STUDENT NUMBER:	
TEACHER:	

BAULKHAM HILLS HIGH SCHOOL

HIGHER SCHOOL CERTIFICATE

2024 **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 in the spaces provided

Total marks: 100

Section I – 20 marks (pages 3–7)

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

Section II – 30 marks (pages 9–19)

This section has two parts, Part A and Part B

- Allow about 1 hour for this section

Part A – 15 marks

- Attempt Question 21–23

Part B – 15 marks

- Attempt Question 24

Section III – 50 marks (pages 20–22)

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

Questions	Marks
Multiple Choice Q1-20	/ 20
Short Answer Part A Q21-23	/ 15
Short Answer Part B Q24	/ 15
Extended Response Option 1	/ 25
Extended Response Option 2	/ 25
TOTAL	**/ 100**

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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 In an indictable criminal trial, what is one right of the defence?

A. To determine what evidence will be led by the prosecution
B. To decide what the charge is against the defendant
C. To determine who the judge is
D. To challenge evidence led by the prosecution

2 Who has the authority to decide on granting bail?

A. Security guards
B. Police and courts
C. The Attorney General
D. The United Nations

3 Which of the following rights is NOT in the United Nations Declaration of Human Rights?

A. The right to seek asylum from persecution
B. The right to self-defence
C. The right to vote
D. The right to a family

4 20 year-old Gary is facing court on a charge of reckless driving.

Who will represent the prosecution in the NSW Local Court?

A. The police
B. The Director of Public Prosecutions
C. The Premier of NSW
D. Border Force

5 What is the purpose of a Continued Detention Order?

A. Retribution
B. Deterrence
C. Incapacitation
D. Rehabilitation

6 Mark, aged 21 years, has been arrested after an armed robbery.

How long can he be questioned for after the arrest?

A. 3 hours
B. 4 hours
C. 5 hours
D. 6 hours

7 What would be considered as evidence in a criminal trial?

A. An expert opinion of a doctor
B. An opinion of a radio host
C. An opinion of a Member of Parliament
D. An opinion of the United Nations

8 When can a young offender be found to be criminally responsible?

A. Below the age of 10 years
B. Between 10 years old and 14 years old if the prosecution rebuts doli incapax
C. When they reach the age of 16 years old
D. When they exceed the age of 18 years old

9 Which of the following human rights exist in the Australian Constitution?

A. The right to have children
B. The right to education
C. The right to stand as a candidate for Parliament
D. The right to Legal Aid when tried for an indictable offence

Use the following information to answer Questions 10 and 11.

RJ has been found in possession of a commercial quantity of drugs. RJ, during questioning, denies the police questions that he knew of the existence of the drugs.

10 What standard of proof must the prosecution meet if the matter is contested in court?

A. Balance of probabilities
B. Beyond a reasonable doubt
C. Balance of facts
D. Beyond any doubt

11 What can the police apply to RJ if a lawyer is present?

A. Coercion to obtain a confession
B. A promise that the court will approve lenient punishment for the offence
C. A special caution
D. An order to remove the lawyer

12 What is one characteristic of human rights?

A. They only apply during times of conflict
B. They are omnipotent
C. They are inalienable
D. The United Nations can enforce them

13 What legal concept is challenged by mandatory sentencing?

A. The division of powers
B. The separation of powers
C. The standard of proof
D. The burden of proof

14 Electronic monitoring can form part of which of the following punishments?

A. An Intensive Corrections Order
B. A Conditional Release Order
C. Imprisonment
D. Parole

15 Which of the following human rights bodies enforces human rights in Australia?

A. Amnesty International
B. The United Nations Security Council
C. The Federal Police
D. The Australian Human Rights Commission

16 Who is responsible for granting parole to offenders in custody in NSW?

A. The Local Court
B. The State Parole Authority
C. The NSW Police
D. The NSW Parliament

17 Antonia has been charged with murder.

Which of the following is considered to be a complete defence available to her?

A. Diminished Responsibility
B. Extreme Provocation
C. Accident
D. Excessive self-defence

18 Which human right was enforced in Australia in 1901?

A. Universal suffrage for non-indigenous Australians aged 21 or older
B. The obligation to join a trade union
C. The right to unrestricted free speech
D. Environmental rights

19 What does a guilty plea for a criminal offence remove from the criminal trial process?

A. The need for a judge
B. The prior offences of the accused
C. A sentencing decision
D. The jury

20 Which of the following would be considered a crime prevention strategy?

A. School education visits from the police
B. Closed- TV circuit cameras
C. High visibility police presence
D. All of the above

End of Section I

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STUDENT NUMBER:	
TEACHER:	

2024 **TRIAL HSC EXAMINATION**

Legal Studies

Section II Answer Booklet

30 Marks
Attempt Questions 21–23
Allow about 1 hour for this section

Instructions

- Write your Student Number and teacher's name at the top of this page.
- Part A – Human Rights
  Answer 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 15–17. If you use this space, clearly indicate which question you are answering.
- Part B – Crime
  Answer Question 24 in the Section II Writing Booklet.

Please turn over

Section II

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

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

Question 21 (3 marks)

Explain the role of the Australian court system in developing human rights in Australia.

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Question 22 (5 marks)

Using examples, explain the role of the International Bill of Rights in protecting human rights.

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Please turn over

Question 23 (7 marks)

Assess the impact of state sovereignty in the application of human rights.

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End of Section II Part A

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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.

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Legal Studies

Section II (continued)

Part B – Crime
15 marks
Attempt Questions 24

Answer Question 24 in the Section II Writing Booklet. Extra writing paper is available.
Write your Student Number and teacher's name on the booklet.

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)

Assess the effectiveness of the Australian criminal justice system in responding to the challenges of international crime.

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 both questions in the Section III Writing Booklets. Extra writing paper are available.
Use a separate writing booklet for each question. Clearly state the question attempted.
Write your Student Number and teacher's name on the booklet.

