Student Number

2016
Trial HSC Examination

Legal Studies

General Instructions

- Reading time – 5 minutes
- Working time – 3 hours
- Write using black or blue pen
- Write your Student Number at the Top of page **7**, the Multiple Choice Answer Sheet and on the front cover of each writing booklet that you use.

Total marks – 100

Section I Pages 2 - 6
20 marks

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

Section II Pages 8 – 11
30 marks

Part A – 15 marks
- Attempt Questions 21 – 24

Part B – 15 marks
- Attempt Question 25

Section III Pages 12 – 13
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 is true of the role of the Director of Public Prosecutions?

   (A) operates independently of the government to prosecute
   (B) works with police to gather evidence against an accused
   (C) deals primarily with prosecutions for summary offences
   (D) decides if a prima facie case exists for indictable offences

Use the following information for Questions 2, 3 and 4.

> Kelly and Rob work together at a bank. Kelly forces Rob to steal money from the bank's safe during his shift. She tells him that if he fails, she will harm his daughter. During his shift, Rob steals the money and is subsequently charged by the police.

2. What type of offence has been committed in the scenario?

   (A) Preliminary Offence
   (B) Regulatory Offence
   (C) Economic Offence
   (D) Offence against the Person

3. What defence could Rob use if this case proceeds to trial?

   (A) Duress
   (B) Mistake
   (C) Provocation
   (D) Involuntary behaviour

4. Rob has decided to enter into a charge negotiation for this offence. What will happen next?

(A) The prosecution will not charge Rob, but will charge Kelly instead.
(B) The plea will act as a mitigating factor at sentencing.
(C) Rob will be acquitted in exchange for information about Kelly's past criminal history.
(D) The prosecution will guarantee a particular sentence for Rob in exchange for a guilty plea.

5. In the nation of Warrania women are not granted universal suffrage. This is a breach of:

(A) Collective rights
(B) Civil and Political rights
(C) Self-determination rights
(D) Economic, Social and Cultural rights

Use the following information for questions 6 and 7

John, a P plate driver is stopped by the police for a random breath test. The reading is 0.02.

6. When questioned by the police, what must John do?

(A) Call his lawyer
(B) Answer all police questions
(C) Nothing. He has the right to silence
(D) Provide police with his name and address

7. Which of the following is true in John's situation?

(A) There is no need to prove mens rea.
(B) The police will use their discretion to determine the penalty.
(C) The driver will be given a caution as he is slightly over the limit.
(D) The police do not need to prove anything as it is a strict liability offence.

8. What is the main purpose of preventative detention?

   (A) To ensure the safety and protection of the community
   (B) To provide offenders with an incentive for rehabilitation
   (C) To protect the rights of the prisoners at risk of physical harm
   (D) To act as a deterrent to others who may commit similar offences

9. The International Criminal Court:

   (A) is the judicial branch of the United Nations
   (B) investigates crimes against the international community
   (C) works with INTERPOL to investigate international crime
   (D) hears cases on appeal from the International Court of Justice

10. What is the main aim of Youth Justice Conferencing?

    (A) To provide closure for victims of crime who are young
    (B) To find out the details of an offence without incriminating young people
    (C) To help young offenders repair the harm they have caused to victims
    (D) To provide elders with an opportunity to be involved in the sentencing process

11. The State Government has allocated extra funds for increased police patrols on city streets during the weekend. What is this an example of:

    (A) a breach of rights
    (B) preventative protection
    (C) social crime prevention
    (D) situational crime prevention

12. Which of the following best protects human rights in Australia?

    (A) Statute Law
    (B) The Charter of Rights
    (C) The Australian Constitution
    (D) The UN Declaration of Human Rights

13. What is the purpose of the division of powers?

    (A) To create an avenue for appeal in the Federal Court hierarchy
    (B) To ensure that police and parliamentary corruption is minimised
    (C) To provide checks and balances in the legal and parliamentary system
    (D) To allow state and federal governments to specialise in specific areas of law

14. Which type of penalty is most likely to reduce recidivism?

    (A) Rehabilitation
    (B) Imprisonment
    (C) Diversionary programs
    (D) A Community Service Order

15. What is the main role of Victim Impact Statements?

    (A) To provide victims with a voice during sentencing
    (B) To give victims input into the charge negotiation process
    (C) To provide victims with an opportunity to apply for victim's compensation
    (D) To allow victims to present a transcript of evidence during the trial process

16. Stephanie, an Australian citizen, commits an offence in NSW and then flees to another country. What is the process that forces Stephanie to return to Australia and face trial?

