Pymble Ladies' College

YEAR 12 TRIAL EXAMINATION
2014

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, A and B

PART A – 15 marks
- Attempt Questions 21-24

PART B – 15 marks
- Attempt Question 25

- Allow about 60 minutes for this section

Section III Pages 10 - 12
50 marks

- Attempt TWO questions from 26-32, 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. In which court would an appeal against a murder conviction be heard?

   (A) The Local Court
   (B) The Coroner's Court
   (C) The NSW Supreme Court
   (D) The NSW Court of Criminal Appeal

2. Who has the burden of proof in a Local Court?

   (A) Plaintiff
   (B) Defendant
   (C) Police Prosecutor
   (D) Senior Counsel

3. Which of the following would be considered an aggravating factor during sentencing?

   (A) Use of a weapon by the accused
   (B) Poor school attendance by the accused
   (C) History of mental illness of the accused
   (D) Minimal injury was caused to the victim

4. Which of the following human rights may best be described as a collective right?

   (A) Freedom from arbitrary detention
   (B) The right to join a trade union
   (C) Environmental rights
   (D) Voting rights

5. The use of anti-graffiti paint on the outside walls of a shopping centre is an example of which of the following?

   (A) A control order
   (B) Council regulation
   (C) Social crime prevention
   (D) Situational crime prevention

6. David decides to go to court instead of paying a speeding fine. What will happen next?

   (A) He will be charged with a driving offence.
   (B) He will be issued with a Court Attendance Notice.
   (C) He will be arrested and taken to the police station.
   (D) He will be remanded in custody until his case goes to court.

7. Alex and John have planned to rob a bank. On the way to the bank, the car breaks down. With what category of crime are they likely to be charged?

   (A) Preliminary offence
   (B) Summary offence
   (C) Traffic offence
   (D) Economic offence

8. Which of the following is an example of a non-government organisation involved in the promotion and enforcement of human rights?

   (A) The United Nations
   (B) The European Union
   (C) The International Criminal Court
   (D) The International Committee of the Red Cross

9. 13-year-old Gerry has been found guilty of car theft.

   Which of the following is most likely to be a priority for the magistrate during sentencing?

   (A) Rehabilitation
   (B) Incapacitation
   (C) Deterrence
   (D) Retribution

10. Which of the following is an argument in favour of the jury system?

    (A) It ensures a correct verdict in a criminal case.
    (B) It ensures a unanimous verdict in a criminal case.
    (C) It allows the community to participate in the sentencing process.
    (D) It allows the community to participate in the criminal trial process.

11. Ashley is initially charged with murder but in return for entering a guilty plea, he now faces the lesser charge of manslaughter.

    This is an example of which of the following?

    (A) Procedural fairness
    (B) Charge negotiation
    (C) Good negotiation skills
    (D) Efficient use of police powers

12. State sovereignty protects human rights by ensuring a nation state has the right to which of the following?

(A) To participate in the Olympics
(B) To elect to become a monarchy
(C) To develop its natural resources
(D) To enact anti-discrimination legislation

13. What is the main purpose of bail?

(A) To uphold the presumption of innocence
(B) To uphold the rights of the victim
(C) To allow time to prepare a defence
(D) To allow time to gather evidence of innocence

14. Alice has been charged with the murder of her abusive and violent husband. Which of the following could she use as a defence to this charge?

(A) Duress
(B) Necessity
(C) Provocation
(D) Automatism

15. Despite signing the Convention on the Rights of the Child, a nation state fails to pass laws giving effect to this convention.

This is an example of the effect of which of the following?

(A) Jus cogens
(B) Political will
(C) Constitutional restrictions
(D) Operation of the United Nations

16. What is the purpose of a sentencing hearing?

(A) To determine the penalty to be given to the convicted
(B) To determine the penalties to be given to the accused
(C) To establish the range of penalties to be given by the prosecutor
(D) To establish that the accused has committed a punishable offence

17. John has been arrested and charged with a serious indictable offence. Which of the following statements is true about John?

(A) The courts must grant him bail.
(B) His trial must be held before a jury.
(C) He has a right to test the evidence presented against him.
(D) He has a guaranteed statutory right to a lawyer for his trial.

18. Which of the following best describes the role of the media in the promotion and enforcement of human rights?

(A) It encourages victims to take action.
(B) It raises awareness of human rights issues.
(C) It organises public demonstrations about human rights.
(D) It ensures action is taken to remedy breaches of human rights.

19. If the Police Commissioner was to be sentenced to a term of imprisonment, which of the following would need to be considered?

(A) Preventative detention
(B) Security classification
(C) Continued detention
(D) Protective custody

20. The conduct of criminal cases in NSW courts is subject to strict rules of evidence. What is the main reason for this?

(A) To ensure the prosecution case is strong
(B) To ensure that the rights of the accused are upheld
(C) To assist the judge in deciding on a sentence
(D) To assist the jury in deciding the innocence or guilt of the accused

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2014 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)

Define universal suffrage.

_____

_____

_____

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Question 22 (2 marks)

Identify a right contained in the International Covenant of Civil and Political Rights and provide a domestic law that protects that right.

_____

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Question 23 (4 marks)

Identify a non-government organisation and outline how it promotes the protection of human rights.

Question 24 (7 marks)

To what extent have the Australian and international communities promoted and enforced human rights?

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Section II – continued
Part B – Crime
15 marks
Attempt Questions 25

Answer the questions 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)

To what extent does the jury system achieve justice?

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Section III – Options
50 marks
Attempt TWO Questions from 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) How effective has the legal system been in responding to the changing needs of consumers?

OR

b) With particular reference to the issue of technology, assess the effectiveness of legal and non-legal responses in achieving justice for consumers.

Question 27 - Global Environmental Protection (25 marks)

a) How effective are legal and non-legal processes in responding to the need for global environmental protection?

OR

b) Evaluate the effectiveness of legal responses to the need for global environmental protection. Make particular reference to conflict between the demand for resources and global environmental protection.

Question 28 – Family (25 marks)

a) To what extent have changing values in the community improved the legal rights for those living in alternative family arrangements?

OR

b) Assess the effectiveness of the legal system in achieving recognition of same sex relationships.

Question 29 – Indigenous Peoples (25 marks)

a) How effective is the legal system in responding to the changing needs of indigenous peoples?

OR

b) How adequately does the legal system deal with issues associated with the intellectual property rights of indigenous peoples?

Question 30 - Shelter (25 marks)

a) To what extent do changes in the law improve access to shelter?

OR

b) How effective are the legal and non-legal responses to issues of social housing in the provision of shelter?

Question 31 - Workplace (25 marks)

a) How effective is the legal system in recognising rights and resolving disputes in the workplace?

OR

b) How well does the law achieve justice in the workplace in relation to the issue of termination of employment?

Question 32 - World Order (25 marks)

a) Examine issues of compliance and non-compliance in the promotion of peace and the resolution of conflict between nation states.

OR

b) To what extent do issues associated with the principle of "responsibility to protect" affect the promotion and maintenance of world order?

End of paper