VIRILE AGITUR

Student Number

2019
Trial HSC Examination

Legal Studies

General Instructions

- Reading time – 5 minutes
- Working time – 3 hours
- Write using black pen
- Write your Student Number at the Top of page **9-13**, the Multiple Choice Answer Sheet and on the front cover of each writing booklet that you use.
- There is spare paper for Section II Part A on page 12-13.

Total marks – 100

Section I Pages 3 - 7
20 marks

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

Section II Pages 9 – 14
30 marks

This section has two parts, Part A and Part B

- Allow about 60 minutes for this section

Part A – 15 marks
- Attempt Questions 21 – 23

Part B – 15 marks
- Attempt Question 24

Section III Pages 15 – 17
50 marks

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

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KNOX GRAMMAR SCHOOL

Section I
20 marks

Attempt questions 1 - 20
Allow about 30 minutes for this section
Select the best answer to the questions below on the answer sheet provided

Use the multiple choice answer sheet for Questions 1 - 20

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1. Brian is spending time in custody awaiting trial.

   What is this an example of?

   A. Remand
   B. Remorse
   C. Retribution
   D. Recidivism

2. Which of the following is an example of a non-government organisation?

   A. The United Nations
   B. Amnesty International
   C. The Human Rights Committee
   D. The International Criminal Court

3. What feature distinguishes a summary offence from an indictable offence?

   A. The seriousness of the offence
   B. Whether it is a white collar crime
   C. The number of parties to the crime
   D. The court which will hear an appeal

4. Larceny is an example of which category of crime?

   A. Economic offences
   B. Regulatory offences
   C. Offences against the person
   D. Offences against the sovereign

5. Which of the following is a basic principle of criminal law?

    A. The prosecution must prove guilt
    B. The right to silence is protected by the Constitution
    C. Defence must be proven beyond reasonable doubt
    D. A person charged with a summary offence can insist on having a jury

6. Which of the following is true of strict liability offences?

    A. Mens rea must be proven
    B. Actus reus must be proven
    C. Actus reus does not need to be proven
    D. Both mens rea and actus reus must be proven

7. *The Crimes (Sentencing Procedure) Act 1999* identifies one purpose of punishment is 'to protect the community from the offender'.

    What is this an example of?

    A. Rehabilitation
    B. Incapacitation
    C. Specific deterrence
    D. General deterrence

8. What is the main role of the UN General Assembly?

    A. International discussions
    B. Settle international disputes
    C. Address human rights violations
    D. Preservation of international peace and security

9. Louise is 14 years of age and has been accused of committing an indictable offence.

    Under the NSW criminal justice system, what rights does she have?

    A. The principle of *doli incapax* applies
    B. Louise cannot be arrested without a warrant
    C. Louise cannot be charged with a criminal offence
    D. Louise cannot be incarcerated in an adult prison under any circumstances

10. Which of the following is true of the International Criminal Court's (ICC) jurisdiction?

    A. The ICC has no jurisdiction over war crimes
    B. The ICC has jurisdiction over all transnational crimes
    C. The ICC complements rather than excludes existing criminal justice systems
    D. The alleged crime must be referred to the ICC by the UN General Assembly

11. Ross has been accused of committing a crime. He is 12 years of age. The Children's Magistrate has issued a caution.

    Which of the following statements is correct?

    A. Ross pleaded guilty
    B. Ross pleaded not guilty
    C. The crime was homicide
    D. Ross has committed no other offences

12. Which of the following most accurately defines state sovereignty?

    A. Co-operation between multiple states
    B. The authority of a state to govern itself
    C. The process of formally approving a treaty
    D. Where a state claims the right to prosecute a person for actions committed in another state

13. How does protective custody differ from parole?

    A. Parole is unconditional release of a prisoner; protective custody is conditional release
    B. The purpose of protective custody is rehabilitation whilst the purpose of parole is deterrence
    C. Parole is conditional release of a prisoner; protective custody does not involve release of a prisoner
    D. Parole is a post sentencing consideration; however, protective custody is not a post sentencing consideration

14. Jo is 24 years of age. She has been charged with a summary offence and police investigations are continuing.

    What protections does the law provide Jo?