Your answer 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 legislations, 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 impact of changing values and ethical standards in encouraging dispute resolution between consumers and suppliers. **25**

OR

(b) Assess the effectiveness of the law in responding to the needs of consumers in modern Australian markets. **25**

Question 26 – Global Environmental Protection (25 marks)

(a) With reference to AT LEAST one contemporary issue, evaluate the impact of changing values and ethical standards in protecting the global environment. **25**

OR

(b) Assess the role of state sovereignty in promoting compliance in the protection of the global environment. **25**

Question 27 – Family (25 marks)

(a) With reference to AT LEAST one contemporary issue, evaluate the impact of changing values and ethical standards in legal responses to conflict within family situations. **25**

OR

(b) Assess the role of law reform in responding to contemporary Australian family structures. **25**

Question 28 – Indigenous Peoples (25 marks)

(a) With reference to AT LEAST one contemporary issue, evaluate the impact of changing values and ethical standards in the resolution of conflict faced by Indigenous peoples in determining their future. **25**

OR

(b) Assess the role of law reform in responding to the needs of Indigenous peoples in a global context. **25**

Question 29 – Shelter (25 marks)

(a) With reference to AT LEAST one contemporary issue, evaluate the impact of changing values and ethical standards in resolving conflict that results from the needs of people who have difficulty in securing shelter. **25**

OR

(b) Assess the role of law reform in responding to the different needs of those providing shelter and those seeking shelter. **25**

Question 30 – Workplace (25 marks)

(a) With reference to AT LEAST one contemporary issue, evaluate the impact of changing values and ethics to protect the rights of employees in the workplace. **25**

OR

(b) Assess the role of law reform in responding to conflict resulting from the different needs of employers and employees. **25**

Question 31 – World Order (25 marks)

(a) With reference to AT LEAST one contemporary issue, evaluate the impact of changing values and ethics in promoting world order and resolving conflict. **25**

OR

(b) Assess the role of state sovereignty in responding to issues that challenge world order. **25**

End of paper

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STUDENT NUMBER:	
TEACHER:	

BAULKHAM HILLS HIGH SCHOOL

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2024 TRIAL HSC EXAMINATION

Legal Studies

Section I – Answer Sheet

20 marks

Attempt Questions 1–20

Allow about 30 minutes for this section

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 across 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 this by writing the word *correct* and drawing an arrow as follows:

correct ↙

A⊗ B⊗ C○ D○

1.	A○	B○	C○	D○	**11.**	A○	B○	C○	D○
2.	A○	B○	C○	D○	**12.**	A○	B○	C○	D○
3.	A○	B○	C○	D○	**13.**	A○	B○	C○	D○
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○

–+

Suggested Marking Guidelines for the 2024 Trial Examination

Section I

Question	Marks	Content	Outcomes Tested	M.C answers
1	1	Crime – Nature	H3	A
2	1	Crime – Young Offenders	H1	B
3	1	Crime - Nature	H3	C
4	1	Crime – Criminal Investigation process	H1	A
5	1	Human Rights - Promoting	H3	D
6	1	Crime – Criminal Trial	H3	C
7	1	Crime – Sentencing	H1 & H3	D
8	1	Human Rights - Promoting	H3	D
9	1	Crime – Post Sentencing	H3	C
10	1	Crime – Criminal Investigation	H1	A
11	1	Crime - Nature	H1	C
12	1	Crime – Post Sentencing	H2	B
13	1	Human Rights - Promoting	H3	C
14	1	Crime – Criminal Investigation	H3	A
15	1	Crime – Criminal Trial	H1 & H3	B
16	1	Human Rights – Nature	H2	C
17	1	Crime – Post Sentencing	H3	D
18	1	Human Rights - Nature	H3	C
19	1	Crime – Criminal Trial	H1	B
20	1	Crime - Nature	H1	A

Marks	Content	Outcomes Tested
3	Human Rights	H1 & H2
4	Human Rights	H4 & H5
8	Human Rights	H1, H3, H4, H5, H6

Marks	Content	Outcomes Tested
15	Crime	H1, H3, H4, H5, H6, H8, H9

Marks	Content	Outcomes Tested
25	Consumers	a) H1, H3, H5, H6, H8, H9, H10 b) H1, H3, H5, H7, H8, H9, H10
25	Global Environmental Protection	a) H1, H3, H5, H6, H8, H9, H10 b) H1, H3, H5, H7, H8, H9, H10
25	Family	a) H1, H3, H5, H6, H8, H9, H10 b) H1, H3, H5, H7, H8, H9, H10
25	Indigenous Peoples	a) H1, H3, H5, H6, H8, H9, H10 b) H1, H3, H5, H7, H8, H9, H10
25	Shelter	a) H1, H3, H5, H6, H8, H9, H10 b) H1, H3, H5, H7, H8, H9, H10
25	Workplace	a) H1, H3, H5, H6, H8, H9, H10 b) H1, H3, H5, H7, H8, H9, H10
25	World Order	a) H1, H3, H5, H6, H8, H9, H10 b) H1, H3, H5, H7, H8, H9, H10

Section II
Part A- Human Rights (15 marks)

Question 21 (3 marks)

Explain the role of the High Court in developing human rights in Australia

Criteria	Marks
• Sketches in general terms how the High Court develops human rights	3
• Sketches in general terms some of the roles the High Court has	2
• Makes statements about the High Court	1

Responses included High Court decisions in its original jurisdiction to develop human rights including the Franklin Dam matter to allow the Federal Government to sign and enact international human rights documents. Appellate matters included the Dietrich matter for legal assistance, Mabo for self determination and Toonen for same sex relationships.

Question 22 (5 marks)

Using examples, explain the role of the International Bill of Rights in protecting human rights

Criteria	Marks
• Demonstrates a comprehensive understanding of the International Bill of Rights • Provides thorough detail about the limitations of the International Bill of Rights • Integrates examples into the response	5
• Demonstrates an understanding of the International Bill of Rights • Provides detail about the limitations of the International Bill of Rights • May use an example in the response	4
• Provides some detail about the limitations of the International Bill of Rights • May refer to an example in the response	3
* Provides limited detail about the International Bill of Rights	2
* Makes statements about rights	1

Responses included the listing of the 3 International Human Rights documents (UN Declaration of Human Rights, International Covenant on Civil and Political Rights, International Covenant on Economic, Social and Cultural Rights), the specific Articles of these documents and examples of where these are or are not protective of human rights. Some of the better responses also explained the limitations placed by state sovereignty on the use of the International Bill of Rights and used Australian examples to support how these can be protective of human rights

