



**B O A R D O F S T U D I E S**  
NEW SOUTH WALES

**2009**

**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 2–9

**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.

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- 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

- 14** 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
- 15** Which of the following is a feature of customary law?
- (A) Native Title
  - (B) Terra nullius
  - (C) Dispute resolution
  - (D) The doctrine of precedent

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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.

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Question 16 (10 marks)

- (a) Compare the doctrine of natural justice with the ‘natural law’ doctrine. **4**

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- (b) Explain how domestic AND/OR international legal measures have been used in response to ONE contemporary human rights struggle. **6**

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## 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.

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#### **Question 17** (25 marks)

- (a) Identify ONE complete defence and ONE partial defence to murder. **2**
- (b) Outline the criminal process from a crime being reported to a sentence being given. **6**
- (c) Discuss the need for discretion within the criminal justice system. **7**
- (d) Examine why commitment to criminal laws is not shown equally across the community. Use relevant examples to support your response. **10**

### 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.

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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
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#### **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. **25**

**OR**

- (b) Discuss whether the nation state limits the effectiveness of the law in protecting the global environment. **25**

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

- (a) Explain how the law responds to global pressures in relation to indigenous peoples. **25**

**OR**

- (b) Discuss whether the nation state limits the effectiveness of the law in achieving justice for indigenous peoples. **25**

**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. **25**

**OR**

- (b) How effective is the law in resolving disputes between those providing shelter and those seeking shelter? **25**

**Please turn over**

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

- (a) How effective are international bodies and international tribunals in responding to technological change? **25**

**OR**

- (b) Discuss whether the legal infrastructure can keep pace with technological change. **25**

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

- (a) To what extent is commitment to the law demonstrated in the workplace? **25**

**OR**

- (b) Explain how changes in Australian society have been reflected in law in the workplace. **25**

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

- (a) Evaluate legal and non-legal ways of working for world order. **25**

**OR**

- (b) Discuss whether the nation state limits the effectiveness of law in achieving world order. **25**

**End of paper**