
Student Number

HURLSTONE AGRICULTURAL HIGH SCHOOL

2019

HIGHER SCHOOL CERTIFICATE
TRIAL EXAMINATION

Legal Studies

General Instructions

- Reading time – 5 minutes
- Working time – 3 hours
- Write using black pen

Total marks: 100

Section I – 20 marks

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

Section II – 30 marks

This section has two parts, Part A and Part B

- Allow about 1 hour for this section

Part A – 15 marks

- Attempt Questions 21–23

Part B – 15 marks

- Attempt Question 24

Section III – 50 marks

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

Section I

20 marks

Attempt Questions 1–20

Allow about 30 minutes for this section

Use the multiple choice answer sheet for Questions 1–20.

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1. Which of the following are types of criminal penalties used in NSW?
    A. Fine, bond, corporal punishment
    B. No conviction recorded, suspended sentence, weekend detention
    C. Forfeiture of assets, community service order, capital punishment
    D. Criminal infringement notice, diversionary programs, home detention

2. Which of the following is an example of a civil and political right?
    A. Peace
    B. Education
    C. Health Care
    D. Freedom of Religion

3. A magistrate or judge has the power to make a decision based on the particular circumstances of a case within a set range of possibilities.
   What is this power known as?
    A. Judicial discretion
    B. Judicial guidelines
    C. Guideline judgement
    D. Judicial interpretation

4. Which court is the final court of appeal for criminal offences?
    A. NSW Local Court
    B. NSW District Court
    C. NSW Court of Criminal Appeal
    D. The High Court of Australia

5. Which of the following is a *mitigating factor* in a sentencing decision?

    A. The offender abused a position of trust in relation to the victim

    B. The offence was committed for financial gain

    C. The offence involved gratuitous violence

    D. The offender pleaded guilty

6. Helen was charged with murder. Her defence of diminished responsibility was accepted by the court and Helen was found guilty of manslaughter.

    For Helen's defence to be accepted by the court it was necessary for her to show evidence that she

    A. Was provoked

    B. Was under duress

    C. Suffers from a mental abnormality that caused her to commit the crime

    D. Acted in self defence

7. Which of the following human rights is directly recognised in the Australian Constitution?

    A. Right to privacy

    B. Freedom of speech

    C. Freedom of assembly

    D. Right to vote

8. In the strict liability offence of selling alcohol to a 16 year old, which of the following must be proven?

    A. Actus reus

    B. Reckless behaviour

    C. Mens rea

    D. Causation

9. Which of the following is a widely recognised element of human rights?
    A. Inalienable
    B. Alienable
    C. Enforceable
    D. Discriminatory

10. The International Covenant on Civil and Political Rights is an example of which of the following?
    A. Customary law
    B. Statute law
    C. A treaty
    D. Common law

11. Which of the following is an alternative to traditional sentencing methods and involves bringing together the offender and the victim?
    A. Diversionary program
    B. Restorative justice
    C. Circle Sentencing
    D. Intensive correction order

12. The transportation or the illegal entry of a person across an international border is best known as which type of international crime?
    A. Crime against humanity
    B. Crime against the international community
    C. War crime
    D. Transnational crime

13. Tony and friends are blocking a public pathway and refuse a reasonable police direction to move on. What type of offence is this?
    A. A preliminary offence
    B. A strict liability offence
    C. A public order offence
    D. A traffic offence

14. The forcible removal of a person from one country and returning them to their country of origin is referred to as which of the following?
    A. Restorative justice
    B. Extradition
    C. Deportation
    D. Human trafficking

15. Joseph is 15 years old and is found guilty of assault. The Children's Court decides that he serve 12 months in a Juvenile Justice Centre.
    What is this an example of?
    A. A control order
    B. A diversionary program
    C. A community service order
    D. A suspended control order

16. Nicolas is homeless and shoplifted some food to eat. What is likely to be the main factor leading to his criminal behaviour?
    A. Genetic
    B. Necessity
    C. Economic
    D. Self interest

17. The police in Wagga attempt to address the high levels of juvenile crime through establishing employment training programs at the local Youth and Community Centre.

