



CATHOLIC SECONDARY SCHOOLS  
ASSOCIATION OF NEW SOUTH WALES

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Centre Number

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Student Number

**2010**  
**TRIAL HIGHER SCHOOL CERTIFICATE**  
**EXAMINATION**

# Legal Studies

Morning Session  
Thursday, 12 August 2010

## General Instructions

- Reading time – 5 minutes
- Working time – 3 hours
- Write using blue or black pen
- Write your answers in the spaces provided
- Use Multiple Choice Answer Sheet provided
- Write your Centre Number and Student Number at the top of this page and page 9

**Total marks – 100**

### Section I

Pages 2–10

**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

Page 11

**25 marks**

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

### Section III

Pages 12–14

**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

## Disclaimer

Every effort has been made to prepare these 'Trial' Higher School Certificate Examinations in accordance with the Board of Studies documents, *Principles for Setting HSC Examinations in a Standards-Referenced Framework* (BOS Bulletin, Vol 8, No 9, Nov/Dec 1999), and *Principles for Developing Marking Guidelines Examinations in a Standards Referenced Framework* (BOS Bulletin, Vol 9, No 3, May 2000). No guarantee or warranty is made or implied that the 'Trial' Examination papers mirror in every respect the actual HSC Examination question paper in any or all courses to be examined. These papers do not constitute 'advice' nor can they be construed as authoritative interpretations of Board of Studies intentions. The CSSA accepts no liability for any reliance use or purpose related to these 'Trial' question papers. Advice on HSC examination issues is only to be obtained from the NSW Board of Studies.

**3100-1**

## 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 provided

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- 1 The burden of proof in a criminal case lies with which of the following?
  - (A) Judge
  - (B) Plaintiff
  - (C) Defendant
  - (D) Prosecution
  
- 2 Where would a committal hearing for an indictable offence be heard?
  - (A) Local court
  - (B) District court
  - (C) Supreme court
  - (D) High court
  
- 3 Which of the following is NOT a characteristic of human rights?
  - (A) Inherent
  - (B) Universal
  - (C) Inalienable
  - (D) Enforceable

- 4 Which of the following legal systems is based on Roman law?
- (A) Civil law system
  - (B) Equity law system
  - (C) Common law system
  - (D) Customary law system
- 5 The Doctrine of Reception resulted in which of the following?
- (A) Abolition of the Monarchy
  - (B) Application of British law in Australia
  - (C) Removal of the right of appeal to the Privy Council
  - (D) Recognition of Australia as an autonomous law making nation
- 6 Which type of law is breached by someone driving at 55km/h in a school zone?
- (A) Tort law
  - (B) Civil law
  - (C) Public law
  - (D) Private law
- 7 The idea that a nation-state has complete control regarding the governance of its people and state refers to which of the following concepts?
- (A) Rule of law
  - (B) State sovereignty
  - (C) Universal suffrage
  - (D) Division of powers

- 8** A cleaning contractor with the local shopping centre who has not been paid for three months takes legal action against the centre for the recovery of her money owing.

Which of the following is the most likely outcome of this action?

- (A) The defendant will need to prove her claim on the balance of probability
- (B) The defendant will need to prove her claim beyond a reasonable doubt
- (C) The shopping centre will pay the plaintiffs' claim
- (D) The shopping centre will pay the defendants' claim

- 9** A judge makes a decision on a criminal matter which is legally binding on the lower courts.

What is this an example of?

- (A) Causation
- (B) Mens Rea
- (C) Obiter Dictum
- (D) Ratio Decidendi

- 10** A person has been the victim of an unlawful arrest without the right to compensation.

In this example, which human rights have been denied?

- (A) Peace rights
- (B) Environmental rights
- (C) Civil and Political rights
- (D) Economic, Social and Cultural rights

- 11** The Australian Government has attempted to respond to its aging population by changing superannuation legislation.

This is an example of what type of influence on the law?

- (A) Moral and Political
- (B) Political and Social
- (C) Social and Economic
- (D) Economic and Moral

- 12** Michael's house caught on fire because a company he contracted to insulate his roof was negligent.

