STUDENT NUMBER:	
TEACHER:	

BAULKHAM HILLS HIGH SCHOOL

HIGHER SCHOOL CERTIFICATE

2022 **TRIAL HSC EXAMINATION**

Legal Studies

General Instructions

- Reading time – 5 minutes
- Working time – 3 hours
- Write using black pen
- Write your student number and teacher's name on the multiple choice answer sheet

Total marks: 100

Section I - 20 marks (pages 2-6)

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

Section II – 30 marks (pages 9-16)

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 - 50 marks (pages 17-19)

- Attempt TWO questions from Questions 25 - 31 - each from a different Option
- Allow about 1 hour and 30 minutes for this section

Question	Mark
Multiple Choice Q1-20	/ 20
Short Answer Part A Human Rights Q21 - 23	/ 15
Short Answer Part B Crime Q24	/ 15
Extended Response Option 1	/ 25
Extended Response Option 2	/ 25
TOTAL	**/ 100**

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. Human rights are described as inherent. This means that these rights

   A. apply to everyone regardless of race, sex and religion.
   B. apply to all humans because they are human.
   C. are connected and indivisible.
   D. cannot be taken away.

2. Why are young offenders treated differently to adult offenders in the criminal justice system?

   A. It is required by international law
   B. Young offenders do not reoffend as often as adults
   C. The offences they commit are usually not as serious
   D. They are less likely to understand the consequences of their actions

3. Anna is being prosecuted for a robbery in NSW. Anna gives evidence that she was in Queensland at the time of the offence.

   Which of the following does this evidence challenge?

   A. Mens Rea
   B. Causation
   C. Actus Reus
   D. Doli incapax

4. Which of the following rights is recognised in the International Covenant on Economic Social and Cultural Rights?

   A. The right to vote
   B. The right to education
   C. Freedom from torture
   D. The inherent right to life.

5. The prosecution and defence agree that an offender will plead guilty of theft instead of armed robbery.

   What is this an example of?

   A. Charge negotiation
   B. Leniency of the criminal justice system
   C. A diversionary program
   D. The role of the adversary system

6. What is an important guideline for a judge to consider when sentencing a young offender convicted of a criminal offence?

   A. Retribution
   B. Education
   C. Custodial sentence
   D. Deterrence

7. Which term defines the right of Indigenous people to control their local territory?

   A. Civilian law
   B. Natural rights
   C. Self-determination
   D. Environmental rights

8. Rosie and Ren have a baby daughter who is seriously ill. They fail to provide adequate medical treatment, which subsequently results in her death.

   What is the charge which is most likely to lead to a custodial sentence?

   A. Manslaughter
   B. Murder
   C. Child abduction
   D. Assault

9. Through which of the following does the process involving prosecution, defence and a magistrate agreeing on a set of facts and an early guilty plea occur?

   A. Sentencing
   B. A committal hearing
   C. Charge negotiation
   D. A case conference

10. Cross examination of witnesses is a characteristic of which of the following?

    A. An adversarial system
    B. A jury trial
    C. An inquisitorial trial
    D. The committal process

11. Ella has been detained for 48 hours without charge because police believe that she was about to engage in a terrorist act.

    What is this type of detention known as?

    A. Probation
    B. Protective
    C. Preventative
    D. Periodic

12. Ben helps Di plan a bank robbery. Di attempts to commit the bank robbery but is unsuccessful.

    Which of the following statements is correct?

    A. Ben has committed a preliminary crime; Di has committed a white-collar crime
    B. Ben and Di have both committed preliminary crimes
    C. Ben and Di are both principals in the second degree
    D. Ben is an accessory before the fact; Di is an accessory after the fact

13. During a murder trial, the defendant's barrister argues that a prosecution witness is lying.

    What is the barrister attempting to show?

    A. Deterrence
    B. Actus Reus
    C. Strict liability
    D. Reasonable doubt

14. Bailey, who is 17, has been charged with an indictable offence. He wishes to plead not guilty.

    Which of the following statements is correct?

    A. Bailey is not eligible for Legal Aid
    B. Bailey is likely to be eligible for Legal Aid
    C. Bailey's trial will take place in the Local Court
    D. Bailey's trial will take place in the Supreme Court

15. Riley had been drinking. While being driven home, Riley was swearing at people out of the car window. The driver was stopped by police and Riley was issued a fine for using offensive language.

    In which category of crime does this offence fall?

    A. Drug
    B. Driving
    C. Public order
    D. Economic

16. A mining company has destroyed a local site which is sacred to indigenous people.

    What type of breach is this to Aboriginal people?

    A. Civil and political rights
    B. Social and cultural rights
    C. Collective rights
    D. Property rights

17. A person is convicted of a transnational crime in the Federal Court. The person wishes to have this conviction reviewed.

    What court would the person go to?

    A. Drug Court
    B. Court of Criminal Appeal
    C. Supreme Court
    D. High Court

18. Empanelling a jury refers to which of the following?

    A. Selecting a jury
    B. Challenging a juror
    C. Dismissing a juror
    D. Dismissing a jury

19. Sam kills her partner after a 15 year relationship. Sam's sentence is reduced because of 15 years of abuse by the victim.

    What is this an example of?

    A. Rehabilitation factor
    B. Aggravating factor
    C. Mitigating factor
    D. General deterrence

20. Which of the following statements is correct about human rights?

    A. Human rights are guaranteed in domestic law
    B. Human rights only apply to those who do not break the law
    C. They are recognised and applied by all nations
    D. Human rights are often impacted by state sovereignty

End of Section I

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Section II

30 Marks
Attempt Questions 21-24
Allow about 1 hour for this section

Instructions

- Part A – Human Rights
  Answer the Questions 21-23 in the spaces provided. These spaces provide guidance for the expected length of your response.
  Extra writing space is provided on pages 18-20.
  If you use this space, clearly indicate which question you are answering.

- Part B - Crime
  Answer Question 24 in the separate booklet provided.

Please turn over

Section II

Part A – Human Rights
15 marks
Attempt Questions 21-23

Question 21 (3 marks)

Outline THREE characteristics of human rights.

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Question 22 (5 marks)

Explain how self-determination and universal suffrage have been recognised as human rights over time.

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Question 23 (7 marks)

With reference to specific examples, discuss how major human rights documents have contributed to the development of human rights.

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End Section II - Part A

Section II- Part A extra writing space

If you use this space, clearly indicate which question you are answering.

Section II – Part A extra writing space

If you use this space, clearly indicate which question you are answering.

Section II – Part A extra writing space

If you use this space, clearly indicate which question you are answering.

Section II

Part B – Crime
15 marks
Attempt Question 24

Answer Question 24 in the answer booklet provided. Extra writing paper is available.

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

Question 24 (15 marks)

Evaluate the role of the sentencing process in dealing with the tension between community interests and individual rights and freedoms.

End of Section II - Part B

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 writing booklets provided.
Use a separate writing booklet for each question. Extra writing paper is available.
Clearly state the question attempted and complete your Student Number and teacher's name.

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

Question 25 - Consumers (25 marks)

(a) With reference to at least one contemporary issue, evaluate the effectiveness of the legal system in encouraging dispute resolution between consumers and suppliers. **25**

OR

(b) To what extent does the law respond to changing values and ethical standards to address the needs of consumers in modern Australian markets. **25**

Question 26 - Global Environmental Protection (25 marks)

(a) 'The main focus of the law relating to environmental protection is international cooperation and the resolution of conflict'.

Discuss the accuracy of this statement. **25**

OR

(b) With reference to at least one contemporary issue, evaluate the impact of state sovereignty in achieving compliance in global environmental protection. **25**

Question 27 – Family (25 marks)

(a) With reference to at least one contemporary issue, assess the effectiveness of the law in addressing conflict within family situations. **25**

OR

(b) To what extent does the law respond to changing values and ethical standards to achieve justice for families in relationship breakdowns. **25**

Question 28 - Indigenous Peoples (25 marks)

(a) With reference to at least one contemporary issue, assess the effectiveness of the law in responding to the difficulties faced by indigenous people in determining their own future. **25**

OR

(b) To what extent does the law respond to changing values and ethical standards to achieve justice for indigenous people across the globe. **25**

Question 29 – Shelter (25 marks)

(a) With reference to at least one contemporary issue, assess the effectiveness of the law in responding to the needs of people who have difficulty in securing shelter. **25**

OR

(b) To what extent does the law respond to changing values and ethical standards to achieve justice for those providing shelter and those seeking shelter. **25**

Question 30 – Workplace (25 marks)

(a) With reference to one contemporary issue, assess the effectiveness of the law in responding to rights of employees in the workplace. **25**

OR

(b) To what extent does the law respond to changing values and ethical standards to achieve justice for all parties in the dispute resolution process. **25**

Question 31 - World Order (25 marks)

(a) With reference to at least one contemporary issue, evaluate the effectiveness of legal and non-legal responses in achieving world order.

