

**2008 HSC Notes from
the Marking Centre
Legal Studies**

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2008 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 contains comments on candidate responses to the 2008 Higher School Certificate examination, indicating the quality of the responses and highlighting the relative strengths and weaknesses.

This document should be read along with the relevant syllabus, the 2008 Higher School Certificate examination, the marking guidelines and other support documents which have been developed by the Board of Studies to assist in the teaching and learning of Legal Studies.

General comments

In 2008, 8336 candidates attempted the Legal Studies examination. The most popular optional focus studies were: Family 87%, Consumers 35% and World Order 31%.

In preparing for the examination, candidates should:

- note that the themes in the syllabus on page 10 are very important to all parts of the course and to all parts of the examination
- have a sound understanding of the basic concepts and processes found in the course, as these are most likely to be referred to in questions. This includes an understanding of the terminology and specific meanings of the terms used in the syllabus
- note the rubric in Section III of the examination paper. The rubric sets out criteria that responses must address to access the higher mark ranges
- clearly identify the alternative (a) or (b) being answered, but it is not necessary to write out the question
- not write prepared answers. Invariably, such responses do not demonstrate analytical insight and do not address important aspects of the question. Candidates also need to directly address a quotation if required by the question.

Candidates need to be familiar with the Board's Glossary of Key Words (www.boardofstudies.nsw.edu.au/syllabus_hsc/glossary_keywords.html) which contains some terms commonly used in examination questions. However, candidates should also be aware that not all questions will start with or contain any key word from the glossary. Questions such as 'how?', 'why?' or 'to what extent?' may be asked, or verbs that are not included in the glossary may be used, such as 'design', 'translate' or 'list'.

Section I – Law and society

Part A – Multiple choice

Multiple-choice questions cover the topics Law and Justice and Human Rights.

Question	Correct response
1	C
2	A
3	B
4	B
5	C
6	C
7	D
8	D

Question	Correct response
9	B
10	D
11	A
12	C
13	B
14	A
15	A

Part B – Question 16

General comments

Question 16 can address both Law and Society and Human Rights. The number of parts and their mark value may vary from year to year. Candidates should have a clear understanding of the syllabus terms, for example the distinction between ‘natural law’ and ‘natural justice’. Better responses showed a clear understanding of the area and were well structured.

Specific comments

- (a) Better responses demonstrated a clear understanding of the term *self-determination*, giving a range of definitions that stated the meaning and essential qualities of the term.

Weaker responses showed a lack of understanding of the term in its Legal Studies context. Many gave responses that referred to an individual’s motivation or determination. A substantial number of candidates confused the terms *self-determination* and *state sovereignty*.

- (b) Better responses demonstrated a clear understanding of the term *natural law doctrine*. A significant number of responses confused natural law, natural justice and the rule of law, and were thus unable to access the marks available for this question.

- (c) Better responses outlined sound arguments for and against a Bill of Rights as the question required. They used appropriate examples to support their responses and did so in both prose and tabular format.

Less effective responses spent considerable time unnecessarily defining or making general statements about a Bill of Rights without outlining a specific argument for or against a Bill of Rights.

It is critical that students read the whole question carefully to understand what they are required to do. Many focused on the specific content term (Bill of Rights) rather than addressing the whole question which referred to arguments.

Candidates should endeavour to use the space available to deliver their responses.

Section II – Focus study – Crime

Question 17

- (a) Most candidates identified a correct example of a summary crime. An example was required rather than an explanation of the meaning of the term *summary crime*.
- (b) Most candidates identified a correct example of an indictable crime.
- (c) Candidates generally provided the main features of legal aid such as providing free or subsidised legal advice/representation, subject to an eligibility test or providing access to justice. The question stipulated only an *outline* so analysis was not required.
- (d) Students approached this question in a variety of ways. The comparison required a demonstration of similarities and/or differences between features of one type of crime from List A and features of a type of crime from List B. Better responses integrated both similarities and differences into a cogent response. Features included the frequency and seriousness of the offences, the court jurisdiction, penalties and the impact on society. Many responses integrated examples to support their comparison.
- (e) Sound responses identified a range of penalties and made a clear judgement as to their effectiveness for both the individual (perpetrator and/or victim) and society. Criteria used explicitly or implicitly to determine effectiveness included the purposes of punishment and/or factors such as resource efficiency and protection of rights. Better responses supported their judgement with examples related to the operation of the penalty process, for example imprisonment, legislative provisions, cases and media reports.

Weaker responses often focused on a limited number of penalties or provided only a superficial account of various penalties with limited consideration of their effectiveness or little recourse to relevant examples.

Section III – Additional focus studies

Question 18 – Optional focus study 1 – Consumers

The best responses from both questions referred to a range of recent cases in addition to *Donoghue v. Stevenson* and reflected planning an answer to the question rather than simply providing a description of various Acts and cases.

There were some lengthy prepared answers which failed to demonstrate analytical insight, and did not address the key elements of the question, and therefore could not access the higher mark ranges.

- (a) Better responses identified and discussed the role and effectiveness of a range of legal institutions such as parliament, the courts, government agencies such as NSW Office of Fair Trading and the Australian Competition and Consumer Commission and various tribunals, for example the Consumer Trader and Tenancy Tribunal. Better responses integrated many relevant examples from legislation such as the *Trade Practices Act 1974* (Cwlth) and the *Fair Trading Act 1987* (NSW) along with a range of relevant cases and media reports to present detailed points for and/or against the role and effectiveness of the various institutions. The best responses presented a sustained, logical and well-structured answer that reflected an understanding of the questions attempted.

Weaker responses demonstrated a lack of knowledge and understanding of key syllabus terms such as ‘legal institutions’ and an inability to differentiate between terms.

- (b) Better responses clearly identified the extent to which the law reflects moral and ethical standards of Australian society in relation to consumers. A wide range of examples were used to explain how standards and ethics have changes from caveat emptor and laissez faire to a more level playing field, the role of product safety legislation, protection of young people, recognition of cultural differences and the move to more environmentally friendly products. Better responses reflected planning of their answer and referred to the question with specific examples to make a clear judgement based on criteria (explicit or implicit) about how the law reflects moral and ethical standards.

Weaker responses made reference to change in the law over time without relating that change to moral and ethical shifts.

Question 19 – Optional focus study 2 – Family

Generally candidates exhibited a breadth of knowledge and were able to present quite detailed responses, integrating current statistics, recent legislation, quotations and cases as well as media reports current to 2008.

Stronger responses referred directly to the questions, quickly engaged with the complexities of family law and did not waste time with simplistic definitions.

- (a) Better responses clearly identified legal institutions and, with reference to a range of legal issues, presented arguments for and against the ability of legal institutions to protect family members. Such responses referred to a range of institutions including the Family Court and other courts, parliament (via legislation), Family Relationship Centres, DOCS, Child Support Agency and police. Issues included those related to marriage and dissolution of marriage, parental responsibility, domestic violence, birth technology, child abuse and alternative family arrangements. Candidates referred to the role and effectiveness of the institutions as one entity. They approached this question from a variety of perspectives, linking their discussion to an analysis of the effectiveness and/or ineffectiveness of the legal institutions in protecting family members.

