Pymble Ladies' College

2018

HIGHER SCHOOL CERTIFICATE

TRIAL EXAMINATION

Student No:

Legal Studies

General Instructions

Reading Time – 5 minutes

Working Time – 3 hours

Write using black pen

Write your examination number

in the spaces provided

Total Marks – 100

Section I Pages 2 - 7

20 Marks

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

Section II Pages 8 - 12

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 – 23

Part B – 15 Marks

- Attempt Question 24

Section III Pages 13 - 14

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 Question 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.

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1. Which of the following human rights is promoted under the International Covenant on Civil and Political Rights (ICCPR)?

(A) Peace rights

(B) Universal suffrage

(C) Universal education

(D) Environmental rights

Refer to the following information to answer questions 2 and 3

> Cassidy and Grant are charged with the indictable offence of murder. Cassidy enters a guilty plea at the committal hearing.

2. The committal hearing will be heard in which court?

(A) Local Court

(B) District Court

(C) Supreme Court

(D) High Court

3. Which of the following is a mitigating factor in sentencing?

(A) Cassidy used a weapon.

(B) Cassidy is an alcoholic.

(C) Cassidy acted in company.

(D) Cassidy is remorseful.

4. Eden fatally assaults Erin.
Which of the following defences would lead to a conviction for manslaughter?

(A) Intoxication

(B) Mental Illness

(C) Substantial impairment of responsibility

(D) Negligence

5. After an investigation, Police arrest Millie on charges of terrorism. They decide to hold her in custody for 2 weeks.
What is this an example of?

(A) Continued detention

(B) Preventative detention

(C) Protective custody

(D) Deportation

6. Justin attends university and works part time for a fast food chain. His employer is not paying him the correct wage.
Which type of international right is being breached in this situation?

(A) Economic Social and Cultural Right

(B) Civil and Political Right

(C) Universal education

(D) Universal suffrage

7. Tayla commits an offence in NSW and flees to New Zealand. Which of the following statements is true in regards to the power the NSW police have?

(A) The NSW police must get the Federal police to arrest Tayla.

(B) The NSW police cannot act due to state sovereignty.

(C) The NSW police can apply for Tayla to be deported.

(D) The NSW police can apply to have Tayla extradited.

8. Josh was originally charged with a summary offence. This has now been upgraded to an indictable offence.
Which of the following rights will Josh now have that he would not have had previously?

(A) The right Legal Aid.

(B) The right to a trial by jury.

(C) The right to silence.

(D) The right to a charge negotiation.

9. Natasha is 12 years old and has committed a serious, indictable offence. Which of the following statements is true?

(A) Natasha cannot be charged due to her age.

(B) As she is *doli incapax* Natasha cannot be charged with an indictable offence.

(C) The defence must prove that Natasha was *doli incapax* at the time of the offence.

(D) The prosecution must prove that Natasha was not doli *incapax* at the time of the offence.

10. In a criminal trial, following eight hours of deliberation, the jury have voted 9 to 3 in favour of a guilty verdict.
This is an example of which of the following?

(A) A unanimous verdict

(B) A majority verdict

(C) A hung jury

(D) A fair duty

11. Which of the following is true about the International Court of Justice?

(A) It was established by the Rome Statute.

(B) It can only hear cases about War Crimes

(C) It can only hear cases between individuals.

(D) It can only hear cases between nation states.

12. Legislative changes introduced by the *Liquor Amendment Act (2014)* include 1.30am lockouts at hotels and nightclubs.
What are these changes an example of:

(A) A breach of rights

(B) Preventative detention

(C) Social crime prevention

(D) Situational crime prevention

13. Charlie has been given a 6-year head sentence for damaging a war memorial on ANZAC Day. After 4 years, he is granted parole.
The decision to grant Lewis parole is an example of which of the following?

(A) A post-sentencing decision

(B) A diversionary program

(C) The terms of the sentence

(D) Rehabilitation

14. Which of the following statements does NOT describe the role of non-government organisations (NGO's) in protecting human rights?

(A) NGO's can assist victims of human rights abuses.

(B) NGO's play a central role in enforcing human rights law.

(C) NGO's use the media to name and shame human rights violators.

(D) NGO's assist better compliance with human rights law by governments.