25

OR

(b) 'The main focus of the law relating to world order is the resolution of conflict'.

Discuss the accuracy of this statement. **25**

End of paper

Trial HSC Exam Legal Studies 2022

Multiple Choice:

1	2	3	4	5	6	7	8	9	10
B	D	C	B	A	D	C	A	D	A
11	**12**	**13**	**14**	**15**	**16**	**17**	**18**	**19**	**20**
C	B	D	B	C	B	D	A	C	D

Human Rights Marking Guidelines

Section II: Part A – Human Rights (15 marks)

Question 21 (3 marks)

Outline THREE characteristics of human rights.

Criteria	Marks
• Indicates the main features of THREE characteristics of human rights	3
• Indicates the main features of TWO characteristics of human rights	2
• Indicates the main features of ONE characteristic of human rights	1

Marker's comments:

Students were required to correctly indicate the correct characteristic of human rights and the main features of each characteristic of human rights accurately. Some students were mixing up the characteristic and the main features. Students also need to be careful not to just identify in an outline question.

Answer can include:

- **Universal:** To be enjoyed by all individuals regardless of their nationality, gender, race, or status.
- **Inherent**: The birth right of all humans and are to be enjoyed by all people simply by reason of their humanity.
- **Inalienable:** People cannot agree to give them up or have them taken away
- **Indivisible:** That is, all human rights are equally important.

Sample answer:

Sample 1:

Question 21 (3 marks)

Outline THREE characteristics of human rights.

Human rights are universal, applying to all people regardless of sex, age, religion and more. They are also inherent, existing simply because we are human - by virtue of our humanity. They are also inalienable, meaning they cannot be taken away.

Sample 2:

Question 21 (3 marks)

Outline THREE characteristics of human rights.

There are various characteristics that make up human rights. One characteristic is that they are universal, meaning that they apply to all humans regardless of race, nationality, gender or status. Another fundamental characteristic is that they are inalienable, meaning they cannot be taken away by another person transferred to another or surrendered to another. Finally, human rights are also inherent, meaning that we are entitled them due to the virtue of being human. They do not depend on factors such as race, gender or occupation.

Question 22 (5 marks)

Explain how self-determination and universal suffrage have been recognised as human rights over time.

Criteria	Marks
• Demonstrates a thorough understanding of self-determination and universal suffrage as human rights • Provides an informed explanation of how self-determination and universal suffrage have been recognised as human rights over time.	5
• Demonstrates a sound understanding of self-determination and universal suffrage as human rights. • Provides an explanation of how self-determination and universal suffrage have been recognised as human rights over time.	4
• Demonstrates an understanding of self-determination and universal suffrage as human rights. • May include an example	3
• Makes general statements about self-determination and universal suffrage	2
• Makes general statements about human rights	1

Marker's comments:

Students needed to provide a thorough understanding of **how** self-determination and universal suffrage have been recognised as human rights over time, using specific examples. The better responses provided examples from various human rights documents such as the ICCPR and the UDHR, using specific articles. Some answers were too focused around definitions and not incorporating examples of how both human rights were recognised over time.

Answer can include:

- **Self-determination** is the right of people to decide their own political status and to choose their own form of government. This collective human right was established with the 1776 US declaration of Independence against British colonial rule. It has also been recognised in international documents such as article 15 of the UDHR, articles 1(1) and 55 of the Charter of the United Nations 1945, article 1 of **ICCPR and ICESCR.**
- **Universal suffrage** is the right of all adults to vote in government elections. The right to vote was usually restricted by status, gender, race, age, beliefs or nationality but this is a concept that has undergone gradual development. The right to vote is now protected under Article 21 (3) of the Universal Declaration of Human Rights.
- In Australia, Indigenous peoples were denied the right to vote until 1962 but unlike other Australians, voting was not compulsory for them. A 1967 constitutional referendum finally gave Indigenous Australians the right to be counted in the Australian Census.

Sample answer:

Sample 1:

Question 22 (5 marks)

Explain how self-determination and universal suffrage have been recognised as human rights over time.

collective of a community to
is the right to govern themselves or control their political status, and
self-determination is outlined in article 1 of both
the International Covenant on Civil and Political
Rights (I.C.C.P.R) 1966 and International Covenant on
Economic Social and Cultural Rights (ICESCR) 1966.
self-determination became recognised as human rights through
internal and external self-determination, decolonisation in
the 1900s, and declarations such as the Declaration on the
Rights of Indigenous People (2007). There are over 370 million
Indigenous people in the world, who have
the human right to control their political status.

universal suffrage is the right of all people to vote regardless
of sex, race, religion and more. Initially, only men were
given the right to vote, but over time, through protests of
Suffragettes, women gained the right to vote. Indigenous
people in Australia also faced discrimination, and after 100
years of struggles, their rights were recognised in 1965, where
they were given the right to vote, regardless of state laws,
in federal elections
and further in the 1967 referendum when they were included in the
Australian census. Universal suffrage is outlined in a21
of the Universal Declaration of Human Rights (UDHR) and
the ICCPR (also).

Sample 2:

Explain how self-determination and universal suffrage have been recognised as human rights over time.

Self-determination refers to the collective right of individuals to govern themselves and determine their political status without undue influence from other countries. Self-determination has been recognised in the United Nations Charter (1945), outlined in Article 1, giving importance to this right. It is also further recognised in the ~~All~~ International Covenant on Social, ~~and~~ Economic and Cultural Rights (ICESCR) (1966) under Art 1. In Australia, self-determination has applications to the Aboriginal and Torres Strait Islander (ATSI) community, as here their right to self-determination is based on acknowledging them as Australia's first peoples, as recognised by the historic native judgement. Universal suffrage refers to the right of all individuals to vote in political elections. ~~It was not granted~~ Initially, only some men were allowed to vote, with Australia granting male suffrage in 1858, New Zealand recognised this universal right granting female suffrage in 1893, with Australia following in 1902. ATSI people were ~~not~~ effectively denied this right till 1962. The right to universal suffrage is recognised in the Universal Declaration of Human Rights (UDHR) (1948), under Art 21, and in the International Covenant on Social and Political rights (1966), under Art 25.

Question 23 (7 marks)

With reference to specific examples, discuss how major human rights documents have contributed to the development of human rights.

Criteria	Marks
• Demonstrates a thorough understanding of major human rights documents and their contribution to the development of human rights • Identifies issues and provides informed points for and/or against how major human rights documents have contributed to the development of human rights • Integrates relevant examples	7
• Demonstrates a sound understanding of major human rights documents and their contribution to the development of human rights • Identifies issues and provides points for and/or against how major human rights documents have contributed to the development of human rights • Uses relevant examples	5-6
• Demonstrates some understanding of major human rights documents and their contribution to the development of human rights • Identifies issues and provides limited points for and/or against how major human rights documents have contributed to the development of human rights • Makes limited reference to examples	3-4
• Writes in general terms about human rights documents	1-2

Marker's comments:

Students were requried to demonstrate knowledge on major human rights documents such as the UDHR, ICCPR and ICESCR by identifying issues and providing arguments for and/or against their contribution to the development of human rights. Students needed to provide specific examples of articles or case studies. Identification of issues can include how human rights documents have contributed to and devleoped human rights, however has had limitations too based on the documents ability to be enforced in countries. For example, the right to education is enforced, still doesn't guarantee free primary education.

Answer can include:

- The UDHR has been an influential document in reflecting fundamental rights including 30 articles, such as the right to life in article 4. However it is considered soft law and is not binding on nations to enforce in their countries.
- The ICCPR has been instrumental in contributing to the development of human rights by being a binding covenant on countries who become parties to the document. It includes important rights such as article 8, the right to be free from slavery. However, in practice, countries can be non-compliant which is evident through the existence of modern slavery around the world.
- The ICESCR has been influential in developing human rights through the focus on key economic, cultural and social rights such as the right to work and the right to education (art 26). This has not been reflected around the world due to the consensual nature of human rights law e.g Afghanistan.

