



BOARD OF STUDIES
NEW SOUTH WALES

2013

HIGHER SCHOOL CERTIFICATE
EXAMINATION

Legal Studies

General Instructions

- Reading time – 5 minutes
- Working time – 3 hours
- Write using black or blue pen
Black pen is preferred
- Write your Centre Number and
Student Number at the top of
page 9

Total marks – 100

Section I Pages 2–6

20 marks

- Attempt Questions 1–20
- Allow about 30 minutes for this section

Section II Pages 9–13

30 marks

This section has two parts, Part A and Part B

- Allow about 1 hour for this section

Part A – 15 marks

- Attempt Questions 21–24

Part B – 15 marks

- Attempt Question 25

Section III Pages 14–15

50 marks

- Attempt TWO questions from Questions 26–32,
each from a different Option
- Allow about 1 hour and 30 minutes for this section

Section I

20 marks

Attempt Questions 1–20

Allow about 30 minutes for this section

Use the multiple-choice answer sheet for Questions 1–20.

- 1** What is the standard of proof in a criminal case?

 - (A) Beyond any doubt
 - (B) Beyond reasonable doubt
 - (C) On the balance of possibilities
 - (D) On the balance of probabilities

- 2** In which court does a magistrate have jurisdiction to hear cases?

 - (A) High Court
 - (B) Local Court
 - (C) District Court
 - (D) Supreme Court

- 3** Who has the burden of proof in a criminal case?

 - (A) Jury
 - (B) Plaintiff
 - (C) Defendant
 - (D) Prosecution

- 4** In the strict liability offence of selling alcohol to a 16-year-old, which of the following must be proven?

 - (A) Mens rea
 - (B) Causation
 - (C) Actus reus
 - (D) Recklessness

- 5 Which of the following is a mitigating circumstance in a sentencing decision?
- (A) The offender is young.
 - (B) The offender used a weapon.
 - (C) The offender has a prior conviction.
 - (D) The offender believed what he or she did was right.
- 6 Which of the following is an example of a collective right?
- (A) Education
 - (B) Trade unionism
 - (C) Self-determination
 - (D) Freedom of association
- 7 Which of the following is the best example of a transnational crime?
- (A) Torture
 - (B) Genocide
 - (C) War crimes
 - (D) Human trafficking
- 8 A pedestrian obstructs traffic. What type of offence is this?
- (A) A driving offence
 - (B) An economic offence
 - (C) A preliminary offence
 - (D) A public order offence
- 9 A person is convicted of a drug offence in the District Court. The person wishes to have this conviction reviewed.
- Which court would the person go to?
- (A) Drug Court
 - (B) High Court
 - (C) Federal Court
 - (D) Court of Criminal Appeal

- 10** Which of the following is an example of social crime prevention?
- (A) Employing security guards at a music festival
 - (B) Providing employment skills for young people
 - (C) Refusing concert entry to an intoxicated person
 - (D) Installing closed circuit cameras around railway stations
- 11** Which of the following is true of circle sentencing?
- (A) It promotes recidivism.
 - (B) It involves a magistrate.
 - (C) It does not have the power of a court.
 - (D) It allows the victim to determine the penalty.
- 12** Which of the following is the most likely reason for a court to require an offender to forfeit assets?
- (A) Caution
 - (B) Discretion
 - (C) Retribution
 - (D) Rehabilitation
- 13** Which of the following is a complete defence to a crime?
- (A) Necessity
 - (B) Provocation
 - (C) Ignorance of the law
 - (D) Diminished responsibility
- 14** Which of the following human rights is directly recognised in the Australian Constitution?
- (A) Right to vote
 - (B) Right to privacy
 - (C) Freedom of speech
 - (D) Freedom of assembly

- 15** Melanie has been arrested and a magistrate has determined that the case will proceed to trial. The magistrate has decided not to release her while waiting for the trial to be held.

Which of the following correctly describes Melanie's situation?

- (A) She is on bail.
- (B) She is in custody.
- (C) She is on remand.
- (D) She is in detention.

- 16** The Children's Court decides that a 15-year-old should be sent to a juvenile justice centre for twelve months.

What is this an example of?