Question 23 (7 marks)

Assess the role of state sovereignty in the application of human rights **.**

Criteria	Marks
• Demonstrates a thorough understanding of the role of state sovereignty in the application or non application of human rights • Provides extensive supported examples of where state sovereignty has led to the application of human rights or non application of human rights • Gives extensive examples of the various human rights documents being ratified or not ratified by states due to state sovereignty • Directly addressed the question	7
• Demonstrates sound understanding of the role of state sovereignty in the application of human rights • Provides some supported examples of state sovereignty supporting the application of human rights or non application of human rights • Addresses the statement	5-6
• Demonstrates some understanding of the role state sovereignty in the application of human rights • Gives a limited number of examples of where state sovereignty may or may not have impacted on the application of human rights	3-4
• Demonstrates limited understanding of the role of state sovereignty in the application of human rights	1-2

Responses identified state sovereignty with the use of the UN Charter and then proceeded to outline the Australian powers to become involved in human rights applications. The best responses linked explicit Articles with clear human rights from international responses with domestic legislation and case law. These responses were clear in explaining the limitations place by state sovereignty on applying human rights universally despite the international documents making it clear that these must be applied by all nation states. Some of the responses indicated issues concerning non state actors with clear examples of human rights breaches.

Question 24

Criteria	Marks
• Demonstrates extensive understanding of the Australian criminal justice system in responding to the challenges of international crime. • Makes an informed judgement, using criteria, about the effectiveness of the Australian criminal justice system in responding to the challenges of international crime. • Integrates relevant examples such as legislation, cases, media, international instruments and documents into the response • Presents a sustained, logical and cohesive answer to the question using relevant legal terminology and concepts	13 – 15
• Demonstrates substantial understanding of the Australian criminal justice system in responding to the challenge of international crime. • Makes a sound judgement, explicitly or implicitly, about the effectiveness of the Australian criminal justice system in responding to the challenges of international crime. • 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	10 – 12
• Demonstrates an understanding of the Australian criminal justice system in responding to the challenges of international crime. • Makes some judgement about the effectiveness of Australian criminal justice system in responding to the challenges of in with international crime. • Makes some reference to examples such as legislation, cases, media, international instruments and documents • Presents a structured answer to the question using relevant legal terminology and concepts	7 – 9
• Demonstrates limited understanding of the Australian criminal justice system in responding to the challenges of international crime. • Makes statements about the effectiveness of the Australian criminal justice system in responding to international crime • Makes limited reference to examples such as legislation, cases, media, international instruments and documents • Uses some legal terminology and concepts	4 – 6
• Writes in general terms about the domestic or international crime responses • May include reference to legislation, cases, media, international instruments and documents • Uses legal terminology	1 – 3

This question proved difficult for many of the candidates to access the top band of marks which is an area that the cohort needs to concentrate upon the structure of the response. The question was best answered by splitting the international crime into the two areas of transnational crime and internationally recognised crimes. In the area of transnational crimes the better responses used international examples such as the Convention on Transnational Organised Crime (2000) and the Protocols that attended this Convention (eg Protocol to Prevent, Suppress and Punish Trafficking in Persons) and then linked these to the Australian criminal justice system with the Criminal Code Act 1995 Section 270 and 271. These responses then used authorities, statistics and media articles to support their response. These better responses may have mentioned international initiatives such as CITES, the Bali process and the drug trade initiatives (eg Convention Against Illicit Trade in Narcotic Drugs and Psychotrophic Substances 1988). The issues around the extradition of criminal wanted in Australia and those who were wanted by external authorities was contrasted with the deportation of criminals in Australia and the lack of ability of Australian authorities to deport those charged with crimes overseas that could attract the death penalty was examined. These better responses then addressed the internationally recognised crimes and linked the Australian criminal justice system with enforcing these with domestic legislation. The issues with jurisdictional issues was surprisingly not addressed consistently across the cohort with very few addressing the child sex tourism laws that are outlined in Section 273 of the Criminal Code Act – it allows Australian authorities to charge Australians with crimes that are recognised in Australia but committed externally. No candidates went further to detail the 2007 amendments which prevent convicted child sex offenders from travelling to foreign destinations (8000 offenders impacted).

Question 26 – Global Environmental Protection (25 marks)

(a) With reference to AT LEAST one contemporary issue, evaluate the impact of changing values and ethical standards in protecting the global environment.

CRITERIA	MARK
• Demonstrates extensive understanding of global environmental protection • Makes an informed judgement, using criteria, about the impact of changing values and ethical standards in protecting the global environment • Integrates at least ONE contemporary issue concerning global environmental protection • 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 global environmental protection • Makes a sound judgement, using explicit or implicit criteria, about the impact of changing values and ethical standards in protecting the global environment • Uses at least ONE contemporary issue concerning global environmental protection • 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 global environmental protection • Makes some judgement about the impact of changing values and ethical standards in protecting the global environment • Makes some reference to at least ONE contemporary issue concerning global environmental protection • 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 global environmental protection • Makes statements about the impact of changing values and ethical standards in protecting the global environment • 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

In better responses, students were able to:

