
Student number

Roseville College An Anglican School For Girls

2015

Trial Higher School Certificate 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 the page where appropriate.
- Use Multiple Choice Answer Sheet provided

Total marks – 100

Section 1 Pages 2 - 6
20 marks
- Attempt Questions 1 – 20
- Allow about 30 Minutes for this section.

Section II Page 7 - 10
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 Pages 11 - 13
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 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. What is the legal term for the mental element of a crime?

   (A) Actus reus
   (B) Mens rea
   (C) Intention
   (D) Causation

2. Which of the following is a public order offence?

   (A) Swearing on the train
   (B) Driving without a licence
   (C) Using illicit drugs in public
   (D) Stealing $100 worth of cosmetics

3. Danielle is being tried for importing illegal drugs into Australia. She claims she was compelled to commit the crime.

   Which of the following defences is she relying on?

   (A) Self-defence
   (B) Automatism
   (C) Provocation
   (D) Duress

4. The right to life is best protected under which human rights instrument?

   (A) The Family Law Act 1975 (Cth)
   (B) The Universal Declaration of Human Rights
   (C) The Commonwealth of Australia Constitution
   (D) The International Covenant on Civil and Political Rights

5. Which of the following statements is true of the role of witnesses in a criminal trial?

   (A) They must have actually seen the offence.
   (B) They can give evidence through oral testimony.
   (C) They can tell the court what they heard about an offence.
   (D) They can be questioned by the victim and the victim's barrister.

6. What is the role of the jury in a criminal trial?

   (A) To provide reasons for their decision in the case
   (B) To decide on an appropriate sentence for the accused
   (C) To find the evidence to determine the verdict of the case
   (D) To listen to the evidence and then hand down their verdict

7. In sentencing a convicted offender, Justice Davis must hand down a sentence of at least 5 years imprisonment. Which of the following will most affect the judge's sentencing decision?

   (A) Aggravating circumstances
   (B) Mitigating circumstances
   (C) Statutory guidelines
   (D) Judicial guidelines

8. The right of all peoples to live free from conflict is an example of which of the following?

   (A) Self-determination
   (B) Labour rights
   (C) Right to life
   (D) Peace rights

9. Shaun is nineteen and has been charged with a serious indictable offence. This charge will first be heard in which court?

   (A) Local Court
   (B) District Court
   (C) Supreme Court
   (D) Children's Court

10. In sentencing an offender, the judge states that the offender "is remorseful and understands the consequences of her actions".

What has the judge considered in this sentencing decision?

(A) Aggravating factors
(B) Mitigating factors
(C) Specific deterrence
(D) Charge negotiation

11. Which of the following is NOT true about human rights?

(A) Violations occur daily across the globe
(B) They are universal, inalienable, inherent and indivisible
(C) They enable people to achieve their full potential in society
(D) They are enforced by the Universal Declaration of Human Rights

Use the following information to answer questions 12 and 13.

Peter, 15, has been detained by the police on suspicion of being involved in a series of vandalism offences in the local area.

12. In the event that Peter's matter goes to court, the burden of proving Peter's guilt will fall on which of the following?

(A) The victims
(B) The plaintiff
(C) The prosecution
(D) The local people

13. Which of the following statements is true for Peter?

(A) He cannot be charged for at least 4 hours.
(B) One of his parents can be present when he is questioned.
(C) If he is charged, the matter will be heard in the Local Court.
(D) He can be questioned for as long as necessary to find the truth.

14. Which of the following is NOT part of the criminal investigation process?

(A) Charge negotiation
(B) Detention of a suspect
(C) Use of a search warrant
(D) Collection of DNA from the crime scene

15. In relation to human rights, the media is most effective at which of the following?

(A) Promotion
(B) Protection
(C) Enforcement
(D) Incorporation

16. Which of the following would be the most effective legal measure the Australian government could use to deal with transnational crimes?

(A) Appearing before the International Criminal Court
(B) Boycotting the United Nations General Assembly
(C) Entering into cooperative arrangements with other nation states
(D) Publicising crimes with the aim of deterring future offenders

17. 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.

18. Which of the following best defines *doli incapax*?

(A) The preferential treatment of a child in the Children's Court
(B) The rebuttable presumption of incapacity for 10 – 14 year olds
(C) The presumption that a child is incapable of committing a crime
(D) The absence of a committal hearing for a child under 15 years of age

19. Which of the following is an argument against Australia adopting a Charter of Rights?

(A) It lacks widespread community support
(B) The marginalised and disadvantaged won't be supported
(C) Human rights are already adequately protected in Australia
(D) It will inhibit the building of a culture of respect for human rights

20. While committing an armed robbery, Emily accidently fires her weapon and injures a worker. She co-operates with police and pleads guilty to the offence.

Which of the following is true regarding Emily?

(A) She will appear before a jury.
(B) She will not be cross-examined.
(C) Her case will be finalised in the Local Court.
(D) She can use the defence of mistake during her trial.

Student Number: _____

2015 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 labour rights. **2**

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Question 22 (2 marks)

Human rights are said to be universal. What does this mean? **2**

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Question 23 (4 marks)

Using an example, explain how human rights are incorporated into Australian domestic law. **4**

Question 24 (7 marks)

To what extent do issues of compliance and non-compliance affect the protection of human rights? 7

Legal Studies

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)

"The NSW Government will introduce a new, simpler Bail Act that aims to achieve greater consistency. ... [It] will be applied consistently by police bail sergeants, magistrates and judges – this means police and legal resources can be focused on catching and prosecuting criminals."

Premier's Media Release: *New Bail Laws to Put Community Safety First.*
28 November 2012

How effective has the criminal justice system been in initiating and responding to the need for change?

In your answer, refer to the above statement.

2015 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) *"Consumer law makes little difference to the achievement of justice for consumers."*

Discuss this statement.

OR

b) Evaluate the role of law reform in recognizing the rights of consumers in relation to the areas of credit and the increased use of technology.

Question 27 – Global Environment (25 marks)

a) In relation to environmental protection, assess the responsiveness of the law to changing values and ethical standards.

OR

b) With reference to Australia's responses to international initiatives, assess the barriers to achieving an international response to global environmental protection.

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) *"Family law does not provide adequate protection for family members."*

Discuss this statement.

OR

b) With reference to contemporary issues concerning family law, assess the responses to problems in family relationships.

Question 29 – Indigenous Peoples (25 marks)

a) To what extent do issues of compliance and non-compliance impact on the protection of rights of indigenous peoples?

OR

b) How adequate are global and Australian responses in achieving justice for indigenous peoples?

Question 30 – Shelter (25 marks)

a) Assess the role of law reform in protecting those securing and providing shelter.

OR

b) To what extent do laws relating to the provision of social housing reflect changing values and ethical standards?

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 31 – Workplace (25 marks)

a) To what extent have legal and non-legal measures been effective in achieving compliance in the workplace.

OR

b) Assess the responsiveness of the law to changing values and ethical standards in the workplace.

Question 32 – World Order (25 marks)

To what extent does the changing nature of conflict impact on the roles of international, regional and domestic responses to resolving breakdown of world order.

End of paper