Sample answer:

Question 23 (7 marks)

With reference to specific examples, discuss how major human rights documents have contributed to the development of human rights.

various human rights documents such as the Universal Declaration of Human Rights (UDHR), International Covenant on Civil and Political Rights 1966 (ICCPR) and the International Covenant on Economic, Social and Cultural Rights 1966 (ICESCR) have outlined and enshrined specific human rights so as to protect such rights across the globe. The UDHR is soft law, meaning it is not legally binding, however it still seeks to protect human Rights outlined in its 30 articles. The UDHR essentially defined human rights, with its signatories impelled to implement the rights outlined in their domestic legislation, although not enforceable since it is not legally binding as well as the consensual nature of international law. The ICCPR was drafted in 1966 but not put into force until 1976 and was in response to the breach of rights worldwide following World War 2. It seeks out to protect rights such as the right to life and the right to security under articles 3 and 6 respectively. It is a hard law, meaning it is legally binding to all signatories. However a drawback is that some countries have again not ratified it such as China due to its State sovereignty and consensual nature of international law. It also seeks to protect various human rights violation over time and the UN committee on Civil and Political Rights, created under this treaty, aims to attempt to promote the ICCPR's implementation.

End Section II - Part A

NEXT PAGE →

Section II- Part A extra writing space

If you use this space, clearly indicate which question you are answering.

23. Finally, the ICESCR, drafted in 1966, seeks to protect various second generation rights such as the right to education and the right to freedom. This was drafted and implemented after World War 2 and continues to contribute to the development of human rights today, such as Malala's protests and fight for the right to education for girls in disadvantaged countries. Again, since it is hard law, this treaty aims to be legally binding, however the nature of international law serves as an impediment to such developments. Hence, major human rights documents such as the UDHR, ICCPR and ICESCR all seek to protect and promote human rights even today and in doing so have lead to some of the most significant contributions and developments of human rights.

Part B – Crime (15 marks)

Question 24

Evaluate the role of the sentencing process in dealing with the tension between community interests and individual rights and freedoms.

Criteria	Marks
• Demonstrates an extensive understanding of the role of the sentencing process • Makes an informed judgement using criteria about the effectiveness of the sentencing process in dealing with tensions between the community and individual rights and freedoms • Integrates relevant examples such as legislation, cases, media, international instruments, and documents • Presents a sustained, logical, and cohesive response to the question using relevant legal terminology and concepts	13 - 15
• Demonstrates a substantial understanding of the role of the sentencing process • Makes a sound judgement, explicitly or implicitly about the effectiveness of the sentencing process in dealing with tensions between the community and individual rights and freedoms • Uses relevant examples such as legislation, cases, media, international instruments, and documents • Presents a logical and cohesive response to the question using relevant legal terminology and concepts	10 - 12
• Demonstrates an understanding of the role of the sentencing process • Makes some judgement about the effectiveness of the sentencing process in dealing with tensions between the community and individual rights and freedoms • Makes some reference examples such as legislation, cases, media, international instruments, and documents • Presents a structured response to the question using relevant legal terminology and concepts	7 – 9
• Demonstrates limited understanding of the role of the sentencing process • Makes general statements about the sentencing process in dealing with tensions between community and/or individual rights and/or freedoms • Makes limited reference to examples such as legislation, cases, media, international instruments, and documents • Uses some relevant legal terminology	4 – 6
• Writes in general terms about crime or sentencing or punishment • May include reference to legislation, cases, media, international instruments, and documents • May use legal terminology	1 - 3

Marker's comments:

Breaking down the question:

Evaluate the ***role of the sentencing process*** in ***dealing with the tension between community interests and individual rights and freedoms.***

Evaluate– Make a judgement based on citeria

role of the sentencing process – purpose of sentencing : deterrence, punishment, rehabilitation, protect communitiy, rehabilitation . The purposes of sentencing can overlap, and even conflict. For example, protection of the community may not align with the rehabilitation of the offender

dealing with the tension between community interests and individual rights and freedoms.– Integrate the perspectives of all stakeholders in paragraphs – C.I

Plan:

B1: judicial

- MEM, KEM, MM
  - ~~recap~~ Retribution

B2: victim impact

- R v Ahmad (no.3) 2019
  - 27 years. 20 NPP.

B3: ~~Skat~~ appeal

↓

~~- justice for accused~~ → ~~retribution~~. incapacitation

~~B4 - circle sentencing~~

B3 - Yo → R v LMW 1999.

B4 - Mandatory sentencing.

Better responses

- Carefully read the set question, look at the directive term & spend time planning the written response.
- Extensively covered the role of the sentencing process - elaborating how the sentencing process works in dealing with the tension between community interests and individual rights and freedoms and not just identifying them (demonstrating specific knowledge)
- Judgements are well-articulated using clear criteria as the factors of evaluating the effectiveness show the sentencing process works in dealing with the tension between community interests and individual rights and freedoms.
- Provided justification and balanced reasoning in support of the comprehensive judgments. (Highlighting the difficulty and the ease of the sentencing process works in dealing with the tension between community interests and individual rights and freedoms)
- Integrate a variety of relevant supporting examples (especially *cases, legislation*, media, international instruments, documents, and statistics) as evidence to demonstrate the effectiveness. (Evidence needs to be made to support your judgment).
- Consistently used appropriate legal terms/concepts throughout the
- This question required reference to both appropriate legislation & cases to highlight the effectiveness of the sentencing process in dealing with the tension between community interests and individual rights and freedoms.
- In making an evaluation, give a balanced view and look at factors that help deal with the tension between community interests and individual rights and freedoms & factors that limit achievement of this.

Students need to improve:

- Some students need to also improve their handwriting skills
- Answer the question - knowing your syllabus dot points will help ensure you are answering the question
- PLAN!!!!!
- Not rushing to examples or evidence, needed to demonstrate specific knowledge of the role of sentencing process.
- Use PLEEL/PEEEL Structure -Improve essay style and make use of *distinct paragraphs* throughout their responses
- Link the end of the paragraph to the question even though it is repetitive.
- Quote cases & legislation correctly.
- Avoid being too descriptive - focus on the relevance of the evidence as these aids demonstrate the effectiveness/ineffectiveness of the responses

***Answers could include the following: A*reas of the syllabus that could be considered in this question**

- Sentencing Guidelines - Statutory & judicial guidelines;
- Factors affecting sentencing decisions - Aggravating and Mitigating factors, Maximum penalty, Circumstances of the offence (objective features), circumstance of the offender (subjective features)
- Mandatory Sentencing
- The role of the victim in sentencing - Thomas Kelly;
- Sentencing appeals
- Alternative methods of sentencing - Circle Sentencing & Restorative justice
- Post-sentencing considerations - Security classification (High Risk, Medium, Low Risk), Protective Custody, Parole, Preventative Detention, Continuing Detention, Sexual offenders' registration, Deportation,
- Early Guilty Pleas - sentence discount

- Community-based sentencing - Intensive correction Order, Community Correction Order and Community Release Order

Legislation:

- *Crimes Act 1900 NSW - s19 Maximum Penalty*
- *Crimes (Sentencing Procedures) Act 1999 NSW - Judicial guidelines, Section 21A - lists aggravating and mitigating factors)*
- *Children (Criminal Proceedings) Act 1987 (NSW)*
- *Child Protection (Offenders Registration) Act 2000 (NSW)*
- *Migration Act 1958 (cth),*
- *Crimes (Sentencing Procedure) Amendment (Sentencing Options) Act 2017 (CSP Amendment Act) - There is now a presumption of full-time custody or a supervised order for offenders found guilty of a domestic violence offence.*
- *The Justice Legislation Amendment (Committals and Guilty Pleas) Act 2017 ("the amending Act") introduced new committal proceedings, compulsory case conferences and a fixed guilty plea discount scheme for indictable offences.*
- *Victims' Rights and Support Act 2013 (NSW)*

