

BOARD OF STUDIES
NEW SOUTH WALES

2001 HSC Specimen Paper

Legal Studies

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Legal Studies

Introduction

This booklet contains the specimen examination paper for the 2001 Higher School Certificate examination in Legal Studies. A mapping grid is also included, showing how each question in the examination relates to the syllabus outcomes and content, and to the performance bands.

The specimen paper shows the format of the New HSC examination. It has been printed on A4 paper and side-stapled to make it convenient for use in schools. Actual examination papers will be produced as A4 booklets. All New HSC papers will be printed on white paper.

The 2001 HSC specimen papers have been produced in accordance with the Board's *Principles for Setting HSC Examinations in a Standards-Referenced Framework*, published in Board Bulletin Volume 8 Number 9 (Nov/Dec 99). Questions are closely related to the outcomes of the course, and the paper as a whole is structured to allow for appropriate differentiation of student performance at all levels on the performance scale.

The papers have been designed so that students have a clear understanding of what they are required to do in each question and in working through the paper. Instructions have been standardised, and the demands of the questions have been made explicit. Key words in questions, such as 'discuss', 'analyse', and 'explain', have been used consistently in accordance with the glossary published in the Board's *Assessment Support Document*.

This specimen paper is an example of the type of examination that could be prepared within the examination specifications in the Legal Studies syllabus. Examinations will be based on the syllabus, and will test a representative sample of syllabus outcomes. Therefore, the range and balance of outcomes tested in HSC examinations in 2001 and subsequent years may differ from those addressed in the specimen paper.

The mapping grid is an important feature of the development of the examination. It aids in ensuring that the examination as a whole samples a range of content and outcomes, and allows all students the opportunity to demonstrate their level of achievement. Where courses have components in the examination other than written papers, the grid indicates the wider range of outcomes that are assessed by including these other components.

There are a number of points to note in considering the Legal Studies specimen paper:

- Stimulus material has been included in Section II to assist students in answering this structured extended response question. The nature and extent of the use of stimulus material in this section may vary from year to year. Stimulus and source material will only be provided when it is essential to answering the question.
- Section III includes a choice of two extended response questions for each focus study. The questions for each focus study have a similar structure, which will ensure that they are comparable.

Legal Studies

HSC Specimen Examination Mapping Grid

For each item in the examination, the grid shows the marks allocated, the syllabus content and syllabus outcomes it relates to, and the bands on the performance scale it is targeting. The range of bands shown indicates the performance candidates may be able to demonstrate in their responses. That is, if an item is shown as targeting Bands 3 – 5, it indicates that candidates who demonstrate performance equivalent to the Band 3 descriptions should be able to score some marks on the item, while those who perform at Band 5 or above could reasonably be expected to gain high marks. In the case of one-mark items, candidates who demonstrate performance at or above the bands shown generally could be expected to answer the item correctly.

Question	Marks	Content	Syllabus outcomes	Targeted performance bands
1	1	Human Rights	H1.2	3 – 4
2	1	Law and Justice	H3.1	2 – 3
3	1	Law and Justice	H3.1	4 – 5
4	1	Law and Justice	H2.1	2 – 3
5	1	Law and Justice	H2.2	2 – 3
6	1	Law and Justice	H3.1	4 – 5
7	1	Law and Justice	H2.1	2 – 3
8	1	Law and Justice	H2.1	2 – 3
9	1	Law and Justice	H2.1	3 – 4
10	1	Law and Justice	H2.2	2 – 3
11	1	Law and Justice	H2.2	3 – 4
12	1	Law and Justice	H2.1	2 – 3
13	1	Law and Justice	H3.1	2 – 3
14	1	Law and Justice	H3.1	3 – 4
15	1	Law and Justice	H2.2	2 – 3
16(a)	2	Human Rights	H4.3	2 – 3
16(b)	3	Human Rights	H4.3	2 – 4
16(c)	5	Human Rights	H4.3	2 – 5
17(a)	4	Crime	H1.1	2 – 5
17(b)	4	Crime	H1.1	2 – 6
17(c)	8	Crime	H4.1	2 – 6
17(d)	9	Crime	H3.1	2 – 6
18	25	Focus Studies	H1.1, H3.3, H3.4, H4.1, H4.3, H5.3	2 – 6
19	25	Focus Studies	H1.1, H3.3, H3.4, H4.1, H4.3, H5.3	2 – 6
20	25	Focus Studies	H1.1, H3.3, H3.4, H4.1, H4.3, H5.3	2 – 6
21	25	Focus Studies	H1.1, H3.3, H3.4, H4.1, H4.3, H5.3	2 – 6
22	25	Focus Studies	H1.1, H3.3, H3.4, H4.1, H4.3, H5.3	2 – 6
23	25	Focus Studies	H1.1, H3.3, H3.4, H4.1, H4.3, H5.3	2 – 6
24	25	Focus Studies	H1.1, H3.3, H3.4, H4.1, H4.3, H5.3	2 – 6
25	25	Focus Studies	H1.1, H3.3, H3.4, H4.1, H4.3, H5.3	2 – 6



