



NSW Education Standards Authority

**2022** HIGHER SCHOOL CERTIFICATE EXAMINATION

# Legal Studies

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**General  
Instructions**

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

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**Total marks:  
100****Section I – 20 marks** (pages 2–7)

- 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.

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1 In which court does a police prosecutor present a case?

- A. District
- B. High
- C. Local
- D. Supreme

2 A person charged with a crime is sent to prison to await trial.

What is this known as?

- A. Bail
- B. Parole
- C. Probation
- D. Remand

3 Which of the following is correct for a criminal trial?

	<i>Burden of proof</i>	<i>Standard of proof</i>
A.	Rests with the accused	Beyond reasonable doubt
B.	Rests with the accused	On the balance of probabilities
C.	Rests with the prosecution	Beyond reasonable doubt
D.	Rests with the prosecution	On the balance of probabilities

- 4 Charlie was caught smuggling illegal substances into Australia from Mozambique. She was arrested and charged upon her arrival into Australia.

Which court would hear this matter?

- A. An Australian court
- B. A Mozambican court
- C. The International Criminal Court
- D. The International Court of Justice

- 5 Which of the following is an intergovernmental organisation?

- A. Greenpeace
- B. The European Union
- C. Doctors Without Borders
- D. The Federal Court of Australia

- 6 A local council introduces an alcohol consumption ban along Sydney Harbour for New Year's Eve.

This ban is best described as an example of

- A. sedition.
- B. an indictable offence.
- C. social crime prevention.
- D. situational crime prevention.

- 7 Australia signs an international human rights document regarding refugees.

How can the Federal Government best meet its obligations as set out in this document?

- A. Enact domestic legislation
- B. Raise awareness at an international summit
- C. Vote in the United Nations General Assembly
- D. Obtain a seat on the United Nations Human Rights Council

- 8** Joe is in prison and provides evidence to the police which leads to the conviction of another prisoner.

Which of the following is Joe likely to experience?

- A. Protective custody
  - B. Extended detention
  - C. Preventative detention
  - D. A diversionary program
- 9** How does charge negotiation contribute to justice for society?
- A. It helps the jury to determine guilt.
  - B. It leads to a more efficient criminal process.
  - C. It guarantees a suitable sentence for the offender.
  - D. It allows the victim to cross-examine the accused person in court.
- 10** A judge delivers a maximum sentence to an offender. One of the aims of this penalty is to discourage others from committing similar crimes.

What is this known as?

- A. Deterrence
  - B. Incapacitation
  - C. Rehabilitation
  - D. Retribution
- 11** Which of the following is NOT covered by the International Covenant on Economic, Social and Cultural Rights (1976)?
- A. Fair wages
  - B. Primary education
  - C. Freedom of movement
  - D. An adequate standard of living

- 12** Which of the following is a feature of the adversary system?
- A. The admission of all evidence
  - B. The use of precedent by juries
  - C. The judge is an impartial decision maker
  - D. All accused people are provided with a public defender
- 13** Kerry and Blair enter a local supermarket together. Kerry asks Blair to keep a look out for a security guard while she places several packets of batteries inside her jacket. In-store video surveillance captures the incident.
- Which term best describes Blair's role?
- A. Accessory after the fact
  - B. Accessory before the fact
  - C. Principal in the first degree
  - D. Principal in the second degree
- 14** Why is the availability of Legal Aid important in the criminal justice system?
- A. It assists the judge in a sentencing decision.
  - B. It allows the accused to represent themselves.
  - C. It supports the accused to seek legal representation.
  - D. It ensures that both sides have access to equal resources.
- 15** Frankie is a victim of common assault at an outdoor event. As a victim of crime, they have the right to
- A. request their identity be protected.
  - B. receive compensation for their injuries.
  - C. determine the bail terms of the accused.
  - D. determine the charge against the accused.

- 16** Which of the following is an argument for Australia having a Charter of Rights?
- A. The rights of all groups will be ensured.
  - B. Australia will be aligned with other democracies.
  - C. Unelected judges will have power to make political decisions.
  - D. The Australian Human Rights Commission will have the authority to amend legislation.

- 17** Sam is 13 years old. They are arrested and fingerprinted.

Under what circumstances can police officers conduct this type of forensic procedure?

