

Legal Studies

General Instructions

- Reading time – 5 minutes
- Working time – 3 hours
- Write using black pen

Total marks – 100

Section I Pages 2–6

20 marks

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

Section II Pages 9–21

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 21–23

Part B – 15 marks

- Attempt Question 24

Section III Pages 22–23

50 marks

- Attempt TWO questions from Questions 25–31, 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** How is the European Union best described?
- (A) As a court
 - (B) As a tribunal
 - (C) As part of the United Nations
 - (D) As an intergovernmental organisation
- 2** What is the purpose of a committal hearing?
- (A) To establish a case for summary offences
 - (B) To establish a case for indictable offences
 - (C) To determine the sentence for summary offences
 - (D) To determine the sentence for indictable offences
- 3** A person is held in custody before trial.
What is this called?
- (A) Bail
 - (B) Parole
 - (C) Remand
 - (D) Protective custody
- 4** A magistrate has suspended a person's driver's licence. The person decides to appeal the decision.
Which court would be most likely to hear the appeal?
- (A) Local Court
 - (B) District Court
 - (C) Licensing Court
 - (D) Court of Criminal Appeal

5 Which of the following is true of the *Universal Declaration of Human Rights*?

- (A) It is a multilateral treaty.
- (B) Its articles are legally enforceable.
- (C) It only applies to developed countries.
- (D) It defines the agreed meaning of human rights.

6 What is the purpose of diversionary programs?

- (A) To involve the victim in sentencing
- (B) To prevent future criminal behaviour
- (C) To deter crime by increasing penalties
- (D) To remove potential offenders from society

7 The president of a nation state is accused of war crimes.

Where would this case be prosecuted?

- (A) International Criminal Court
- (B) International Court of Justice
- (C) United Nations Security Council
- (D) United Nations Human Rights Council

8 A person who has no previous criminal record commits a minor crime. The judge finds the person guilty of the offence but does not record a conviction.

What is this an example of?

- (A) Judicial error
- (B) Restorative justice
- (C) Judicial discretion
- (D) A suspended sentence

- 9** A group of people living within a nation state wants to exercise its collective right to influence legal decisions about the land on which they live.

What is this an example of?

- (A) Peace rights
- (B) Self-determination
- (C) Environmental rights
- (D) Limitations on free speech

- 10** An employee of a bank becomes aware of confidential information which will increase the bank's share price. Before the information is publicly released, the employee buys shares in the bank.

What is this an example of?

- (A) A conspiracy
- (B) A preliminary offence
- (C) An economic offence
- (D) A public order offence

- 11** An offender and the victim of the crime attend a meeting to discuss the impact of the crime on the victim.

What is this an example of?

- (A) Retribution
- (B) Restorative justice
- (C) Charge negotiation
- (D) A community service order

- 12** Evidence recorded by a camera shows a person committing a crime. At the court hearing, the prosecution does not have to prove the person's intention to commit the crime.

For which crime was this person charged?

- (A) Assaulting a stranger
- (B) Speeding in a school zone
- (C) Stealing money from an employer
- (D) Planning to break into a neighbour's house

- 13** A government decides to withdraw from its obligations under the *International Covenant on Civil and Political Rights* and blocks access to the internet for non-government organisations.

What is this an example of?

- (A) The government exercising state sovereignty
- (B) The government limiting universal suffrage
- (C) The role of media in promoting self-determination
- (D) Non-government organisations exercising statutory powers

- 14** Police receive information that a suspect's house is being used to manufacture large quantities of drugs for sale interstate.

In which of the following situations can police search the suspect's house?

- (A) A warrant has been granted.
- (B) A summons has been served.
- (C) The prosecutor authorises a search.
- (D) The Public Defender authorises a search.

- 15** A woman was charged with murder. During her trial, she successfully raised a defence and was found guilty of manslaughter.

Which defence did she raise?

- (A) Aggravation
- (B) Mental illness
- (C) Provocation
- (D) Self-defence

- 16** A member of parliament tries to influence a decision being made by the High Court.

What is this a breach of?

- (A) Common law
- (B) Division of powers
- (C) Separation of powers
- (D) The Charter of Rights

- 17** Which of the following is correct about a person's right to legal aid when on trial for a serious indictable offence?
- (A) All accused persons have the right to legal aid.
 - (B) The right to legal aid is only available in the Supreme Court.
 - (C) Defendants only have the right to legal aid if they plead guilty.
 - (D) A person has the right to legal aid if an injustice is likely to occur.

- 18** A person has finished a two-year prison sentence. The Minister for Immigration has now authorised the deportation of the ex-prisoner.

Which of the following is true?