Sample marking guidelines for Legal Studies

The following marking guidelines have been developed for selected questions from the 2001 HSC Specimen Examination in Legal Studies. These guidelines indicate the approach that would be taken to marking questions.

For each question, the following are typically included:

1. The syllabus outcomes that are targeted by the question.
2. The assessment rubric from the specimen paper, where there is one, listing the set of general criteria that are used to assess responses.
3. The marking guidelines, which show the criteria to be applied to responses along with the marks to be awarded in line with the quality of the responses. For extended-response questions, performance is described at a number of levels of performance, each covering a range of marks.
4. A sample answer or some points that answers might include. Sample answers indicate the scope and depth of treatment expected, and are not intended to be prescriptive. Similarly, the points that could be included in answers are not intended to be an exhaustive list, but rather an indication of the considerations that students could include in their responses.

Marking guidelines will generally require some refinement at the Marking Centre to take account of unanticipated responses that students present. For essay-type questions, the standard described at each mark range will be made clear during pilot-marking by the selection of sample scripts.

In a standards-referenced framework, examination questions are closely linked to syllabus content and outcomes. Expectations of the question are to be clear in the wording of the question. Marking guidelines will be developed at the same time as the examination questions, by examination committees. The development of marking guidelines will be guided by the Board's *Principles for Developing Marking Guidelines Examinations in a Standards-Referenced Framework*, published in Board Bulletin Volume 9 Number 3 (May 2000).

Sample Marking Guidelines – Legal Studies

Marks

Question 16 (10 marks)

- (a) Identify TWO types of human rights recognised in international law. **2**

Outcomes assessed: H4.3

MARKING GUIDELINES

Criteria	Marks
• Identifies TWO types of human rights recognised in international law	2
• Identifies ONE type of human rights recognised by international law	1

Answers could include:

- The notion of civil and political rights; economic, social and cultural rights; environmental and peace rights; collective right to self-determination

- (b) Using a specific example of a contemporary domestic or international struggle, outline three human rights violations that have occurred. **3**

Outcomes assessed: H4.3

MARKING GUIDELINES

Criteria	Marks
• Identifies a specific example from a contemporary domestic or international struggle and outlines THREE appropriate human rights violations related to that struggle	3
• Outlines TWO human rights violations related to this struggle	2
• Outlines ONE human rights violation related to this struggle OR • Makes a general statement about the violation of human rights without referring to a specific struggle	1

Sample answer:

The struggle in Timor is an example of a contemporary international struggle. Three human rights violations that could be identified include: freedom of association; imprisonment without due process; personal and physical safety

- (c) Briefly assess the effectiveness of the legal system in responding to the violations you identified in (b). **5**

Outcomes assessed: H4.3

MARKING GUIDELINES

Criteria	Marks
• Makes a judgement of the effectiveness of the legal system in responding to human rights violations identified in (b)	4 – 5

