Student Number: ……. Teacher: …….

Baulkham Hills High School

Trial Examination

Higher School Certificate

2017

Legal Studies

General Instructions

- Reading time, 5 minutes
- Working time, 3 hours
- Write using black pen
- Attempt all questions
- Write your candidate number and teacher's name in the spaces indicated

Total Marks: 100

Section I [pages 2-5]
20 marks

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

Section II [pages 6-11]
30 marks

This section has TWO parts
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 12-14]
50 marks

- Attempt TWO questions from Questions 26-32
- 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. Mark has been charged with an indictable offence. He pleads guilty at the committal hearing. Which of the following is a mitigating factor in his sentencing?

   a) Mark used a weapon
   b) Marks' victim was a child
   c) Mark is a police officer
   d) Mark is remorseful

2. The government expands education and skills training in prison. What is this is an example of?

   a) Situational crime prevention
   b) Diversionary programs
   c) Restorative justice
   d) Improving prison finances

3. How are Human Rights best protected in Australia?

   a) Common law and Statute law
   b) Common law and International law
   c) Statute law and International law
   d) Statute law and the International Court of Justice

4. Belinda has been charged with a criminal offence and applies for bail in court which is refused. Why could the court have refused bail?

   a) Belinda is a flight risk
   b) Belinda presents a risk to the community
   c) Belinda has been charged with a serious crime
   d) Any of the above

5. How can a human right that is protected in the Constitution be changed?

   a) A High Court decision
   b) A Federal Government statute
   c) A Referendum
   d) An International Declaration

6. In what criminal matter does the presumption of innocence NOT apply?

a) An indictable matter
b) A strict liability offence
c) When the defendant is granted bail
d) In cases involving celebrities

7. A judge discovers during a criminal trial that she knows the defendant. What action should the judge take?

a) Find the defendant guilty
b) Find the defendant not guilty
c) Disqualify herself from hearing the matter
d) Direct the jury to disregard this knowledge

8. Which of the following is an example of a transnational crime?

a) Being charged with a criminal offence overseas
b) Drug trafficking
c) War Crimes
d) Genocide

9. Which of the following best describes the role of The International Declaration of Human Rights?

a) Binding on all nations
b) An enforceable treaty
c) A tool of the International Court of Justice
d) A general statement of basic human rights

10. What is the role of a judge in a summary trial for an indictable offence?

a) To decide upon the facts, the verdict and the sentence
b) To decide only the facts
c) To decide only the sentence
d) To decide only the verdict

11. What is removed when Parliament legislates a non parole period for an offence?

a) The right to appeal the sentence
b) The right of judicial discretion
c) The right to appeal the verdict
d) The right to apply for bail

12. Kerrie commits an offence when she is 12 years old. What must the prosecution prove?

a) That she had the necessary mens rea
b) That doli incapax does not apply
c) That she committed the crime on the balance of probabilities
d) That she was not insane at the time of the offence

13. Which of the following is a sentencing option reflecting the incapacitation purpose of punishment?

a) Community service
b) Parole
c) Demit points for traffic offences
d) Life imprisonment

14. Laezwen is a nation in the South Pacific Ocean which refuses to recognise basic human rights in its legal system. What power gives this nation the ability to ignore these rights?

a) Diplomatic immunity
b) State sovereignty
c) Sovereign immunity
d) The doctrine of lex talonius

15. For what crimes can the Australian Federal Police arrest offenders?

a) murder and manslaughter
b) armed robbery and sexual assault
c) terrorism and drug importation
d) traffic offences and drug possession

16. Which court has the jurisdiction to deal with crimes against humanity?

a) the International Court of Justice
b) the International Criminal Court
c) the United Nations
d) the Permanent Court of Arbitration

17. Which of the following factors prompted changes to the Bail Act 2013?

a) Economic factors
b) Political factors
c) International factors
d) Technological factors

18. Defendants who are convicted of crimes in the District court can appeal to the Supreme Court challenging the Courts decision. What can they challenge?

a) The sentence
b) The verdict
c) The verdict and the sentence
d) The Constitutional validity of the law

19. What type of offence is larceny?

a) Pubic order offence
a) Economic offence
b) Offence against the person
c) Offences against the State

20. Who is entitled to Legal Aid ?

a) Those charged with an indictable offence
b) Those charged with a summary offence
c) Those charged with any offence
d) Those charged with preliminary offences

End of Section I

Section II
30 marks
Allow about 1 hour for this section

Part A – Human Rights
15 marks
Attempt Question 21-24

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

Question 21 (2 marks) **2**

Identify TWO human rights that are included in the Declaration of Human Rights.