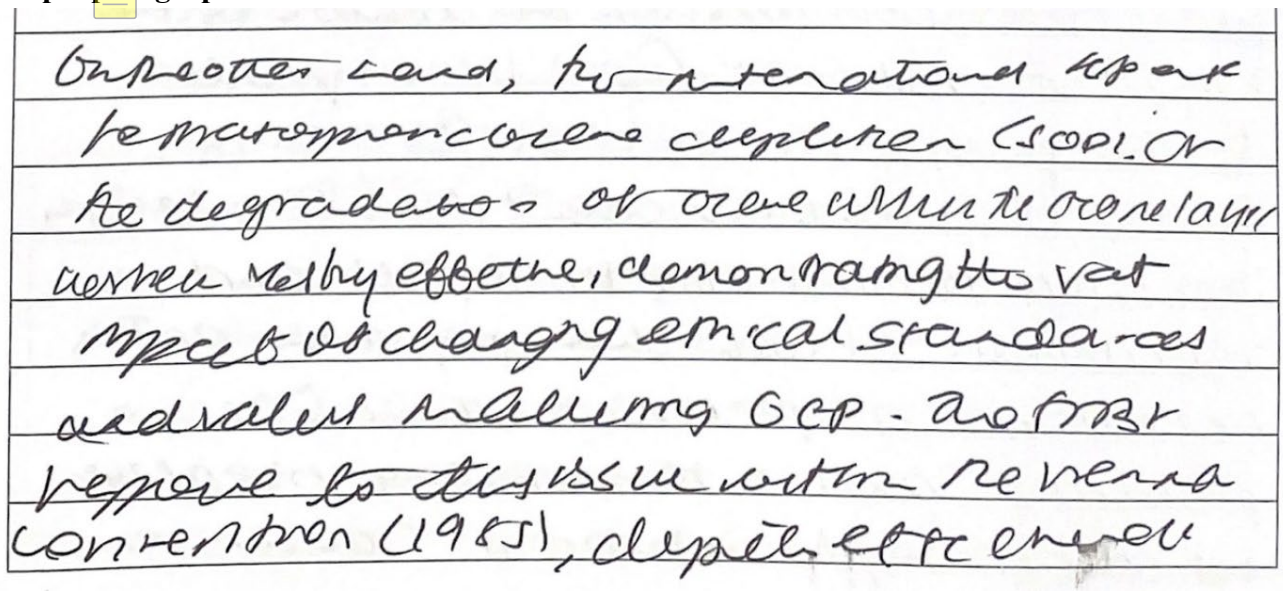
- Demonstrate an extensive understanding of global environmental protection, both international and domestic (Compare and contrast)
- Examined contemporary issue in detail and used examples as to whether these issues reflect changing vales and ethics
- Demonstrates knowledge of how specific changes in values and ethical standards have promoted global environmental protection
- Extensive understanding of the impact and make informed judgement about the influence of changing values and ethical standards in promoting global environmental protection
- Incorporating/integrating LCMDT and opinions that support your arguments and their influence due to changes in values and ethical standards/law reform in promoting global environmental protection
- Use topic-specific vocabulary, such as ‘intergenerational equity’ and ‘ecologically sustainable development’

Area of improvement:

PLAN!!!

- Demonstrating knowledge of how specific changes in values and ethical standards/law reform have promoted global environmental protection/Displaying a depth of knowledge, rather than writing superficially about a wide range of aspects of GEP
- Response should have a minimum of 3/4
- Making an informed judgement throughout their response (in paragraph), rather than making the judgement when referencing the question at the end of each paragraph without a link to the material presented in that paragraph.
- Incorporating/integrating examples, documents and opinions that support your arguments (Brain Dumping) Avoid listing too many examples of issues and not explaining the relevance to the question
- Work response structure (Sustain, logic and cohesiveness)
- Use the word/terms from the question

Sample paragraph.



addressing the issue, failed to enforce decisiveness
It was of a non-binding nature. However, due to changing
ing values and ethical standards regarding the use
of SOD, the Montreal Protocol (1987) was introduced
demonstrating the vast impact of these values upon
achieving over all effectiveness to reduce
ozone depleting substances (ODSs) by 50%.
Its application of the multilateral fund
within Article 10 further demonstrates its vast
impact on changing values and ethical standards
as per law bears words as Gillroy states during
reasons to and only allow men to phase out ODS.
This effectiveness is seen through scientific
achievements declarations that the most successful
International legislation to date, in
bringing the vast impact of changing
value and ethical standards leading towards return
and interpreting as this effectiveness is
further removed through the creation of the
Kigali Amendment (2016) which provided
for the phasing out of hydrofluorocarbons
(HFCs) due to less scientific knowledge
has further demonstrating the impact and
effectiveness of such changing values as the
amendment is expected to reduce ODs
production and a temperature rise of 2.4°C.
as stated by the United Nations Oceans

Administrators report investigations that the right to respond to depleted zone has decreased by 40% this impact of changing values and ethical standards regarding international responses to the issue of SDD have seen vast observations due to the obscene rate of CFC's release.

Similarly, the domestic regulations in response to SDD depicts the vast impacts of changing values and ethical standards are affecting CFC. The fabrication and enactment of domestic Montreal Convention and Montreal Protocol occurred with the Ozone Protection and Synthetic Greenhouse Gas reduction Act could which observably ~~reduced~~ ~~and to~~ demonstrate the initial impact of ethical standards through domestic actions to international laws. Additionally the Ozone Depletion Act & 2017 has also the right to implement, encourage annual a 25% reduction of the chemical, which demonstrate the impact of changing values and ethical standards at ~~the~~ international laws. And by observations of declining CFC by the maintained ~~past~~ reduced over 99% of production of ODS and 100% of HCFCs 4 years ahead of

Schedule additionally Australia's 97
million contribution to the multilateral
Fund highlights the vast impact of changing
values and ethics in addressing ODP. Hence,
through the treaties ameliorative response to
ODP, the vast impact of changing values
and ethical standards in addressing ODP can be seen.

Sample paragraph #2

State sovereignty refers to the authority of states
to govern themselves without outside interference,
recognised in the Treaty of Westphalia (1648) and
found in Article 2(3) of the UN Charter. Australia
implements states sovereignty in response to
international measures through section 51 part
XXIX of the constitution referring to external affairs.

Ozone depletion refers to the depletion of stratospheric
ozone which absorbs ultraviolet radiation from the
sun & therefore protects human health and limits
exposure to harmful radiation. It was first recognised as
an issue by scientists in the 1970s due to the
increasing presence of Ozone Depleting Substances (ODS)
in manufacturing such as aerosols and refrigerants.

The Vienna Convention 1985 provided a responsive recognition of the issue but did not set any specific targets or limits, hindering its effectiveness in GEP. It provided the basis however for the Montreal Protocol (1987) which implemented national timetables to the phase out of major ODS. Article 10 of the Protocol established the Multilateral Fund in 1991, source? which contributed a total of around 4 billion USD with 8900 projects to the phase out of the Protocols substances (United Nations Environmental Programme (UNEP)). The varied timetables for different countries and the financial assistance provided contributed to the Protocols 99% reduction of ODS, demonstrating its significant effectiveness. The Montreal Amendment 1997 and the Kigali Amendment 2016 added hydrochlorofluorocarbons (HCFCs) and hydrofluorocarbons (HFCs) to the list of ODS respectively, the latter due to its potency as a greenhouse gas (GHG), this shows the laws adaptability to new scientific evidence as well as measures taken to address a contributing factor to climate change, demonstrating increased awareness and value of this issue as well. Therefore international responses to ozone depletion have been significantly effective in protecting the global environment.

