

Student Number: .....

**2008**

**HIGHER SCHOOL CERTIFICATE**  
Sample Examination Paper

# LEGAL STUDIES

## General Instructions

- Reading time – 5 minutes
- Working time – 3 hours
- Write using blue or black pen
- Write your student number at the top of this page

**Total marks – 100**

### Section I

**25 marks**

This section has two parts,  
Part A and Part B

- Allow about 45 minutes for this section

**Part A – 15 marks**

- Attempt Questions 1–15

**Part B – 10 marks**

- Attempt Question 16

### Section II

**25 marks**

- Attempt Question 17
- Allow about 45 minutes for this section

### Section III

**50 marks**

- Attempt TWO questions from Questions 18–25, each from a different Focus Study
- Allow about 1 hour and 30 minutes for this section

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## Section I – Law and Society

25 marks

Allow about 45 minutes for this section

Part A – 15 marks

Attempt Questions 1–15

Use the multiple-choice answer sheet for Questions 1–15.

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- 1 Trade unions lobby the federal government strongly for a change in the workplace legislation.

Which influence on the law are trade unions exercising?

- A Cultural
  - B Economic
  - C Moral
  - D Political
- 2 Why do Australia, New Zealand and the USA have common law systems of government?
- A On colonisation they continued the law of the indigenous peoples.
  - B On colonisation they continued the law of England.
  - C The United Nations decided that this is the law they must have.
  - D It is the preferred system of government under international law.
- 3 The right to access the International Court of Justice is an example of which of the following?
- A Cultural right
  - B Domestic right
  - C International right
  - D Moral right
- 4 The Dreaming was an influence on which type of law?
- A Civil law
  - B Common law
  - C Criminal law
  - D Customary law
- 5 Jason has a court hearing before a jury of four people to determine the damages he would be awarded for injury sustained in an accident.
- Which of the following statements is correct?
- A This is civil case involving tort law.
  - B This is a criminal case involving public law.
  - C This is a civil case involving public law.
  - D This is a criminal case involving tort law.

6 The case *R v Yasmin* would require what standard of proof?

- A Beyond the balance of reason
- B On the balance of probabilities
- C Beyond reasonable doubt
- D There should be no doubt

7 The provision of alternative dispute resolution mechanisms such as the Community Justice Centre improves which of the following?

- A Access
- B Ethics
- C Natural law
- D Values

8 Japan refuses to recognise Australia's right to sections of the Southern Ocean.

What power is Japan exercising?

- A Executive
- B Judicial
- C Sovereignty
- D Legislative

9 Child labour is an example of which of the following?

- A Trade unionism
- B International Labour Organisation
- C Suffrage
- D Slavery

10 Human rights are protected in Australia through common law cases such as the *Toonen case*.

How else are human rights protected in Australia?

- A A Bill of Rights
- B The Declaration of Independence
- C Customary law
- D Statute law

11 Several large companies give donations to political parties in an attempt to gain favour with the parties.

What type of influence on the law is this?

- A Cultural
- B Economic
- C Moral
- D Political

- 12** Elders protest about their lack of rights in deciding Aboriginal affairs.

What right are they seeking?

- A Collective right to self determination
- B Individual right to self determination
- C Collective right to freedom of speech
- D Individual right to freedom of speech

- 13** A large African country only allows black citizens to vote in the election, denying the rights of its Asian citizens.

What international rights are being denied in this election?

- A Economic, social and cultural rights
- B Civil and political rights
- C Environmental and peace rights
- D Collective right to self determination

- 14** Aboriginal peoples are given the right to hunt and fish in National Parks.

This decision reflects the acknowledgement of which type of right?

- A Customary right
- B Moral right
- C Social right
- D Peace right

- 15** Elderly people push for the right to be able to use euthanasia.

Which influence on the law does this reflect?

- A Cultural
- B Economic
- C Moral
- D Technological

**Section I (continued)**

**Part B – 10 marks**

**Attempt Question 16**

Answer the question in the spaces provided.

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**Question 16** (10 marks) **Marks**

(a) Distinguish between moral and customary rights. **4**

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(b) Using examples, explain the difference between rule of law and natural justice. In your answer, demonstrate how each attempts to achieve justice. **6**

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**End of Section I**

**Section II – Focus Study: Crime**  
**25 marks**

**Attempt Question 17**  
**Allow about 45 minutes for this section**

Answer the question in a writing booklet. Extra writing booklets are available.