Weaker responses demonstrated a lack of knowledge and understanding of key syllabus terms such as ‘legal institutions’ and a lack of ability to differentiate between terms.

- (b) Better responses referred to a range of issues (similar to those outlined in part (a) above), clearly articulated the moral and ethical standards related to the issue, then made a judgement regarding the effectiveness and ineffectiveness of the law in reflecting the moral and ethical standards. Candidates referred to a variety of perspectives in relation to the moral and ethical standards provided and they supported their argument with appropriate analysis.

Weaker responses made reference to change in the law and society over time without relating that change to shifts in moral and ethical standards.

Question 20 – Optional focus study 3 – Global environment

- (a) Stronger responses explained the interdependence between international and domestic efforts to protect the global environment.

Better responses clearly identified key components of efforts to protect the global environment such as conferences and instruments as well as informal mechanisms such as NGOs and the media. The role of international tribunals such as the International Court of Justice and international organisations such as the United Nations and regional intergovernmental organisations were also discussed in relation to international efforts to protect the global environment.

Domestic efforts to protect the global environment were linked to international efforts in better responses. Also stronger responses examined how the Commonwealth Constitution both constrains and enables Commonwealth and State Governments with respect to global environment protection. In better responses, judgements were supported with extensive examples and clearly linked to the question as well as being sustained, logical and well structured.

Weaker responses made unsupported statements, did not refer to the question and/or appeared pre-prepared.

- (b) Candidates were expected to distinguish between conferences and instruments. The syllabus refers to instruments as declarations and treaties. This specific interpretation of the word *instruments* as used in the syllabus was not apparent in weaker responses, with many responses discussing structures and mechanisms such as the International Court of Justice as instruments.

Better responses distinguished between ‘soft’ law and ‘hard’ law responses to the protection of the global environment. Issues such as the extent to which state sovereignty hinders the protection of the global environment, and the lack of enforceability of international instruments, were among other themes clearly examined in better responses.

Weaker responses tended to make assertions about the effectiveness of international conferences and instruments in protecting the global environment without supporting them. These judgements consequently were mere statements of effectiveness. Better responses had extensive explanations backing up their judgements.

Better responses were sustained, logical and well structured and clearly analysed the question. Poorer responses generally lacked an understanding of the question or appeared as prepared responses.

Question 21 – Optional focus study 4 – Indigenous peoples

- (a) Better responses evaluated the role and effectiveness of the law in achieving justice for indigenous peoples. They demonstrated clear judgement based on criteria including self-determination, sovereignty, cultural integrity, self-identification, resource efficiency, equality, accessibility, enforceability, protection and recognition of individual rights. They integrated a variety of international case studies, Nation State and international legislation and instruments, media reports, documents and treaties such as the Declaration on the Rights of Indigenous Peoples. Responses were logical and well structured and their evaluation was sustained and integrated and used relevant legal terminology.

Mid-range responses presented some issues, such as affinity with the land and land rights, and made limited judgement regarding the role and effectiveness of the law in achieving justice.

Weaker responses produced descriptive answers on Indigenous peoples and often focused only on Aboriginal and Torres Strait Islander peoples. These candidates did not evaluate how international law and the sovereignty of nations can be used to achieve justice for indigenous peoples globally.

In answering all questions in this focus study it is important to keep in mind that the principal focus of the syllabus in this area is how indigenous peoples use *international law* to achieve justice.

- (b) Better responses demonstrated how the law reflects moral and ethical standards and integrated examples, international laws, Nation State laws and government policies. A variety of global indigenous peoples were discussed, including Maori, Ainu, Sámi and Kalahari Bushmen. Better responses demonstrated a logical, sustained analysis showing the extent to which the law reflects moral and ethical standards, with documents, media reports, treaties and legislation integrated to support the analysis.

Mid-range responses were those that, while displaying competence regarding content, demonstrated limited judgement.

Weaker responses in many cases presented Preliminary (Year 11) syllabus content on Aboriginal and Torres Strait Islander customary law. These responses did not present a judgement on how the law reflects moral and ethical standards, and lacked a sustained argument.

Candidates are reminded to read the question carefully and answer the question that is asked. Some weaker responses focused on how the law reflects moral and ethical standards of indigenous peoples. However, the relevant question was broader and asked how the law, relating to indigenous peoples, reflected moral and ethical standards.

Question 22 – Optional focus study 5 – Shelter

- (a) Stronger responses distinguished between the rights of those seeking and providing shelter and made clear judgements about the balance referred to in the question. Creative use of study area material was evident, especially from the freehold and leasehold areas of study. Legislation, cases and media reports were integrated into answers.

Weaker responses focused on rights and did not distinguish clearly the interests of those seeking and those providing shelter. These responses often misconstrued the anti-gazumping legislation in NSW as prohibiting the practice where in fact it provides a regulatory framework aimed at reducing the practice. Weaker responses often confused terms, for example using *landlord* and *vendor* interchangeably.

- (b) Better responses identified types of shelter in which individual rights can be compromised and drew heavily from the ‘special types’ area of the syllabus. Many students incorporated other relevant areas of the syllabus including issues for government and private organisations surrounding the provision of special types of shelter. Responses in this category consistently incorporated legislation, cases and media reports and comment.

Weaker responses focused on issues resulting from different types of shelter and interactions between various stakeholders. Explanations were of a general nature and there was limited reference to legislation and media content. Weaker responses often confused terms, for example using *landlord* and *vendor* interchangeably.

Question 23 – Optional focus study 6 – Technological change

- (a) The best responses demonstrated a clear understanding of how effective the law is in balancing the rights of users and creators of technology. They discussed a wide range of rights of the users as well as the creators. Students also used legislation, cases and media reports to show the

effectiveness of the law. The better responses also concentrated on one or two areas of technology, for example privacy and biotechnology, which meant they could discuss these areas in more detail.

Weaker responses did not sufficiently explain the effectiveness of the law. Many were very brief and made general statements about technology without answering the question.

- (b) The better responses showed a clear understanding of the role of the law in regulating technological change and also demonstrated an ability to evaluate that role. They used domestic/international law and federal/state legislation, as well as common/statute law, to evaluate the effectiveness of the law in regulating technological change. Many responses included discussion of recent changes to the law rather than using out-of-date examples from textbooks.

Weaker responses were often prepared answers in which the candidates wrote everything they knew without answering the question. They showed little understanding of how to evaluate the role and effectiveness of the law.