    This is an example of which of the following?
    A. Social crime prevention
    B. Situational crime prevention
    C. Deterrence
    D. Community education program

18. The 2006 Jury Amendments (Verdict) Act (NSW) allowed for majority verdicts in NSW trials. Under which of the following circumstances would majority verdicts be permissible?
    A. When 9 out of 12 jurors agree on a verdict
    B. Where there is a hung jury
    C. Where reasonable time for deliberation has occurred and the court is satisfied a unanimous verdict can’t be reached
    D. In all Commonwealth criminal trials

19. Which of the following is a post sentencing option in NSW?
    A. Registration of sexual offenders
    B. Determination of guilt
    C. Circle sentencing
    D. Victim Impact Statements

20. Which of the following is a non-legal measure that addresses human rights issues?
    A. Decisions by the Australian Human Rights Commission
    B. Investigations by the Commonwealth Ombudsman
    C. Decisions by the Administrative Appeals Tribunal
    D. Published reports in the Australian media

Section II

30 marks

Allow about 1 hour for this section

Part A – Human Rights

15 marks

Attempt Questions 21–23

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

Question 21 (3 marks)

Outline how intergovernmental organisations can protect human rights.
In your response, refer to an example.

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Question 22 (5 marks)

Explain why environmental rights are a human rights issue. In your response, refer to relevant examples.

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Question 23 (7 marks)

To what extent are human rights incorporated into Australian domestic law? Use examples to support your answer.

Additional Writing Pages – Indicate which question you are answering

Section II (continued)

Part B – Crime

15 marks

Attempt Question 24

Answer the question on pages 11–16. Extra writing booklets are available.

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 legislation, cases, media, international instruments and documents
- present a sustained, logical and cohesive response

Question 24 (15 marks)

Assess the relationship between society and criminal processes and institutions.

Section II Part B — Answer Question 24.

If you require more space to answer Question 25, you may ask for an extra writing booklet. If you have used an extra writing booklet for Question 25, tick here.

Please turn over

Section III — Options

50 marks

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

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

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

- demonstrate knowledge and understanding of legal issues relevant to the question
- communicate using relevant legal terminology and concepts
- refer to relevant examples such as legislation, cases, media, international instruments and documents
- present a sustained, logical and cohesive response

Question 25 — Consumers (25 marks)

(a) How important is law reform in protecting the rights of consumers?

OR

(b) Evaluate the effectiveness of the regulation of marketing, advertising and product certification in achieving consumer protection

Question 26 — Global Environmental Protection (25 marks)

(a) Explain the effects of Australia's Federal structure in responding to global environmental protection.

OR

(b) Examine the issues of compliance and non-compliance in relation to the protection of the global environment.

Question 27 — Family (25 marks)

(a) Evaluate the effectiveness of the law in achieving justice for parties involved in relationship breakdowns.

OR

(b) Examine the role of the law in encouraging cooperation and resolving conflict in regard to family issues of compliance and non-compliance.

Question 28 — Indigenous People (25 marks)

(a) Examine the role of sovereignty in assisting and impeding the recognition of the rights of indigenous peoples

OR

(b) Evaluate the role of law reform in recognising the rights of indigenous peoples.

Question 29 — Shelter (25 marks)

(a) Examine the role of the law in encouraging cooperation and resolving conflict in regard to shelter.

OR

(b) Evaluate the role of law reform in protecting the rights of those seeking shelter.

Question 30 — Workplace (25 marks)

(a) To what extent does the law encourage cooperation and resolve conflict in the workplace?

OR

(b) Evaluate the role of law reform in recognising rights and enforcing responsibilities in the workplace.

Question 31 — World Order (25 marks)

(a) Evaluate the effectiveness of legal and non-legal responses to the changing nature of world order.

OR

(b) Assess the role of state sovereignty in addressing issues in world order

End of Paper