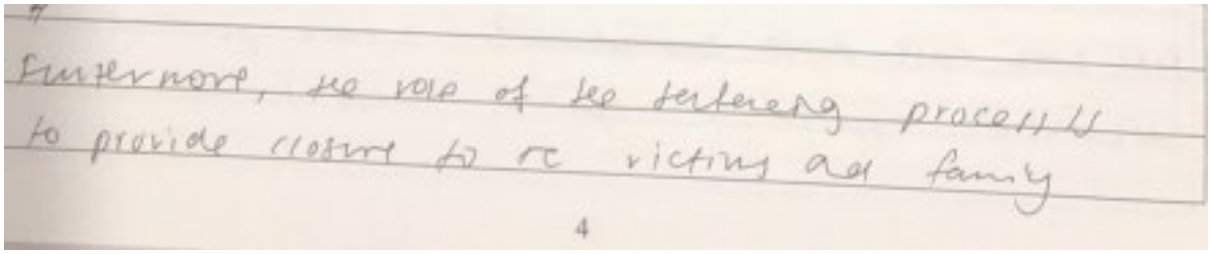
Reference to cases such as

- R v Loveridge 2014(Thomas Kelly) NSW;
- R v Sam 2009 (Gloria);
- R v Laupama 2001 NSW;
- R v Jacobs 2013 NSW (murder of police officer);
- R v Milat 1996 NSW;
- R v Skaf 2000 NSW
- R v Baden Clay 2015 QCA 265

Sample introduction

The sentencing process, which is the last process undergone in the criminal justice system, is designed to provide adequate punishment for offenders and establish ~~delte~~ deterrence for the community. However, it is necessary to maintain sufficient discretion and take into consideration both mitigating and aggravating circumstances in order to uphold individual rights and freedom - which both victims and offenders are entitled to. In doing so, the sentencing process attempts to uphold overall community interests by deciding a ~~justice~~ just outcome for all parties involved. However, as seen through the examination of guidelines & ~~std~~ mandatory sentencing, imprisonment as a punishment and post-sentencing considerations, it has struggled to adequately deal with the tension between community interests & individual rights and freedom.

Sample paragraph #1



Furthermore, the role of the sentencing process is to provide closure to the victim and family

members and the community as it effectively balances the community interests for closure with the by restricting the freedom during the right to freedom of the offender accused. During the sentencing process, victims are able to present a victim impact statement (VIS) to spread awareness to the court of the severity of the offending action had one the victims life. However in situations of murder, the story the victim is unable to personally tell nor explain the impact of the crime, the law has reformed under section 30E of Crimes Act 2004 that introduces family VIS. This enables family members to illustrate the impact the crime has had on their family in the sentencing procedure which can address the interests of the community for solace and closure. Furthermore by hearing the family VIS this ensures the right to freedom of and its limitation for the accused is justly proportionate to the crime committed. This is demonstrated through the R v Ahmad no.3 (2019) where the victim's father was able to deliver a VIS to enunciate the trauma of the death of their daughter, the victim. This encouraged and swayed the sentencing of the offender to 27

years with a 20 year non parole period (NNP). Therefore this articulates the needs of the community and the interest of the victims family to be dealt with by believing it with the right to freedom of the accused. Therefore though the law reform, it better articulates the role of sentencing process in dealing with the tension of community interests for ~~COM~~ solace ~~act~~ by restricting the rights to liberty of the accused ~~is~~ with respect to their crime to a significant extent.

Sample paragraph #2

1

Under the Crimes (Sentencing ~~Process~~ Procedure.) Act 1999, ~~the~~ NSW guidelines in sentencing are decided, along with the influence of ~~a~~ judicial guidelines and mandatory sentencing. Through statutory guidelines, the Government sets out maximum penalty for crimes, as seen though Section 19 stating

max for murder is life and section 61 stating max for sexual assault is 14 years. Though doing so it maintains the rule of law and ensures offenders are not treated unfairly before the law, along with ensuring procedural fairness by dictating a strict regime for the courts to follow, overall maintaining individual rights and freedom. However, it can be criticised for reducing separation of power, as the Government may impose personal vendettas into changes to the sentencing process, mitigating its consideration of overall community interests. This can be seen through heavy criticism of the NSW attempting to introduce mandatory sentencing for murder of police officer while they are on the job. As murder already has a max non-parole period of 25 years and this undermines the rule of law as police's lives are given unfair weighting before the law, the government's role in the sentencing process was unable to consider community interests. However, mandatory sentencing has been effective following R v Coveridge (2015), where was introduced a minimum 8 year sentence for one-punch offenders. As this amendment occured following great community outrage deeming previous guidelines inadequate, this shows how

the sentencing process is effective in responding to community interests. However, as NT has banned mandatory sentencing, as they have found it leads to an increase in imprisonment rates, along with an unfair impact on over-use Indigenous offenders being over-represented in jails. This shows mandatory sentencing can actually be ineffective in maintaining individual rights and freedom, as which can lead to a detriment of community interests in the long term, despite satisfying community interests in the short term. Nonetheless, through judicial guidelines outlining the capacity of judges to consider individual mitigating & aggravating circumstances, individual rights & freedom can be upheld as offenders are treated with proper discretion and consideration of their personal circumstances. Hence, through various sentencing guidelines, while the sentencing process has been inadequate at times in balancing community interests and individual rights and freedom, though many guidelines, it is able to consider all interests to a certain degree.

QUESTION 26 A and B

General feedback:

- **Students are still not providing a plan and often run out of time but the marker is unable to consider the plan which could lead to an extra mark**
- **Students still need to work on their structure of the response. Start a new paragraph when going from international response to domestic. Many students are not leaving a line and it becomes confusing for the marker.**
- **PEEL paragraphs is advised to ensure that you are writing sustained and logical paragraphs.**
- **Students are**

a) 'The main focus of the law relating to environmental protection is international cooperation and the resolution of conflict'.

Discuss the accuracy of this statement

CRITERIA	**Marks**
• Demonstrates extensive understanding of the law relating to environmental protection • Makes an informed judgement, explicitly or implicitly about the main focus of the law relating to environmental protection being international cooperation and resolution of conflict • Integrates the statement AND relevant examples such as legislation, cases, media, international instruments, and documents • Presents a sustained, logical, and cohesive response to the question using relevant legal terminology and concepts	21 - 25
• Demonstrates substantial understanding of the law relating to environmental protection • Makes a sound judgement, explicitly or implicitly about the main focus of the law relating to environmental protection being international cooperation and the resolution of conflict. • Uses the statement AND relevant examples such as legislation, cases, media, international instruments, and documents • Presents a logical and cohesive response to the question using relevant legal terminology and concepts	16 - 20
• Demonstrates an understanding of the law relating to environmental protection • Makes some judgement, explicitly or implicitly about the main focus of the law relating to environmental protection being international cooperation and the resolution of conflict • Makes some reference to the statement AND examples such as legislation, cases, media, international instruments, and documents • Presents a structured response to the question using relevant legal terminology and concepts	11 - 15
• Demonstrates limited understanding of the law relating to environmental protection • Makes statement about the main focus of the law relating to environmental protection being international cooperation and the resolution of conflict • Makes limited reference to the statement AND/OR examples such as legislation, cases, media, international instruments, and documents • Uses some relevant legal terminology	6 - 10
• Writes in general terms about the law relating to world order • May include reference to the statement AND/OR legislation, cases, media, international instruments, and documents • May refer to general legal terms	1 - 5

Comments:

Breaking down the question:

Quote: 'The main focus of the law relating to environmental protection is international cooperation and the resolution of conflict'.

The quote requires students to write from the perspective of the law and it's main focus being two fold – international cooperation AND resolution of conflict. It is important for students to engage with both aspects of the question meaningfully.

International cooperation – The law has encouraged cooperation by promoting the focus on environmental protection such as conferences (e.g Stockholm and Rio conferences) and through binding agreements and additional protocols. Encouraging countries to sign and ratify these agreements has led to the law being able to achieve its focus. However, when countries do not comply or ignore international treaties, the weaknesses of the law becomes evident.

Resolution of conflict – The better responses identified the conflict, before making a judgement on whether the conflict is resolved through treaties, protocols and generally, legal mechanisms.

For example, the conflict was the issue of ozone depletion, which has been on track to be resolved due to the success of the Montreal protocol and mechanisms such as mandatory timetables and the multilateral fund which promotes equity for developing countries.

Discuss – *For the purpose of this 25 mark response, students needed to make an informed judgement explicitly or implicitly, however to access the higher end of the top band, students need to be explicit in their judgement.*

Accuracy of this statement – *This was rarely done but the better responses commented on the accuracy of the statement, especially as their linking sentence at the end of the paragraph.*

b) With reference to at least one contemporary issue, evaluate the impact of state sovereignty in achieving compliance in global environmental protection.