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Question 22 (2 marks) **2**

Outline TWO human rights that are protected under Australian common law.

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Part A continued on page 7

Question 23 (4 marks) **4**

Explain how International Human Rights documents are incorporated and enforced in Australia.

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Part A continued on page 8

Question 24 (7 marks) **7**

With reference to ONE contemporary human rights issue, discuss the impact of state sovereignty on promoting and enforcing human rights.

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Section II Extra Writing Space
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End of Part A

Part B – Crime
15 marks
Attempt Question 25

Answer the question in the writing booklet provided. Extra writing booklets are available.
Write your student number and teacher's name at the top of each writing booklet.

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 reports, international instruments and documents
- present a sustained, logical and cohesive response

Question 25 (15 marks) **15**

Discuss the impact of partial and complete defences in balancing the rights of victims, offenders and society.

End of Section II

Section III – Option

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.
Clearly indicate the number of the question you are attempting.
Write your student number and teacher's name at the top of each writing booklet.

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 reports, international instruments and documents
- present a sustained, logical and cohesive response

Question 26 – Consumers (25 marks)

a) How effective is the regulation of consumer contracts in protecting human rights **25**

OR

b) With reference to contemporary issues assess the extent to which consumer law initiates and responds to change. **25**

Question 27 – Global Environmental Protection (25 marks)

a) Assess the extent to which Australian domestic laws reflect international global environmental protection initiatives

OR

b) With reference to ONE contemporary issue, discuss the impact of law reform in promoting global environmental protection **25**

Section III continued

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 reports, international instruments and documents
- present a sustained, logical and cohesive response

Question 28 – Family (25 marks)

a) To what extent does the law recognise different family relationships **25**

OR

b) Evaluate the effectiveness of the law in achieving justice for individuals and society when addressing family breakdown. **25**

Question 29 – Indigenous Peoples (25 marks)

a) How effective is the law in dealing with compliance and non- compliance in relation to the loss of cultural rights including language and intellectual property? **25**

OR

b) Evaluate the extent to which state sovereignty assists and impedes recognition of the rights of indigenous people? **25**

Question 30 – Shelter (25 marks)

a) To what extent have federal and state governments fulfilled their obligations to provide shelter **25**

OR

b) Evaluate the effectiveness of the law in dealing with issues relating to affordability and securing shelter

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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 reports, international instruments and documents
- present a sustained, logical and cohesive response

Question 31 - Workplace (25 marks)

a) Assess the effectiveness of law reform in recognising and enforcing responsibilities in the workplace **25**

OR

b) Evaluate the effectiveness of the law in resolving disputes in the workplace? **25**

Question 32 – World Order (25 marks)

a) Evaluate the effectiveness of the international legal system in resolving conflict involving state and non - state actors. **25**

OR

b) To what extent does the law respond to regional and global situations that threaten peace and security?

End of Paper

Student Number: ..... Teacher: .....

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Section I – Multiple Choice Answer Sheet (20 marks)

Select the alternative A, B, C or D that best answers the question. Fill in the response oval completely.

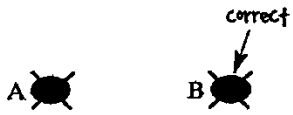
Sample: 2 + 4 = (A) 2 (B) 6 (C) 8 (D) 9

A○ B● C○ D○

If you think you have made a mistake, put a cross through the incorrect answer and fill in the new answer.

A● B⊗ C○ D○

If you change your mind and have crossed out what you consider to be the correct answer, then indicate the correct answer by writing the word correct and drawing an arrow as follows.



Start here ➜

1.	A○	B○	C○	D○	11.	A○	B○	C○	D○
2.	A○	B○	C○	D○	12.	A○	B○	C○	D○
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4.	A○	B○	C○	D○	14.	A○	B○	C○	D○
5.	A○	B○	C○	D○	15.	A○	B○	C○	D○
6.	A○	B○	C○	D○	16.	A○	B○	C○	D○
7.	A○	B○	C○	D○	17.	A○	B○	C○	D○
8.	A○	B○	C○	D○	18.	A○	B○	C○	D○
9.	A○	B○	C○	D○	19.	A○	B○	C○	D○
10.	A○	B○	C○	D○	20.	A○	B○	C○	D○