St Ignatius' College Riverview

NESA Number

2024 TRIAL EXAMINATION

Legal Studies

General Instructions

- Reading time – 5 minutes
- Working time – 3 hours
- Write using black pen
- Write in the writing booklet provided
- Do NOT write your name on anything

Total marks:

100

Section I – 20 marks

- Attempt Question 1- 20
- Allow about 30 minutes for this section

Section II – 30 marks

- 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

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.

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1 What is the difference between a summary and an indictable offence?

(A) The seriousness of the offence

(B) The vulnerability of the victim

(C) The age of the offender

(D) Judicial guidelines

2 Which of the following should be considered a mitigating factor in sentencing an offender for assault?

(A) The old age of the victim

(B) The offender showed remorse

(C) The offender pleaded not guilty

(D) The use of violence by the offender

3 Ita punches another person who falls and hits their head. They die as a result of their injuries. Ita is charged with murder.

Which element of the offence is difficult to prove to gain a murder conviction?

(A) *Actus reus*

(B) *Mens rea*

(C) Liability

(D) Motive

4 The New South Wales government increased random breath testing operations during the Christmas holidays.

This is best described as an example of which of the following?

(A) Sedition

(B) Social crime prevention

(C) A breach of the rule of law

(D) Situational crime prevention

Question 5 and 6 refer to the following scenario:

Both the Commonwealth and New South Wales Parliament pass laws to protect the human rights of the disabled. The federal law conflicts with state legislation.

5 Which legal concept is demonstrated in this scenario?

(A) Judicial review

(B) State sovereignty

(C) Division of powers

(D) Separation of powers

6 Which court or tribunal would hear a dispute on this matter and what is the likely outcome?

	Court	*Outcome*
(A)	High Court	State legislation will be upheld
(B)	Administrative Appeals Tribunal	Both laws are invalid
(C)	International Court of Justice	Commonwealth legislation will be upheld
(D)	High Court	Commonwealth legislation will be upheld

7 Why may Legal Aid NOT be granted for a criminal case?

(A) The Director of Public Prosecutions declines the accused's request.

(B) The police determine the offender does not qualify for Legal Aid.

(C) The accused does not meet the means test requirements.

(D) The matter is an indictable offence.

8 Lonnie protests against the Local Council's decision not to build a skate park. She graffitis the Council offices.

What factor affecting criminal behaviour does this best relate to?

(A) Greed

(B) Social

(C) Political

(D) Economic

9 Ignoring the land rights of Indigenous Peoples represents a failure to protect which human right?

(A) Self-determination

(B) Environmental rights

(C) Universal suffrage

(D) Property rights

10 How is Australia best able to uphold international obligations to protect human rights?

(A) By passing domestic laws

(B) By signing bilateral treaties

(C) By joining the United Nations

(D) By signing multilateral treaties

11 Granting a defendant bail reflects which fundamental legal principle?

(A) The right to a fair trial

(B) Procedural fairness

(C) The right to trial by peers

(D) The presumption of innocence

12 Luke and his friends are instructed by police to leave a public place. Luke is abusive but the officer decides against issuing him with an infringement notice.

This is an example of what aspect of police powers.

(A) A warrant

(B) Discretion

(C) Arrest

(D) Abuse

13 Lauren is 16 years old. Two older boys force her, with threats, to steal from a service station. The police apprehend her.

Which defence could Lauren raise in this matter?

(A) Duress

(B) Self-defence

(C) Provocation

(D) *Doli incapax*

14 Police charge a 16-year-old with unlicensed driving and a number of traffic offences.

In which court will the matter be heard?

(A) Children's

(B) Supreme

(C) District

(D) Local

15 Which legal authority has responsibility for preparing the case for the prosecution of an indictable offence in the District Court?

(A) Legal Aid

(B) The Public Defender

(C) The Police Prosecutor

(D) The Director of Public Prosecutions

Question 16 relates to the following information:

Person *W* provides stolen security access codes to a bank; person *X* demands money from the teller while holding a gun. Person *Y* keeps other bank employees in line; person *Z* drives the getaway vehicle.

