



NSW Education Standards Authority

2019 HIGHER SCHOOL CERTIFICATE EXAMINATION

Legal Studies

**General
Instructions**

- Reading time – 5 minutes
- Working time – 3 hours
- Write using black pen

**Total marks:
100**

Section I – 20 marks (pages 2–6)

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

Section II – 30 marks (pages 9–21)

This section has two parts, Part A and Part B

- Allow about 1 hour for this section

Part A – 15 marks

- Attempt Questions 21–23

Part B – 15 marks

- Attempt Question 24

Section III – 50 marks (pages 22–23)

- 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 Questions 1–20

Allow about 30 minutes for this section

Use the multiple-choice answer sheet for Questions 1–20.

- 1** Which of the following is NOT a basic feature of human rights?
- A. They are inherent.
 - B. They are universal.
 - C. They are inalienable.
 - D. They are enforceable.
- 2** Alex is arrested on her way to rob a bank.
- What category of crime can she be charged with?
- A. Driving
 - B. Economic
 - C. Preliminary
 - D. Public Order
- 3** Which of the following is a transnational crime?
- A. Treason
 - B. Sedition
 - C. Genocide
 - D. Drug trafficking
- 4** Pat does not have a criminal record. He pleads guilty to a charge in the Local Court.
- Which of the following is true?
- A. Pat is very likely to go to prison.
 - B. Pat's case will be heard by a jury.
 - C. A judge will determine an appropriate penalty.
 - D. A magistrate will determine an appropriate penalty.

- 5 In 2006, the *Crimes Legislation Amendment (Gangs) Act* (NSW) came into force. This increased both police search powers and maximum sentences for gang-related offences.

The passing of this act is an example of

- A. law reform.
- B. police discretion.
- C. judicial discretion.
- D. separation of powers.

- 6 The prosecution and defence agree an offender will plead guilty to manslaughter instead of being tried for murder.

What is this agreement an example of?

- A. A partial defence
- B. Charge negotiation
- C. A complete defence
- D. Alternative sentencing

- 7 Which of the following describes the defence of *duress*?

- A. The accused establishes they acted in self-defence.
- B. The accused lost control due to the victim's actions.
- C. The accused establishes the victim consented to the crime.
- D. The accused establishes they committed a crime against their free will.

- 8 The government announces a program that aims to improve school attendance for students who have high absentee rates.

How could this initiative best be described?

- A. Social crime prevention
- B. A diversionary program
- C. A rehabilitation program
- D. Situational crime prevention

- 9** An Australian citizen is unable to achieve a remedy in the Australian court system. The United Nations Human Rights Council agrees to hear the case and recommends a remedy.

Which of the following statements regarding the recommendation is correct?

- A. It will be binding on an Australian court.
 - B. It will become an international legal precedent.
 - C. It will place pressure on the Australian government to act.
 - D. The Australian government must follow the recommendation.
- 10** Which of the following describes a situation where police require a warrant?
- A. To question a suspect
 - B. To record a phone conversation
 - C. To search a car suspected of containing illegal drugs
 - D. To pull over a person suspected of driving a stolen car
- 11** Which of the following is an example of how the International Criminal Court promotes compliance with human rights standards?
- A. By prosecuting nations accused of genocide
 - B. By prosecuting individuals accused of war crimes
 - C. By prosecuting individuals charged with terrorism
 - D. By adjudicating when one country has accused another of human trafficking
- 12** Kim has been found guilty of drink driving.

What did the prosecution prove?

- A. Kim was the person driving the vehicle.
- B. Kim knew her blood alcohol concentration was above the legal limit.
- C. Kim was the person driving the vehicle and her blood alcohol concentration was above the legal limit.
- D. Kim was the person driving the vehicle and she knew her blood alcohol concentration was above the legal limit.

- 13** A phone app is released to make it easier for citizens to report suspected crimes to the police.

How could this improve the criminal justice system?

- A. Citizens could contribute to the criminal investigation process.
 - B. Citizens would be obliged to report all suspected criminal activity.
 - C. Once a citizen report was made police would have to investigate the matter.
 - D. Without a citizen report police would not be able to use their investigative powers.
- 14** How does the NSW Circle Sentencing process seek to improve the sentencing of offenders?
- A. By only applying to first time offenders
 - B. By reducing available sentencing options
 - C. By involving the community in sentencing
 - D. By requiring the victim to be involved in the sentencing process
- 15** Jordyn is a homeless youth and is being sentenced for armed robbery. This is his second offence.

Which of the following is a mitigating circumstance?

- A. Jordyn's age
 - B. Jordyn's homelessness
 - C. Jordyn's prior conviction
 - D. Jordyn's use of a weapon
- 16** A 12-year-old child is on trial for a crime. The prosecution must show that the necessary *mens rea* was present when the child committed the crime.

