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 2–9
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 Which of the following is a type of private law?
   (A) Administrative law
   (B) Constitutional law
   (C) Criminal law
   (D) Tort law

2 What is an essential feature of a just law?
   (A) It is known.
   (B) It is passed by parliament.
   (C) It has been considered by the High Court.
   (D) It represents the application of natural justice.

3 Which of the following is an example of state sovereignty?
   (A) Customary law
   (B) A citizen voting in an election
   (C) A nation making laws for its citizens
   (D) The right of NSW to ignore the Australian Constitution

4 A gym prohibits independent personal trainers from training their clients on its premises.
   Which type of law allows the gym to do this?
   (A) Tort law
   (B) Contract law
   (C) Property law
   (D) Constitutional law
5 Which of the following rights is an example of a collective right?
   (A) Economic
   (B) Environmental
   (C) Peace
   (D) Self-determination

6 Kim has been arrested for shoplifting. In court he exercises his right to remain silent.
   Which type of right is he exercising?
   (A) Civil
   (B) Legal
   (C) Human
   (D) Constitutional

7 Which of the following is TRUE of common law?
   (A) It is based on precedent.
   (B) It may be changed by juries.
   (C) It is based on the Constitution.
   (D) It cannot be changed by a parliament.

8 Which of the following has predictability as its outcome?
   (A) Justice
   (B) Rule of law
   (C) Self-determination
   (D) International Treaties

9 What is a feature of legal representation?
   (A) It is not guaranteed for everyone.
   (B) It is not available unless paid for.
   (C) It is guaranteed under NSW state law.
   (D) It is guaranteed under the Australian Constitution.
10 Betty earns $5000 per week and Joan earns $100 per week. Both have been fined $100 for fare evasion.

What is this an example of?

(A) Apparent bias
(B) Natural justice
(C) Discrimination
(D) Equality before the law

11 The NSW Government has passed a law to compensate victims of crime.

What is this an example of?

(A) Common law
(B) Natural justice
(C) The rule of law
(D) Constitutional law

12 Which feature best illustrates the operation of a civil law system?

(A) Natural justice is not applied.
(B) Most cases are heard before a jury.
(C) The doctrine of precedent is relied upon.
(D) Paper submissions are relied on more than oral argument.

13 Some Australian citizens have been denied entry into America because of their criminal records.

Which law has been applied?

(A) Private law
(B) Domestic law
(C) International law
(D) International treaty
Brian, a New Zealand citizen, has been refused entry into a Sydney hotel because of the colour of his skin. Brian decides to take action against the hotel.

Which of the following is best able to enforce Brian’s rights?

(A) The Local Court
(B) The Immigration Review Tribunal
(C) The New Zealand High Commission
(D) The Human Rights and Equal Opportunity Commission

Which of the following is a feature of customary law?

(A) Native Title
(B) Terra nullius
(C) Dispute resolution
(D) The doctrine of precedent
Question 16 (10 marks)

(a) Compare the doctrine of natural justice with the ‘natural law’ doctrine.

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(b) Explain how domestic AND/OR international legal measures have been used in response to ONE contemporary human rights struggle.

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Question 17 (25 marks)

(a) Identify ONE complete defence and ONE partial defence to murder.  

(b) Outline the criminal process from a crime being reported to a sentence being given.  

(c) Discuss the need for discretion within the criminal justice system.  

(d) Examine why commitment to criminal laws is not shown equally across the community. Use relevant examples to support your response.
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)

(a) How effective are the methods available for consumer redress? 25

OR

(b) Explain how and why the concept of the consumer in the law has changed over time. 25

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

(a) How effective is the court system in dealing with issues affecting family members? 25

OR

(b) Compare and contrast the legal consequences and responsibilities of marriage with those of ONE alternative family arrangement. 25
Question 20 — Optional Focus Study 3 – Global Environment (25 marks)

(a) Assess the extent of legal protection for the global environment.  

OR  

(b) Discuss whether the nation state limits the effectiveness of the law in protecting the global environment.  

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

(a) Explain how the law responds to global pressures in relation to indigenous peoples.  

OR  

(b) Discuss whether the nation state limits the effectiveness of the law in achieving justice for indigenous peoples.  

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

(a) Examine the extent of protection provided by the legal system to those seeking to secure shelter.  

OR  

(b) How effective is the law in resolving disputes between those providing shelter and those seeking shelter?  

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

(a) How effective are international bodies and international tribunals in responding to technological change?  

OR

(b) Discuss whether the legal infrastructure can keep pace with technological change.  

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

(a) To what extent is commitment to the law demonstrated in the workplace?  

OR

(b) Explain how changes in Australian society have been reflected in law in the workplace.  

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

(a) Evaluate legal and non-legal ways of working for world order.  

OR

(b) Discuss whether the nation state limits the effectiveness of law in achieving world order.  

End of paper