CRITERIA	MARK
• Demonstrates extensive understanding of the impact of state sovereignty in achieving compliance in global environmental protection • Makes an informed judgement, using criteria, about the impact of state sovereignty in achieving compliance in global environmental protection with reference to at least one contemporary issue • Integrates relevant examples such as legislation, cases, media, international instruments and documents • Presents a sustained, logical and cohesive response to the question using relevant legal terminology and concepts	21-25
• Demonstrates substantial understanding of the impact of state sovereignty in achieving compliance in global environmental protection. • Makes a sound judgement, using explicit or implicit criteria, about the impact of state sovereignty in achieving compliance in global environmental protection with reference to at least one contemporary issue • Uses relevant examples such as legislation, cases, media, international instruments and documents • Presents a logical and cohesive response to the question using relevant legal terminology and concepts	16-20
• Demonstrates an understanding of the impact of state sovereignty in achieving compliance in global environmental protection. • Makes some judgement about the impact of state sovereignty in achieving compliance, with reference to at least one contemporary issue • Makes some reference to examples such as legislation, cases, media, international instruments and documents • Presents a structured response to the question using relevant legal terminology and concepts	11-15
• Demonstrates limited understanding of the impact of state sovereignty in achieving compliance in global environmental protection • Makes statements about the impact of state sovereignty and compliance in global environmental protection. May refer to a contemporary issue. • Makes limited reference to examples such as legislation, cases, media, international instruments and documents • Uses some relevant legal terminology	6-10
• Writes in general terms about global environmental protection • May include reference to legislation, cases, media, international instruments and documents • May refer to general legal terms	1-5

Comments:

With reference to at least one contemporary issue, evaluate the impact of state sovereignty in achieving compliance in global environmental protection.

CRITERIA	MARK
• Demonstrates extensive understanding of the impact of state sovereignty in achieving compliance in global environmental protection • Makes an informed judgement, using criteria, about the impact of state sovereignty in achieving compliance in global environmental protection with reference to at least one contemporary issue • Integrates relevant examples such as legislation, cases, media, international instruments and documents • Presents a sustained, logical and cohesive response to the question using relevant legal terminology and concepts	21-25
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• Writes in general terms about global environmental protection • May include reference to legislation, cases, media, international instruments and documents • May refer to general legal terms	1-5

Comments:

Marker's comments:

Students were asked to make a judgement as to how effective the legal and non legal responses are to address environmental issues at a global level. These responses tended to be examining issues such as ozone depletion, climate change, biodiversity and pollution. These responses tended to examine the legal responses in detail and then the non legal responses in far less detail. In this regard the best answers concentrated on two or three issues and discussed how effective the legal responses are. These responses used examples of global initiatives, global legal bodies and statistics to support their responses. They then dealt with the non legal responses with the better answers examining the relative power of non legal means particularly in democratic countries with a free media. These responses then made a judgement as to the relative effectiveness of the legal means compared to the non legal means.

Question 31 – World Order (25 marks)

31 (a) With reference to at least one contemporary issue, evaluate the effectiveness of legal and non-legal responses in achieving world order.

CRITERIA	Marks
• Demonstrates extensive understanding of legal and non-legal responses in achieving world order • Makes an informed judgement using criteria about the effectiveness of legal and non-legal responses in achieving world order • Integrates ONE contemporary issue concerning world order • Integrates relevant examples such as legislation, cases, media, international instruments, and documents • Presents a sustained, logical, and cohesive answer to the question using relevant legal terminology and concepts	21 - 25
• Demonstrates substantial understanding of legal and non-legal responses in achieving world order • Makes a sound judgement, explicitly or implicitly about the effectiveness of legal and non-legal responses and achieving world order • Uses ONE contemporary issue concerning world order • Uses relevant examples such as legislation, cases, media, international instruments, and documents • Presents a logical and cohesive answer to the question using relevant legal terminology and concepts	16 - 20
• Demonstrates an understanding of legal and non-legal responses in achieving world order • Makes some judgement, explicitly or implicitly about the effectiveness of legal and non-legal responses and achieving world order	11 - 15

• Makes some reference to ONE contemporary issue concerning world order • Makes some reference to examples such as legislation, cases, media, international instruments, and documents • Presents a structured response to the question using relevant legal terminology and concepts	
• Demonstrates limited understanding of legal and non-legal responses in achieving world order • Makes general statements about the effectiveness of legal and non-legal responses and achieving world order • Makes limited reference to examples such as legislation, cases, media, international instruments, and documents • Uses some relevant legal terminology and/or concepts	6 - 10
• Writes in general about world order • May include reference to examples such as legislation, cases, media, international instruments, and documents • May refer to general legal terms	1 - 5

Question 31 – World Order (25 marks)

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• Demonstrates substantial understanding of legal and non-legal responses in achieving world order • Makes a sound judgement, explicitly or implicitly about the effectiveness of legal and non-legal responses and achieving world order • Uses ONE contemporary issue concerning world order • Uses relevant examples such as legislation, cases, media, international instruments, and documents • Presents a logical and cohesive answer to the question using relevant legal terminology and concepts	16 - 20
• Demonstrates an understanding of legal and non-legal responses in achieving world order • Makes some judgement, explicitly or implicitly about the effectiveness of legal and non-legal responses and achieving world order • Makes some reference to ONE contemporary issue concerning world order • Makes some reference to examples such as legislation, cases, media, international instruments, and documents • Presents a structured response to the question using relevant legal terminology and concepts	11 - 15
• Demonstrates limited understanding of legal and non-legal responses in achieving world order	

• Makes general statements about the effectiveness of legal and non-legal responses and achieving world order • Makes limited reference to examples such as legislation, cases, media, international instruments, and documents • Uses some relevant legal terminology and/or concepts	6 - 10
• Writes in general about world order • May include reference to examples such as legislation, cases, media, international instruments, and documents • May refer to general legal terms	1 - 5

Contemporary issues

- The principle of 'responsibility to protect'
- Regional and global situations that threaten peace and security
- The success of global cooperation in achieving world order
- Rules regarding the conduct of hostilities.

Legal responses covered included

- International Court of Justice
- International Criminal Court
- Tribunals such as ICTY, ICTR, and ECCC
- International instruments e.g UNCLOS including the South China Sea dispute and the breach of UNCLOS articles (57, 60, and 300) – can also link PCA decision
- UN and UNSC and the impacts of veto powers
- R2P – Link of Syria, Libya, etc

Non- Legal responses covered included

- Media
- Non-Governmental Organisations

General comments:

- Read carefully the set question, look at the directive term & spend time on planning the written response.
- Some students need to also improve handwriting skills, improve essay style, and make use of distinct paragraphs throughout their response.
- This was a more popular question where many students demonstrated extensive knowledge of the effectives of the legal and non-legal responses in achieving world order.
- Students mostly used the contemporary issue of Responsibility to Protect and Regional and global situations that threaten peace and security
- Some popular evidence included the South China Sea dispute including UNCLOS articles and PCA. Students were able to contrast this dispute well with the Australia v Timor Leste maritime disputes and the positive impacts of state sovereignty on enhancing diplomatic relationships and giving Timor Leste a chance to earn profits and for the country to prosper.

Better responses

- Extensively covered legal responses and at least TWO non-legal responses - elaborating how legal responses work and not just identifying them (demonstrating specific knowledge) - how effective these responses are achieving world order.
- Judgements well-articulated using clear criteria as the basis of evaluating the effectiveness and ineffectiveness of the responses using contemporary issues. Provided justification and balanced reasoning in support of the comprehensive judgements. (Highlighting the difficulty and the ease of the responses achieving world order)

- Integrate a variety of relevant supporting examples as evidence to demonstrate the effectiveness of the legal responses in encouraging cooperation and resolving conflict in achieving world order, including establishing instruments such as United Nations Security Council Resolutions and The Rome Statute.
- Clearly, articulating the link between the response and the outcome (achieving world order)
- Integrates ONE contemporary issue concerning world order with brief description of the issue
- Integrating and analysing relevant media reports, documents, international law and opinions from experts.