Criteria	Marks
<ul style="list-style-type: none"> Lists some of the outcomes resulting from the legal system responding to these violations 	
<ul style="list-style-type: none"> Attempts to make some judgement of the effectiveness of the legal system in responding to human rights violations May identify an outcome resulting from the legal system responding to the issue of human rights violations 	2 – 3
<ul style="list-style-type: none"> Makes a general statement about how the legal system responds to human rights violations 	1

Answers could include:

- Reference to the way one or more specific legislation, international treaties and legal institutions are effective in responding to the violations identified in (b)
- Examples selected that are directly relevant to the specific struggle and violations mentioned in (b)

Marks

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

- (a) Evaluate the effectiveness of the legal system in resolving disputes between landlords and tenants. **25**

In your answer you will be assessed on how well you:

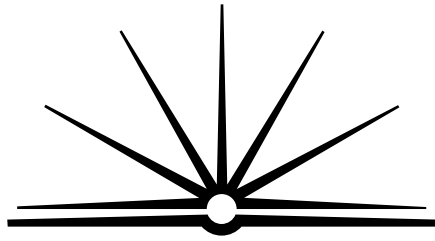
- apply criteria to evaluate the effectiveness of the legal system OR to assess the place of the law
- demonstrate an understanding of relevant legal information and issues
- illustrate your answer with examples from one or more of the following: legislation, documents, treaties, cases, media reports
- present a sustained, logical and well-structured answer to the question

Outcomes assessed: H1.1, H3.3, H3.4, 4.1, H4.3, H5.3

MARKING GUIDELINES

Criteria	Marks
<ul style="list-style-type: none"> Clearly identifies a range of disputes that can occur between landlords and tenants Demonstrates a sound understanding of the legal rights and responsibilities of both landlords and tenants and acknowledges relevant moral and ethical issues Makes a consistent use of relevant cases, legislation, documents and media reports to evaluate the role of law in resolving disputes between landlords and tenants Clearly evaluates the effectiveness of the law in resolving these disputes Evaluates the impact of gaining access to the legal system at various levels on both the landlord and tenant Uses and applies appropriate legal terminology 	21 – 25

Criteria	Marks
<ul style="list-style-type: none"> • Identifies examples of disputes that can occur between landlords and tenants • Demonstrates a good understanding of the legal rights and responsibilities of landlords and tenants, and how they can lead to disputes. May discuss some moral and ethical issues • Cites some relevant cases and/or legislation and/or documents and/or media reports in evaluating the role of the law in resolving these disputes • Outlines some issues relating to access to the legal system by landlords and tenants • Uses and applies appropriate legal terminology 	16 – 20
<ul style="list-style-type: none"> • Describes disputes that can occur between landlords and tenants • Lists the legal rights and responsibilities of landlords and tenants and relates these to disputes that can occur between both parties • Makes use of relevant legislation, cases, documents and media reports to discuss the ways in which the legal system is used to resolve disputes between landlords and tenants • Uses appropriate legal terminology 	11 – 15
<ul style="list-style-type: none"> • Identifies some examples of disputes that can occur between landlords and tenants • Lists some rights and/or responsibilities of landlords and tenants • Provides brief examples of legislation and/or cases and/or documents and/or media reports that are evidence of disputes occurring between landlords and tenants • A discussion of how the legal system resolves disputes between landlords and tenants using moral and/or ethical arguments • Some use of relevant legal terminology 	6 – 10
<ul style="list-style-type: none"> • A general description of disputes that can occur between landlords and tenants • A limited discussion of how the legal system relates to disputes between landlords and tenants • A brief description of the rights and responsibilities of landlords and tenants 	1 – 5



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

2001
HIGHER SCHOOL CERTIFICATE
SPECIMEN EXAMINATION

Legal Studies

General Instructions

- Reading time – 5 minutes
- Working time – 3 hours
- Write using blue or black pen
- Write your Centre Number and Student Number at the top of page 7

