



NSW Education Standards Authority

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Centre Number

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Student Number

2023 HIGHER SCHOOL CERTIFICATE EXAMINATION

Legal Studies

General Instructions

- Reading time – 5 minutes
- Working time – 3 hours
- Write using black pen
- Write your Centre Number and Student Number at the top of this page

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** Which of the following is an example of an intergovernmental organisation that protects human rights?
- A. United Nations
 - B. Amnesty International
 - C. High Court of Australia
 - D. International Criminal Court
- 2** Sally has been charged with assault for punching a woman.
- In order for the prosecution to prove *mens rea*, they must prove that
- A. Sally punched the woman.
 - B. Sally's punch injured the woman.
 - C. Sally intended to punch the woman.
 - D. the woman did not intentionally attack Sally.
- 3** What jurisdiction is a court exercising when reviewing a prison sentence imposed by a lower court?
- A. Appellate
 - B. Indictable
 - C. Original
 - D. Summary
- 4** The International Covenant on Civil and Political Rights (ICCPR) is an example of which of the following?
- A. A constitutional right
 - B. International customary law
 - C. A formal statement of rights
 - D. An international legal decision

- 5 The NSW Police have launched an advertising campaign highlighting the dangers of using a mobile phone while driving.

This is an example of

- A. law reform.
 - B. restorative justice.
 - C. social crime prevention.
 - D. situational crime prevention.
- 6 An inquiry has been established into the unexpected death of a child.
- Which court has jurisdiction to undertake this inquiry?
- A. Children's Court
 - B. Coroner's Court
 - C. District Court
 - D. Supreme Court
- 7 Which of the following is an example of a crime against the international community?
- A. Fraud
 - B. Genocide
 - C. Drug importation
 - D. People smuggling
- 8 A search warrant is authorised by
- A. the police.
 - B. the victim.
 - C. a barrister.
 - D. a judicial officer.

- 9** Which of the following is defined as a collective human right?
- A. Trade unionism
 - B. Universal suffrage
 - C. Self determination
 - D. Abolition of slavery
- 10** Which of the following is a partial defence to a crime in NSW?
- A. Consent
 - B. Duress
 - C. Necessity
 - D. Provocation
- 11** Susan is arrested for allegedly committing several offences. She agrees to plead guilty to one offence if she is not prosecuted for the other offences.
- What is this an example of?
- A. Judicial discretion
 - B. Charge negotiation
 - C. Mitigating circumstances
 - D. Aggravating circumstances
- 12** During a criminal trial, the role of the jury is to determine
- A. whether evidence is admissible.
 - B. the damages payable to the victim.
 - C. the appropriate sentence for the offender.
 - D. whether the standard of proof has been met.

13 Rehabilitation is most likely to be achieved by which of the following?

- A. Fines
- B. Imprisonment
- C. Forfeiture of assets
- D. Diversionary programs

14 Michael is a 17-year-old on trial for murder.

Which of the following is correct?

- A. Michael's trial will be in the Supreme Court.
- B. Michael's trial will be in front of a magistrate.
- C. Michael cannot be held criminally responsible.
- D. Michael will be required to prove his innocence.

15 Australia negotiates a treaty concerning slavery.

When are the provisions of this treaty incorporated into domestic law?

- A. When the treaty is signed by a Minister
- B. When the treaty is discussed in Parliament
- C. Once legislation is passed enacting the treaty
- D. Once a media report announces the signing of the treaty

16 Which of the following is true of judicial guidelines in NSW?

- A. They are set by parliament.
- B. They set maximum penalties.
- C. They aim to reduce inconsistency in sentencing.
- D. They are written by the Director of Public Prosecutions.

- 17** Why is Australia able to pass laws protecting human rights?
- A. Australia is a sovereign state.
 - B. Australia is a member of the United Nations.
 - C. Australia has ratified the International Covenant on Civil and Political Rights.
 - D. Australia has signed the International Covenant on Economic, Social and Cultural Rights.

- 18** The NSW police obtain a court order and take a person into custody because the police believe that person may commit a terrorist attack.

This is an example of

- A. deportation.
 - B. continued detention.
 - C. security classification.
 - D. preventative detention.
- 19** Kim pleads not guilty to a charge of murder. Kim's request for a trial without a jury is granted.

Which of the following applies to the trial?

- A. Kim will have to prove his innocence.
 - B. The judge will provide reasons for the verdict.
 - C. The case will be decided on the balance of probabilities.
 - D. A plea bargain will determine the length of the sentence.
- 20** Jo is 14 years old. She is arrested by police who suspect her of committing a summary offence.

Based on these facts, which of the following is true for Jo?

- A. She cannot have legal representation.
- B. She must answer all police questions.
- C. The police cannot charge her for that offence.
- D. The police can finalise the matter by issuing a caution.

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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)

Identify TWO features of human rights.

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Question 22 (2 marks)

Outline the right to universal education.

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Question 23 (4 marks)

How does the High Court of Australia protect human rights?

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Please turn over

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Question 24 (7 marks)

Evaluate the effectiveness of legal responses in protecting human rights. In your answer, refer to ONE contemporary issue.

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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 25 horizontal lines.

Do NOT write in this area.

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 area for writing 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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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)

To what extent do courts encourage compliance with criminal law?

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
-

Question 26 – Consumers (25 marks)

- (a) To what extent do legal responses protect consumers in regard to product certification and marketing innovations? **25**

OR

- (b) Assess the roles of government and non-government organisations in achieving justice for consumers. **25**

Question 27 – Global Environmental Protection (25 marks)

- (a) To what extent do legal processes address barriers to the protection of the global environment? **25**

OR

- (b) Assess the roles of the United Nations and other organisations in promoting and achieving environmental protection. **25**

Question 28 — Family (25 marks)

- (a) To what extent does family law respond to the changing nature of parental responsibilities? **25**

OR

- (b) Assess the effectiveness of the law in protecting victims of domestic violence. **25**

Question 29 — Indigenous Peoples (25 marks)

- (a) To what extent do legal processes recognise rights to land and natural resources for Indigenous Peoples? **25**

OR

- (b) Assess the roles of the United Nations and courts in achieving justice for Indigenous Peoples. **25**

Question 30 — Shelter (25 marks)

- (a) To what extent do legal responses relating to shelter address discrimination and homelessness? **25**

OR

- (b) Assess the role of dispute resolution mechanisms in achieving justice for people seeking and providing shelter. **25**

Please turn over

Question 31 — Workplace (25 marks)

- (a) To what extent does workplace law address discrimination? **25**

OR

- (b) Assess the role of dispute resolution mechanisms in achieving justice in the workplace. **25**

Question 32 — World Order (25 marks)

- (a) How effectively do legal measures respond to regional and global situations that threaten peace and security? **25**

OR

- (b) Assess the role of the United Nations in promoting peace and resolving conflict. **25**

End of paper