Students need to improve:

- Some students need to also improve their handwriting skills
- Answer the question - knowing your syllabus dot points will help ensure you are answering the question
- Avoid writing page long introduction
- PLAN!!!!!
- Use PLEEL/PEEEL Structure -Improve essay style and make use of *distinct paragraphs* throughout their responses
- Link the end of the paragraph to the question even though it is repetitive.
- Not rushing to examples or evidence, needed to demonstrate specific knowledge of contemporary issues before introducing the responses
- Quote cases & legislation correctly. Try and include media articles especially those provided in booklets
- Avoid being too descriptive - focus on the relevance of the evidence as these aids demonstrate the effectiveness/ineffectiveness of the responses

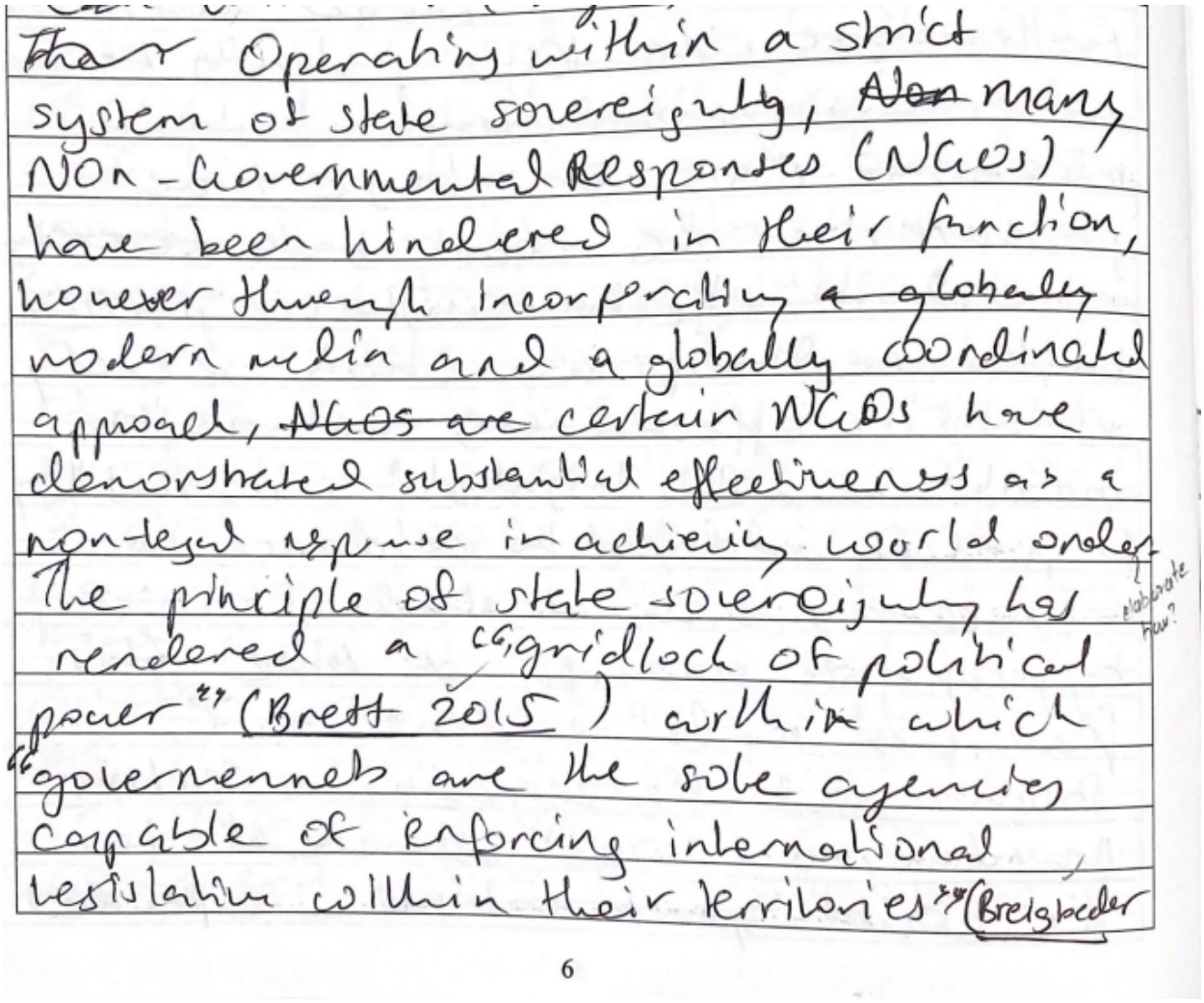
Sample paragraph #1

Furthermore, the ~~ICC Internat~~ International Court of Justice (ICC), established under Rome Statute (2002) has jurisdiction over crimes against humanity, war crimes and genocide. However, as states have a responsibility to appropriately extradite and prosecute offenders, the ICC is designed as a court of last resort. While this is beneficial for states to heavily contribute to UN and promote global cooperation, this creates a significant time lag in the ICC's response as it only has jurisdiction when the domestic state fails. However, it is still a powerful institution, as though its protection focus on individuals, it mitigates the individuals' ability to use state sovereignty ~~as an~~ as an ~~ek~~ to justify their abuses, along with upholding the rule of law as all individuals, even powerful heads of states, are treated equal. Moreover, as it synergises with other responses, it exemplifies its effectiveness, as seen through the UNSC able to pass resolutions to ~~gra~~ gravity crimes to the ICC prosecutor. This was highly successful when the UNSC

passed a resolution to Libya in 2011, which led to successful ICC prosecutions. However, this success is limited by the UNSC veto powers, as if the any of the P5 votes, the resolution to grant ICC jurisdiction is dismissed, along with P5 having the ability to defer ICC investigations for 12 months and renewable indefinitely. As a result, due to Russia's 12 votes, the ICC was unable to intervene, limiting its ineffectiveness. However, the ICC has been successful in its ability to potentially intervene in contemporary issues due to its array of jurisdictional power. As explained in "Will Putin force ICC to Russia's actions?" (Aljazeera, 2022), while ~~to~~ Russia & Ukraine are not parties to the Rome statute, limiting ICC interference as it can only hear cases of those party to the Rome Statute, Ukraine has issued a declaration granting jurisdiction to ICC under Article 12 of the ICC statute, this show the high effectiveness of ICC is intervening in conflict, which can achieve world order, yet it is speculated the

ICC won't be able to intervene due until Putin is out of power, limiting its ability to effectively achieve world order due to time lag and political constraints. Nonetheless, the ICC has has some successful prosecutions as seen through Prose v AA Ahmad Al Faqi Al Mahdi (2016), where he was find guilty of war crimes, whereas Niger surrendered him, showing importance of global cooperation, ICC was able to effectively contribute to world order. While he got a sentence of 9 years there was international criticism of the sentencing being low severity, impeding world order due to ICC's lower consideration of community interests, despite its commitment to uphold the rule of law. Hence, while the ICC has had both impeding and successful mechanisms in achieving world order, its overall effectiveness has been low.

Sample paragraph #2



Their Operating within a strict system of state sovereignty, ~~Alan~~ many NON-Governmental Responses (NGOs) have been hindered in their function, however through incorporating a ~~globally~~ modern media and a globally coordinated approach, ~~NGOs are~~ certain NGOs have demonstrated substantial effectiveness as a non-legal response in achieving world order. The principle of state sovereignty has rendered a "gridlock of political power" (Brett 2015) within which "governments are the sole agencies capable of enforcing international legislation within their territories" (Breitbacher

elaborate how?

2019), and as such, purely independent NGOs have found it difficult to achieve their functions of providing humanitarian aid. For instance, the International Committee of the Red Cross (ICRC) has demonstrated effectiveness in delivering aid to certain of low income ~~nations~~ areas of conflict* but has ~~the~~ had its overall function on a macro scale largely ~~illicited~~ by its inability to ~~be~~ achieve anything without the support of government** bodies (Breth 2015) due to its independence from any political entity. Conversely, however, the International Crisis Group (ICG) has overcome the hindrances of state sovereignty through its ~~applic~~ effective incorporation of media, which transcends geopolitical boundaries, and alignment with government entities to achieve a ~~better~~ better globally cooperated approach to world order. Collecting ~~around~~ around 14000 members monthly, the ICG has ingrained itself within the media landscape and obtained help from governm

do you have a specific example of how

entities to extend its reach beyond the hurdles of state sovereignty, making it an effective non-legal respondent. As such, while many NGOs have been largely impacted by the system of state sovereignty, the rise of the media, and ~~ge~~ paired with global connections presents an effective view for NGOs to achieve world order.