Australias response has had a similar level of success due to the effectiveness of the international

measures and Australia's implementation of them through state sovereignty. It ratified the Montreal Protocol with the Ozone Protection and Synthetic GHG Management Act 1989 (OPSGG), which enacted licensing schemes for use of ODS_4 and restricted their trade to countries that had also ratified Montreal, making it mostly effective in addressing ozone depletion. The OPSGG's 2017 Amendment ratified the Kigali Amendment, demonstrating effectiveness in responding to new developments by implementing a biennial reduction scheme, which allowed certainty to manufacturers. By aligning industrial and health interests with the application of state sovereignty, Australia was able to successfully implement ozone depletion measures to protect the global environment. It also contributed $97 million to the Multilateral Fund, improving equity and international cooperation. State sovereignty can be a limitation in cases such as China, which continued the use of CFCs despite signing Montreal, however it is projected that the ozone layer will return to safe levels by 2060 (Nature, 2023), demonstrating that due to universal ratification of Montreal and majority of countries responding similarly to Australia rather than breaching the protocol, the ozone depletion issue has largely been successfully addressed to achieve GEP in light of the changing values & ethical standards it has adapted to.

(a) Assess the role of state sovereignty in promoting compliance in the protection of the global environment.

CRITERIA	MARK
• Demonstrates extensive understanding of global environmental protection. • Makes an informed judgement, using criteria, about the role of state sovereignty in promoting compliance in the protection of the global environment. • 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 global environmental protection • Makes a sound judgement, using explicit or implicit criteria, about the role of state sovereignty in promoting compliance in the protection of the global environment • 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 understanding of global environmental protection • Makes a sound judgement, using explicit or implicit criteria, about the role of state sovereignty in promoting compliance in the protection of the global environment • 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 global environmental protection • Makes general statements about the role of state sovereignty OR resolving global environmental protection issues. • Makes limited reference to 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

Issues include:

- Climate Change
- Ozone Depletion
- Chemical Management
- Biodiversity
- Demand for Resources

Impact of State Sovereignty on compliance can vary due to:

- The consensual nature of IL
- Non-binding soft law – declarations, statements, conferences
- The unenforceable nature of hard law – conventions, treaties - States reluctant to comply with international agreements
- The proliferation of hard law has had greater effectiveness in ensuring compliance
- The UN poses a difficult role as it has to respect state sovereignty as it is mandated by its chapter Article 2 (7) while serving to achieve international cooperation; however, when the state works cooperatively, the results can be extremely positive, as seen in the Montreal Protocol.
- States ratification of International Instruments
- Regulatory differences between states
- States will consent to IL if it is in their best interest
- Conflict of interest - states balancing GEP with Economic growth
- Through non-compliance, state sovereignty can prevent a truly holistic response, exacerbating environmental problems

In better responses, students were able to:

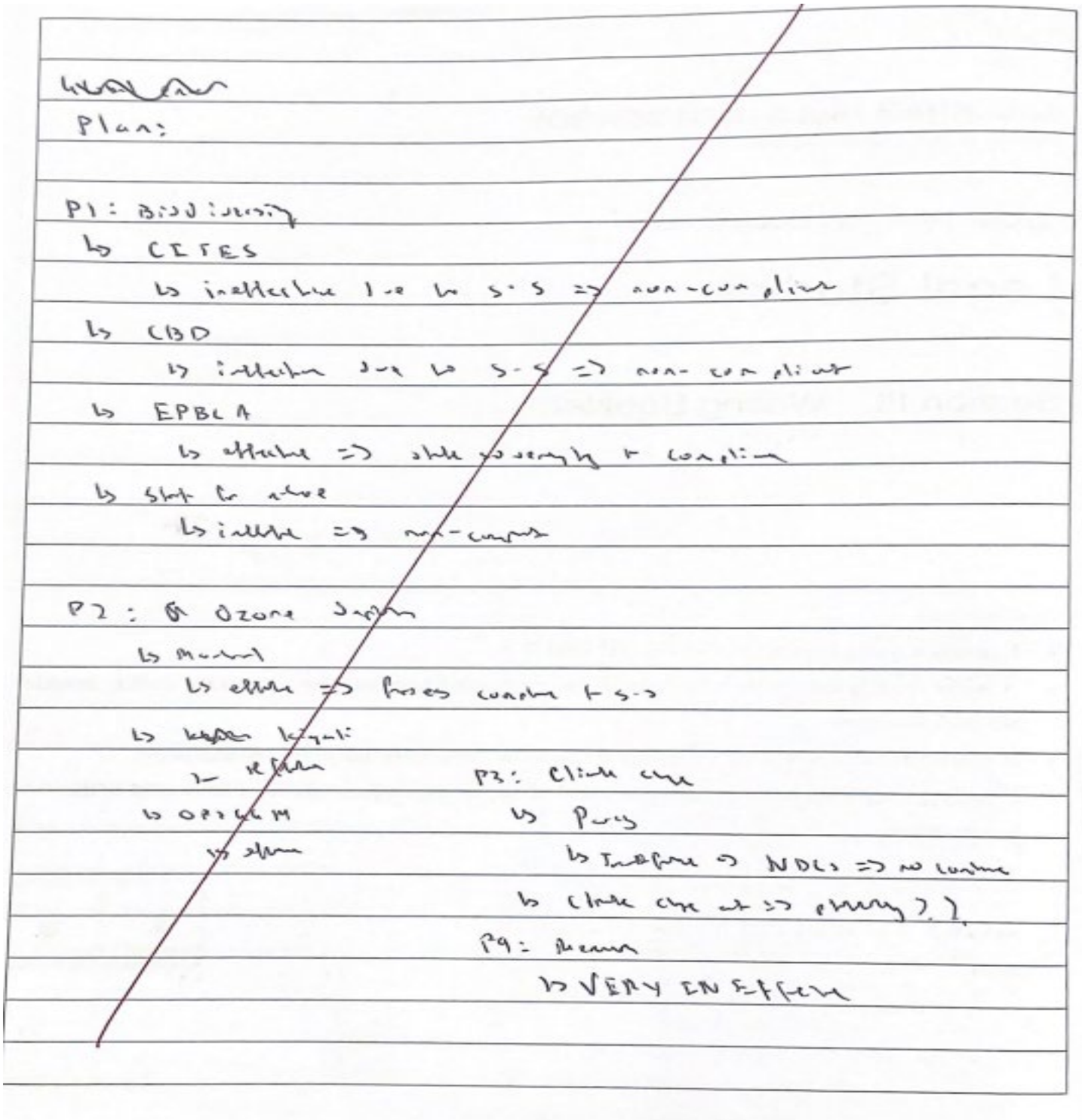
- Better responses addressed all aspects of the question and comprehensively made judgements throughout their response. This included making judgements on how state sovereignty has assisted or impeded states' compliance regarding the protection of global environmental issues of climate change, ozone depletion, biodiversity, and chemical management.
- Demonstrating clear knowledge and understanding of how state sovereignty promoted or impeded the protection of the global environment.
- Presents informed judgement on how state sovereignty promoted or impeded compliance in the protection of the global environment.
- Informed judgements were consistent throughout the paragraph rather than referencing the question at the end of each paragraph without a link to the material presented in that paragraph.
- The best responses referred to the question at the end of each paragraph as to the role of state sovereignty in promoting compliance in the protection of the global environment and used extensive examples of international agreements, domestic legislation, authorities and statistics to support the judgement.

