Pymble Ladies' College

Student Number _____

2011
HIGHER SCHOOL CERTIFICATE
TRIAL EXAMINATION

Legal Studies

General Instructions

- Reading Time – 5 minutes
- Working Time – 3 Hours
- Write using black or blue pen
- Write your name or examination number at the top of each page.

Total marks — 100

Section I Pages 2 – 5

20 Marks

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

Section II Pages 6 – 9

30 Marks

This section has two parts, Part A & Part B

- Allow about 60 minutes for this section.

Part A – 15 Marks

- Attempt Questions 21 – 24

Part B – 15 Marks

- Attempt Question 25

Section III Page 10

50 Marks

- Attempt TWO questions from Questions 26 and 27, 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

Attempt Questions 1 – 20 on the answer sheet provided.
Select the alternative A, B, C or D that best answers the question. If you think you have made a mistake clearly cross out the incorrect answer and fill in the new answer.

1. Julio is on trial for murder. With whom does the burden of proof lie?

   (A) Julio
   (B) The Crown
   (C) The Victim
   (D) The Plaintiff

2. John is cleaning his rifle when it discharges. A bullet from the gun hits Paul and kills him. Which element of criminal liability is lacking in this case?

   (A) *Actus reus*
   (B) Accident
   (C) *Mens rea*
   (D) Provocation

3. Which of the following is an example of situational crime prevention?

   (A) Increased prison sentences
   (B) Media campaigns
   (C) Police patrols
   (D) Rehabilitation programs

4. Which of the following are rights of an accused person in NSW?

   (A) Security of person and property
   (B) Right to silence and right to a lawyer
   (C) Right to silence and right to a phone call
   (D) Security of person and right to a lawyer

5. Which of the following mechanisms best protects an Australian citizen's human rights?

   (A) Common and Statute Law
   (B) Treaties and Conventions
   (C) The Constitution
   (D) A Bill of Rights

6. The term universal suffrage refers to which of the following rights?

   (A) To be free from suffering
   (B) To have a university education
   (C) To remain silent when questioned by the police
   (D) To vote freely for one's elected representatives

7. The United Nations has criticised the country of Nazalia over its human rights. Which of the following allows Nazalia to ignore the UN?

   (A) State sovereignty
   (B) Self-determination
   (C) Division of powers
   (D) Separation of powers

8. The police in Cooperville attempt to address high juvenile crime rates through establishing a Community Youth Centre to operate out of school hours. This is an example of which of the following?

   (A) Making crime more difficult to commit
   (B) Situational crime prevention
   (C) Social crime prevention
   (D) Deterrence

9. Fred is charged with sexual assault. What is the standard of proof in this case?

   (A) On the balance of probabilities
   (B) On the doctrine of natural justice
   (C) Beyond reasonable doubt
   (D) Beyond all doubt

10. Which of the following could be considered preliminary crimes?

   (A) Murder and robbery
   (B) Treason and incitement
   (C) Conspiracy and attempted armed robbery
   (D) Offensive language and illegal gambling

11. What is the main role of the police in New South Wales?

(A) Make criminal laws
(B) Send people who are guilty of crimes to prison
(C) Ensure victims of crime receive justice
(D) Enforce the criminal laws of the state

Use the following information to answer questions 12 – 14

In the course of holding up a bottle shop and stealing the money from the cash register, John deliberately fired bullets into all the fridges, breaking many of the bottles.

12. The offence John has committed can be described using which of the following terms?

(A) Summary and economic offence
(B) Indictable and economic offence
(C) Summary and offence against the person
(D) Indictable and offence against the person

13. During sentencing, the judge would consider the breaking of the bottles to be which of the following?

(A) An aggravating factor
(B) An extraneous factor
(C) A mitigating factor
(D) A deterrent factor

14. Which of the following penalties is John most likely to receive?

(A) A caution
(B) Imprisonment
(C) No conviction recorded
(D) A criminal infringement notice

15. Which of the following rights are included in the International Covenant on Civil and Political Rights?

(A) Peace
(B) Liberty
(C) Safe environment
(D) Right to fair wages

16. The idea that a child under 10 is considered incapable of committing a crime is contained in which of the following principles?

(A) Absence of *actus reus*
(B) Age of majority
(C) Natural justice
(D) *Doli incapax*

17. Danny has been charges with shoplifting. He is 17. In which court will the matter be heard?

(A) High Court
(B) Local Court
(C) Children's Court
(D) Coroner's Court

18. Which of the following organisations would undertake a trial about genocide?

(A) International Court of Justice
(B) International Criminal Court
(C) United Nations
(D) Interpol

19. What human rights are identified as express rights in the Australian Constitution?

(A) Freedom of thought and expression
(B) Freedom of religion and sexual preference
(C) Freedom of religion and right of assembly
(D) Freedom of religion and trial by jury

20. Which of the following courts does not have appellate criminal jurisdiction?

(A) Local Court
(B) High Court
(C) Supreme Court
(D) Court of Criminal Appeal

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2011 HIGHER SCHOOL CERTIFICATE TRIAL EXAMINATION

Legal Studies

Section II
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)

Identify a specific human right and the international treaty that seeks to protect that right. **2**

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Question 22 (2 marks)

Justify the introduction of a Charter of Rights in Australia. **2**

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Question 23 (3 marks)

Outline the role of the United Nations in promoting and enforcing Human Rights. 3

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Part A continues on next page

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Question 24 (8 marks)

Using a contemporary example, assess the effectiveness of domestic and / or international legal responses to human rights violations. 8

Section II (continued)
Part B — Crime
15 marks
Attempt Question 25

Answer the question in a writing booklet or on paper provided. Extra writing booklets or paper 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)

Evaluate the extent to which the law balances the rights of victims, offenders and society during the criminal trial process.

Section III — Options

50 marks
Attempt TWO questions from Questions 26 – 27 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 – Family (25 marks)

a) Assess the extent to which family law changes in response to changing community values. In your answer you should refer to the concept of family and the role of state and federal jurisdiction in family law.

OR

b) Evaluate the effectiveness of the law in responding to problems in family relationships.

Question 27 – World Order (25 marks)

a) To what extent are legal and non-legal measures effective in resolving conflict and working towards world order?

OR

b) Evaluate the impact of state sovereignty in assisting and impeding the resolution of world order issues.

END OF PAPER