Question 24 – Optional focus study 7 – Workplace

- (a) Better responses clearly identified the statutory framework as outlined in the syllabus, and made clear judgements about its role in the workplace. Such responses used current, detailed and accurate information to provide balanced opinions of the positions of all stakeholders. Stronger responses noted the recent sequences of events within the area of the statutory framework mechanisms that have been the focus of ideological debate. Some analyses noted that some changes were considered at odds with international law and also noted the use of section 51 constitutional powers by the Commonwealth.

Weaker responses demonstrated a lack of knowledge and understanding of key syllabus terms such as *statutory framework* and an inability to differentiate between terms. These responses were more descriptive in nature and contained little evaluation. They did not support assertions with any relevant cases, statutory instruments or media commentary, and often referred to areas outside the statutory framework.

- (b) Better responses were clear in their identification of the ways in which the law attempts to achieve justice. They demonstrated both breadth and depth in understanding of the extensive range of issues that arise within the workplace. Strong answers demonstrated multiple use of Acts, cases, media reports, common law and international law to illustrate and support positions which were developed by acknowledging the range of stakeholders with a role in workplace law.

Weaker responses, although often planned, were purely descriptive across a multitude of areas. Of those candidates who chose to nominate areas for discussion, few showed the required evaluation or analysis, and few referred to Acts, common law, cases or media content.

Question 25 – Optional focus study 8 – World order

- (a) Candidates generally had difficulty in answering the question as they tended to treat it more as a narrative rather than a Legal Studies response.

Better responses discussed the statement, supporting it with a range of legal remedies that argued for and against the proposition that without law there is no world order. The role of non-legal remedies, particularly in terms of preventative diplomacy, persuasion and negotiation, as well as the role of non-governmental organisations in promoting world order, were well analysed. The

concept of ‘responsibility to protect’ was well integrated into these responses. Reference to relevant articles and quotes from noted academics or world leaders added depth to their discussion.

Weaker responses tended to discuss the statement without reference to the Legal Studies framework with the result that they contained little of substance. These responses often discussed world issues such as detention centres, whaling, the Tampa Crisis, asylum seekers, the Convention on the Rights of the Child, the Kyoto Protocol, the *Young Offenders Act 1997*, the *Racial Discrimination Act 1975*, migration, poverty and aid rather than specific world order issues. Some responses confused the International Court of Justice and the International Criminal Court.

- (b) Better responses used their case studies to demonstrate world order remedies in action. Case studies included Sierra Leone, Sudan, Zimbabwe, North Korea, Cambodia and the Democratic Republic of the Congo. The illustrations of persuasion and negotiation with reference to Georgia, Russia and the EU were excellent. It was important that these cases were from a world order perspective and not an aid/human rights perspective. Better responses explored the role of peace keeping and peace building but recognised that sometimes the use of force in a Security Council mandate might be necessary to allow the peace building to begin.

Generally the treatment of the role of non-governmental organisations was weak. However, better responses referred to their role in supporting stabilisation of a country’s government or as a catalyst for law reform for treaties rather than just a reference to humanitarian intervention or aid.

Weaker responses did not differentiate between methods that did or did not use force. They tended to state the methods in limited detail and with limited reference to case study materials in support of their answer. These responses went through all the UN organs rather than concentrating on the relevant world order organ, the Security Council.

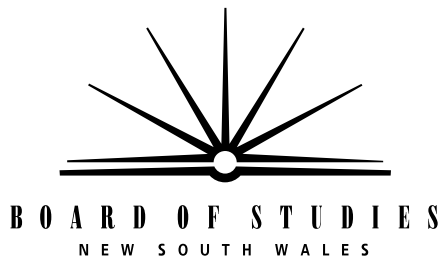
Legal Studies

2008 HSC Examination Mapping Grid

Question	Marks	Content	Syllabus outcomes
Section I — Law and Society			
Part A			
1	1	Law and justice	H2.1
2	1	Human rights	H2.1
3	1	Law and justice	H2.1
4	1	Law and justice	H2.1
5	1	Human rights	H1.2, H2.1
6	1	Law and justice	H2.1
7	1	Human rights	H2.1, H4.3
8	1	Law and justice	H3.1
9	1	Human rights	H2.3, H3.1
10	1	Law and justice	H2.1
11	1	Law and justice	H2.1, H3.1
12	1	Law and justice	H2.1, H3.1
13	1	Law and justice	H3.2, H2.2
14	1	Law and justice	H2.2, H3.1
15	1	Law and justice	H3.1
Section I — Law and Society			
Part B			
16 (a)	2	Human rights	H2.1, H2.3
16 (b)	2	Human rights	H2.1, H3.2
16 (c)	6	Human rights	H1.2, H3.1, H3.3, H4.3
Section II — Focus Study – Crime			
17 (a)	1	Key legal concepts and features of the legal system	H1.1
17 (b)	1	Key legal concepts and features of the legal system	H1.1
17 (c)	3	Key legal concepts and features of the legal system Effectiveness of the law	H1.1, H3.1, H4.1
17 (d)	8	Key legal concepts and features of the legal system and effectiveness of the law	H1.1, H3.1, H3.4, H5.3
17 (e)	12	Legal issues and remedies and effectiveness of the law	H1.1, H3.1, H3.2, H3.3, H4.2, H5.3

Section III — Additional Focus Studies				
18 (a)	25	Theme: Legal processes and institutions Law reform Effectiveness of the law Legal issues and remedies Key legal concepts and features of the legal system	H1.1, H3.1, H3.3, H3.4, H4.1, H4.2, H5.3	2–6
18 (b)	25	Theme: Culture, Values and ethics Law reform Morality, ethics and commitment Effectiveness of the law Key legal concepts and features of the legal system	H1.1, H3.1, H3.2, H4.1, H4.3, H5.3	2–6
19 (a)	25	Theme: Legal processes and institutions Law reform Morality, ethics and commitment Effectiveness of the law Legal issues and remedies Key legal concepts and features of the legal system	H1.1, H3.1, H3.3, H3.4, H4.2, H5.3	2–6
19 (b)	25	Theme: Culture, Values and ethics Law reform Morality, ethics and commitment Effectiveness of the law Key legal concepts and features of the legal system	H1.1, H3.1, H3.2, H4.1, H4.3, H5.3	2–6
20 (a)	25	Theme: Legal processes and institutions Law reform Morality, ethics and commitment Effectiveness of the law Legal issues and remedies Key legal concepts and features of the legal system	H1.1, H2.3, H3.1, H3.3, H3.4, H4.3, H5.3	2–6
20 (b)	25	Theme: Effectiveness of the legal system Law reform Effectiveness of the law Morality, ethics and commitment Key legal concepts and features of the legal system Key questions/issues	H1.1, H2.3, H3.1, H3.3, H3.4, H4.2, H5.3	2–6
21 (a)	25	Theme: Legal processes and institutions Law reform Morality, ethics and commitment Effectiveness of the law Legal issues and remedies Key legal concepts and features of the legal system Key questions/issues	H1.1, H3.1, H3.3, H3.4, H4.1, H4.2, H4.3, H5.3	2–6
21 (b)	25	Theme: Culture, Values and ethics. Law reform Effectiveness of the law Morality, ethics and commitment Key legal concepts and features of the legal system Key questions/issues	H1.1, H3.1, H4.1, H4.3, H5.3	2–6