Area of improvement

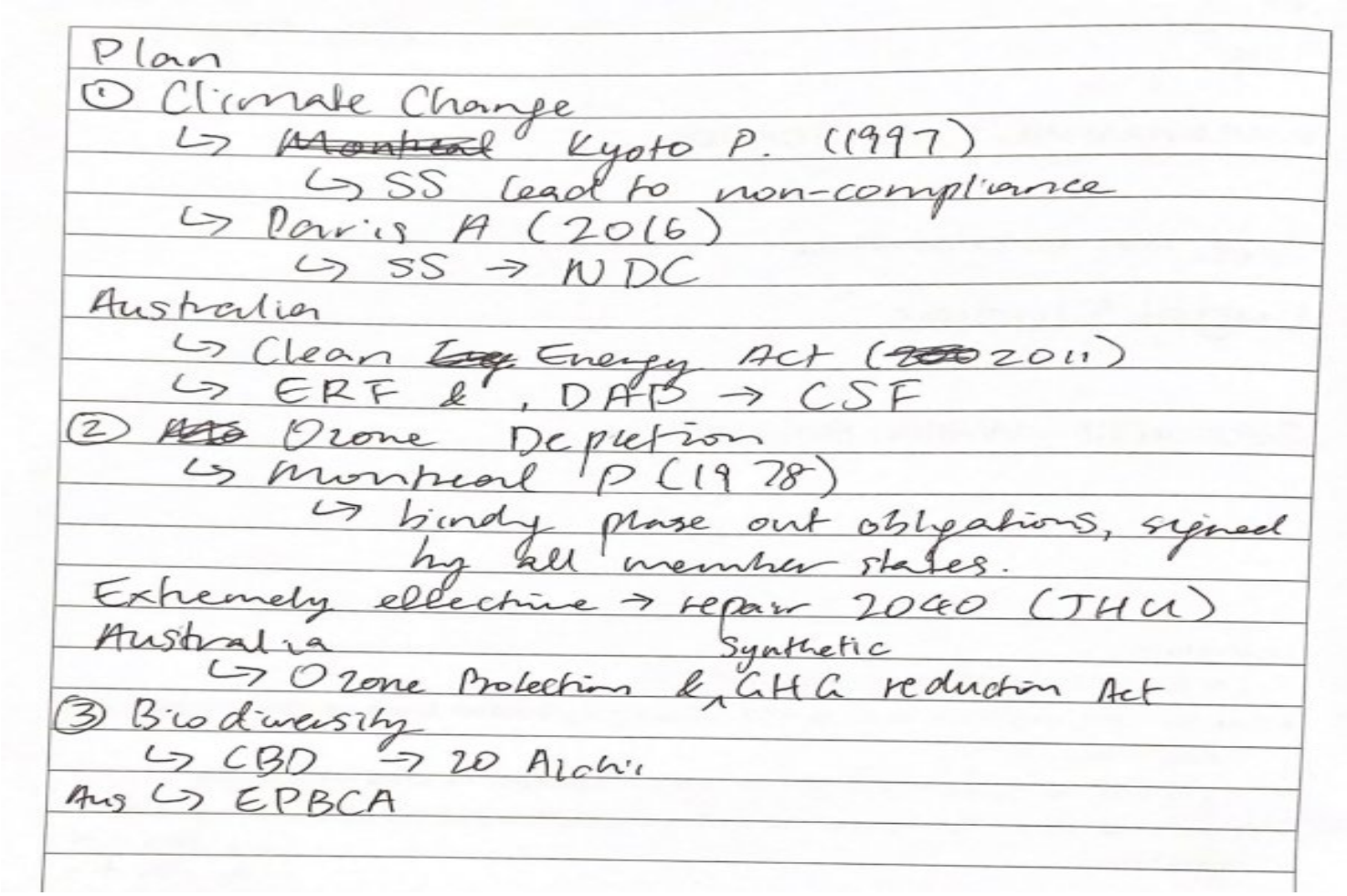
- Making an informed argument throughout their response (the paragraph) and linking to how state sovereignty promoted or impeded how state sovereignty promoted or impeded the protection of the global environment rather than making the judgement when referencing the question at the end of each paragraph without a link to the material presented in that paragraph.
- Incorporating/integrating examples, documents and opinions that support your arguments (Brain Dumping) Avoid listing too many examples of issues and not explaining the relevance to the question
- Read carefully the set question, look at the directive term & spend time planning the extended response. Some students also need to improve their handwriting skills, improve essay style, use distinct paragraphs & proper nouns and correctly state and date the cases and conferences quoted throughout the response.