    A. Police may only arrest her with a warrant
    B. Her silence cannot be used as evidence of guilt
    C. She cannot be detained in police custody without a warrant
    D. Police cannot ask her to answer questions for more than two hours without a warrant

15. Which of the following human rights is best protected in Australia?

    A. Trial by jury
    B. Free speech
    C. Religious freedom
    D. Indigenous self-determination

16. Frank is 30 years of age; he has been charged with a crime and the trial process has begun.

    Which of the following statements is most correct?

    A. A ‘guilty plea’ can result in a reduced sentence
    B. Following a ‘guilty plea’, Frank cannot be granted parole
    C. If Frank enters 'no plea' this will be recorded as a 'guilty' plea
    D. A ‘not guilty plea’ may be considered to be an aggravating factor

17. Rachel works for Legal Aid; Ben has been accused of a serious criminal matter.

    What will Rachel's role be in this case?

    A. Defending Ben
    B. Prosecuting Ben
    C. Questioning suspects
    D. Establishing judicial guidelines

18. How do the International Court of Justice (ICJ) and the International Criminal Court (ICC) differ?

    A. The ICC is an organ of the UN; the ICJ is not
    B. The ICJ has jurisdiction over states only; the ICC has jurisdiction over individuals only
    C. The ICJ was established by the UN Security Council whilst the ICC was established by the Rome Statute
    D. Decisions by the ICC can be overturned by the United Nations Security Council; this is not the case with the ICJ

19. Mary has committed an indictable offence and pleaded not guilty. Her case will go to the NSW District Court.

    Which of the following statements is most correct?

    A. There will not be a jury
    B. A judge will investigate the case
    C. Mary's guilt or innocence will be determined by the judge or jury
    D. The judge may call for evidence that has not been requested by either the defence or prosecution

20. The *Bail Act 2013* was reformed in 2014 to include show cause.

    What are the implications of these changes?

    A. If the Crown fails to show cause, bail must be granted
    B. To show cause, the Crown must argue why the detention is justified
    C. To show cause, the accused must argue why their detention is not justified
    D. The standard of proof used for making a determination of show cause is beyond reasonable doubt

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 21–23

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

Question 21 (3 marks)

Explain how a Charter of Human Rights could impact the protection of human rights within Australia.

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Student Number…….

Question 22 (6 marks)

How do the separation of powers and the division of powers protect human rights in Australia?

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Question 23 (6 marks)

With reference to ONE contemporary human rights issue, assess the role of international law in addressing issues of compliance and non-compliance.

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Section II Spare Paper
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Student Number…….

Section II Spare Paper
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Legal Studies

Section II (continued)

Part B – Crime
15 marks
Attempt Question 24

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 24 (15 marks)

"For the criminal justice system to be effective, law reform requires balance. On the one side is the need for the new laws to serve the community effectively and efficiently … On the other side of the balance is the need to observe fairness…"

N Cowdery

To what extent has law reform in NSW reflected this statement?

End of Section II

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) Evaluate the effectiveness of legal and non-legal responses to credit. **25**

OR

(b) Assess the effectiveness of legal responses to marketing innovations. **25**

Question 26 – Global Environmental Protection (25 marks)

(a) Evaluate the effectiveness of legal and non-legal responses to barriers to achieving an international response to global environmental protection. **25**

OR

(b) Assess the effectiveness of legal responses to the role of the law in relation to global threats to the environment. **25**

Question 27 – Family (25 marks)

(a) Evaluate the effectiveness of legal and non-legal responses to the care and protection of children. **25**

OR

(b) Assess the effectiveness of legal responses to surrogacy and birth technology. **25**

Question 28 – Indigenous Peoples (25 marks)

(a) Evaluate the effectiveness of legal and non-legal responses to land rights **25**

OR

(b) Assess the effectiveness of legal responses to intellectual property rights. **25**

Question 29 – Shelter (25 marks)

(a) Evaluate the effectiveness of legal and non-legal responses to homelessness **25**

OR

(b) Assess the effectiveness of legal responses to affordability. **25**

Question 30 – Workplace (25 marks)

(a) Evaluate the effectiveness of legal and non-legal responses to discrimination. **25**

OR

(b) Assess the role of the legal system in regulating the workplace. **25**

Question 31 – World Order (25 marks)

a) Evaluate the effectiveness of legal and non-legal responses to rules regarding the conduct of hostilities. **25**

OR

(b) Assess the effectiveness of legal responses to regional and global situations that threaten peace and security. **25**

End of paper