Section I Pages 2 – 8

Total marks **(25)**

This section has two parts, Part A and Part B

- Attempt Questions 1 – 16
- Allow about 45 minutes for this section

Section II Page 9

Total marks **(25)**

- Attempt Question 17
- Allow about 45 minutes for this section

Section III Pages 10 – 12

Total marks **(50)**

- Attempt TWO questions, each from a different Focus Study
- Allow about 1 hour and 30 minutes for this section

- 1** When do rights and duties established by an international treaty apply to residents of Australia?
- (A) When the treaty is enacted into domestic law
 - (B) When State and Commonwealth governments agree with the treaty
 - (C) When Australia votes for a treaty at the United Nations
 - (D) When the High Court approves the treaty
- 2** What is the purpose of legal aid?
- (A) To ensure the equal distribution of legal costs
 - (B) To guarantee legal representation
 - (C) To improve access to the legal system
 - (D) To achieve equal treatment by the law
- 3** Which of the following best describes the legal concept of natural justice?
- (A) Decision makers should be unbiased and every person has the right to be heard.
 - (B) Decision makers should be unbiased and innocent persons are equal before the law.
 - (C) Every person has the right to be heard and the right to trial by jury.
 - (D) Every person has the right to be heard and the burden of proof falls on the prosecution.
- 4** To what type of law are persons who cause criminal damage to citizens or property subjected?
- (A) Administrative law
 - (B) Executive law
 - (C) Private law
 - (D) Public law
- 5** Which of the following best illustrates customary law?
- (A) Laws passed by parliaments
 - (B) Decisions made by court systems
 - (C) Laws passed down by councils of Aboriginal Elders
 - (D) Laws relating to the acquisition of property

- 6 A judge in a criminal matter finds a friend appearing before her for sentencing. What is the appropriate action for the judge to take?
- (A) Pass sentence because the judiciary is independent
 - (B) Pass sentence because this is required by common law
 - (C) Disqualify herself because this is required by natural justice
 - (D) Disqualify herself because this is required by legislation
- 7 People are subject to the law because it is
- (A) just.
 - (B) enforceable.
 - (C) democratically determined.
 - (D) equitable.
- 8 Which of the following best describes a civil law dispute?
- (A) A dispute between the state and an individual who engages in civil disobedience
 - (B) A dispute between the state and an individual who breaches a rule that is punishable by law
 - (C) A dispute between two individuals where the matter is heard at a committal proceeding
 - (D) A dispute between two individuals where one individual's rights are allegedly infringed by another
- 9 In a criminal law case, to what standard must the prosecution prove the guilt of the accused?
- (A) On the balance of probabilities
 - (B) Beyond reasonable doubt
 - (C) Without any doubt
 - (D) To the satisfaction of most jurors

- 10** What is the function of the common law rule of ‘standing’?
- (A) To limit access to legal remedies
 - (B) To ensure equal access to courts
 - (C) To ensure review of administrative decisions
 - (D) To allow appeals against parliamentary actions
- 11** What kind of legal order would a court grant to stop an unlawful tort activity?
- (A) A restraining order
 - (B) Specific performance
 - (C) A protection order
 - (D) An injunction
- 12** Historically, in which court were the principles of equity developed?
- (A) The King’s Court
 - (B) The Mercantile Court
 - (C) The Chancellor’s Court
 - (D) The International Court of Justice
- 13** Which of the following statements best applies to the concept of the rule of law?
- (A) It should underlie our legal system.
 - (B) It is founded on the doctrine of precedent.
 - (C) It is guaranteed by the Commonwealth Constitution.
 - (D) It must always be followed by legislatures.
- 14** What course of action must be taken if the Prime Minister wishes to have a matter in court decided in a particular way?
- (A) The Prime Minister must bring the matter before Cabinet.
 - (B) Only the Governor-General can ensure the desired result.
 - (C) The judge must follow any direction from the Prime Minister.
 - (D) The Prime Minister can direct public service lawyers to argue for this result.

