



HIGHER SCHOOL CERTIFICATE EXAMINATION

1997

LEGAL STUDIES

3 UNIT (ADDITIONAL)

*Time allowed—One hour and a half
(Plus 5 minutes reading time)*

DIRECTIONS TO CANDIDATES

- Attempt TWO questions, each from a different Section.
- Each question is worth 25 marks.
- Answer each question in a *separate* Writing Booklet.
- You may ask for extra Writing Booklets if you need them.

SECTION I

CHALLENGE: GLOBAL ENVIRONMENTAL PROTECTION

EITHER

QUESTION 1. (25 marks)

Under current international law the concept of one shared global environment does not exist. International law divides the Earth up according to false boundaries: state territory and areas beyond national jurisdiction. What this means is that a state can do what it likes to its own environment, limited only by a duty not to cause substantial, legally-provable, harm to the environment of another state.

An extract from 'The failure of international environmental law',
P Taylor *Our Planet* vol 4 No 3 1992, the UN Environment Programme.

Clearly identify, at the beginning of your answer, the TWO depth studies you will discuss.

Refer to the above statement, provide relevant information from the CORE, and use examples drawn from the TWO depth studies you have identified, to answer the following question.

Why do we need to protect the global environment?

Discuss the effectiveness of national and international environmental law in addressing issues posed by political and geographical boundaries.

OR

QUESTION 2. (25 marks)

Environmental law is concerned with resolving disputes about the use of physical surroundings, whether natural or human made. At one extreme these uses may involve development on a substantial scale and at the other, they may require preservation of the environment in its existing state. The difficulties arise in balancing ecological issues with development issues.

'The Environmental Law Handbook', 2nd ed D Farrier, RLCP

Clearly identify, at the beginning of your answer, the TWO depth studies you will discuss.

Refer to the above statement, provide relevant information from the CORE, and use examples drawn from the TWO depth studies you have identified, to answer the following question.

Evaluate the extent to which national and international communities have been able to balance the competing ecological and development issues.

SECTION II

CHALLENGE: TECHNOLOGICAL CHANGE

EITHER

QUESTION 3. (25 marks)

With only a few years until the twenty-first century some of our wildest dreams and fantasies today will become the realities of tomorrow. Technology will impact on all aspects of human existence.

SMH February 1997

Clearly identify at the beginning of your answer, the TWO depth studies you will discuss.

Refer to the above statement, provide relevant information from the CORE, and use examples drawn from the TWO depth studies you have identified, to answer the following question.

Discuss the effectiveness of national and international law in addressing issues arising out of technological advancement.

OR

QUESTION 4. (25 marks)

With the coming of any brave new world technology, the tendency is to resist its development. Future shock does not apply just to the impact of change. The implication of change can be just as shocking . . . the area is full of ethical and legal time bombs.

'Legal issues & Technology', A Riches, CCH 1990.

Clearly identify, at the beginning of your answer, the TWO depth studies you will discuss.

Refer to the above statement, provide relevant information from the CORE, and use examples drawn from the TWO depth studies you have identified, to answer the following question.

Why do we need a global response to technological change?

Discuss the effectiveness of national and international law in addressing issues relating to these 'ethical and legal time bombs'.

SECTION III

CHALLENGE: WORLD ORDER

EITHER

QUESTION 5. (25 marks)

There is no universal definition of a World Order issue. Many argue that, in the 'global village', national issues, as well as international ones, can be World Order concerns. Others argue that state sovereignty and the right of every nation to be free from outside interference in domestic matters is paramount. From this point of view, only where national issues have an international impact should they become a World Order concern.

'Challenges to law', M White & L Devine, CCH, 1995 p134.

Clearly identify, at the beginning of your answer, the TWO depth studies you will discuss.

Refer to the above statement, provide relevant information from the CORE, and use examples drawn from the TWO depth studies you have identified, to answer the following question.

Outline the problems in reaching an internationally accepted definition of World Order.

Evaluate the effectiveness of legal systems in dealing with World Order issues at national and international levels.

OR

QUESTION 6. (25 marks)

The ideal of World Order is pursued through a variety of processes and institutions, including the actions of individuals, government and non-government agencies, nations, and the wider international community.

Clearly identify, at the beginning of your answer, the TWO depth studies you will discuss.

Refer to the above statement, provide relevant information from the CORE, and use examples drawn from the TWO depth studies you have identified, to answer the following question.

Evaluate the effectiveness of the various processes and institutions involved in striving for the achievement of World Order.

SECTION IV

CHALLENGE: INDIGENOUS PEOPLES

EITHER

QUESTION 7. (25 marks)

There are at least 60 different indigenous peoples in the world and they inhabit all continents. The legal arrangements at international level are as yet unsatisfactory as they focus on individual rather than collective rights.

'Human rights - Australia in an International Context', P Bailey, Butterworths 1990.

Clearly identify, at the beginning of your answer, the TWO depth studies you will discuss.

Refer to the above statement, provide relevant information from the CORE, and use examples drawn from the TWO depth studies you have identified, to answer the following question.

Discuss and evaluate the effectiveness of national and international law in defining and protecting the rights of indigenous peoples.

OR

QUESTION 8. (25 marks)

The displacement of indigenous peoples is usually the result of an invasion of their territory by an ethnically and culturally different group. The invader is able to establish sufficient control over the territory and society to suppress the indigenous culture and history and to impose a new legal system. The *International Covenant on Civil and Political Rights* and the *International Covenant on Economic, Social and Cultural Rights* contain as Article 1 a declaration that 'all peoples may freely determine their political status and freely pursue their economic, social and cultural development'.

'Researching Indigenous Peoples' Rights under International Law', S Perkins, 1992.

Clearly identify, at the beginning of your answer, the TWO depth studies you will discuss.

Refer to the above statement, provide relevant information from the CORE, and use examples drawn from the TWO depth studies you have identified, to answer the following question.

What global approaches are relevant for indigenous peoples?

Evaluate the extent to which national and international law responds to the rights of indigenous peoples to determine their own culture, history, and society.

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