- A. With a court order
  - B. With Sam's consent
  - C. When Sam is arrested for an offence
  - D. At the request of the Director of Public Prosecutions
- 18** Which of the following is NOT true when a judge delivers a sentencing decision?
- A. Statutory guidelines should be followed.
  - B. The judge will decide the security classification of the offender.
  - C. Precedent from previous court cases may guide the judge's thinking.
  - D. For certain crimes the judge will need to apply a minimum sentence.

- 19** A soldier accused of war crimes is detained in their country of birth. The country is a signatory to the Rome Statute and has a permanent judicial system.

In which court will the soldier most likely be tried?

- A. A court in a neutral country
- B. The International Criminal Court
- C. The International Court of Justice
- D. A court in the soldier's country of origin

- 20** The High Court of Australia rules against a Federal Minister's decision to deport a child. The court decides that this would be against Australia's obligations under an international instrument.

Which legal concept is demonstrated in this scenario?

- A. Ratification
- B. State sovereignty
- C. Division of powers
- D. Separation of powers

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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.

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**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.

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**Question 21** (2 marks)

Identify TWO human rights explicitly included in the Australian Constitution.

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**Question 22** (3 marks)

Outline the role played by non-government organisations in promoting human rights.

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**Question 23** (4 marks)

Explain how the recognition of ONE human right has developed over time.

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**Please turn over**

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**Question 24** (6 marks)

‘The United Nations plays a significant role in the protection of human rights.’

Discuss this statement.

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**End of Section II Part A**

**Turn over for Section II Part B**



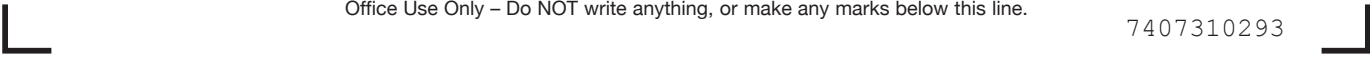




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If you require more space to answer Section II Part B, you may ask for an extra writing booklet.

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

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## 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.

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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 following comment was made about a proposal to raise the age of criminal responsibility in New South Wales.

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Assess the effectiveness of criminal law reform in balancing individual rights and community interests. In your answer, refer to the above stimulus and other examples.

## 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.

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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) ‘Legal responses are more effective than non-legal responses in achieving justice.’ **25**

To what extent is this statement true in relation to consumers?

**OR**

- (b) Evaluate the effectiveness of the law in encouraging cooperation to resolve issues concerning consumers. Support your response with reference to at least ONE issue. **25**

### Question 27 — Global Environmental Protection (25 marks)

- (a) ‘Legal responses are more effective than non-legal responses in achieving justice.’ **25**

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

**OR**

- (b) Evaluate the effectiveness of the law in encouraging cooperation to resolve issues concerning global environmental protection. Support your response with reference to at least ONE issue. **25**

**Question 28 — Family (25 marks)**

- (a) 'Legal responses are more effective than non-legal responses in achieving justice.' **25**

To what extent is this statement true in relation to families?

**OR**

- (b) Evaluate the effectiveness of the law in encouraging cooperation to resolve issues concerning families. Support your response with reference to at least ONE issue. **25**

**Question 29 — Indigenous Peoples (25 marks)**

- (a) 'Legal responses are more effective than non-legal responses in achieving justice.' **25**

To what extent is this statement true in relation to Indigenous Peoples?

**OR**

- (b) Evaluate the effectiveness of the law in encouraging cooperation to resolve issues concerning Indigenous Peoples. Support your response with reference to at least ONE issue. **25**

**Question 30 — Shelter (25 marks)**

- (a) 'Legal responses are more effective than non-legal responses in achieving justice.' **25**

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

**OR**

- (b) Evaluate the effectiveness of the law in encouraging cooperation to resolve issues concerning shelter. Support your response with reference to at least ONE issue. **25**

**Please turn over**

**Question 31 — Workplace (25 marks)**

- (a) ‘Legal responses are more effective than non-legal responses in achieving justice.’ **25**

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

**OR**

- (b) Evaluate the effectiveness of the law in encouraging cooperation to resolve issues concerning the workplace. Support your response with reference to at least ONE issue. **25**

**Question 32 — World Order (25 marks)**

- (a) ‘Legal responses are more effective than non-legal responses in achieving justice.’ **25**

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

**OR**

- (b) Evaluate the effectiveness of the law in encouraging cooperation to resolve issues concerning world order. Support your response with reference to at least ONE issue. **25**

**End of paper**