- (A) Probation
- (B) A control order
- (C) A suspended sentence
- (D) A diversionary program

- 17** The NSW Parliament changes an indictable offence to a summary offence. A defendant is now charged with that summary offence.

What right is no longer guaranteed?

- (A) The right to a lawyer
- (B) The right to a hearing
- (C) The right to apply for bail
- (D) The right to be judged by peers

- 18** Which of the following would be a feature of a statutory Charter of Rights in Australia?

- (A) It would be able to be adapted to changing values.
- (B) It could be changed by the House of Representatives.
- (C) It could be changed by citizens through a referendum.
- (D) It would be incorporated into the Australian Constitution.

19 Both the Federal and NSW Parliaments enact anti-discrimination legislation.

Which of the following best describes this power?

- (A) Concurrent
- (B) Executive
- (C) Exclusive
- (D) Residual

20 How does the separation of powers relate to human rights legislation in Australia?

- (A) The judiciary amends the legislation.
- (B) The executive applies the legislation.
- (C) The legislature interprets the legislation.
- (D) The Governor-General reviews the legislation.

BLANK PAGE

BLANK PAGE



Legal Studies

--	--	--	--	--

Centre Number

Section II

30 marks

Allow about 1 hour for this section

--	--	--	--	--	--	--	--	--

Student Number

Part A – Human Rights

15 marks

Attempt Questions 21–24

Answer the questions in the spaces provided. These spaces provide guidance for the expected length of the response.

Question 21 (2 marks)

Define *peace rights*.

2

.....

.....

.....

.....

Question 22 (2 marks)

How is the right to an education protected?

2

.....

.....

.....

.....

Question 23 (4 marks)

How does the United Nations assist in protecting human rights?

4

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

BLANK PAGE

Legal Studies

Section II (continued)

Part B – Crime

15 marks

Attempt Question 25

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

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

- demonstrate knowledge and understanding of legal issues relevant to the question
 - communicate using relevant legal terminology and concepts
 - refer to relevant examples such as legislation, cases, media, international instruments and documents
 - present a sustained, logical and cohesive response
-

Question 25 (15 marks)

Assess the role discretion plays in the sentencing and punishment of offenders.

Please turn over

Section III — Options

50 marks

Attempt TWO questions from Questions 26–32, each from a different Option

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 answers you will be assessed on how well you:

- demonstrate knowledge and understanding of legal issues relevant to the question
 - communicate using relevant legal terminology and concepts
 - refer to relevant examples such as legislation, cases, media, international instruments and documents
 - present a sustained, logical and cohesive response
-

Question 26 — Consumers (25 marks)

- (a) To what extent has law reform responded effectively to contemporary consumer law issues? **25**

OR

- (b) Discuss the extent to which consumer law achieves its objectives. **25**

Question 27 — Global Environmental Protection (25 marks)

- (a) To what extent has the international community achieved global environmental protection? **25**

OR

- (b) Explain how Australia has responded to the need for global environmental protection. **25**

Question 28 — Family (25 marks)

- (a) To what extent has law reform been effective in dealing with contemporary issues concerning family members? **25**

OR

- (b) Evaluate how effectively the law resolves conflict in family relationships. **25**

Question 29 — Indigenous Peoples (25 marks)

- (a) To what extent do contemporary issues concerning indigenous peoples demonstrate the need for law reform? **25**

OR

- (b) Compare the effectiveness of legal and non-legal measures in recognising the rights of indigenous peoples. **25**

Question 30 — Shelter (25 marks)

- (a) To what extent does the law reflect changing values and ethical standards in society for those securing shelter? **25**

OR

- (b) Explain how contemporary issues affecting those seeking shelter demonstrate the need for law reform. **25**

Question 31 — Workplace (25 marks)

- (a) To what extent do contemporary issues in the workplace reflect changing values and ethical standards in society? **25**

OR

- (b) Compare the effectiveness of legal and non-legal measures in resolving conflict in the workplace. **25**

Question 32 — World Order (25 marks)

- (a) To what extent have legal and non-legal measures responded to the evolving nature of world order? **25**

OR

- (b) Explain how Australia has responded to world order issues. **25**

End of paper

BLANK PAGE