22 (a)	25	Theme: Effectiveness of the legal system Law reform Effectiveness of the law Morality, ethics and commitment Key legal concepts and features of the legal system Legal issues and remedies Key questions/issues	H1.1, H3.1, H3.2, H3.4, H4.1, H4.2, H4.3, H5.3	2–6
22 (b)	25	Theme: Justice Law and Society Law reform Effectiveness of the law Morality, ethics and commitment Key legal concepts and features of the legal system Legal issues and remedies	H1.1, H3.1, H3.2, H3.4, H4.3, H5.3	2–6
23 (a)	25	Theme: Effectiveness of the legal system Law reform Effectiveness of the law Morality, ethics and commitment Key legal concepts and features of the legal system Legal issues and remedies	H1.1, H2.3, H3.3, H3.4, H4.2, H4.3, H5.3	2–6
23 (b)	25	Theme: Continuity and change Law reform Effectiveness of the law Morality, ethics and commitment Key legal concepts and features of the legal system	H1.1, H2.3, H3.3, H3.4, H4.1, H4.2, H4.3, H5.3	2–6
24 (a)	25	Theme: Legal processes and institutions Law reform Effectiveness of the law Morality, ethics and commitment Key legal concepts and features of the legal system Legal issues and remedies Key questions/issues	H1.1, H3.1, H3.3, H3.4, H4.2, H4.3, H5.3	2–6
24 (b)	25	Theme: Effectiveness of legal system Law reform Effectiveness of the law Morality, ethics and commitment Key legal concepts and features of the legal system	H1.1, H3.2, H3.3, H3.4, H4.2, H4.3, H5.3	2–6
25 (a)	25	Theme: Effectiveness of legal system Law reform Effectiveness of the law Morality, ethics and commitment Key legal concepts and features of the legal system Legal issues and remedies Key questions/issues	H1.1, H3.1, H3.3, H3.4, H4.2, H4.3, H5.3	2–6
25 (b)	25	Theme: Conflict and cooperation Law reform Effectiveness of the law Morality, ethics and commitment Key legal concepts and features of the legal system Key questions/issues	H1.1, H3.1, H3.3, H3.4, H4.2, H4.3, H5.3	2–6



2008 HSC Legal Studies Marking Guidelines

The following marking guidelines were developed by the examination committee for the 2008 HSC examination in Legal Studies, and were used at the marking centre in marking student responses. For each question the marking guidelines are contained in a table showing the criteria associated with each mark or mark range. For some questions, 'Sample Answers' or 'Answers may include' sections are included. These are developed by the examination committee for two purposes. The committee does this:

- (1) as part of the development of the examination paper to ensure the questions will effectively assess students' knowledge and skills, and
- (2) in order to provide some advice to the Supervisor of Marking about the nature and scope of the responses expected of students.

The examination committee develops the marking guidelines concurrently with the examination paper. The 'Sample Answers' or similar advice are not intended to be exemplary or even complete answers or responses. As they are part of the examination committee's 'working document', they may contain typographical errors, omissions, or only some of the possible correct answers.

The information in the marking guidelines is further supplemented as required by the Supervisor of Marking and the senior markers at the marking centre.

A range of different organisations produce booklets of sample answers for HSC examinations, and other notes for students and teachers. The Board of Studies does not attest to the correctness or suitability of the answers, sample responses or explanations provided. Nevertheless, many students and teachers have found such publications to be useful in their preparation for the HSC examinations.

A copy of the Mapping Grid, which maps each question in the examination to course outcomes and content as detailed in the syllabus, is also included.

Section I — Law and Society

Part B

Question 16 (a)

Outcomes assessed: H2.1, H2.3

MARKING GUIDELINES

Criteria	Marks
• Correctly defines self-determination	2
• Makes a general statement relating to self-determination	1

Answers could include:

Indigenous peoples, right of a people to run their own affairs
NB answer must state or infer the right is collective to achieve full marks
May use a relevant example

Question 16 (b)

Outcomes assessed: H2.1, H3.2

MARKING GUIDELINES

Criteria	Marks
• Correctly states the main features of the natural law doctrine	2
• Makes a general statement about the origins of laws	1

Answers could include:

The law that has been created by higher powers and/or higher reasoning
Frequently said to be divine law or the true law
Law that exists rather than created by humans/the state
That everyone is answerable to a higher authority
NB natural law does not over-ride positive law

Question 16 (c)

Outcomes assessed: H1.2, H3.1, H3.3, H4.3

MARKING GUIDELINES

Criteria	Marks
• Clearly indicates arguments for AND arguments against a Bill of Rights	5–6
• Provides arguments for AND/OR against a Bill of Rights	3–4
• Makes a general statement(s) about a Bill of Rights	1–2

Answers could include:

May protect groups currently not protected eg minority groups	Could be amended by parliament if not entrenched
Can't be changed by parliament if entrenched	Prescriptive
Greater certainty than relying on common law	Rigid
Reflects society's values	May be unable to adapt to change
Written safeguard	May not be necessary (common law provides adequate protection)
Uniform coverage	May repeat and reinforce inequity

Section II — Focus Study – Crime**Question 17 (a)***Outcomes assessed: H1.1***MARKING GUIDELINES**

Criteria	Marks
• Gives a correct example of a summary crime	1

Question 17 (b)*Outcomes assessed: H1.1***MARKING GUIDELINES**

Criteria	Marks
• Gives a correct example of an indictable crime	1

Question 17 (c)*Outcomes assessed: H1.1, H3.1, H4.1***MARKING GUIDELINES**

Criteria	Marks
• Correctly indicates the main features of legal aid	3
• Indicates some features of legal aid	2
• Makes a general statement about legal aid	1

Answers could include:

Legal aid:

- free or subsidised legal advice/representation
- subject to an eligibility test (means, jurisdictional, merit)
- to improve access to the legal system

Legal advice or representation that is provided to people of limited means, without charge subject to a merit test and a jurisdictional test
To improve access to the legal system, or provide access to specialised legal services

Question 17 (d)

Outcomes assessed: H1.1, H3.1, H3.4, H5.3

MARKING GUIDELINES

Criteria	Marks
<ul style="list-style-type: none">• Correctly identifies the key features of the two selected types of crime• Clearly shows how they are similar or different	7–8
<ul style="list-style-type: none">• Identifies some of the key features of the two selected types of crime• Shows how they are similar or different	4–6
<ul style="list-style-type: none">• Makes some general statement(s) about the types of crime• May indicate some differences or similarities	1–3

Answers could include:

Summary/indictable
Punishments
Which court
Frequency
Discretion
Moral considerations
Social impact

Question 17 (e)