16 Who are the principal offenders in this scenario?

(A) Person *X*

(B) Persons *X* and *Y*

(C) Persons *W, X* and *Y*

(D) Persons *W, X, Y* and *Z*

17 Who will determine whether illegally obtained evidence is admissible in the trial of a murder suspect?

(A) The Attorney General

(B) A High Court judge

(C) A Supreme Court judge

(D) A magistrate in a Committal Conference

18 Sentencing designed to make the accused redress the harm done to society is best reflected by which of the following?

(A) Restorative justice

(B) Rehabilitation

(C) Retribution

(D) Deterrence

19 Which of the following best promotes the coordination of the global protection of human rights?

(A) The media

(B) Non-governmental organisations

(C) Intergovernmental organisations

(D) Statutory authorities

20 A former Australian solider has been charged with war crimes under the Commonwealth Criminal Code, 1995. He was arrested in Sydney.

Which body will make a determination in this case?

(A) The Australian High Court

(B) The Supreme Court of NSW

(C) The International Criminal Court

(D) The Federal Circuit Court

End of Section I

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NESA Number

2024 HSC TRIAL EXAMINATION

Legal Studies

Section II Answer Booklet

30 marks
Attempt Questions 21 – 24

Allow about 1 hour for this section

Instructions

- Answer BOTH Part A and Part B
- Write your NESA Number at the top of this page
- Answer Part A on pages 10–12
- Answer Question 24 from Part B on pages 13–17
- If you need more space for Question 24, ask the supervisor

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 Economic, Social and Cultural Rights* contributed to the development of human rights?

Question 22 (5 marks)

Discuss the role of state sovereignty in the protection of human rights.

Question 23 (7 marks)

To what extent are international courts and tribunals effective in promoting and enforcing human rights?

NESA Number

Section II Part B- Answer Question 24

NESA Number

Legal Studies

Section II (continued)

Part B – Crime
15 marks
Attempt Question 24

Answer the question on pages 12–16 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 24 (15 marks)

"In NSW, the effectiveness of the criminal justice system hinges on the use of discretion by both the police and the judiciary. However, a key issue is defining the boundaries of this discretion."

With reference to this statement, evaluate the use of discretion in achieving justice within the criminal justice system

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 this section in the writing booklets provided.
Please start a new writing booklet per question.
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 25 — Consumers (25 marks)

(a) Evaluate the effectiveness of law reform in responding to the developing need for consumer protection. **25**

OR

(b) With reference to contemporary issues, evaluate the effectiveness of the law in protecting the rights of consumers. **25**

Question 26 — Global Environmental Protection (25 marks)

(a) Evaluate the effectiveness of Australia's responses to the need for global environmental protection. **25**

OR

(b) With reference to contemporary issues, evaluate the effectiveness of legal processes in promoting and achieving global environmental protection **25**

Question 27 — Family (25 marks)

(a) Evaluate the effectiveness of law reform in achieving just outcomes for family members. In your response make reference to at least one contemporary issue concerning family law. **25**

OR

(b) To what extent is family law effective in addressing issues of non-compliance? **25**

Question 28 — Indigenous Peoples (25 marks)

(a) To what extent are legal and non-legal responses effective in achieving justice for Indigenous peoples? **25**

OR

(b) How effectively has the law met the need for legal recognition of Indigenous peoples? **25**

Question 29 — Shelter (25 marks)

(a) To what extent are legal and non-legal responses effective in achieving just outcomes in relation to the affordability of shelter? **25**

OR

(b) How effectively has the law responded to changing values in relation to the provision of shelter? **25**

Question 30 — Workplace (25 marks)

(a) To what extent are legal and non-legal responses effective in achieving justice in relation to dispute resolution processes in the workplace? **25**

OR

(b) How effectively has the law responded to the developing need for workplace law? **25**

Question 31 — World Order (25 marks)

(a) Evaluate the role of law reform in promoting and maintaining world order. In your response, make reference to at least ONE contemporary issue concerning world order. **25**

OR

(b) To what extent are legal responses to world order issues effective in addressing non-compliance? **25**

End of Paper