



CATHOLIC SECONDARY SCHOOLS
ASSOCIATION OF NEW SOUTH WALES

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Centre Number

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Student Number

2006

**TRIAL HIGHER SCHOOL CERTIFICATE
EXAMINATION**

Legal Studies

Afternoon Session
Friday 11 August 2006

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 5

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.

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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 provided

- 1 In legal contexts, domestic rights are understood to be those which normally apply within
- (A) a household.
 - (B) a family.
 - (C) a state of Australia.
 - (D) all countries.
- 2 Which is the major source of Australian law?
- (A) British law.
 - (B) Customary law.
 - (C) International law.
 - (D) Roman law.
- 3 Which of the following is a feature of a civil law legal system?
- (A) Use of an inquisitorial trial.
 - (B) Use of trade sanctions as a form of punishment.
 - (C) The existence of strong links between religion and law
 - (D) The existence of laws made by judges
- 4 Which of the following is NOT a collective right?
- (A) Environmental rights.
 - (B) Peace rights.
 - (C) Right to self-determination.
 - (D) Right to freedom of assembly.

5 Economic influences have an impact on the formation of laws.

An example of a law that does not reflect economic influences would be

- (A) a law permitting clubs to increase the number of poker machines at their premises.
- (B) a law permitting extended trading hours for retailers.
- (C) a law prohibiting the employment of children under 15.
- (D) a law prohibiting foreign fishing to take place in Australian waters.

6 Which principle allows a country to create a law to impose a penalty of death on a convicted drug trafficker?

- (A) State sovereignty.
- (B) Self-determination.
- (C) Democratic government.
- (D) Natural justice.

7 The community was recently shocked when teenagers were caught pouring petrol on a kitten and setting it alight. The government responded by passing laws that set harsher penalties for cruelty to animals.

In changing the law in this way, the Government was responding to

- (A) economic and religious influences.
- (B) social and religious influences.
- (C) political and moral influences.
- (D) cultural and moral influences.

8 What must happen in order for a Bill of Rights to be an effective mechanism in protecting Human Rights against abuse by governments?

- (A) It must be part of the constitution.
- (B) It must be passed by legislation.
- (C) It must be approved by the United Nations.
- (D) It must be a signed multi lateral treaty.

- 9** Which of the following remedies is possible in a court exercising civil jurisdiction?
- (A) A bond.
 - (B) A fine.
 - (C) An injunction.
 - (D) Weekend detention.
- 10** What is the doctrine of natural justice?
- (A) Every person has the right to present their defence before a decision is made.
 - (B) Every person has fundamental rights that cannot be taken away by any authority.
 - (C) Justice can only be delivered by a person who is unbiased and has been informed of all relevant considerations.
 - (D) Justice can only be delivered when the same laws apply to all people and are enforced.
- 11** *Universal suffrage* is a human right. It is a right that
- (A) entitles all adults to have a job.
 - (B) entitles all adults to vote at elections freely.
 - (C) entitles governments to legislate for foreign visitors.
 - (D) entitles governments to legislate for its citizens.

- 12** Law “A” states that it is illegal to use hairspray because it puts toxins in the atmosphere.

Law “B” states that the maximum penalty for men who use hairspray will be 5 years imprisonment and the maximum penalty for women who use hairspray will be 2 years imprisonment.

Which of the following statements is correct?

- (A) Both laws are just.
 - (B) Both laws are unjust.
 - (C) Law “A” is unjust and law “B” is just.
 - (D) Law “A” is just and law “B” is unjust.
- 13** Any person who feels that they have been denied their rights may ask that the courts recognize and enforce their rights.

Which concept does this situation best illustrate?

- (A) Formal equality.
 - (B) Equal opportunity.
 - (C) Fairness.
 - (D) Justice.
- 14** The members of an ethnic group are being denied the fundamental freedoms and their basic needs. Which of the following is the best way for this group to address these violations of their human rights?
- (A) Enforcing their civil and political rights.
 - (B) Enforcing their economic, social and cultural rights
 - (C) Enforcing their right to self-determination
 - (D) Enforcing their right to freedom from genocide

- 15** Two countries have signed a global treaty that prohibits the use of torture by government authorities. Both countries have enacted legislation to make torture illegal in their respective countries. It has been alleged that officials of one country were aware that one of its citizens was being tortured in the other country and did nothing to try to prevent this from occurring.

Which of the following jurisdictions would be most capable of providing an effective remedy against the inaction of the officials of the citizen's country?