Outcomes assessed: H1.1, H3.1, H3.2, H3.3, H4.2, H5.3

MARKING GUIDELINES

Criteria	Marks
<ul style="list-style-type: none">• Clearly identifies types of penalties available in Australia• Makes a clear judgment based on criteria (explicit or implicit) about the effectiveness of penalties available in Australia in achieving justice for individuals and society• Provides relevant examples to support analysis	10–12
<ul style="list-style-type: none">• Identifies types of penalties available in Australia• Makes a judgment based on criteria (explicit or implicit) about the effectiveness of penalties available in Australia in achieving justice for individuals and/or society• Provides some relevant examples to support analysis	7–9
<ul style="list-style-type: none">• Identifies some of the penalties available in Australia• Makes relevant statements about the effectiveness of penalties available in Australia in achieving justice for individuals and/or society	4–6
<ul style="list-style-type: none">• Makes some general statement(s) about types of penalties available in Australia and/or general statements about justice	1–3

Answers could include:

Types of penalties include:

- fine
- bond
- probation order
- community service order
- home detention
- periodic detention
- imprisonment

Purposes of punishment include:

- rehabilitation (reform)
- deterrence (specific and general)
- retribution
- incapacitation
- reintergrative shaming

Effectiveness could include:

- rate of recidivism
- costs to society
- protection for society and the individual
- appropriateness of penalty to the crime
- victim's interests

Section III — Additional Focus Studies**Question 18 — Optional Focus Study 1 – Consumers****Question 18 (a)***Outcomes assessed: H1.1, H3.1, H3.3, H3.4, H4.1, H4.2, H5.3***MARKING GUIDELINES**

Criteria	Marks
<ul style="list-style-type: none">Clearly identifies relevant issues relating to the role and effectiveness of legal institutions in protecting consumersPresents detailed points for and/or against the role and effectiveness of legal institutions in protecting consumersIntegrates relevant legislation and/or documents and/or treaties and/or cases and/or media reports into the responsePresents a sustained, logical and well-structured answer using relevant legal terminology and concepts	21–25
<ul style="list-style-type: none">Identifies relevant issues relating to the role and effectiveness of legal institutions in protecting consumersPresents points for and/or against the role and effectiveness of legal institutions in protecting consumersIdentifies relevant legislation and/or documents and/or treaties and/or cases and/or media reports in the responsePresents a logical and well-structured answer using relevant legal terminology and concepts	16–20
<ul style="list-style-type: none">Identifies issues relating to the role and effectiveness of legal institutions in protecting consumersPresents some points for and/or against the role and effectiveness of legal institutions in protecting consumersMakes some reference to relevant legislation and/or documents and/or treaties and/or cases and/or media reports in the responsePresents a structured answer using relevant legal terminology and concepts	11–15
<ul style="list-style-type: none">Identifies some issues relating to the role and/or effectiveness of legal institutions in protecting consumersPresents a general description of legal institutions as they relate to consumersMakes limited reference to legislation and/or documents and/or treaties and/or cases and/or media reports in the responseUses some appropriate legal terminology and/or concepts	6–10
<ul style="list-style-type: none">Writes in general terms about legal institutions protecting consumersMay make limited reference to legislation and/or documents and/or treaties and/or cases and/or media reports in the responseMakes limited reference to legal information/terms, which may or may not be correct/appropriate	1–5

Question 18 (b)*Outcomes assessed: H1.1, H3.1, H3.2, H4.1, H4.3, H5.3***MARKING GUIDELINES**

Criteria	Marks
<ul style="list-style-type: none">Clearly identifies moral and ethical standards of Australian society in relation to consumersMakes a clear judgement based on criteria (explicit or implicit) about how the law reflects moral and ethical standards of Australian society in relation to consumersIntegrates relevant legislation and/or documents and/or treaties and/or cases and/or media reports into the responsePresents a sustained, logical and well-structured answer using relevant legal terminology and concepts	21–25
<ul style="list-style-type: none">Identifies moral and ethical standards of Australian society in relation to consumersMakes a judgement based on criteria (explicit or implicit) about how the law reflects the moral and ethical standards of Australian society in relation to consumersIdentifies relevant legislation and/or documents and/or treaties and/or cases and/or media reports in the responsePresents a logical and well-structured answer using relevant legal terminology and concepts	16–20
<ul style="list-style-type: none">Identifies some of the moral and ethical standards of Australian society in relation to consumersMakes some judgement about how the law reflects moral and ethical standards of Australian society in relation to consumersMakes some reference to relevant legislation and/or documents and/or treaties and/or cases and/or media reports in the responsePresents a structured answer using relevant legal terminology and concepts	11–15
<ul style="list-style-type: none">Makes general statements about how the law relating to consumers reflects moral and ethical standards of Australian societyMakes limited reference to legislation and/or documents and/or treaties and/or cases and/or media reports in the responseUses some appropriate legal terminology and/or concepts	6–10
<ul style="list-style-type: none">Writes in general terms about the law relating to consumersMay make limited reference to legislation and/or documents and/or cases and/or treaties and/or media reports in the responseMakes limited reference to legal information/terms, which may or may not be correct/appropriate	1–5

Question 19 — Optional Focus Study 2 – Family**Question 19 (a)***Outcomes assessed: H1.1, H3.1, H3.3, H3.4, H4.2, H5.3***MARKING GUIDELINES**

Criteria	Marks
<ul style="list-style-type: none">Clearly identifies relevant issues relating to the role and effectiveness of legal institutions in protecting family membersPresents detailed points for and/or against the role and effectiveness of legal institutions in protecting family members.Integrates relevant legislation and/or documents and/or treaties and/or cases and/or media reports into the responsePresents a sustained, logical and well-structured answer using relevant legal terminology and concepts	21–25
<ul style="list-style-type: none">Identifies relevant issues relating to the role and effectiveness of legal institutions in protecting family membersPresents points for and/or against the role and effectiveness of legal institutions in protecting family membersIdentifies relevant legislation and/or documents and/or treaties and/or cases and/or media reports in the responsePresents a logical and well-structured answer using relevant legal terminology and concepts	16–20
<ul style="list-style-type: none">Identifies issues relating to the role and effectiveness of legal institutions in protecting family membersPresents some points for and/or against the role and effectiveness of legal institutions in protecting family membersMakes some reference to relevant legislation and/or documents and/or treaties and/or cases and/or media reports in the responsePresents a structured answer using relevant legal terminology and concepts	11–15
<ul style="list-style-type: none">Identifies some issues relating to the role and/or effectiveness of legal institutions in protecting family membersPresents a general description of legal institutions as they relate to family membersMakes limited reference to legislation and/or documents and/or treaties and/or cases and/or media reports in the responseUses some appropriate legal terminology and/or concepts	6–10
<ul style="list-style-type: none">Writes in general terms about the law protecting family membersMay make limited reference to legislation and/or documents and/or treaties and/or cases and/or media reports in the responseMakes limited reference to legal information/terms, which may or may not be correct/appropriate	1–5

