Pymble Ladies' College

Student Number _____

2017 Higher School Certificate Trial 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 each section

Total Marks – 100

Section 1 - Pages 2 – 6
20 marks

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

Section 2 – Pages 7 – 10
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 – 24

Part B – 15 marks

- Attempt Question 25

Section 3 – Pages 11 – 14
50 marks

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

Section 1

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 answer the question. I you think you have made a mistake, clearly cross out the incorrect answer and fill in the new answer.

1. The international Covenant on Civil and Political Rights can best be described as which of the following?
   A. An international treaty
   B. A statement of principle
   C. International customary law
   D. An international legal decision

Refer to the following information to answer questions 2 and 3.

> 19-year-old Ben, who is unknown to police, is given a 'move along' order. He refuses, abuses the police, then struggles and hits one officer with his cap as they try to arrest him.

2. With which offence could Ben be charged?
   A. Causing affray
   B. A public order offence
   C. Resisting arrest and assault
   D. Being uncooperative with the police
3. Assuming that Ben pleads not guilty, in which court will Ben's hearing take place?
   A. The Local Court
   B. The District Court
   C. The Supreme Court
   D. The Children's Court
4. Alice has received an official legal document in relation to an offence she has allegedly committed. She is required to attend the local court on a certain date. What is the legal document known as?
   A. An indictment
   B. A Criminal Infringement Notice
   C. A Court Attendance Notice
   D. A warrant

5. When denying a bail application, which of the following would be a determining factor?

   (A) Community ties
   (B) No criminal record
   (C) Current employment
   (D) A multitude of victims

6. The United Nations Human Rights Council is an example of which of the following?

   (A) An international tribunal
   (B) A non-government organisation
   (C) An intergovernmental organisation
   (D) An independent statutory authority

7. What is the role of the International Criminal Court?

   (A) To enforce the rule of law
   (B) To prosecute world leaders
   (C) To prosecute crimes against the international community.
   (D) To enforce international criminal treaties

8. Jake has planned to commit a robbery. However, he is unable to execute his plan due to illness.

   This is an example of which of the following?

   (A) A preliminary offence
   (B) An economic offence
   (C) A white collar crime
   (D) A blue collar crime

9. Marilyn has been arrested and detained by police.

   In order to ensure that any information provided by Marilyn, during questioning, is admissible in court, what must the police do?

   (A) Establish a "holding charge"
   (B) Caution her as to her rights
   (C) Provide Marilyn with legal representation
   (D) Keep a written record of everything she says

10. A jury has been deliberating for two days and has informed the judge that they are unable to reach a verdict.

What can the judge do?

(A) Deliver his/her own verdict
(B) Insist on a unanimous verdict
(C) Allow a majority verdict
(D) Allow a majority verdict with one dissenter

11. Which of the following is the primary purpose of the United Nations?

(A) To develop friendly relations among nations
(B) To develop treaties that relate to human rights
(C) To reprimand nations who breach human rights
(D) To prosecute those who have breached international law

12. Having committed a summary offence, 14-year-old Matthew has been convicted by a Children's Court Magistrate.

Which penalty is he most likely to receive?

(A) A warning
(B) A good behaviour bond
(C) 12 months imprisonment
(D) An intensive correction order

13. A judge grants a defendant's request for a criminal trial without a jury.

Which term best describes what has been achieved for the defendant?

(A) Unfairness
(B) Inequality
(C) Equality
(D) Fairness

14. What effect does the separation of powers have on human rights in Australia?

(A) The High Court is able to amend legislation.
(B) The judiciary is able to interpret legislation.
(C) The executive can change judicial decisions.
(D) The Governor-General can review High Court decisions.

15. Lisa, an Australian citizen, has been charged with importing $4 million of drugs from Singapore into Sydney.

In which court will her case be heard?

(A) The Drug Court
(B) A Singaporean court
(C) The NSW Supreme Court
(D) The International Criminal Court

16. What is the purpose of preventative detention?

(A) To protect society
(B) To protect the offender
(C) To protect the victim of crime
(D) To balance the rights of offenders and society

17. An incarcerated person is granted day-release into the community.

This is an example of which of the following?

(A) Bail
(B) Preventative detention
(C) A post-sentencing decision
(D) An exercise of the judge's discretion

18. Gareth, a 15-year old, has been charged with a serious criminal offence.

Which of the following statements is true?

(A) Gareth is doli incapax.
(B) Gareth will be treated as an adult in court.
(C) There is a rebuttable presumption of doli incapax.
(D) The presumption of doli incapax is not relevant in this case.

19. Which statement best describes the impact of state sovereignty on the effectiveness of international laws?

(A) Significant, as countries must observe international laws
(B) Significant, as countries can choose to ignore international laws
(C) Limited, as the international community works closely together
(D) Limited, as many countries retain legal control of their parliament

20. In sentencing Peter for an indictable offence, the judge wants the penalty to reflect the serious nature of the offence without imprisoning him.

Which of the following options is most likely?

(A) A probation order
(B) Incarceration for 18 months
(C) 200 hours of community service
(D) Attendance at a diversionary program

Student Number: | | | | | | | | | |

2017 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 TWO (2) characteristics of human rights. **2**

Question 22 (2 marks)

Define and provide an example of an economic right. **2**

Question 23 (4 marks)

How does the international community deal with nation states that do not comply with their human rights obligations? **4**

Question 24 (7 marks)

Assess the role of law reform in protecting human rights. 7

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 answer 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 effectiveness of law reform in balancing the rights of victims, offenders and society within the criminal justice system.

2017 HIGHER SCHOOL CERTIFICATE TRIAL EXAMINATION

Legal Studies

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) Evaluate the effectiveness of a range of organisations in achieving justice for consumers when problems arise.

OR

b) To what extent do issues of compliance and non-compliance affect the achievement of justice for consumers?

Question 27 – Global Environment (25 marks)

a) Assess the effectiveness of law reform in addressing global threats to the environment.

OR

b) To what extent have Australia's responses to international initiatives for global environmental protection been successful?

This document is available on studocu

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 28 – Family (25 marks)

a) "Society values stable family relationships".

To what extent do Australian legal processes reflect this statement?

OR

b) Assess the effectiveness of law reform in addressing issues faced by families in the 21st century.

Question 29 – Indigenous Peoples (25 marks)

a) Assess the effectiveness of law reform in addressing land rights and the loss of cultural rights, for indigenous peoples.

OR

b) To what extent have legal and non-legal mechanisms been effective in achieving justice for indigenous peoples?

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 30 – Shelter (25 marks)

a) To what extent does the legal system provide protection and remedies associated with securing shelter?

OR

b) Evaluate the effectiveness of the law in dealing with issues relating to affordability and securing shelter.

Question 31 – Workplace (25 marks)

a) Assess the effectiveness of law reform in recognising rights and enforcing responsibilities in the workplace. Refer to TWO contemporary issues in your response.

OR

b) "Legal responses are the only mechanisms of achieving justice in the workplace".

To what extent is this statement accurate?

In your answer 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 32 – World Order (25 marks)

A) Discuss how the nature of conflict provides challenges for achieving world order.

OR

B) Discuss the changing nature of conflict and the extent to which it has affected world order.

End of Paper