- (A) The courts of the country where the torture was taking place.
- (B) The United Nations
- (C) The International Court of Justice
- (D) The courts of the country the citizen belongs to.

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Centre Number

Legal Studies

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Section I (continued)

Student Number

Part B – 10 marks

Attempt Question 16

Answer each question in the spaces provided.

Question 16 (10 marks)

Marks

- (a) Identify TWO types of law.

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- (b) State the essential qualities of fairness AND give an example.

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Question 16 continues on page 6

(c) Describe and distinguish between moral, customary and legal rights.

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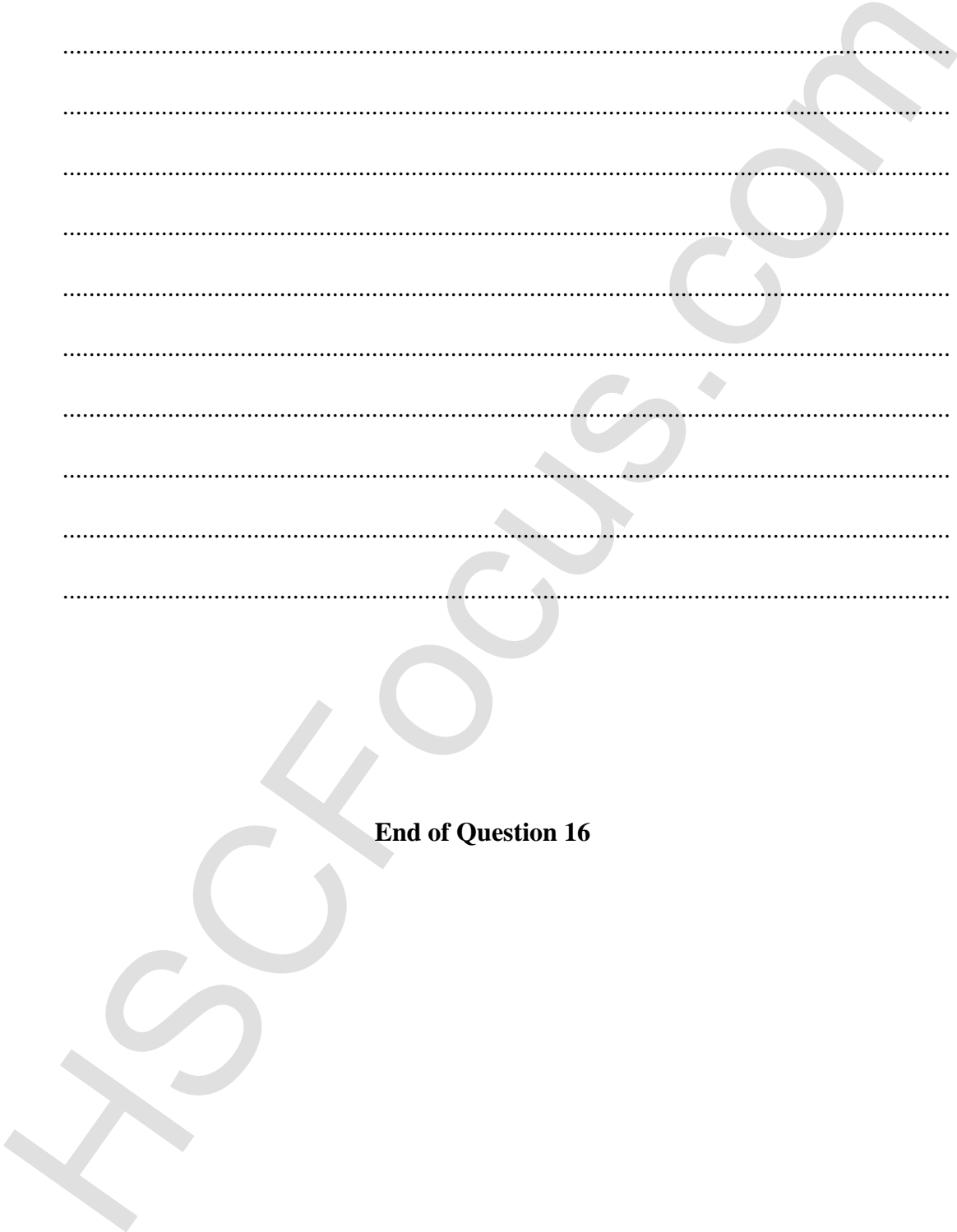
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End of Question 16





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.