    (A) Exportation
    (B) Extradition
    (C) Deportation
    (D) International arrest

17. Australian law allows for the indefinite detention of refugees despite its incompatibility with the ICCPR. This is an example of:

    (A) Corruption
    (B) Rule of law
    (C) State sovereignty
    (D) State intervention

18. What is the main role of the non-legal measures in relation to human rights?

(A) Protection
(B) Promotion
(C) Enforcement
(D) Incorporation

19. Mandatory sentencing laws attempt to address which purpose of punishment?

(A) Reintegration
(B) Rehabilitation
(C) General deterrence
(D) Specific deterrence

20. Helen, a 13 year old, is charged with an indictable offence. What must occur before Helen is convicted in court?

(A) The magistrate will decide the term of the control order
(B) Helen is doli incapax so this case will not proceed to court
(C) The prosecution must establish that she intended to commit the offence
(D) The defence must prove that she had no intention of committing the offence

END OF SECTION I

Legal Studies
Section II

Student Number…….

30 Marks
Allow about 60 minutes for this section

Part A – Human Rights
15 marks
Attempt Questions 21–24

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

Question 21 (2 marks)

Outline how labour rights are protected domestically and internationally. **2**

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Question 22 (4 marks)

Using examples, compare the roles of intergovernmental organisations and non-governmental organisations in relation to human rights. **4**

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Question 23 (4 marks)

Why do issues of non-compliance exist in relation to human rights? **4**

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Question 24 (5 marks)

Assess the role of courts and tribunals in protecting human rights in Australia. **5**

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Legal Studies

Section II (continued)

Part B – Crime
15 marks
Attempt Question 25

Answer the question in a 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 (15 marks)

How effective is the criminal justice system in balancing the rights of young offenders and the needs of society?

End of Section II

Section III – Options

50 Marks
Attempt TWO questions from Questions 26 – 32, each from a different Option.
Allow about 1 hour and 30 minutes for this section

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

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 26 – Consumers (25 marks)

(a) To what extent do laws relating to consumers reflect changing values and ethical standards? **25**

OR

(b) Explain the role of law reform in protecting the rights of consumers. **25**

Question 27 – Global Environmental Protection (25 marks)

(a) With reference to ONE contemporary issue relating to global environmental protection, evaluate the effectiveness of legal and non-legal responses. **25**

OR

(b) How effective are legal measures in resolving conflict between the demand for resources and global environmental protection? **25**

Question 28 – Family (25 marks)

(a) How effective is law reform in responding to changing values in the community? **25**

OR

(b) Discuss the role of the law in responding to problems in family relationships. **25**

Question 29 – Indigenous Peoples (25 marks)

(a) To what extent do laws relating the rights of indigenous peoples reflect changing values and ethical standards? **25**

OR

(b) Explain the role of law reform in protecting the rights of indigenous peoples. **25**

Question 30 – Shelter (25 marks)

(a) To what extent do laws relating to shelter reflect changing values and ethical standards? **25**

OR

(b) Explain the role of law reform in protecting the rights of those seeking shelter. **25**

Question 31 – Workplace (25 marks)

(a) Examine the role of the law in encouraging cooperation and resolving conflict between employers and employees within the workplace? **25**

OR

(b) Discuss whether the law relating to the workplace reflects changing values and ethical standards. **25**

Question 32 – World Order (25 marks)

(a) To what extent do laws relating to world order reflect changing values and ethical standards? **25**

OR

(b) With reference to ONE contemporary issue relating to world order, evaluate the effectiveness of legal and non-legal responses. **25**

End of paper