15. Kim is arrested for a serious crime. She exercises her right to remain silent when arrested. However at her trial, she gives evidence that she was not at the crime scene.
Which of the following is true?

(A) The judge can instruct the jury that her evidence must be accepted.

(B) The judge should dismiss the case.

(C) The jury can question as to why this was not raised earlier.

(D) The judge can instruct the jury that this evidence may not be reliable.

Use the following information to answer question 16

14-year-old Sophie, whilst under the influence of alcohol, was caught driving a stolen car at 100km/hour in a school zone. In an attempt to evade the police she crashes the car injuring some students.

16. If Sophie pleads guilty to car theft, this matter could be dealt with through which of the following?

(A) Circle Sentencing

(B) Local Court hearing

(C) Children's Court hearing

(D) Youth Justice Conferencing

17. Choose the correct order for these parts of the criminal investigation process.

(A) Crime is investigated, crime is reported, suspect is charged, suspect is arrested.

(B) Crime is reported, crime is investigated, suspect is charged, suspect is arrested.

(C) Suspect is reported, suspect is arrested, suspect is charged, suspect is bailed.

(D) Crime is investigated, suspect is arrested, suspect is charged, suspect is bailed.

18. An accused is found not guilty of murder because it could not be proved that their actions resulted in the death of the victim.
The verdict is a result of the lack of which element?

(A) *Doli incapax*

(B) *Mens rea*

(C) Causation

(D) Strict Liability

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

(A) To create an avenue for appeals 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

20. In what way does a victim impact statement help to promote justice?

(A) It provides the victim with a voice during the sentencing process.

(B) It allows the victim to present transcript evidence during the trial.

(C) It gives the victim some input into the charge negotiation process.

(D) It allows the victim to have a say regarding the collection of evidence.

Student No: ☐☐☐☐☐☐☐☐☐

2018 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 – 23

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

Question 21 (4 marks)

Explain how ONE intergovernmental organisation has contributed to the protection of human rights.

Question 22 (4 marks)

Explain how state sovereignty has been used to protect and hinder human rights in Australia. Use examples to support your answer.

Question 23 (7 marks)

With reference to a contemporary human rights issue, evaluate the effectiveness of international and domestic law in enforcing human rights.

Section II (continued)
Part B - Crime
15 marks
Attempt Question 24

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 24 (15 marks)

***'Juries perform a valuable role in connecting the community with criminal justice*"**

Nicholas Cowdrey, Sydney Morning Herald

With reference to this statement assess the criminal trial process as a means of achieving justice?

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LEGAL STUDIES

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) How effective is the regulation of consumer contracts in protecting consumer rights?

OR

b) With reference to contemporary issues, assess the extent to which consumer law initiates and responds to change.

Question 26 – Global Environment (25 marks)

a) Evaluate the effectiveness of Australia's federal structure in responding to conflict between the demand for resources and global environment protection.

OR

b) To what extent have legal and non-legal measures been effective in protecting the global environment? In your response you must refer to a contemporary issue concerning the global environment.

Question 27 – Family (25 marks)

a) Discuss how effectively the law responds to changing values in the community.

OR

b) To what extent has law reform responded effectively to the changing nature of parental responsibility and the care and protection of children?

Question 28 – Indigenous Peoples (25 marks)

a) Evaluate the contribution of Australia's federal structure in responding to the needs of indigenous peoples.

OR

b) How effective has the legal system been in encouraging cooperation and resolving conflict in regard to contemporary issues concerning indigenous peoples?

Question 29 – Shelter (25 marks)

a) To what extent has the government achieved justice for individuals seeking shelter?

OR

b) Evaluate the effectiveness of legal and non-legal responses in relation to the issue of homelessness in Australia.

Question 30 – Workplace (25 marks)

a) To what extent have legal responses been effective in enforcing employer responsibilities?

OR

b) Assess the role of law reform in achieving justice in the workplace. Refer to TWO contemporary issues in your response.

Question 31 – World Order (25 marks)

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

OR

b) Evaluate the effectiveness of the United Nations and nation states in resolving conflict and working towards world order.

END OF PAPER

MCQs ANSWERS:

1. A
2. A
3. A
4. A
5. A
6. A
7. A
8. B
9. D
10. C
11. D
12. D
13. A
14. B
15. D
16. D
17. D
18. C
19. D
20. A