Start each part of the question on a new page.

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	<b>Marks</b>
<b>Question 17 (25 marks)</b>	
(a) Using an example, outline a post sentencing decision.	<b>3</b>
(b) What are the roles of the following court personnel? <ul style="list-style-type: none"><li>• Prosecutors</li><li>• Defence lawyers</li><li>• Magistrates</li><li>• Judges</li></ul>	<b>4</b>
(c) Outline when juries are used in the NSW criminal justice system and assess the effectiveness of a jury in a criminal trial.	<b>9</b>
(d) Analyse the factors affecting the sentencing of offenders. Use examples to support your answer.	<b>9</b>

**End of Section II**

### Section III – Additional Focus Studies

50 marks

Attempt TWO questions from Questions 18–25, each from a different Focus Study  
Allow about 1 hour and 30 minutes for this section

Answer each question in a SEPARATE writing booklet. Extra writing booklets are available.

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In your answer you will be assessed on how well you:

- demonstrate an understanding of relevant legal information and issues
  - illustrate your answer with examples from one or more of the following: legislation, documents, treaties, cases, media reports
  - communicate using legal terminology and concepts relevant to domestic or international law
  - present a sustained, logical and well-structured answer to the question
- 

	<b>Marks</b>
<b>Question 18 – Optional Focus Study 1: Consumers (25 marks)</b>	
(a) Analyse how both common and statute law remedy injustice for consumers.	<b>25</b>
OR	
(b) ‘Legal institutions are outdated in protecting individuals’. Evaluate this statement in relation to resolving conflict for consumers.	<b>25</b>
<b>Question 19 – Optional Focus Study 2: Family (25 marks)</b>	
(a) Evaluate how changes in family law have increased protection for family members.	<b>25</b>
OR	
(b) ‘Legal institutions are outdated in protecting individuals’. Evaluate this statement in relation to resolving conflict for family members.	<b>25</b>



**Marks**

**Question 20 – Optional Focus Study 3: Global Environment (25 marks)**

- (a) ‘Sovereignty hinders any progress in international law’.  
Evaluate this statement in relation to global environmental protection. **25**

OR

- (b) Assess the effectiveness of nation states in resolving global environmental conflicts. **25**

**Question 21 – Optional Focus Study 4: Indigenous Peoples (25 marks)**

- (a) ‘Sovereignty hinders any progress in international law’.  
Evaluate this statement in relation to protecting the rights of indigenous peoples. **25**

OR

- (b) Assess the effectiveness of nation states in resolving conflicts involving indigenous peoples. **25**

**Question 22– Optional Focus Study 5: Shelter (25 marks)**

- (a) Evaluate how changes in the law have increased protection for tenants and landlords. **25**

OR

- (b) ‘Legal institutions are outdated in protecting individuals’.  
Evaluate this statement in relation to resolving conflict for those seeking shelter. **25**

**Question 23 – Optional Focus Study 6: Technological Change (25 marks)**

- (a) ‘Sovereignty hinders any progress in international law’.  
Evaluate this statement in relation to issues associated with technological change. **25**

OR

- (b) Assess the effectiveness of nation states in resolving conflicts involving changes in technology. **25**

**Question 24 – Optional Focus Study 7: Workplace (25 marks)**

- (a) Evaluate how changes in workplace law have increased protection for employers and employees. **25**

OR

- (b) ‘Legal institutions are outdated in protecting individuals’. Evaluate this statement in relation to resolving conflict in the workplace. **25**

**Question 25 – Optional Focus Study 8: World Order (25 marks)**

- (a) ‘Sovereignty hinders any progress in international law’. Evaluate this statement in relation to issues with respect to world order. **25**

OR

- (b) Assess the effectiveness of nation states in resolving conflict with respect to world order. **25**

**End of paper**

**Section I – Multiple choice**

**Answer sheet**

	<b>A</b>	<b>B</b>	<b>C</b>	<b>D</b>
<b>1</b>				
<b>2</b>				
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<b>14</b>				
<b>15</b>				

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