



NSW Education Standards Authority

2020 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 Who must prove the elements of a criminal offence?
 - A. Defendant
 - B. Judge
 - C. Jury
 - D. Prosecution

- 2 What is the first step in the criminal investigation process?
 - A. An offence is reported.
 - B. A suspect is interrogated.
 - C. A search warrant is issued.
 - D. Some evidence is obtained.

- 3 Which term refers to a person's intention to commit a crime?
 - A. *Mens rea*
 - B. *Actus reus*
 - C. *Doli incapax*
 - D. *Ratio decidendi*

Use the following information to answer Questions 4 and 5.

Jordan and Terry make a plan to burn down an abandoned building. The next night, Terry goes to the building and sets fire to it.

- 4** Into which category of crime do Terry's actions fall?
- A. Drug offences
 - B. Summary offences
 - C. Offences against property
 - D. Offences against the person
- 5** What is Jordan's involvement in this situation?
- A. He is the principal offender.
 - B. He has not committed a crime.
 - C. He is an accessory after the fact.
 - D. He has committed a preliminary crime.
- 6** Kelly steals money from her employer so she can afford to buy the same phone as her friends.
- Which pair of factors has affected Kelly's criminal behaviour?
- A. Political and social
 - B. Social and economic
 - C. Genetic and economic
 - D. Situational and genetic
- 7** A young offender wants to appeal his conviction by a magistrate in the Children's Court.
- Which court would first hear this appeal?
- A. District
 - B. High
 - C. Local
 - D. Supreme

8 Which of the following is a role of non-government organisations?

- A. Enforce new human rights agreements.
- B. Prosecute breaches of human rights in the courts.
- C. Provide assistance to victims of human rights abuses.
- D. Enact legislation to reflect international human rights agreements.

9 While serving a custodial sentence, a murderer writes a book about her crime. She is not permitted to keep the money from the book sales.

This means that a court has made an order for

- A. continued detention.
- B. the payment of a fine.
- C. the forfeiture of assets.
- D. participation in a rehabilitation program.

10 On the orders of his government, a submarine commander launches a nuclear missile at another country.

The commander's actions are primarily an example of

- A. a transnational crime.
- B. an environmental crime.
- C. an offence against the sovereign.
- D. a crime against the international community.

11 What should be the last option a court considers when sentencing a young offender convicted of an offence?

- A. Fine
- B. Control order
- C. Youth justice conference
- D. Community service order

- 12** A group of people are seeking to split from Western Australia to establish a new nation state.

This would have the greatest impact on Australia's

- A. judiciary.
- B. sovereignty.
- C. self-determination.
- D. division of powers.

- 13** A man is convicted of using offensive language in a public place and the magistrate imposes a punishment of three penalty units.

This means the man

- A. must pay a sum of money.
- B. receives three demerit points.
- C. must serve three days in prison.
- D. receives a variety of punishments.

- 14** A 14-year-old has been caught vandalising a shop and is formally cautioned.

What is the most likely reason for the police taking this action?

- A. To protect the victim
- B. To ensure rehabilitation
- C. To discourage reoffending
- D. To make courts more resource efficient

- 15** Which of the following is an argument against having a Charter of Rights in Australia?

- A. It may encourage human rights violations.
- B. Statute law currently protects human rights.
- C. Citizens may demonstrate increased respect for human rights.
- D. It gives the United Nations more power to monitor human rights.

- 16** Why are there different levels of security classification for prisoners?
- A. To manage prison population levels
 - B. To reduce the risk of reoffending on release
 - C. To enable an offender to be close to their family
 - D. To minimise the risk of harm to the offender and others
- 17** Why does the Australian Constitution divide and separate powers?
- A. To maintain the rule of law
 - B. To reflect the principles of natural justice
 - C. To incorporate human rights into domestic law
 - D. To meet international standards about democratic government
- 18** When a judge refers to the maximum penalty and the standard non-parole period in sentencing, they are
- A. using judicial discretion.
 - B. applying judicial guidelines.
 - C. following statutory guidelines.
 - D. considering aggravating factors.
- 19** Why are environmental and peace rights important?
- A. They are recently recognised human rights.
 - B. They are stated in the United Nations Charter.
 - C. They allow other human rights to be protected.
 - D. They allow the recognition of state sovereignty.
- 20** A nation is a signatory to the Rome Statute. Its president is formally accused by the International Criminal Court of war crimes against her citizens.
- Why might it be difficult to bring her to trial?
- A. She would have to consent to be tried.
 - B. She would have to be arrested and extradited.
 - C. The International Criminal Court does not have jurisdiction.
 - D. Trying a president in the International Criminal Court is expensive.

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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 (3 marks)

How has the *International Covenant on Civil and Political Rights* contributed to the development of human rights?

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End of Section II Part A

Turn over for Section II Part B

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Do NOT write in this area.

Lined writing area with 25 horizontal lines.

Do NOT write in this area.

Do NOT write in this area.

Large lined writing area for answers.

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)

To what extent does the criminal trial process reflect the moral and ethical standards of society?

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 the legal system in addressing issues for consumers arising from technology. **25**

OR

- (b) Compliance with the law can be difficult to achieve. **25**

To what extent is this statement true in relation to consumer law?

Question 26 — Global Environmental Protection (25 marks)

- (a) Evaluate the effectiveness of legal processes in addressing issues arising from global threats to the environment. **25**

OR

- (b) Cooperation with the law can be difficult to achieve. **25**

To what extent is this statement true in relation to global environmental protection?

Question 27 — Family (25 marks)

- (a) Evaluate the effectiveness of the legal system in addressing issues relating to care and protection of children. **25**

OR

- (b) Compliance with the law can be difficult to achieve. **25**

To what extent is this statement true in relation to family law?

Question 28 — Indigenous Peoples (25 marks)

- (a) Evaluate the effectiveness of legal processes in addressing issues arising from the loss of indigenous peoples' cultural rights. **25**

OR

- (b) Cooperation with the law can be difficult to achieve. **25**

To what extent is this statement true in relation to indigenous peoples?

Question 29 — Shelter (25 marks)

- (a) Evaluate the effectiveness of the legal system in addressing issues relating to the affordability of shelter. **25**

OR

- (b) Compliance with the law can be difficult to achieve. **25**

To what extent is this statement true in relation to laws governing shelter?

Question 30 — Workplace (25 marks)

- (a) Evaluate the effectiveness of the legal system in addressing issues relating to workplace safety. **25**

OR

- (b) Compliance with the law can be difficult to achieve. **25**

To what extent is this statement true in relation to workplace law?

Question 31 — World Order (25 marks)

- (a) Evaluate the effectiveness of legal measures in addressing issues relating to rules regarding the conduct of hostilities. **25**

OR

- (b) Cooperation with the law can be difficult to achieve. **25**

To what extent is this statement true in relation to world order?

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