



NSW Education Standards Authority

2021 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 21–24

Part B – 15 marks

- Attempt Question 25

Section III – 50 marks (pages 22–24)

- Attempt TWO questions from Questions 26–32, 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** In criminal cases heard by the District Court, questions of law are decided by a
- A. jury.
 - B. judge.
 - C. magistrate.
 - D. prosecutor.
- 2** What is the minimum age at which children can be held criminally responsible in NSW?
- A. 10
 - B. 14
 - C. 16
 - D. 18
- 3** Which concept relates to the right of citizens to participate in the democratic process?
- A. Peace rights
 - B. Labour rights
 - C. Universal suffrage
 - D. Environmental rights
- 4** A person has been found guilty of stealing money from retirement home residents to fund a luxury overseas holiday.
- Which factor has most likely affected their criminal behaviour?
- A. Economic
 - B. Political
 - C. Self-interest
 - D. Social

- 5 Which of the following is a non-government organisation?
- A. United Nations
 - B. Human Rights Watch
 - C. International Criminal Court
 - D. North Atlantic Treaty Organisation
- 6 Victim impact statements in NSW
- A. can be presented at a bail hearing.
 - B. are compulsory for all criminal matters.
 - C. can be used by a jury to determine guilt.
 - D. can be presented at a sentencing hearing.
- 7 A mobile detection camera captures a motor vehicle driver illegally using their phone.
- If the matter goes to court, which of the following must be proven?
- A. Mens rea
 - B. Actus reus
 - C. Mens rea and causation
 - D. Actus reus, causation and mens rea
- 8 The right to seek asylum is a
- A. civil and political right.
 - B. peace and security right.
 - C. economic and social right.
 - D. religious and cultural right.

- 9** Police stop a 17-year-old licensed driver and conduct a breath test. A high range blood alcohol reading is detected.

In which court will the matter be heard?

- A. Children's
 - B. District
 - C. Local
 - D. Supreme
- 10** International human rights law is debated, discussed and recommended by which organ of the United Nations?
- A. The Secretariat
 - B. The Security Council
 - C. The General Assembly
 - D. The Economic and Social Council
- 11** Which of the following would be considered an aggravating factor in the sentencing of an offender for robbery?
- A. The offender's young age
 - B. The offender showed remorse
 - C. The offender pleaded not guilty
 - D. The use of violence by the offender
- 12** An Australian citizen is accused of committing a serious crime in Canada before returning to Australia. Canada requests the return of the accused for trial. Australia agrees to the request.
- This request refers to which of the following?
- A. Extradition
 - B. Deportation
 - C. Prisoner exchange
 - D. International committal hearing

- 13** Kim has been arrested and charged with importing a large quantity of drugs into Australia. Kim claimed that she was forced to import the drugs.

What would be the most appropriate defence for Kim?

- A. Accident
 - B. Consent
 - C. Duress
 - D. Provocation
- 14** Which body has discretion to determine the early release of a prisoner before they complete their full sentence?
- A. NSW Police Force
 - B. State Parole Authority
 - C. NSW Sentencing Council
 - D. Office of the Director of Public Prosecutions
- 15** The *Children (Criminal Proceedings) Act 1987* (NSW) provides young offenders with which of the following rights?
- A. Have all matters heard by a jury
 - B. Be given a warning for first offence
 - C. No requirement to provide identification to police
 - D. Have an adult support person present when questioned
- 16** In NSW, a judge can accept a majority verdict from a jury
- A. after the police prosecutor presents their case.
 - B. at the conclusion of a matter heard summarily.
 - C. at the conclusion of a Commonwealth criminal trial.
 - D. after they have deliberated for at least eight hours.

- 17 Which of the following is NOT within the jurisdiction of a coronial inquest?
- A. Search for physical evidence of a crime
 - B. Charge a person with committing a crime
 - C. Call witnesses to give evidence of a crime
 - D. Refer a criminal matter to the Office of the Director of Public Prosecutions

- 18 The *Terrorism (Police Powers) Amendment (Investigative Detention) Act 2016* (NSW) allows police to hold a suspect in detention for up to 14 days without charge.

Which of the following is compromised by this Act?

- A. Trial by jury
 - B. Legal representation
 - C. Presumption of innocence
 - D. Ability of the police to question the accused
- 19 John, who is 17 years old, is charged with grievous bodily harm. He has a number of prior convictions for violent assault.

What penalty is John most likely to receive?

- A. Control order
 - B. Suspended sentence
 - C. Home detention order
 - D. Community service order
- 20 Australia is unable to resolve a territorial dispute with a neighbouring nation. The United Nations instructs both parties to undertake compulsory conciliation that reaches a resolution.

Which of the following applies to the resolution?

- A. It will be enforced by both parties.
- B. Australia has the right to appeal to the High Court.
- C. Either party could appeal to the International Criminal Court.
- D. It places pressure on the Australian government to abide by the decision.

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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 21–24

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

Question 21 (2 marks)

Define *human rights*.

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Question 22 (2 marks)

How are environmental rights recognised?

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Do NOT write in this area.

Question 23 (4 marks)

Using an example, describe the relationship between state sovereignty and human rights.

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Please turn over

Do NOT write in this area.

Do NOT write in this area.

End of Section II Part A

Turn over for Section II Part B

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 25

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
-

Question 25 (15 marks)

‘The legal system focuses on punishing offenders rather than preventing crime.’

Assess this statement in reference to achieving justice through criminal processes and institutions.

Please turn over

Section III — Options

50 marks

Attempt TWO questions from Questions 26–32, 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 26 — Consumers (25 marks)

- (a) To what extent do courts and tribunals achieve justice for consumers? **25**

OR

- (b) ‘Legal measures often fail to respond to change.’ **25**

Assess this statement with reference to the need to protect consumers.

Question 27 — Global Environmental Protection (25 marks)

- (a) To what extent do courts and conferences achieve protection of the global environment? **25**

OR

- (b) ‘Legal measures often fail to respond to change.’ **25**

Assess this statement with reference to the need to protect the global environment.

Question 28 — Family (25 marks)

- (a) To what extent do courts and dispute resolution methods achieve justice for family members? **25**

OR

- (b) ‘Legal measures often fail to respond to change.’ **25**
Assess this statement with reference to the need to protect family members.

Question 29 — Indigenous Peoples (25 marks)

- (a) To what extent do courts and the United Nations achieve justice for Indigenous peoples? **25**

OR

- (b) ‘Legal measures often fail to respond to change.’ **25**
Assess this statement with reference to the loss of rights of Indigenous peoples.

Question 30 — Shelter (25 marks)

- (a) To what extent do courts and tribunals achieve justice for people seeking shelter? **25**

OR

- (b) ‘Legal measures often fail to respond to change.’ **25**
Assess this statement with reference to the provision of shelter.

Please turn over

Question 31 — Workplace (25 marks)

- (a) To what extent do courts and tribunals achieve justice in the workplace? **25**

OR

- (b) ‘Legal measures often fail to respond to change.’ **25**

Assess this statement with reference to the need for protection in the workplace.

Question 32 — World Order (25 marks)

- (a) To what extent do courts and tribunals promote and maintain world order? **25**

OR

- (b) ‘Legal measures often fail to respond to change.’ **25**

Assess this statement with reference to resolving conflict between nation states.

End of paper