Question 17 (25 marks)

Marks

Tom, John, Anna and Pina are involved in anti-social behaviour that is terrorising their local community. Late one Wednesday evening the group attacked an elderly man. The old man was knocked to the ground by a blow to his head by a baseball bat. Passing Police came to the aid of the man and arrested Tom. The other gang members escaped. Tom is charged with aggravated assault occasioning grievous bodily harm. The old man is in a critical condition and expected to die as a result of his injuries.

As a young man, Tom was convicted for assaulting another student. He has recently returned from an overseas trip with his 3 young children. Tom is a single parent and unemployed.

Prior to appearing before a magistrate, where he will apply for bail, Tom is informed by his solicitor that the prosecution is prepared to alter the charge of aggravated assault occasioning grievous bodily harm to the lesser charge of assault if Tom is willing to assist them in arresting the other members of the gang.

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|-----|---|----|
| (a) | Identify TWO functions of the Local Court | 2 |
| (b) | Define bail and with reference to the above stimulus material, describe the process involved in determining whether bail will be granted. | 5 |
| (c) | Assess how effectively post-sentencing decisions meet the needs of the individual and society. | 8 |
| (d) | With reference to the above stimulus material, evaluate the implications of plea-bargaining for the notion of justice for the accused, the victim, the community and the efficiency of the court process. | 10 |

End of Question 17

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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.

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

- apply criteria to evaluate the effectiveness of the legal system OR assess the place of the law
 - 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
 - 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 role of legal processes and institutions in protecting the rights of Consumers. 25

OR

- (b) “It is difficult to balance individual rights and values with community rights and values.” 25
Evaluate this statement in relation to legal issues and remedies that arise in balancing individual rights and values with community rights and values in the area of the law regarding consumers.

Question 19 – Optional Focus Study 1 – Family (25 marks)

- (a) Assess the role of legal processes and institutions in protecting the rights of family members. 25

OR

- (b) “It is difficult to balance individual rights and values with community rights and values.” 25
Evaluate this statement in relation to legal issues and remedies that arise in balancing individual rights and values with community rights and values in the area of the law regarding family members.

Question 20 – Optional Focus Study 1 – Global Environment (25 marks)

- (a) Assess the role of legal processes and institutions in protecting the global environment. **25**

OR

- (b) “It is difficult to balance individual rights and values with community rights and values.” **25**

Evaluate this statement in relation to legal issues and remedies that arise in balancing individual rights and values with community rights and values in the area of the law regarding the global environment.

Question 21 – Optional Focus Study 1 – Indigenous People (25 marks)

- (a) Assess the role of legal processes and institutions in protecting the rights of Indigenous People.

OR

- (b) “It is difficult to balance individual rights and values with community rights and values.” **25**

Evaluate this statement in relation to legal issues and remedies that arise in balancing individual rights and values with community rights and values in the area of the law regarding Indigenous People.

Question 22 – Optional Focus Study 1 – Shelter (25 marks)

- (a) Assess the role of legal processes and institutions in protecting the rights of people seeking shelter. **25**

OR

- (b) “It is difficult to balance individual rights and values with community rights and values.” **25**

Evaluate this statement in relation to legal issues and remedies that arise in balancing individual rights and values with community rights and values in the area of the law regarding shelter.

Question 23 – Optional Focus Study 1 – Technological Change (25 marks)

- (a) Assess the role of legal processes and institutions in protecting the rights of those affected by technological change **25**

OR

- (b) “It is difficult to balance individual rights and values with community rights and values.” **25**

Evaluate this statement in relation to legal issues and remedies that arise in balancing individual rights and values with community rights and values in the area of the law regarding technological change.

Question 24 – Optional Focus Study 1 – Workplace (25 marks)

- (a) Assess the role of legal processes and institutions in protecting the rights of employers and employees **25**

OR

- (b) It is difficult to balance individual rights and values with community rights and values.” **25**

Evaluate this statement in relation to legal issues and remedies that arise in balancing individual rights and values with community rights and values in the area of the law regarding the workplace.

Question 25 – Optional Focus Study 1 – World Order (25 marks)

- (a) Assess the role of legal processes and institutions in maintaining world order. **25**

OR

- (b) “It is difficult to balance individual rights and values with community rights and values.” **25**

Evaluate this statement in relation to legal issues and remedies that arise in balancing individual rights and values with community rights and values in the area of the law regarding the world order.

End of paper