- 15** Chris was shopping in the local fruit market. Chris slipped on some grapes and suffered spinal injuries. Who must prove negligence in order for Chris to be awarded compensation?
- (A) The Crown
 - (B) Chris
 - (C) The local fruit market owner
 - (D) The defendant

Section II – Focus Study – Crime

Total marks (25)

Attempt Question 17

Allow about 45 minutes for this section

Answer the question in a writing booklet. Extra writing booklets are available.

Marks

Question 17 (25 marks)

Tom is nineteen and dedicated to his music. He left school to play in a band. He has no money and no understanding of the legal system. Tom no longer speaks to his parents. He shares a flat with a fellow musician, Brad, who is sixteen.

Tom has just competed in a music festival. When he found he did not win, he abruptly collected a guitar case and returned to his flat. The police have arrived at his flat to charge him with the theft of an expensive guitar. To his horror Tom realises he picked up the wrong guitar case.

While the police are at his flat they discover electrical goods that Brad has stored in full view in the hall. The police recognise these goods as those stolen from a warehouse where a security guard was seriously injured during the robbery.

Use the stimulus material above and your own knowledge to answer the following:

- | | |
|---|----------|
| (a) Explain TWO possible defences that Tom might use if he is charged with stealing the guitar. | 4 |
| (b) Explain TWO possible defences available to Brad if he is charged with injuring the security guard. | 4 |
| (c) To what extent do individuals such as Tom and Brad encounter problems in dealing with the legal system? | 8 |
| (d) If Brad is found guilty of stealing electrical goods and injuring the security guard, what factors would be taken into account in the sentencing process? | 9 |

Section III – Additional Focus Studies

Total marks (50)

Attempt TWO questions, 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:

- apply criteria to evaluate the effectiveness of the legal system OR to assess the place of the law
 - 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
 - present a sustained, logical and well-structured answer to the question
-

Optional Focus Study 1 – Consumers

Question 18 (25 marks)

- (a) Evaluate the effectiveness of the legal system in protecting the rights of consumers.

OR

- (b) Assess the place of the law in resolving conflict and encouraging cooperation with respect to consumer contracts.

Optional Focus Study 2 – Family

Question 19 (25 marks)

- (a) Evaluate the effectiveness of the legal system in regulating the variety of family arrangements.

OR

- (b) Assess the place of the law in resolving conflict and encouraging cooperation between partners with respect to the children of dissolved marriages.

Optional Focus Study 3 – Global Environment

Question 20 (25 marks)

- (a) Evaluate the effectiveness of international agreements in protecting the global environment.

OR

- (b) Assess the place of the law in resolving conflict and encouraging cooperation between nations as they work towards sustainable development.

Optional Focus Study 4 – Indigenous Peoples

Question 21 (25 marks)

- (a) Evaluate the effectiveness of the legal system in achieving justice for indigenous peoples.

OR

- (b) Assess the place of the law in resolving conflict and encouraging cooperation between nation states and indigenous people.

Optional Focus Study 5 – Shelter

Question 22 (25 marks)

- (a) Evaluate the effectiveness of the legal system in resolving disputes between landlords and tenants.

OR

- (b) Assess the place of the law in resolving conflict and encouraging cooperation between users and providers of public housing.

Optional Focus Study 6 – Technological Change

Question 23 (25 marks)

- (a) Evaluate the effectiveness of the legal system in responding to the impact of technological change.

OR

- (b) Assess the place of the law in resolving conflict and encouraging cooperation between those who benefit from technological change and the owners of intellectual property.

Optional Focus Study 7 – Workplace

Question 24 (25 marks)

- (a) Evaluate the effectiveness of the legal system in dealing with industrial disputes.

OR

- (b) Assess the place of the law in resolving conflict and encouraging cooperation between those who act in a discriminatory manner and the victims of discrimination in the workplace.

Optional Focus Study 8 – World Order

Question 25 (25 marks)

- (a) Evaluate the effectiveness of the legal system in implementing international agreements designed to promote world order.

OR

- (b) Assess the place of the law in resolving conflict and encouraging cooperation between nation-states in order to maintain international peace and security.

End of paper