



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

2010

**HIGHER SCHOOL CERTIFICATE
EXAMINATION**

Legal Studies

General Instructions

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

Total marks – 100

Section I Pages 2–9

25 marks

This section has two parts, Part A and Part B

- Allow about 45 minutes for this section

Part A – 15 marks

- Attempt Questions 1–15

Part B – 10 marks

- Attempt Question 16

Section II Page 11

25 marks

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

Section III Pages 12–14

50 marks

- Attempt TWO questions from Questions 18–25, each from a different Focus Study
- Allow about 1 hour and 30 minutes for this section

Section I — Law and Society

25 marks

Allow about 45 minutes for this section

Part A – 15 marks

Attempt Questions 1–15

Use the multiple-choice answer sheet for Questions 1–15.

- 1 How is statute law made?
 - (A) By courts
 - (B) By custom
 - (C) By parliament
 - (D) By treaties

- 2 Which of the following is an example of a collective human right?
 - (A) Free speech
 - (B) Union membership
 - (C) Religious freedom
 - (D) Self-determination

- 3 What is different between a civil law and a criminal law hearing?
 - (A) The standard of proof
 - (B) The absence of a jury
 - (C) The case is heard in a closed court.
 - (D) The parties have legal representation.

- 4 Which of the following is most likely to be a tort?
 - (A) A teenager is arrested for possession of ecstasy.
 - (B) A driver hits a child in a school zone and is charged by police.
 - (C) A person is denied entry into Australia by immigration authorities.
 - (D) A woman breaks her leg on a wet surface while shopping and sues for damages.

- 5 Which of the following demonstrates the operation of a just law?
- (A) A statute overturns a judge made law.
 - (B) Statutes are made available on the internet.
 - (C) A statute is passed by a democratically elected parliament.
 - (D) Customary law is used to support a decision of the High Court.
- 6 What is meant by the term *state sovereignty*?
- (A) International law recognises a nation state.
 - (B) A nation state is recognised by other nation states.
 - (C) International law gives power to nation states to make laws.
 - (D) A nation state can determine its laws without external interference.
- 7 Which of the following statements is an example of the rule of law?
- (A) Law-makers are elected.
 - (B) Parliament overrules common law.
 - (C) Police discretion is subject to judicial review.
 - (D) Jury trials are used for indictable criminal matters.
- 8 An international treaty first becomes legally enforceable in Australia when
- (A) enough nations adopt the treaty.
 - (B) the Australian Government signs the treaty.
 - (C) the Australian Government ratifies the treaty.
 - (D) Commonwealth legislation is passed giving effect to the treaty.
- 9 Which of the following is most likely to be both public and private law?
- (A) Criminal
 - (B) International
 - (C) Property
 - (D) Tort

10 An Aboriginal Land Council makes a native title claim in a New South Wales court for a particular area of land.

Which of the following rights is being exercised?

- (A) Customary
- (B) Human
- (C) Property
- (D) Self-determination

11 Which of the following is a central feature of natural justice?

- (A) Decisions based on evidence
- (B) It supplements the common law.
- (C) Laws are enacted by parliament.
- (D) The doctrine of the separation of powers

12 What was the basis for the abolition of slavery?

- (A) The rule of law
- (B) Economic rights
- (C) The 'natural law' doctrine
- (D) The right to self-determination

13 Following community pressure about high rates of graffiti and increasing clean-up costs, the NSW parliament decided to ban people from carrying aerosol cans on public streets.

Which of the following influences are most likely to have led the parliament to make this law?

- (A) Social and cultural
- (B) Social and economic
- (C) Cultural and political
- (D) Cultural and economic

- 14** Human rights are best protected in New South Wales by
- (A) judge made law.
 - (B) law enforcement agencies.
 - (C) the International Court of Justice.
 - (D) the Universal Declaration of Human Rights.
- 15** In New South Wales, which of the following is both a human right and a legal right?
- (A) Shelter
 - (B) Education
 - (C) Health care
 - (D) Maternity leave

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Centre Number

Section I (continued)

Part B – 10 marks
Attempt Question 16

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Student Number

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

Question 16 (10 marks)

- (a) What are the main differences between the common law system and the civil law system? **4**

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- (b) Assess the effectiveness of ONE non-legal measure in the promotion of human rights. Use a contemporary example to support your response. **6**

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Section II — Focus Study – Crime

25 marks

Attempt Question 17

Allow about 45 minutes for this section

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

Start each part of this question on a new page.

Question 17 (25 marks)

- | | |
|---|-----------|
| (a) Identify TWO different parties to a crime. | 2 |
| (b) Outline ONE method of situational crime prevention and ONE method of social crime prevention. | 4 |
| (c) Explain the importance of post-sentencing decisions in the criminal justice system. | 7 |
| (d) How effective are legal measures within the criminal justice system in achieving justice for individuals? | 12 |

Refer to at least ONE current criminal justice issue to support your response.

Section III — Additional Focus Studies

50 marks

Attempt TWO questions from Questions 18–25, 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 answers you will be assessed on how well you:

- demonstrate knowledge and understanding relevant to the question
 - communicate using relevant legal terminology and concepts
 - illustrate your answer with relevant examples such as legislation, cases, media reports and treaties
 - present a sustained, logical and cohesive response
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Question 18 — Optional Focus Study 1 – Consumers (25 marks)

- (a) Assess how compliance and non-compliance are demonstrated in the operation of consumer law. **25**

OR

- (b) Why are there different legal protections for consumers and manufacturers/suppliers? **25**

Question 19 — Optional Focus Study 2 – Family (25 marks)

- (a) Assess whether changes to family law are an improvement on previous law. **25**

OR

- (b) How effective is the law in responding to problems in family relationships? **25**

Question 20 — Optional Focus Study 3 – Global Environment (25 marks)

- (a) Examine how law responds to challenges in relation to the global environment. **25**

OR

- (b) To what extent is the protection of the global environment a reflection of moral and ethical standards? **25**

Question 21 — Optional Focus Study 4 – Indigenous Peoples (25 marks)

- (a) Why has justice for indigenous peoples been hard to achieve? **25**

OR

- (b) Assess the effectiveness of the law in recognising the rights of indigenous peoples. **25**

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

- (a) Assess the effectiveness of the legal methods of securing shelter. **25**

OR

- (b) Explain how and why governments become involved in protecting the security of shelter. **25**

Question 23 — Optional Focus Study 6 – Technological Change (25 marks)

- (a) How does law relating to technological change reflect moral and ethical standards within society? **25**

OR

- (b) How effective is the law in ensuring equal access to technology? **25**

Please turn over

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

- demonstrate knowledge and understanding relevant to the question
 - communicate using relevant legal terminology and concepts
 - illustrate your answer with relevant examples such as legislation, cases, media reports and treaties
 - present a sustained, logical and cohesive response
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Question 24 — Optional Focus Study 7 – Workplace (25 marks)

- (a) Examine why justice in the workplace has been hard to achieve. **25**

OR

- (b) How effective are the processes of settling industrial disputes within the workplace? **25**

Question 25 — Optional Focus Study 8 – World Order (25 marks)

- (a) Why is world order hard to achieve? **25**

OR

- (b) Assess how compliance and non-compliance affect the achievement of world order. **25**

End of paper