



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

**2012**

**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 2–7

**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 21–23

Part B – 15 marks

- Attempt Question 24

**Section III** Pages 14–15

**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.

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

  - (A) The jury
  - (B) The judge
  - (C) The defence
  - (D) The prosecution
  
- 2** What is the purpose of a committal hearing?

  - (A) To charge the accused
  - (B) To establish the state's case
  - (C) To enter into charge negotiation
  - (D) To empanel a jury from the electoral roll
  
- 3** Which of the following rights is an example of universal suffrage?

  - (A) The right to vote
  - (B) The right to marry
  - (C) The right to education
  - (D) The right to freedom of religion
  
- 4** In the criminal justice system, decisions of higher courts are binding on lower courts.

Which of the following terms is this statement describing?

  - (A) Adjournment
  - (B) Adjudication
  - (C) Jurisdiction
  - (D) Precedent

- 5** In a criminal trial, the role of a jury is to determine whether
- (A) a sentence is given.
  - (B) the standard of proof is met.
  - (C) legal representation is granted.
  - (D) evidence is admissible in court.
- 6** A known offender is not released after his sentence has been served.
- What type of detention is this?
- (A) Home
  - (B) Periodic
  - (C) Weekend
  - (D) Continued
- 7** In the District Court, 25-year-old Morgan is convicted of drug trafficking.
- What is the highest court that could hear an appeal by Morgan against the conviction?
- (A) Drug Court
  - (B) High Court of Australia
  - (C) Supreme Court of NSW
  - (D) Court of Criminal Appeal of NSW
- 8** The separation of powers in the Australian Constitution establishes the independence between
- (A) barristers, judges and juries.
  - (B) local, district and supreme courts.
  - (C) judiciary, legislature and executive.
  - (D) local, state and federal governments.

Use the following information to answer Questions 9–11.

25-year-old Jordan and 23-year-old Darcy stole cigarettes from a shop. As they were leaving the shop, Jordan and Darcy forced 18-year-old Ariel to hide the cigarettes under her shirt. They were then apprehended by police, taken to the local police station and charged.

- 9** To what legal right are Jordan, Darcy and Ariel entitled while being questioned at the police station?
- (A) The right to remain silent
  - (B) The right to apply for bail
  - (C) The right to make a phone call
  - (D) The right to be questioned together
- 10** Which court has original jurisdiction to hear these charges?
- (A) Drug Court
  - (B) Local Court
  - (C) District Court
  - (D) Supreme Court
- 11** Which of the following would be the most appropriate defence for Ariel to claim?
- (A) Automatism
  - (B) Consent
  - (C) Duress
  - (D) Provocation

- 12** Which of the following is an example of an intergovernmental organisation?
- (A) Amnesty International
  - (B) Human Rights Watch
  - (C) Human Rights Council
  - (D) International Committee of the Red Cross
- 13** What is the main aim of the International Covenant on Civil and Political Rights?
- (A) To protect the educational needs of people
  - (B) To protect the cultural wellbeing of people
  - (C) To protect people in regards to their basic needs
  - (D) To protect people from arbitrary use of power by governments
- 14** What comes under the jurisdiction of the International Criminal Court?
- (A) War crimes
  - (B) Cyber-terrorism
  - (C) Drug trafficking
  - (D) People smuggling
- 15** An accused is considered innocent until proven guilty.
- Which of the following best reflects this principle?
- (A) Bail
  - (B) Remand
  - (C) Suspended sentence
  - (D) No conviction recorded

Use the following information to answer Questions 16–18

Kim and Ashley, both 14 years of age, buy spray paint cans from the local hardware store. While on the train home they take the spray paint cans out of their bags. They are spotted by two police officers who approach and question them. They take the spray paint cans from them. Kim and Ashley go voluntarily with the officers to the police station.

- 16** Which of the following actions by the police would NOT be permitted by law?
- (A) Approaching Kim and Ashley on the train
  - (B) Seizing the spray paint cans from Kim and Ashley
  - (C) Insisting Kim and Ashley go to the police station
  - (D) Asking Kim and Ashley a series of questions on the train
- 17** What is the first duty of the police once Kim and Ashley arrive at the police station?
- (A) To take a record of interview
  - (B) To photograph and fingerprint them
  - (C) To contact their parents or guardians
  - (D) To formally charge them with an offence
- 18** Why could Kim and Ashley be charged with a strict liability offence?
- (A) They had purchased the spray paint cans
  - (B) They had the intention to use the spray paint cans
  - (C) They had no proof of purchase for the spray paint cans
  - (D) They had possession of the spray paint cans on the train

- 19** Where a human right is set out in an international instrument, the action that best ensures its protection in Australian law is for it to be
- (A) acknowledged.
  - (B) enacted.
  - (C) promoted.
  - (D) ratified.
- 20** Alice has received an official legal document in relation to an offence she has allegedly committed. She is required to attend the local court on a certain date.

What is this legal document known as?

- (A) An indictment
- (B) An injunction
- (C) A summons
- (D) A warrant

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2012 HIGHER SCHOOL CERTIFICATE EXAMINATION

# Legal Studies

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Centre Number

## Section II

30 marks

Allow about 1 hour for this section

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Student Number

### 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 the response.

#### Question 21 (3 marks)

What impact does state sovereignty have on the protection of human rights?

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## Legal Studies

### Section II (continued)

#### Part B – Crime

15 marks

#### Attempt Question 24

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

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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
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#### Question 24 (15 marks)

To what extent are courts the only means of achieving justice within the criminal justice system?

**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 each question in a SEPARATE writing booklet. Extra writing booklets are available.

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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 25 — Consumers (25 marks)

- (a) Discuss whether the current law adequately protects consumers. **25**

**OR**

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

### Question 26 — Global Environmental Protection (25 marks)

- (a) Discuss whether the law reflects values and ethical standards in the protection of the global environment. **25**

**OR**

- (b) To what extent does the achievement of global environmental protection depend upon the level of cooperation between nation states? **25**

### Question 27 — Family (25 marks)

- (a) Discuss whether the courts deliver justice for families. **25**

**OR**

- (b) To what extent does the law adequately protect family members in relation to birth technologies and surrogacy? **25**

**Question 28 — Indigenous Peoples (25 marks)**

- (a) To what extent has the law protected the rights of Indigenous peoples to natural resources? **25**

**OR**

- (b) Discuss whether the legal recognition of Indigenous peoples can only be achieved through international law. **25**

**Question 29 — Shelter (25 marks)**

- (a) Assess the role of government in providing and securing shelter for individuals. **25**

**OR**

- (b) Compare the effectiveness of legal and non-legal measures in protecting the rights of those seeking shelter. **25**

**Question 30 — Workplace (25 marks)**

- (a) To what extent does the law respond effectively to contemporary workplace issues? **25**

**OR**

- (b) Assess the role of government in resolving conflict in the workplace. **25**

**Question 31 — World Order (25 marks)**

- (a) Discuss how the nature of conflict provides challenges for achieving world order. **25**

**OR**

- (b) To what extent does international law promote and maintain world order? **25**

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