Question 19 (b)*Outcomes assessed: H1.1, H3.1, H3.2, H4.1, H4.3, H5.3***MARKING GUIDELINES**

Criteria	Marks
<ul style="list-style-type: none">Clearly identifies moral and ethical standards of Australian society in relation to family membersMakes a clear judgement based on criteria (explicit or implicit) about how the law reflects moral and ethical standards of Australian society in relation to family membersIntegrates relevant legislation and/or documents and/or treaties and/or cases and/or media reports into the responsePresents a sustained, logical and well-structured answer using relevant legal terminology and concepts	21–25
<ul style="list-style-type: none">Identifies moral and ethical standards of Australian society in relation to family membersMakes a judgement based on criteria (explicit or implicit) about how the law reflects moral and ethical standards of Australian society in relation to family membersIdentifies relevant legislation and/or documents and/or treaties and/or cases and/or media reports in the responsePresents a logical and well-structured answer using relevant legal terminology and concepts	16–20
<ul style="list-style-type: none">Identifies some of the moral and ethical standards of Australian society in relation to family membersMakes some judgement about how the law reflects moral and ethical standards of Australian society in relation to family membersMakes some reference to relevant legislation and/or documents and/or treaties and/or cases and/or media reports in the responsePresents a structured answer using relevant legal terminology and concepts	11–15
<ul style="list-style-type: none">Makes general statements about how the law relating to family members reflects moral and ethical standards of Australian societyMakes limited reference to legislation and/or documents and/or treaties and/or cases and/or media reports in the responseUses some appropriate legal terminology and/or concepts	6–10
<ul style="list-style-type: none">Writes in general terms about the law relating to family membersMay make limited reference to legislation and/or documents and/or cases and/or treaties and/or media reports in the responseMakes limited reference to legal information/terms, which may or may not be correct/appropriate	1–5

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

Outcomes assessed: H1.1, H2.3, H3.1, H3.3, H3.4, H4.3, H5.3

MARKING GUIDELINES

Criteria	Marks
<ul style="list-style-type: none"> • Clearly identifies key components of both international and domestic efforts in relation to protecting the global environment • Makes a clear judgement based on criteria (explicit or implicit) on both international and domestic efforts in protecting the global environment • 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"> • Identifies components of both international and domestic efforts in relation to protecting the global environment • Makes a judgement based on criteria (explicit or implicit) on both international and domestic efforts in protecting the global environment • Identifies 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"> • Identifies some components of international and domestic efforts in relation to protecting the global environment • Presents limited judgements of international and/or domestic efforts in protecting the global environment • Makes some reference to 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 some international and/or domestic efforts in protecting the global environment • 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"> • Writes in general terms about efforts to protect the global environment • May make limited reference to legislation and/or documents and/or treaties and/or cases and/or media reports in the response • Makes limited reference to legal information/terms, which may or may not be correct/appropriate 	1–5

Question 20 (b)
Outcomes assessed: H1.1, H2.3, H3.1, H3.3, H3.4, H4.2, H5.3
MARKING GUIDELINES

Criteria	Marks
<ul style="list-style-type: none"> • Clearly identifies key international conferences and international instruments relevant to the protection of the global environment • Makes a clear judgement based on criteria (explicit or implicit) on the effectiveness of international conferences and international instruments in relation to protecting the global environment • 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"> • Identifies key international conferences and international instruments relevant to the protection of the global environment • Makes a judgement based on criteria (explicit or implicit) on the effectiveness of international conferences and international instruments in relation to protecting the global environment • Identifies 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"> • Identifies some international conferences and international instruments relevant to the protection of the global environment • Makes relevant statements on the effectiveness of international conferences and international instruments in relation to protecting the global environment • Makes some reference to 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 international conferences and/or international instruments in protecting the global environment • Makes reference to the effectiveness of international conferences and/or international instruments in protecting the global environment • 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"> • Writes in general terms about international conferences and/or international instruments and/or the protection of the global environment • May make limited reference to legislation and/or documents and/or cases and/or treaties and/or media reports in the response • Makes limited reference to legal information/terms, which may or may not be correct/appropriate 	1–5

Question 21 — Optional Focus Study 4 – Indigenous Peoples**Question 21 (a)***Outcomes assessed: H1.1, H3.1, H3.3, H3.4, H4.2, H4.3, H5.3***MARKING GUIDELINES**

Criteria	Marks
<ul style="list-style-type: none">Clearly identifies relevant issues relating to the role and effectiveness of the law in achieving justice for Indigenous peoplesMakes clear judgements based on criteria (explicit or implicit) on the role and effectiveness of the law in achieving justice for Indigenous peoplesIntegrates relevant legislation and/or documents and/or treaties and/or cases and/or media reports into the responsePresents a sustained, logical and well-structured answer using relevant legal terminology and concepts	21–25
<ul style="list-style-type: none">Identifies relevant issues relating to the role and effectiveness of the law in achieving justice for Indigenous peoplesMakes a judgement based on criteria (explicit or implicit) on the role and effectiveness of the law in achieving justice for Indigenous peoplesIdentifies relevant legislation and/or documents and/or treaties and/or cases and/or media reports in the responsePresents a logical and well-structured answer using relevant legal terminology and concepts	16–20
<ul style="list-style-type: none">Identifies some issues relating to the role and effectiveness of the law in achieving justice for Indigenous peoplesPresents limited judgement about the role and effectiveness of the law in achieving justice for Indigenous peoplesMakes some reference to relevant legislation and/or documents and/or treaties and/or cases and/or media reports in the responsePresents a structured answer using relevant legal terminology and concepts	11–15
<ul style="list-style-type: none">Makes general statements about the role of the law and its effectiveness in achieving justice for Indigenous peoplesMakes limited reference to legislation and/or documents and/or treaties and/or cases and/or media reports in the responseUses some appropriate legal terminology and/or concepts	6–10
<ul style="list-style-type: none">Writes in general terms about the law relating to Indigenous peoplesMay make limited reference to legislation and/or documents and/or treaties and/or cases and/or media reports in the responseMakes limited reference to legal information/terms, which may or may not be correct/appropriate	1–5

Question 21 (b)*Outcomes assessed: H1.1, H3.1, H3.2, H4.1, H4.3, H5.3***MARKING GUIDELINES**