- It is essential to use relevant legal terms/concepts throughout the response.
- Work response structure (Sustain, logic and cohesiveness)

Sample Plan #1

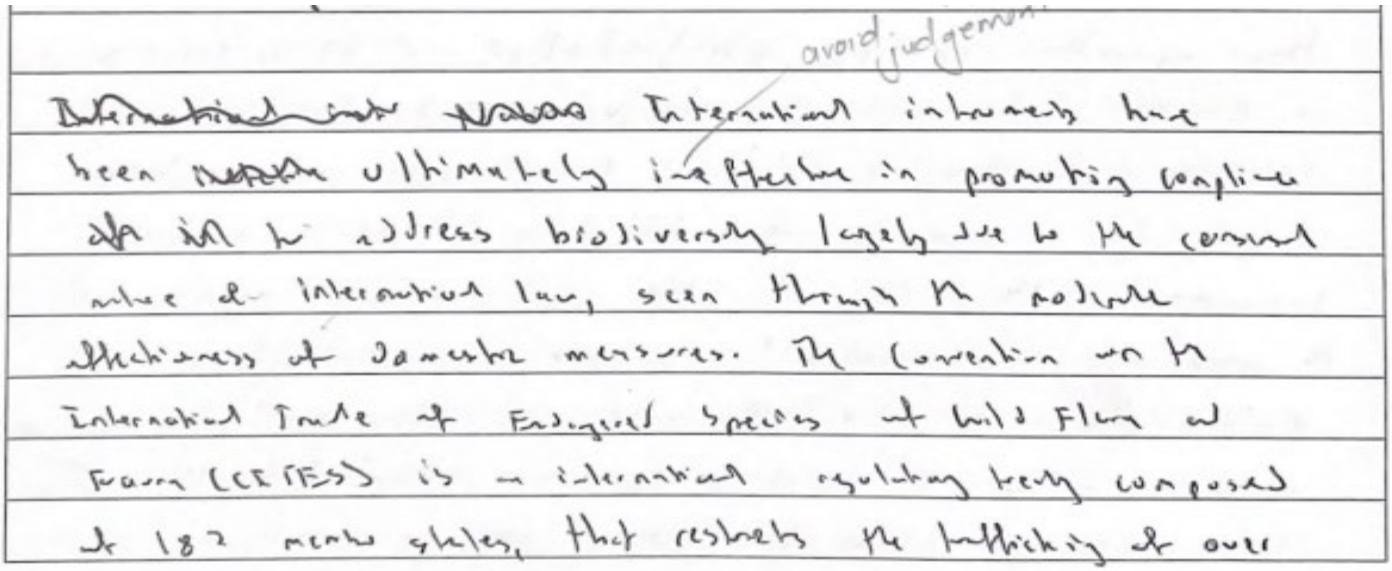


Sample Plan #2



Plan
① Climate Change
↳ ~~Montreal~~ Kyoto P. (1997)
↳ SS lead to non-compliance
↳ Paris A (2016)
↳ SS → NDC
Australia
↳ Clean ~~Eng~~ Energy Act (~~2009~~ 2011)
↳ ERF &, DAFF → CSF
② ~~Ozo~~ Ozone Depletion
↳ Montreal P (1978)
↳ bindy phase out obligations, signed by all member states.
Extremely effective → repair 2040 (THC)
Australia Synthetic
↳ Ozone Protection & GHG reduction Act
③ Biodiversity
↳ CBD → 20 Aichi
Aus ↳ EPBCA

Sample Paragraph #1&2 – Ozone depletion and Biodiversity



avoid judgement

~~International~~ International interests have been ~~not~~ ultimately ineffective in promoting compliance ~~of~~ in address biodiversity largely due to the consensual nature of international law, seen through its modest effectiveness of domestic measures. The Convention on the International Trade of Endangered Species of Wild Flora and Fauna (CITES) is an international regulatory body composed of 182 member states, that restricts the trafficking of over

38,700 species as per Article 3 of Appendix I.
However this has been significantly limited in promoting compliance,
seen as 3500 Asian Elephants and 7600 greater
one-horned rhinos were slaughtered in South Africa
and Kenya, between 2005 to 2023, despite both countries
being a signatory to the treaty. This, with a further
1.3% increase in wildlife trafficking, CITES has been
overshadowed by state sovereignty and a lack of compliance
resulting in its failure to protect the environment. The
UN Convention on Biological Diversity, 1992 was an ineffective
multilateral treaty that attempted to encourage actions
to address biodiversity loss. However, as shown through the
CBD assisted in the development of the 20 Aichi targets
that aimed to improve conservation of the environment, however,
as shown by the UN biodiversity report 2020, these have
still not been met, largely resultant of the consensual
nature of it, deriving from state sovereignty. This can be
seen as Brazil refused to deliberately fund and
their agriculture industry, which fuelled a "52% increase
in Amazon deforestation" (Vox News 2023). This direct
infringement of Brazil's obligation to the CBD, specifically
target 5: a reduction of habitat loss at 50% by 2020
demonstrates the role of state sovereignty in hindering
the compliance to international responses to protect the
environment. However this interplay of international
responses to provide compliance as seen through the
relative success of Australia's use of state sovereignty to

(Comply with international laws. Australia ratified the CITES through the EPBC Environment Protection and Biodiversity Protection Amendment (Wildlife protection Act) 2010 which in accordance with appendices I, II & III of CITES, lists out native species for the jurisdiction of special penalties within s 303A. This has been an effective instance of effectively promptly compliance to protect the environment, seen through R v Floyd 2006, where Floyd was accused for attempting to smuggle 500 eggs of the regulated white bird species, and was fined $25,000 by the District Court of NSW. This instance of Australia's use of state sovereignty and punishment acts as a sufficient deterrent, promptly where compliance to protect the environment. Hence, enforcement measures to address Biodiversity have been effective in promptly compliance due to the consent under international law, which this is continuously by the relative effectiveness of domestic measures in strongly compliance.

