



**BOARD OF STUDIES**  
NEW SOUTH WALES

**2008**

**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 for Questions 1–15.

---

- 1 What is tort law primarily concerned with?
  - (A) Public rights and obligations
  - (B) Crimes and their punishment
  - (C) Civil injuries and their remedies
  - (D) International rights and obligations
  
- 2 What is universal suffrage?
  - (A) The right to vote
  - (B) The right to education
  - (C) The right to join a trade union
  - (D) The right to legal representation
  
- 3 The High Court decision in *Mabo* is an example of which type of law?
  - (A) Statute law
  - (B) Common law
  - (C) Customary law
  - (D) International law
  
- 4 A judge hears a case involving her brother's business.  
What is this an example of?
  - (A) Actual bias
  - (B) Apparent bias
  - (C) Procedural fairness
  - (D) 'Natural law' doctrine

- 5** Which right is NOT entrenched within the Australian Constitution?
- (A) The right to vote
  - (B) The right to property
  - (C) The right to education
  - (D) The right to a jury trial
- 6** Historically, in which court were the principles of equity developed?
- (A) King's Court
  - (B) Admiralty Court
  - (C) Chancellor's Court
  - (D) Ecclesiastical Court
- 7** A permit to conduct a protest march has been refused by the police.
- Which type of right has been denied?
- (A) A legal right
  - (B) A collective right
  - (C) An economic right
  - (D) A civil and political right
- 8** Jack slipped on the floor at a shopping centre and broke his laptop computer.
- Which type of law would Jack use to sue the shopping centre?
- (A) Contract
  - (B) Criminal
  - (C) Property
  - (D) Tort
- 9** Juan, a recent migrant, and John both applied for the same job. John gained the position based on his greater experience.
- What is this an example of?
- (A) Racial discrimination
  - (B) Equality of opportunity
  - (C) Equality before the law
  - (D) Affirmative Action in the workplace

- 10** What is NOT an essential feature of a just law?
- (A) It provides an effective remedy.
  - (B) It is widely known by the community.
  - (C) It applies equally to all members of the community.
  - (D) It is passed by a democratically elected parliament.
- 11** Which of the following is an outcome of the application of the rule of law?
- (A) Certainty
  - (B) Equity
  - (C) Fairness
  - (D) Justice
- 12** What is the most common feature of the adversarial system?
- (A) The rules of evidence do not apply.
  - (B) Judges determine which cases will be heard.
  - (C) Hearings are based on the parties' oral argument.
  - (D) Judges determine the guilt or innocence of the parties.
- 13** Which of the following best illustrates the operation of Aboriginal and Torres Strait Islander customary law in Australia?
- (A) The High Court's *Mabo* decision
  - (B) Traditional practices regulating a group of Indigenous people
  - (C) The recognition of traditional tribal punishments by Australian courts
  - (D) The rejection of the doctrine of *terra nullius* by the Australian parliament

- 14** A government has decided to confiscate land belonging to farmers even though the High Court has determined that this action is illegal.

What does the government's action demonstrate?

- (A) A violation of the rule of law
  - (B) An exercise of executive privilege
  - (C) An application of the 'natural law' doctrine
  - (D) A violation of the doctrine of the separation of powers
- 15** A local newspaper is threatening to print an article defaming a well known resident.

What is the most appropriate option for the resident?

- (A) Applying for an injunction
- (B) Contacting the NSW police
- (C) Contacting the NSW Ombudsman
- (D) Applying for an Apprehended Violence Order (AVO)

BLANK PAGE

BLANK PAGE

BLANK PAGE



Legal Studies

--	--	--	--	--

Centre Number

Section I (continued)

--	--	--	--	--	--	--	--	--

Student Number

Part B – 10 marks

Attempt Question 16

Answer the question in the spaces provided.

---

Marks

Question 16 (10 marks)

(a) Define *self-determination*.

2

.....  
.....  
.....  
.....

(b) Outline the ‘natural law’ doctrine.

2

.....  
.....  
.....  
.....

Question 16 continues on page 10

Question 16 (continued)

- (c) Outline arguments for and arguments against a Bill of Rights for Australia. **6**

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

**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.

---

	<b>Marks</b>
<b>Question 17</b> (25 marks)	
(a) Give an example of a summary crime.	<b>1</b>
(b) Give an example of an indictable crime.	<b>1</b>
(c) Outline the features of legal aid.	<b>3</b>
(d) Compare ONE type of crime from list <i>A</i> with ONE type of crime from list <i>B</i> .	<b>8</b>
<i>A</i>	<i>B</i>
<ul style="list-style-type: none"><li>• Public order offences</li><li>• Offences against persons</li><li>• Offences against the State</li></ul>	<ul style="list-style-type: none"><li>• Drug offences</li><li>• Economic offences</li><li>• ‘Victimless’ crimes</li></ul>
(e) How effective are the types of penalties available in Australia in achieving justice for individuals and society?	<b>12</b>

### 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) Discuss the role and effectiveness of legal institutions in protecting consumers. **25**

**OR**

- (b) To what extent does the law reflect moral and ethical standards of Australian society in relation to consumers? **25**

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

- (a) Discuss the role and effectiveness of legal institutions in protecting family members. **25**

**OR**

- (b) To what extent does the law reflect moral and ethical standards of Australian society in relation to family members? **25**

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

- (a) Assess international and domestic efforts to protect the global environment. **25**

**OR**

- (b) How effective have international conferences and international instruments been in protecting the global environment? **25**

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

- (a) Evaluate the role and effectiveness of the law in achieving justice for Indigenous peoples. **25**

**OR**

- (b) To what extent does the law as it relates to Indigenous peoples reflect moral and ethical standards? **25**

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

- (a) How effective is the law in balancing the rights of those seeking shelter with the rights of those providing shelter? **25**

**OR**

- (b) Explain how and why some types of shelter require a person to give up individual rights. **25**

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

- (a) How effective is the law in balancing the rights of the users of technology with those of the creators of technology? **25**

**OR**

- (b) Evaluate the role and effectiveness of the law in regulating technological change. **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
- 

	<b>Marks</b>
<b>Question 24 — Optional Focus Study 7 – Workplace (25 marks)</b>	
(a) Assess the role of the statutory framework in the workplace.	<b>25</b>
<b>OR</b>	
(b) How effective is the law in achieving justice in the workplace?	<b>25</b>
<b>Question 25 — Optional Focus Study 8 – World Order (25 marks)</b>	
(a) Discuss the statement: ‘Without law there can be no world order.’	<b>25</b>
<b>OR</b>	
(b) Evaluate methods of achieving world order that do not involve the use of force.	<b>25</b>

**End of paper**