Question 31 – World Order (25 marks)

31(b) 'The main focus of the law relating to world order is the resolution of conflict'. Discuss the accuracy of this statement.

CRITERIA	Marks
• Demonstrates extensive understanding of the law relating to world order • Makes an informed judgement, explicit or implicit about the main focus of the law relating to world order in the resolution of conflict • Integrates the statement AND relevant examples such as legislation, cases, media, international instruments, and documents • Presents a sustained, logical, and cohesive response to the question using relevant legal terminology and concepts	21 - 25
• Demonstrates substantial understanding of the law relating to world order • Makes a sound judgement, explicitly or implicitly about the main focus of the law relating to world order in the resolution of conflict • Uses the statement AND relevant examples such as legislation, cases, media, international instruments, and documents • Presents a logical and cohesive response to the question using relevant legal terminology and concepts	16 - 20
• Demonstrates some understanding of the law relating to world order • Makes some judgement, explicitly or implicitly about the main focus of the law relating to world order in the resolution of conflict • Makes some reference to the statement AND examples such as legislation, cases, media, international instruments, and documents • Presents a structured response to the question using relevant legal terminology and concepts	11 - 15
• Demonstrates limited understanding of the law relating to world order • Makes statement about the main focus of the law relating to world order in the resolution of conflict • Makes limited reference to the statement AND/OR examples such as legislation, cases, media, international instruments, and documents • Uses some relevant legal terminology	6 - 10
• Writes in general terms about the law relating to world order • May include reference to the statement AND/OR legislation, cases, media, international instruments, and documents • May refer to general legal terms	1 - 5

Legal responses covered included

- International Court of Justice
- International Criminal Court
- Tribunals such as ICTY, ICTR, and ECCC
- International instruments e.g UNCLOS including the South China Sea dispute and the breach of UNCLOS articles (57, 60, and 300) – can also link PCA decision
- UN and UNSC and the impacts of veto powers
- R2P – Link of Syria, Libya, etc

General comments:

Only a few students chose this response.

The accuracy of the statement 'the focus of the law relating to world order in the resolution of conflict needed to be clearer at times.

Students need to integrate the statement in their paragraphs and not only in the end of the paragraph to link back.

Discussion of the statement – enable students to make a judgment as the students had to elaborate if the statement is true or not. (Judgement linked to the discussion of accuracy of the statement)

Some need to focus on writing more logically, concisely, and clearly.

Better responses

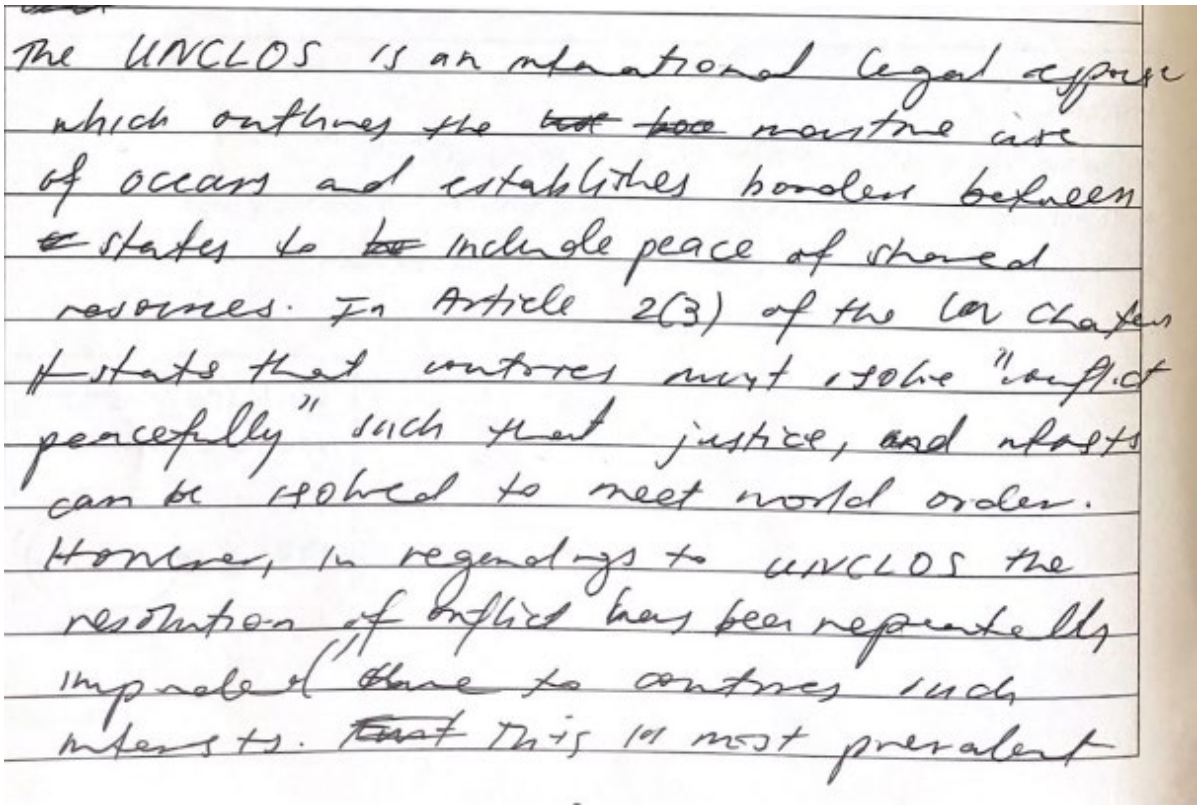
- Extensively covered law relating to world order. elaborating how legal responses work in resolution of conflict and not just identifying them (demonstrating specific knowledge) - how effective these responses are achieving world order.
- Discussing the accuracy of the statement and making judgements as the basis of evaluating the effectiveness and ineffectiveness of the law in resolution of conflict. Provided justification and balanced reasoning in support of the statement.
- Integrate a variety of relevant supporting examples as evidence to demonstrate the effectiveness of the legal responses in resolving conflict, including establishing instruments such as United Nations Security Council Resolutions and The Rome Statute.
- Clearly, articulating the link between the response and the outcome (resolution of conflict)
- Integrating and analysing relevant media reports, documents, international law and opinions from experts.

Students need to improve:

- Some students need to also improve their handwriting skills
- Answer the question - knowing your syllabus dot points will help ensure you are answering the question
- PLAN!!!!!
- Avoid writing page long introduction
- Use PLEEL/PEEEL Structure -Improve essay style and make use of *distinct paragraphs* throughout their responses
- Integrate the statement in their paragraphs and not only in the end of the paragraph to link back.
- Link the end of the paragraph to the question even though it is repetitive.

- Not rushing to examples or evidence, needed to demonstrate specific knowledge conflict or elaboration of the issue in conflict before discussing the accuracy of the statement
- Quote cases, case studies & legislation correctly. Try and include media articles especially those provided in booklets
- Avoid being too descriptive - focus on the relevance of the evidence as these aids demonstrate the effectiveness/ineffectiveness of the responses

