



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

## **2010 HSC Legal Studies Sample Answers**

This document contains ‘sample answers’, or, in the case of some questions, ‘answers could include’. These are developed by the examination committee for two purposes. The committee does this:

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

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.

**Section I — Law and Society**  
**Part B****Question 16 (a)***Answers could include:*

<i>Common law system</i>	<i>Civil law system</i>
<ul style="list-style-type: none"><li>• Adversarial</li><li>• Importance of judge made law</li><li>• Role of precedent</li><li>• Juries</li></ul>	<ul style="list-style-type: none"><li>• Inquisitorial</li><li>• Codification of law</li><li>• Less reliance on precedent</li><li>• Absence of juries</li></ul>

Note: Students would be expected to highlight the main differences between the two systems.

**Question 16 (b)***Answers could include:*

Non-legal measures

- Media
- Non-government organisations (NGOs)
- Protests
- Petitioning governments
- Political activism

Contemporary examples could include current issues as well as current examples of those issues; for example, self-determination of the Uighur people in China. However, the mention of self-determination in isolation is still a current example.

## Section II — Focus Study – Crime

### Question 17 (a)

*Answers could include:*

- Principals in the first degree (actual perpetrator)
- Principals in the second degree (person present and assisting)
- Accessory before the fact (person who helped to plan)
- Accessory after the fact (person who, knowing about the crime, helped the offender afterwards)
- Could include victim(s)

### Question 17 (b)

*Answers could include:*

<i>Situational crime prevention</i>	<i>Social crime prevention</i>
<ul style="list-style-type: none"><li>• Close circuit television</li><li>• Lights</li><li>• Police presence</li><li>• Structures – fences, bollards etc.</li></ul>	<ul style="list-style-type: none"><li>• Education</li><li>• Welfare</li><li>• Rehabilitation</li><li>• Deterrence</li></ul>

### Question 17 (c)

*Answers could include:*

The question asks for the importance of post-sentencing decisions ‘in’ the context of the criminal justice system.

Post-sentencing decisions:

<ul style="list-style-type: none"><li>• Security classification</li></ul>	<ul style="list-style-type: none"><li>• Appeals</li></ul>
<ul style="list-style-type: none"><li>• Protective custody</li></ul>	<ul style="list-style-type: none"><li>• Remission</li></ul>
<ul style="list-style-type: none"><li>• Parole</li></ul>	<ul style="list-style-type: none"><li>• Rehabilitation programs</li></ul>
<ul style="list-style-type: none"><li>• Education programs</li></ul>	<ul style="list-style-type: none"><li>• Continued detention (serious sex offenders)</li></ul>
<ul style="list-style-type: none"><li>• Deportation</li></ul>	<ul style="list-style-type: none"><li>• Court and offender programs eg MERIT: Drug court; Circle sentencing etc</li></ul>
<ul style="list-style-type: none"><li>• Restitution</li></ul>	<ul style="list-style-type: none"><li>• Forfeiture of assets</li></ul>

**Question 17 (d)**

Individuals affected by the criminal justice system include the perpetrator, the accused, the victim and all those affected by the crime whether directly or indirectly.

***Answers could include:***

This list is indicative of the breadth of choice of both the legal measures and the current criminal issue

Legal measures:

- Apprehended violence orders
- Victim's impact statements
- Criminal compensation
- Sentencing
- Post-sentencing decisions
- Appeals
- Judicial discretion
- Police discretion

Current criminal issues could include:

- Victim's rights
- Privacy
- Court process for example, sexual assault
- Prosecuting white collar crime