Criteria	Marks
<ul style="list-style-type: none">Clearly identifies relevant moral and ethical standards in relation to Indigenous peoplesMakes a clear judgement based on criteria (explicit or implicit) about how the law reflects moral and ethical standards in relation to Indigenous peoplesIntegrates relevant legislation and/or documents and/or treaties and/or cases and/or media reports into the responsePresents a sustained, logical and well-structured answer using relevant legal terminology and concepts	21–25
<ul style="list-style-type: none">Identifies relevant moral and ethical standards in relation to Indigenous peoplesMakes a judgement based on criteria (explicit or implicit) about how the law reflects moral and ethical standards in relation to Indigenous peoplesIdentifies relevant legislation and/or documents and/or treaties and/or cases and/or media reports in the responsePresents a logical and well-structured answer using relevant legal terminology and concepts	16–20
<ul style="list-style-type: none">Identifies some of the moral and ethical standards in relation to Indigenous peoplesMakes some judgement about how the law reflects moral and ethical standards in relation to Indigenous peoplesMakes some reference to relevant legislation and/or documents and/or treaties and/or cases and/or media reports in the responsePresents a structured answer using relevant legal terminology and concepts	11–15
<ul style="list-style-type: none">Makes general statements about how the law relating to Indigenous peoples reflects moral and ethical standardsMakes limited reference to legislation and/or documents and/or treaties and/or cases and/or media reports in the responseUses some appropriate legal terminology and/or concepts	6–10
<ul style="list-style-type: none">Writes in general terms about the law relating to Indigenous peoplesMay make limited reference to legislation and/or documents and/or cases and/or treaties and/or media reports in the responseMakes limited reference to legal information/terms, which may or may not be correct/appropriate	1–5

Question 22 — Optional Focus Study 5 – Shelter**Question 22 (a)***Outcomes assessed: H1.1, H3.1, H3.4, H4.1, H4.2, H4.3, H5.3***MARKING GUIDELINES**

Criteria	Marks
<ul style="list-style-type: none">Clearly identifies and distinguishes between the rights of those seeking shelter and the rights of those providing shelterMakes a clear judgment based on criteria (explicit or implicit) about how effectively the law balances the rights of those seeking shelter with the rights of those providing shelterIntegrates relevant legislation and/or documents and/or treaties and/or cases and/or media reports into the responsePresents a sustained, logical and well-structured answer using relevant legal terminology and concepts	21–25
<ul style="list-style-type: none">Identifies and distinguishes between the rights of those seeking shelter and the rights of those providing shelterMakes a judgment based on criteria (explicit or implicit) about how effectively the law balances the rights of those seeking shelter with the rights of those providing shelterIdentifies relevant legislation and/or documents and/or treaties and/or cases and/or media reports in the responsePresents a logical and well-structured answer using relevant legal terminology and concepts	16–20
<ul style="list-style-type: none">Identifies rights of those seeking shelter and the rights of those providing shelterMakes relevant statements on how the law balances the rights of those seeking shelter with the rights of those providing shelterMakes limited reference to relevant legislation and/or documents and/or treaties and/or cases and/or media reports in the responsePresents a structured answer using relevant legal terminology and concepts	11–15
<ul style="list-style-type: none">Identifies some of the rights of those seeking shelter and/or some of the rights of those providing shelter.Makes limited reference to the law and its attempt to balance rights of those seeking shelter with the rights of those providing shelterMakes limited reference to legislation and/or documents and/or treaties and/or cases and/or media reports in the responseUses some appropriate legal terminology and/or concepts	6–10
<ul style="list-style-type: none">Writes in general terms about the law relating to shelterMay make limited reference to legislation and/or documents and/or treaties and/or cases and/or media reports in the responseMakes limited reference to legal information/terms, which may or may not be correct/appropriate	1–5

Question 22 (b)*Outcomes assessed: H1.1, H3.1, H3.2, H3.4, H4.3, H5.3***MARKING GUIDELINES**

Criteria	Marks
<ul style="list-style-type: none">Clearly identifies types of shelter that require a person to give up individual rightsComprehensively demonstrates how and why some types of shelter affect individual rightsIntegrates relevant legislation and/or documents and/or treaties and/or cases and/or media reports into the responsePresents a sustained, logical and well-structured answer using relevant legal terminology and concepts	21–25
<ul style="list-style-type: none">Identifies types of shelter that require a person to give up individual rightsClearly presents how and why some types of shelter affect individual rightsIdentifies relevant legislation and/or documents and/or treaties and/or cases and/or media reports in the responsePresents a logical and well-structured answer using relevant legal terminology and concepts	16–20
<ul style="list-style-type: none">Identifies some types of shelter that require a person to give up individual rightsProvides some points on how and/or why types of shelter affect individual rightsMakes some reference to relevant legislation and/or documents and/or treaties and/or cases and/or media reports in the responsePresents a structured answer using relevant legal terminology and concepts	11–15
<ul style="list-style-type: none">Identifies some issues relating to types of shelter that require a person to give up individual rightsMakes limited reference to legislation and/or documents and/or treaties and/or cases and/or media reports in the responseUses some appropriate legal terminology and/or concepts	6–10
<ul style="list-style-type: none">Writes in general terms about the law relating to shelterMay make limited reference to legislation and/or documents and/or cases and/or treaties and/or media reports in the responseMakes limited reference to legal information/terms, which may or may not be correct/appropriate	1–5

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

Outcomes assessed: H1.1, H2.3, H3.3, H3.4, H4.2, H4.3, H5.3

MARKING GUIDELINES

Criteria	Marks
<ul style="list-style-type: none"> • Clearly identifies and distinguishes between the rights of users of technology and the rights of creators of technology • Makes a clear judgment based on criteria (explicit or implicit) as to how effectively the law balances the rights of users and creators of technology • 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"> • Identifies and distinguishes between the rights of users of technology and the rights of creators of technology • Makes a judgment based on criteria (explicit or implicit) as to how effectively the law balances the rights of users and creators of technology • Identifies 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"> • Identifies rights of both users and creators of technology • Makes some judgements on how the law balances the rights of users with those of the creators of technology • Makes some reference to 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"> • Identifies some of the rights of users and/or creators of technology • Makes general statements about the law and its attempts to balance rights between the users and the creators of technology • 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"> • Writes in general terms about the legal system as it relates to technology • May make limited reference to legislation and/or documents and/or treaties and/or cases and/or media reports in the response • Makes limited reference to legal information/terms, which may or may not be correct/appropriate 	1–5

Question 23 (b)*Outcomes assessed: H1.1, H2.3, H3.3, H3.4, H4.2, H4.3, H5.3***MARKING GUIDELINES**

