - (B) The Australian Constitution
 - (C) The discretionary power of the police
 - (D) Australian courts applying common law

- 9** Which statement best describes how international law is made?
- (A) An Act of the Australian Parliament adopts a resolution of the United Nations.
 - (B) A proposed treaty is signed and ratified by the prescribed number of countries.
 - (C) A decision by the Australian Government ratifies the terms of a proposed treaty.
 - (D) A draft treaty is supported by a unanimous vote of the members of the United Nations.
- 10** Which of the following is an example of private law?
- (A) The government confiscates a prohibited import.
 - (B) A government employee reports that his phone calls are being intercepted.
 - (C) The government defends a legal action by a citizen seeking to regain his driver's licence.
 - (D) A government employee starts a legal action against the government for unlawful dismissal.
- 11** Bob bought a property, then hired a builder to build a new balcony. The balcony collapsed and badly injured Bob's sister.
- What is the most likely legal outcome of this scenario?
- (A) Bob successfully sued his sister for damages in tort.
 - (B) Bob's sister successfully sued Bob for damages in tort.
 - (C) Bob's sister successfully sued the builder for breach of contract.
 - (D) Bob successfully sued the previous owner of the property for breach of contract.
- 12** Michael robbed a bank. The bank has commenced legal action against Michael to recover the stolen money.
- What type of law is being used by the bank?
- (A) Contract
 - (B) Criminal
 - (C) Property
 - (D) Public

- 13** Daniel is an American citizen who is on holiday in Sydney. While shopping, he was refused entry into a store because of the colour of his skin. As a result, Daniel has decided to take legal action.

Which of the following is best able to enforce Daniel's human rights?

- (A) The Australian courts
 - (B) The Anti-Discrimination Board (NSW)
 - (C) The Bill of Rights of the United States of America
 - (D) The Human Rights and Equal Opportunity Commission (Cth)
- 14** Which of the following best illustrates the operation of natural justice in the Australian legal system?
- (A) The application of the rule of law
 - (B) The application of customary law
 - (C) The provision of legal aid
 - (D) The provision of reasons for a decision
- 15** What was a basis for the abolition of slavery?
- (A) The acceptance of the rule of law
 - (B) The acceptance of natural law doctrine
 - (C) The recognition of economic rights
 - (D) The recognition of the right to self-determination

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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) Outline TWO characteristics of a just law.

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(b) Distinguish between a moral right and a customary right.

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Question 16 continues on page 10

Question 16 (continued)

(c) Using an example, assess the effectiveness of non-legal measures in addressing human rights issues.

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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) | |
| (a) Identify TWO courts that deal with criminal cases. | 2 |
| (b) Identify TWO types of international crime, and provide an example of each type. | 4 |
| (c) Discuss the role of the sentencing process in balancing the interests of the community with the rights of the offender. | 7 |
| (d) Assess the effectiveness of various forms of legal measures in achieving justice, with reference to at least one current criminal justice issue. You may refer to any of the examples of current criminal justice issues listed below, or any other current criminal justice issue. <ul style="list-style-type: none">• Anti-terror laws• Mandatory sentencing• Majority verdicts• Trial by media• Death penalty• The right to silence | 12 |

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
-

Question 18 — Optional Focus Study 1 – Consumers (25 marks) **Marks**

- (a) Evaluate the effectiveness of law reform in achieving justice for consumers, and include a description of how the law regulates manufacturers/suppliers. **25**

OR

- (b) Evaluate the effectiveness of dispute resolution mechanisms in achieving justice for consumers, and include a description of how the law protects manufacturers/suppliers. **25**

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

- (a) Evaluate the effectiveness of law reform in achieving justice for family members, and include a description of how the law responds to different family arrangements. **25**

OR

- (b) Evaluate the effectiveness of dispute resolution mechanisms in achieving justice for family members, and include a description of how the law responds to domestic violence. **25**

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

- (a) Evaluate the effectiveness of law reform in protecting the global environment, and include a description of how international obligations are reflected in Australian law. **25**

OR

- (b) Evaluate the effectiveness of dispute resolution mechanisms in protecting the global environment, and include a description of how litigation may protect World Heritage areas. **25**

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

- (a) Evaluate the effectiveness of law reform in achieving justice for indigenous peoples, and include a description of how the meaning of ‘indigenous’ has changed over time. **25**

OR

- (b) Evaluate the effectiveness of dispute resolution mechanisms in achieving justice for indigenous peoples, and include a description of how Australia’s federal structure affects responses to indigenous issues. **25**

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

- (a) Evaluate the effectiveness of law reform in achieving justice for people seeking to secure shelter, and include a description of how the State provides protection for homebuyers. **25**

OR

- (b) Evaluate the effectiveness of dispute resolution mechanisms in achieving justice for people seeking to secure shelter, and include a description of the differences between private and public housing. **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
-

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

- (a) Evaluate the effectiveness of law reform in achieving just access to technology, and include a description of how the law attempts to keep pace with technological change. **25**

OR

- (b) Evaluate the effectiveness of dispute resolution mechanisms in achieving just access to technology, and include a description of how being part of an international regime enables a country to benefit from technological change. **25**

Question 24 — Optional Focus Study 7 – Workplace (25 marks)

- (a) Evaluate the effectiveness of law reform in achieving justice for those in the workplace, and include a description of the role of trade unions in the workplace in the 21st century. **25**

OR

- (b) Evaluate the effectiveness of dispute resolution mechanisms in achieving justice for those in the workplace, and include a description of legal and non-legal methods for regulating workplace arrangements. **25**

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

- (a) Evaluate the effectiveness of law reform in achieving world order, and include a description of the forms of conflict that disrupt world order. **25**

OR

- (b) Evaluate the effectiveness of dispute resolution mechanisms in achieving world order, and include a description of the legal measures available for the peaceful settlement of international disputes. **25**

End of paper