Sample paragraph #1

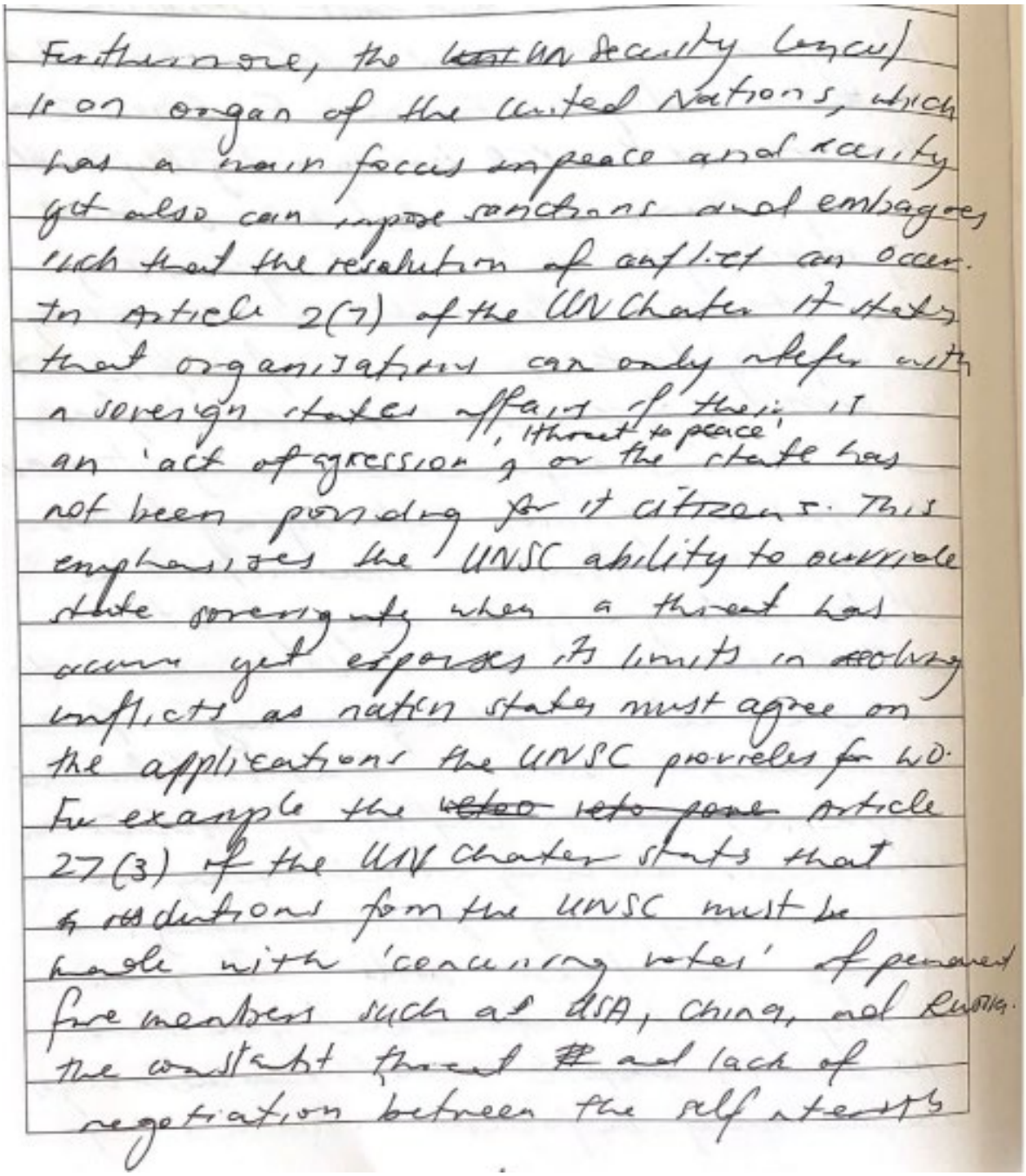


The UNCLOS is an international legal agreement which outlines the ~~law~~ maritime rights of oceans and establishes borders between states to include peace of shared resources. In Article 2(3) of the UN Charter it states that countries must resolve "conflict peacefully" such that justice, and rights can be upheld to meet world order. However, in regards to UNCLOS the resolution of conflict has been repeatedly impeded ~~done~~ to countries rich interests. ~~First~~ This is most prevalent

in the South China Sea Case. In this case, Phillipines sought after the Permanent Court of Arbitration to seek ~~a~~ that China had impeded ~~on~~ UNCLOS as the rejected the UNCLOS article 27 and ~~cost~~ established fishing, exploration, and artificial structures in ~~the~~ the Phillipines Economic Exclusion Zone. However as the PCA has non-legally binding rulings, China ~~has~~ impeded UNCLOS ~~or~~ more by rejecting the ruling and espousing conflicts in UNCLOS due to their sovereignty. This highlights the laws lack of enforcement to resolve conflict as there is a lack of international enforcement body. However, the Australia v Timor Leste displayed how conflict resolution can occur with the states willingness to comply as the ~~a~~ Australia and Timore Leste came to an agreement on equally usage of the Greater Sunrise Gas Fields. This expresses how the conflict of resolution can occur although states may have previous conflicting opinions through a change and their ~~state~~ willingness to comply with international law. Thus the UNCLOS ~~dispute~~ reveals how although the law may be focused on maintaining

peace and equitable sharing of resources the resolution of conflict can only occur through enforcement measure and willingness of states to comply.

Sample paragraph #2



Furthermore, the ~~UN~~ Security Council is an organ of the United Nations, which has a main focus on peace and security ~~but~~ also can impose sanctions and embargoes such that the resolution of conflict can occur. In Article 2(7) of the UN Charter it states that organizations can only interfere with a sovereign states affairs if there is an 'act of aggression', 'threat to peace' or the state has not been providing for it citizens. This emphasizes the UNSC ability to override state sovereignty when a threat has occurred yet exposes its limits in resolving conflicts as nation states must agree on the applications the UNSC provides for us. For example the ~~veto~~ veto power Article 27(3) of the UN Charter states that resolutions from the UNSC must be made with 'concurring votes' of permanent five members such as USA, China, and Russia. The constant threat of and lack of negotiation between the self interests

of these States has limited the UNSC ability to resolve conflict and the statement is limited in accuracy when self interests of nation apply. For example China vetoed trade embargoes and sanctions that were proposed during the Rwandan civil war, due to their self interest of obtaining oil from Sudan. These highlights how world order is only somewhat focused on the abolition of conflict as enforceability is limited due to self interest. Furthermore the Security Council Report 2014, stated that since 2012, Russia has vetoed 12 times and China has vetoed Resolutions on 7 occasions, accentuating the UNSC inefficiency to provide just outcomes and maintaining the international community's need for IHO due to state sovereignty. Thus the UNSC's main focus on resolution of conflict is limited by its lack of an enforcement body and the compromising duality of nation self interests.

Sample paragraph #3

The use of international law (IL) aims to resolve conflict between regional conflict to achieve NO is enhanced by nations use of IS ~~to achieve~~ which highly accurately reflects the statement. From article 57 of UNCLOS it gives each nation the right to 200 nautical mile for their exclusive economic zone (EEZ). This aims to equally share access to the resource rich waters and hence resource conflict between nations. However because of the close proximity of Australia and East Timor, this renders NO & IL ineffective in resolving conflict despite its aim to. However with the rise of conflict, the development of new ~~past~~ treaties such as the bilateral treaty, Maritime Boundary Treaty 2018

was specifically designed to resolve conflict between Australia and East Timor. It stated that the greater sunrise gas and oil field in the Timor sea is to be split 70:30 to East Timor and Australia respectively. This aims to resolve conflict peacefully as nations while their JSI to ensure adherence adherence to it. Furthermore, this division of rights to the oil and gas field provides a projected $70 revenue to the developing nation East Timor, which further articulates the role of law is to resolve conflict and provide benefits to the nations involved. Therefore, through the development of a bilateral agreement, it adheres to the article 2(3) of the UN Charter and article 300 of UNCLOS that explicitly mentions to need to resolve conflict peacefully. Therefore Thus, this reveals through the bilateral treaty established, to resolve the main focus of law is to resolve conflict peacefully between nations by encouraging the use of JS positively to comply. which rights accurately reflects the statement.

Sample paragraph #4

Furthermore, though the use of law, it reveals the high dummy of the statement to resolve conflict despite the resource motivation by nations that can limit the resolution of conflict. As per article 57 of UNCLOS this enshrines that nations are given access to 200nm EEZ from their continental shelf which reveals the main aim to resolve conflict through equal access to resource in the water. However though the motivation of nations such as China, the use of their 9-dash line breaches such law as it provides them with 90% access to the South China Sea which has access to 40% of the world's liquified gas and oil. However, the use of law under article 2(4) states that nations are to refrain from the use of force which highlights that the rule of law has the main aim to resolve conflict between nations to achieve World order (LWO). However because of the resource motivation, no China utilises their cabbage strategy to disregard to law through militarisation

of the South China Sea with surveillance boats and navy destroyers - Therefore articulating the main aim of the law is to resolve conflict can be limited by the resource motivations of a nation. Furthermore, the application of the law in courts as seen through the permanent court of Arbitration (PCA) sided in favour of 14 out of 15 claims from the Philippines. This highlights that the role of the law in courts to promote the resolution of conflict to achieve UO. However through the use of UNCLOS by China, this can render the law and rulings of the court ineffective due to the nation's prioritisation of economic interests for resource and achieving UO. Therefore through the use of it, it highlights the highly dynamic nature of the law that has the main focus to resolve conflict despite being ineffective due to economic interests of a nation