Criteria	Marks
<ul style="list-style-type: none">Clearly identifies relevant issues relating to the role and effectiveness of the law in regulating technological changeMakes clear judgement based on criteria (explicit or implicit) on the role and effectiveness of the law in regulating technological changeIntegrates relevant legislation and/or documents and/or treaties and/or cases and/or media reports into the responsePresents a sustained, logical and well-structured answer using relevant legal terminology and concepts	21–25
<ul style="list-style-type: none">Identifies relevant issues relating to the role and effectiveness of the law in regulating technological changeMakes a judgement based on criteria (explicit or implicit) on the role and effectiveness of the law in regulating technological changeIdentifies relevant legislation and/or documents and/or treaties and/or cases and/or media reports in the responsePresents a logical and well-structured answer using relevant legal terminology and concepts	16–20
<ul style="list-style-type: none">Identifies some issues relating to the role and effectiveness of the law in regulating technological changePresents limited judgement about the role and effectiveness of the law in regulating technological changeMakes some reference to relevant legislation and/or documents and/or treaties and/or cases and/or media reports in the responsePresents a structured answer using relevant legal terminology and concepts	11–15
<ul style="list-style-type: none">Makes general statements about the role of the law and its effectiveness in regulating technological changeMakes limited reference to legislation and/or documents and/or treaties and/or cases and/or media reports in the responseUses some appropriate legal terminology and/or concepts	6–10
<ul style="list-style-type: none">Writes in general terms about the law relating to technologyMay make limited reference to legislation and/or documents and/or cases and/or treaties and/or media reports in the responseMakes limited reference to legal information/terms, which may or may not be correct/appropriate	1–5

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

Outcomes assessed: H1.1, H3.1, H3.3, H3.4, H4.2, H4.3, H5.3

MARKING GUIDELINES

Criteria	Marks
<ul style="list-style-type: none">Clearly identifies the role of the statutory framework in the workplaceMakes a clear judgement based on criteria (explicit or implicit) about the role of the statutory framework in the workplaceIntegrates relevant legislation and/or documents and/or treaties and/or cases and/or media reports into the responsePresents a sustained, logical and well-structured answer using relevant legal terminology and concepts	21–25
<ul style="list-style-type: none">Identifies the role of the statutory framework in the workplaceMakes a judgement based on criteria (explicit or implicit) about the role of the statutory framework in workplaceIdentifies relevant legislation and/or documents and/or treaties and/or cases and/or media reports in the responsePresents a logical and well-structured answer using relevant legal terminology and concepts	16–20
<ul style="list-style-type: none">Identifies the statutory framework in the workplacePresents limited judgements of the role of the statutory framework in the workplaceMakes some reference to relevant legislation and/or documents and/or treaties and/or cases and/or media reports in the responsePresents a structured answer using relevant legal terminology and concepts	11–15
<ul style="list-style-type: none">Makes reference to the statutory framework in the workplaceMakes limited reference to legislation and/or documents and/or treaties and/or cases and/or media reports in the responseUses some appropriate legal terminology and/or concepts	6–10
<ul style="list-style-type: none">Writes in general terms about the law relating to the workplaceMay make limited reference to legislation and/or documents and/or treaties and/or cases and/or media reports in the responseMakes limited reference to legal information/terms, which may or may not be correct/appropriate	1–5

Question 24 (b)*Outcomes assessed: H1.1, H3.2, H3.3, H3.4, H4.2, H4.3, H5.3***MARKING GUIDELINES**

Criteria	Marks
<ul style="list-style-type: none">Clearly identifies ways in which the law attempts to achieve justice in the workplaceMakes a clear judgment based on criteria (explicit or implicit) about the effectiveness of the law in relation to achieving justice in the workplaceIntegrates relevant legislation and/or documents and/or treaties and/or cases and/or media reports into the responsePresents a sustained, logical and well-structured answer using relevant legal terminology and concepts	21–25
<ul style="list-style-type: none">Identifies ways in which the law attempts to achieve justice in the workplaceMakes a judgment based on criteria (explicit or implicit) about the effectiveness of the law in relation to achieving justice in the workplaceIdentifies relevant legislation and/or documents and/or treaties and/or cases and/or media reports in the responsePresents a logical and well-structured answer using relevant legal terminology and concepts	16–20
<ul style="list-style-type: none">Identifies some ways in which the law attempts to achieve justice in the workplaceMakes relevant statements about the effectiveness of the law in relation to achieving justice in the workplaceMakes some reference to relevant legislation and/or documents and/or treaties and/or cases and/or media reports in the responsePresents a structured answer using relevant legal terminology and concepts	11–15
<ul style="list-style-type: none">Makes statements about the ways in which the law attempts to achieve justice in the workplaceMakes limited reference to legislation and/or documents and/or treaties and/or cases and/or media reports in the responseUses some appropriate legal terminology and/or concepts	6–10
<ul style="list-style-type: none">Writes in general terms about the law relating to the workplaceMay make limited reference to legislation and/or documents and/or cases and/or treaties and/or media reports in the responseMakes limited reference to legal information/terms, which may or may not be correct/appropriate	1–5

Question 25 — Optional Focus Study 8 – World Order**Question 25 (a)***Outcomes assessed: H1.1, H3.1, H3.3, H3.4, H4.2, H4.3, H5.3***MARKING GUIDELINES**

Criteria	Marks
<ul style="list-style-type: none">• Demonstrates extensive knowledge and understanding of the concept of world order• Presents coherent and relevant points for and/or against the statement• 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">• Demonstrates detailed knowledge and understanding of the concept of world order• Presents detailed points for and/or against the statement• Identifies 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">• Demonstrates sound knowledge and understanding of the concept of world order• Presents points for and/or against the statement• Makes some reference to 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">• Demonstrates some knowledge and understanding of the concept of world order• Presents general points for and/or against the statement• 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">• Writes in general terms about world order• May make limited reference to legislation and/or documents and/or treaties and/or cases and/or media reports in the response• Makes limited reference to legal information/terms, which may or may not be correct/appropriate	1–5

Question 25 (b)*Outcomes assessed: H1.1, H3.1, H3.3, H3.4, H4.2, H4.3, H5.3***MARKING GUIDELINES**

Criteria	Marks
<ul style="list-style-type: none">Clearly identifies the methods of achieving world order that do not involve the use of forceMakes a clear judgment based on criteria (explicit or implicit) about the methods of achieving world order without the use of forceIntegrates relevant legislation and/or documents and/or treaties and/or cases and/or media reports into the responsePresents a sustained, logical and well-structured answer using relevant legal terminology and concepts	21–25
<ul style="list-style-type: none">Identifies the methods of achieving world order that do not involve the use of forceMakes a judgment based on criteria (explicit or implicit) about the methods of achieving world order without the use of forceIdentifies relevant legislation and/or documents and/or treaties and/or cases and/or media reports in the responsePresents a logical and well-structured answer using relevant legal terminology and concepts	16–20
<ul style="list-style-type: none">Identifies some of the methods of achieving world orderPresents limited judgements about the methods of achieving world order without the use of forceMakes some reference to relevant legislation and/or documents and/or treaties and/or cases and/or media reports in the responsePresents a structured answer using relevant legal terminology and concepts	11–15
<ul style="list-style-type: none">Makes statements about the methods of achieving world order that do not involve the use of forceMakes limited reference to legislation and/or documents and/or treaties and/or cases and/or media reports in the responseUses some appropriate legal terminology and/or concepts	6–10
<ul style="list-style-type: none">Writes in general terms about world orderMakes limited reference to legislation and/or documents and/or cases and/or treaties and/or media reports in the responseMakes limited reference to legal information/terms, which may or may not be correct/appropriate	1–5