Which of the following must the prosecution prove?

- A. The child knew they were misbehaving.
- B. The child knew the act was morally wrong.
- C. The child disobeyed the directions of an adult.
- D. The child did not care whether the act was criminal.

- 17** Which of the following is correct about victim impact statements?
- A. Affected family members must make a statement.
 - B. The person writing the statement must present it in court.
 - C. The statement becomes part of the evidence considered by the jury.
 - D. The person writing the statement can be questioned about its contents.
- 18** Why is the ratification of international agreements important in protecting human rights in Australia?
- A. It allows domestic laws to incorporate protections.
 - B. It incorporates protections directly into domestic law.
 - C. It allows the High Court to enforce Australia's Constitution.
 - D. It allows non-government organisations to provide legal remedies.
- 19** Which of the following is true when police have detained and are interviewing a 16-year-old person?
- A. A parent must be present at the interview.
 - B. A lawyer must be present at the interview.
 - C. The child must agree to the support person present at the interview.
 - D. The child can refuse to have any support person present at the interview.
- 20** Can the High Court of Australia establish enforceable human rights?
- A. Yes. Constitutional interpretation permits this.
 - B. Yes. The Constitution expressly authorises this.
 - C. No. The division of powers does not allow this.
 - D. No. The separation of powers does not permit this.

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Centre Number

Legal Studies

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Student Number

Section II Answer Booklet

30 marks

Allow about 1 hour for this section

Instructions

- Write your Centre Number and Student Number at the top of this page
- Use this answer booklet for Section II ONLY
- Answer BOTH Part A and Part B
- Follow the instructions inside this booklet as to where you should write your answers

Please turn over

Section II

Part A – Human Rights

15 marks

Attempt Questions 21–23

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

Question 21 (4 marks)

Outline how the right to universal suffrage has developed over time.

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Question 22 (4 marks)

How does the United Nations promote human rights?

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End of Section II Part A

Turn over for Section II Part B

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Lined writing area with 20 horizontal lines.

Lined writing area with 20 horizontal lines.

Do NOT write in this area.

Do NOT write in this area.

Blank lined writing area for Section II Part B.

If you require more space to answer Section II Part B, you may ask for an extra writing booklet.

If you have used an extra writing booklet for Section II Part B, tick here.

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Do NOT write in this area.

Legal Studies

Section II (continued)

Part B – Crime

15 marks

Attempt Question 24

Answer the question on pages 14–19 of the Section II Answer Booklet. Extra writing booklets are available.

Your answer 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
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Question 24 (15 marks)

Explain how post-sentencing considerations seek to balance community interests and individual rights and freedoms.

Please turn over

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 both questions in the Section III Writing Booklet. Extra writing booklets are available.

Your answers 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
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Question 25 — Consumers (25 marks)

- (a) Evaluate the effectiveness of legal redress and remedies in achieving consumer protection. **25**

OR

- (b) Assess the role of law reform in recognising the rights of consumers. In your response, refer to at least ONE contemporary issue. **25**

Question 26 — Global Environmental Protection (25 marks)

- (a) Evaluate the effectiveness of international responses in protecting the global environment. **25**

OR

- (b) Assess the role of law reform in protecting the global environment. In your response, refer to at least ONE contemporary issue. **25**

Question 27 — Family (25 marks)

- (a) Evaluate the effectiveness of legal responses in achieving justice for parties involved in relationship breakdowns. **25**

OR

- (b) Assess the role of law reform in achieving just outcomes for family members. In your response, refer to at least ONE contemporary issue. **25**

Question 28 — Indigenous Peoples (25 marks)

- (a) Evaluate the effectiveness of international responses in achieving justice for Indigenous peoples. **25**

OR

- (b) Assess the role of law reform in recognising the rights of Indigenous peoples. In your response, refer to at least ONE contemporary issue. **25**

Question 29 — Shelter (25 marks)

- (a) Evaluate the effectiveness of legal protection and remedies in achieving justice for those securing shelter. **25**

OR

- (b) Assess the role of law reform in protecting the rights of those seeking shelter. In your response, refer to at least ONE contemporary issue. **25**

Question 30 — Workplace (25 marks)

- (a) Evaluate the effectiveness of regulation of the workplace in protecting and recognising workplace rights. **25**

OR

- (b) Assess the role of law reform in recognising rights and enforcing responsibilities in the workplace. In your response, refer to at least ONE contemporary issue. **25**

Question 31 — World Order (25 marks)

- (a) Evaluate the effectiveness of international responses in promoting peace and resolving conflicts to achieve world order. **25**

OR

- (b) Assess the role of law reform in promoting and maintaining world order. In your response, refer to at least ONE contemporary issue. **25**

End of paper

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