- (A) The ex-prisoner is not an Australian citizen.
 - (B) The High Court cannot review this decision.
 - (C) The ex-prisoner must agree to the deportation.
 - (D) The Minister for Immigration does not have this power.
- 19** Which of the following is true of judicial guidelines?
- (A) They are set by the parliament to structure law making processes.
 - (B) They are set by the NSW Law Reform Commission to provide for fairness.
 - (C) They are set by the Director of Public Prosecutions to guide judges in decision making.
 - (D) They are set by the NSW Court of Criminal Appeal to assist judges when applying discretion.

- 20** A person is arrested for a serious crime. He exercises his right to remain silent before the trial. However at his trial, he gives evidence that he was not at the crime scene.

Which of the following is true?

- (A) The judge can instruct the jury that this evidence may not be reliable.
- (B) The prosecution cannot cross-examine the accused on this new evidence.
- (C) The jury can ask the accused why he did not raise this evidence earlier.
- (D) The accused does not have the right to raise this evidence during the trial.

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Centre Number

Section II Answer Booklet

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Student Number

Section II

30 marks

Allow about 1 hour for this section

Instructions

- Answer BOTH Part A and Part B
 - Write your Centre Number and Student Number at the top of this page
 - Answer Part A on pages 10–12
 - Answer Question 24 from Part B on pages 14–19
 - If you need more space for Question 24, ask the supervisor for an extra writing booklet
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Please turn over

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Section II

Part A – Human Rights

15 marks

Attempt Questions 21–23

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

Question 21 (2 marks)

Outline how international human rights are incorporated into Australian domestic law.

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Question 22 (6 marks)

Discuss whether Australia should have a Charter of Rights.

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Question 23 (7 marks)

'The law aims to protect human rights. However, human rights are not always enforced in practice.'

Assess this statement with reference to ONE contemporary issue.

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End of Section II Part A

Turn over for Section II Part B

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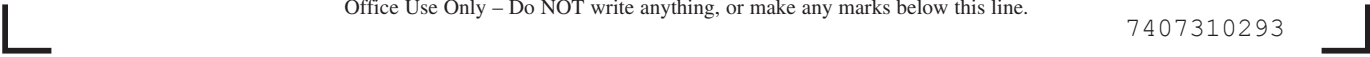
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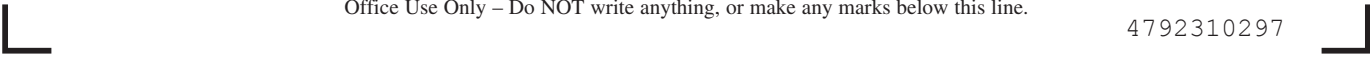
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Lined writing area for answers.

If you require more space to answer Question 24, you may ask for an extra writing booklet.

If you have used an extra writing booklet for Question 24, tick here.

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Legal Studies

Section II (continued)

Part B – Crime

15 marks

Attempt Question 24

Answer the question on pages 14–19 of the Section II Answer Booklet. Extra writing booklets are available.

Your answer 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 24 (15 marks)

‘The criminal justice system must treat young offenders differently in order to achieve justice.’

To what extent is this statement true?

Please turn over

Section III — Options

50 marks

Attempt TWO questions from Questions 25–31, each from a different Option

Allow about 1 hour and 30 minutes for this section

Answer both questions in the Section III Writing Booklet. Extra writing booklets are available.

Your answers 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
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Question 25 — Consumers (25 marks)

- (a) To what extent does the law encourage cooperation to resolve conflict for consumers? **25**

OR

- (b) Evaluate the effectiveness of the law in addressing issues related to consumer credit. **25**

Question 26 — Global Environmental Protection (25 marks)

- (a) To what extent does state sovereignty affect the resolution of conflict in regard to global environmental protection? **25**

OR

- (b) Evaluate the effectiveness of the law in dealing with the conflict between the demand for resources and global environmental protection. **25**

Question 27 — Family (25 marks)

- (a) To what extent does the law encourage cooperation to resolve conflict in families? **25**

OR

- (b) Evaluate the effectiveness of the law in dealing with issues related to birth technologies and surrogacy. **25**

Question 28 — Indigenous Peoples (25 marks)

- (a) To what extent does state sovereignty affect the resolution of conflict for indigenous peoples? **25**

OR

- (b) Evaluate the effectiveness of the law in dealing with land rights for indigenous peoples. **25**

Question 29 — Shelter (25 marks)

- (a) To what extent does the law encourage cooperation to resolve conflict in regard to shelter? **25**

OR

- (b) Evaluate the effectiveness of the law in dealing with issues related to social housing. **25**

Question 30 — Workplace (25 marks)

- (a) To what extent does the law encourage cooperation to resolve conflict in the workplace? **25**

OR

- (b) Evaluate the effectiveness of the law in dealing with issues related to termination of employment. **25**

Question 31 — World Order (25 marks)

- (a) To what extent does the law encourage cooperation to achieve world order? **25**

OR

- (b) Evaluate the effectiveness of the law in balancing state sovereignty and the 'responsibility to protect'. **25**

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