In contrast to the ineffectiveness of measures to ensure compliance to address Biodiversity loss, international and domestic legal responses have been extremely effective in ensuring compliance to advance UED with regards to stratospheric ozone depletion. This can be seen through the Montreal Protocol 1984 (CFCs) which set out legally binding targets for nations to phase out ozone depleting substances (ODS), such as hydrofluorocarbons (HFCs) and chlorofluorocarbons (CFCs). Universally ratified this was extremely effective in promptly promptly compliance, creating the institution, the

Multilateral forums, which set out mechanisms for developing countries to use alternative, non-damaging substances - This make more compliant easier for these nations, thus lowering HEP. Moreover the Montreal Protocol also set out enforcement mechanisms under which & which upon High level sanctions should a state fail to met their legal obligations. This is significant effective in enforcing compliance, effectively eliminating HEP imposed by state sovereignty. * Similarly, UN Security Council resolutions, due to an example of Australia's state sovereignty, have been effective in ensuring compliance. This can be seen through the ratification of the Montreal Protocol with the Ozone Protection and Synthetic Greenhouse Gas Management Act 1989 (OPGM) which prohibits the production and trade of CFC's, introducing licensing and schemes and levies. In this manner, it was able to forcibly ensure compliance, seen as it prevented the emission of 90 million tonnes of GHG emissions since 1995. This success is further seen through the OPGGM Amend Bill 2019 which was enacted to met Australia's obligations under the Kigali Amendment which legally bound HFC's. This is also forcibly ensured compliance domestically, seen as Australia has been able to phase out 99% of ODS & HFC's 4 years ahead of schedule (industrial removal). Thus, the international measures to respond to stratospheric ozone depletion have been extremely effective in ensuring compliance by eliminating the total implement of state sovereignty, whilst domestic measures as an instrument of

Australia's state sovereignty has also been effective in ensuring compliance to lessen HEP.

Question 31 – World Order (25 marks)

a) With reference to AT LEAST one contemporary issue, evaluate the impact of changing values and ethics in promoting world order and resolving conflict

Criteria	Marks
• Demonstrates extensive understanding of world order • Uses a contemporary issue as an example to address the question • Makes an informed judgement about the extent to which changing values and ethics impacts upon the promotion of world order and resolving conflict • Integrates relevant examples such as legislation, cases, media, international instruments and documents into the response • Presents a sustained, logical and cohesive response using relevant legal terminology and concepts	21 – 25
• Demonstrates substantial understanding of world order • Makes a sound judgement about the extent to which changing values and ethics impacts upon the promotion of world order and resolving conflict • Uses relevant examples such as legislation, cases, media, international instruments and documents in the response • Presents a logical and cohesive answer using relevant legal terminology and concepts	16 – 20
• Demonstrates an understanding of world order • Makes a judgement about the extent to which law changing values and ethics impact the promotion of world order and resolving conflicts • Makes reference to examples such as legislation, cases, media, international instruments and documents in the response • Presents a structured answer using relevant legal terminology and concepts	11 – 15
• Demonstrates limited understanding of world order • Makes general statements about the impact of changing values and ethics in promoting world order and resolving conflict • Makes limited reference to examples such as legislation, cases, media, international instruments and documents in the response • Uses some relevant legal terminology and/or concepts	6 – 10
• Writes in general terms about world order • May include reference to legislation, cases, media, international instruments and documents • May refer to general legal terms	1– 5

General comments: The best responses consistently addressed the question at the end of each paragraph. These responses outlined the issues that come from state sovereignty and gave explicit agreements and the UN Charter to make judgements as to the changing values and ethics in promoting world order and conflict resolutions. Many responses used examples such as the South China Sea, the East Timor/Australia maritime solution, the Ukraine conflict and the Syrian conflict. The better responses detailed statistics and media reports to support their judgements and then commented on the weaknesses inherent in the current world order system. They used Security Council powers and resolutions and the role these have played in promoting world order and resolving conflict. The candidates examined international legal institutions in detail and used examples as to whether these bodies reflect changing vales and ethics. This question required the candidates to use a contemporary issue which was completed by all candidates in this question. The better responses examined the limitations of the international law relevant in this area and made supported arguments as to whether these limitations made international law ineffective in resolving conflict.

b) Assess the role of law reform in responding to issues that challenge world order

Criteria	Marks
• Demonstrates extensive understanding of law reform in responding to issues that challenge world order • Makes an informed judgement as to the success of law reform in responding to issues that challenge world order • 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 law reform in responding to issues that challenge world order • Makes a sound judgement as to the success of law reform in responding to issues that challenge 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 response to the question using relevant legal terminology and concepts	16-20
• Demonstrates an understanding of the role of law reform in responding to issues that challenge world order • Makes some judgement about the role of law reform in responding to issues that challenge 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 the role of law reform in responding to issues that challenge world order • Makes statements about the effectiveness of the role of law reform in responding to issues that challenge world order • 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 world order • May include reference to legislation, cases, media, international instruments and documents • May refer to general legal terms	1-5

This question required the candidates to make law reform the focus of their response in relation to the challenges that face world order. The best responses outlined the issues that stem from state sovereignty and how this can impact upon law reform universally. The candidates used examples such as the South China Sea, the Australian/East Timor maritime dispute, the Ukraine conflict, the Syrian conflict and the North Korean sanctions. The best candidates were supporting their responses with specific powers of the UN Security Council, media examples and statistics. The responses examined the legal institutions and their weaknesses with examples of how these institutions have succeeded or failed to respond to world order challenges. The best responses were referring to the question consistently throughout the answer and were sequential in the events that were used as examples.

NOTES TO CANDIDATES

As this is the last note to the cohort the list is getting shorter – your teachers will mark practices and give you specific advice as to the improving of your results.

- Read the multiple choice question FULLY. These marks are ready for you to pick – do well here and it will be difficult for other candidates to catch you in the writing tasks
- Take care to use CAPITALS for proper nouns – it won't cost you any time and looks much better. Remember the markers are supposed to spend a combined time of 10 minutes on each long response.
- Use a line space between paragraphs – makes it easier to read
- Avoid making personal viewpoints – they are unsupported opinion and add nothing to your responses
- Try to refer to the question at least once in the paragraph – more is better in this regard
- If you are answering a question on international law you have to refer to state sovereignty – it is so important to whether international law works or not
- In the intro inform the marker as to where you are heading - particularly if you are using a contemporary issue.
- Use extra paper on the short answers rather than write to the bottom of the page – let the marker know that there is more to mark on the extra page
- PLAN your response – it will get marked and will help you if time is not your friend