Under which type of law would Michael initiate legal proceedings?

- (A) Tort law
- (B) Contract law
- (C) Criminal law
- (D) Administrative law

- 13** Which of the following is a feature of Aboriginal customary law?

- (A) Mediation
- (B) Native title
- (C) Terra Nullius
- (D) Codification

- 14** A horse trainer was refused a license to train horses due to her husband's reputation. She successfully appealed this decision before the Equal Opportunity Tribunal.

Which legal principle was denied in the original decision?

- (A) Natural law
- (B) Natural justice
- (C) Rules of Equity
- (D) Self determination

- 15** Which of the following rights are NOT expressed in the International Covenant on Civil and Political Rights?

- (A) The right to education
- (B) The right to a fair trial
- (C) Freedom from slavery
- (D) Freedom from arbitrary arrest

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## Legal Studies

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### Section I (continued)

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Student Number

#### Part B – 10 marks Attempt Question 16

Answer each question in the spaces provided.

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#### Question 16 (10 marks)

- (a) Through the use of examples, outline how human rights in Australia are protected by statute law and the Constitution.

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Question 16 continues on page 10





## Legal Studies

### Section II – Focus Study – Crime

25 marks

Attempt Question 17

Allow about 45 minutes for this section

Answer the question in a SEPARATE writing booklet.

Start each part of this question on a new page.

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#### Question 17 (25 marks)

- |     |   |    |
|-----|---|----|
| (a) | Identify TWO courts that deal with criminal law   | 2  |
| (b) | Outline TWO penalties available to judges and magistrates within the Australian legal system.                                   | 4  |
| (c) | Assess the role of crime prevention in deterring criminal behavior.   | 8  |
| (d) | Evaluate the effectiveness of the Australian legal system in balancing the rights of the victim with the rights of the accused. | 11 |

Please turn over

### Section III – Additional Focus Study

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.

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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
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#### Question 18 – Optional Focus Study 1 – Consumers (25 marks)

- (a) Assess the place of consumer law in resolving conflict and encouraging cooperation. In your answer include a discussion of the nature of contracts. 25

OR

- (b) Evaluate the extent to which the law reflects the moral and ethical standards in relation to consumer law. 25

#### Question 19 – Optional Focus Study 2 – Family (25 marks)

- (a) Assess the place of family law in resolving conflict and encouraging cooperation. In your answer include a discussion of the problems within family relationships. 25

OR

- (b) Evaluate the extent to which the law reflects the moral and ethical standards in relation to family law. 25

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

- (a) Assess the place of global environmental law in resolving conflict and encouraging cooperation. In your answer include a discussion of international instruments. 25

**OR**

- (b) Evaluate the extent to which the law reflects the moral and ethical standards in relation to global environmental law. 25

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

- (a) Assess the place of Indigenous law in resolving conflict and encouraging cooperation. In your answer include a discussion of international instruments. 25

**OR**

- (b) Evaluate the extent to which the law reflects the moral and ethical standards in relation to Indigenous Peoples. 25

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

- (a) Assess the place of the law in resolving conflict and encouraging cooperation in securing shelter. In your answer include a discussion of settling disputes between neighbours. 25

**OR**

- (b) Evaluate the extent to which the law reflects the moral and ethical standards in relation to securing shelter. 25

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

- (a) Assess the place of the law in resolving conflict and encouraging cooperation in relation to technological change. In your answer include a discussion of international instruments. 25

**OR**

- (b) Evaluate the extent to which the law reflects the moral and ethical standards in relation to achieving technological change. 25

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

- (a) Assess the place of the law in resolving conflict and encouraging cooperation within the workplace. In your answer include a discussion of termination of employment. 25

**OR**

- (b) Evaluate the extent to which the law reflects the moral and ethical standards in relation to workplace law. 25

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

- (a) Assess the place of the law in resolving conflict and encouraging cooperation in achieving world order. In your answer include a discussion of international instruments. 25

**OR**

- (b) Evaluate the extent to which the law reflects the moral and ethical standards in relation to achieving world order. 25

**End of paper**



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