



Legal Studies

Exams & Marking Criteria

Student name: _____



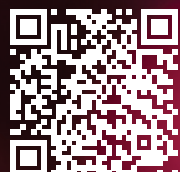


WESTERN SYDNEY
UNIVERSITY



STUDY AT WESTERN

EXPLORE OUR *PROGRAMS*



DIFFERENT WAYS TO GET INTO UNI

Just because you don't fit the usual entry-mould for uni doesn't mean you can't get in. Maybe you didn't get the ATAR you wanted. Maybe you don't have an ATAR at all. Maybe there were things happening in your life that got in the way of your study.

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- Schools Recommendation Scheme
- TAFE/Tertiary Education Pathways
- Rural Entry Admission Scheme
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Our Diploma courses provide a springboard to diverse career options or your pathway into the second year of a Bachelor degree at Western.

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westernsydney.edu.au/theacademy

LOVE THESE SUBJECTS? SEE WHERE THEY CAN TAKE YOU! FIND YOUR PATH FROM HSC TO UNIVERSITY.

YOU LOVE ENGLISH? *WHY NOT STUDY:*

- B Communication
- B Screen Media (Arts and Production)
- B Education (Primary)
- B Education (Secondary)
- B Arts
- B Arts (Interpreting and Translation)
- B Laws
- B Performing Arts (Acting)
- B Music
- B Design (Visual Communication)
- B Music
- B International Studies

YOU LOVE STUDIES OF RELIGION? *WHY NOT STUDY:*

- B Arts
- B Social Science
- B Education (Primary)
- B Education (Secondary)

YOU LOVE HISTORY? *WHY NOT STUDY:*

- B Arts
- B International Studies
- B Social Science
- B Education (Primary)
- B Education (Secondary)
- B Tourism and Event Management
- B Planning (Pathway to M Urban Management and Planning)

YOU LOVE VISUAL ARTS? *WHY NOT STUDY:*

- B Architectural Design
- B of Design
- B of Design and Technology
- B of Industrial Design (Honours)

YOU LOVE BUSINESS STUDIES? *WHY NOT STUDY:*

- B Business
- B Accounting
- B Education (Primary)
- B Education (Secondary)
- B Tourism and Event Management
- B Construction Management (Honours)

YOU LOVE LEGAL STUDIES? *WHY NOT STUDY:*

- B Criminology
- B Criminal and Community Justice
- B Cyber Security and Behaviour
- B Policing
- B Laws
- B Social Science
- B Humanitarian and Development Studies
- B Education (Primary)
- B Education (Secondary)
- B Construction Management (Honours)
- B Social Work
- B Youth Work

YOU LOVE COMMUNITY AND FAMILY STUDIES STUDIES? *WHY NOT STUDY:*

- B Arts
- B Criminology
- B Nursing
- B Midwifery
- B Psychology (Honours)
- B Psychological and Social Sciences
- B Social Science
- B Youth Work
- B Social Work
- B Humanitarian and Development Studies
- B Education (Early Childhood)
- B Education (Primary)
- B Education (Secondary)

YOU LOVE PHYSICS? *WHY NOT STUDY:*

- B Science
- B Education (Primary)
- B Education (Secondary)
- B Engineering
- B Architectural Design
- B Industrial Design (Honours)
- B Design and Technology

YOU LOVE CHEMISTRY? *WHY NOT STUDY:*

- B Science
- B Medical Science
- B Education (Primary)
- B Education (Secondary)

YOU LOVE HEALTH AND MOVEMENT SCIENCE? *WHY NOT STUDY:*

- B Health Science
- B Health, Physical Education and Sport
- B Exercise Physiology
- B Exercise Science
- B Sport and Performance Science
- B Occupational Therapy
- B Paramedicine
- B Physiotherapy
- B Podiatric Medicine
- B Speech Pathology
- B Traditional Chinese Medicine
- B Nursing
- B Midwifery
- B Education (Primary)

YOU LOVE MATHEMATICS? *WHY NOT STUDY:*

- B Computer Science
- B Data Science
- B Information and Communication Technology
- B Information Systems
- B Mathematics
- B Engineering
- B Education (Primary)
- B Education (Secondary)
- B Planning (Pathway to M Urban Management and Planning)
- B Accounting

YOU LOVE BIOLOGY? *WHY NOT STUDY:*

- B Health Science
- B Health, Physical Education and Sport
- B Occupational Therapy
- B Paramedicine
- B Physiotherapy
- B Podiatric Medicine
- B Speech Pathology
- B Sport and Performance Science
- B Traditional Chinese Medicine
- B Science
- B Medical Science
- B Nursing
- B Midwifery
- B Education (Primary)
- B Education (Secondary)
- B Clinical Science/Doctor of Medicine

At Western, we have a wealth of support services to help you navigate your university journey:

- Programs to help you settle into uni life as well as your studies
- Student Welfare Service
- Counselling and mental health and wellbeing services
- Disability services

- Members of the ADF – Student Veteran Program
 - Elite athletes and performers support
- westernsydney.edu.au/support



HSC SIMULATED EXAM

Legal Studies

Crime

General Instructions:

- Reading time – 5 minutes
- Working time – 1 hour
- Write using a black pen
- Calculators approved by NESA may be used

Total Marks:
30

Section I - 15 Marks

- Attempt Questions 1-15
- Allow about 20 mins for this section

Section II - 15 Marks

- Attempt Question 16
- Allow about 40 mins for this section

Section I – Multiple Choice

15 marks

Attempt Questions 1–15

Allow about 20 minutes for this section

Select the best answer for each the question.

Please note: In the HSC Examination there will be approximately 15 multiple choice questions that relate specifically to the Crime topic.

1 Who has the burden of proof in a criminal case?

- (A) Jury
- (B) Judge
- (C) Defence
- (D) Prosecutor

2 *A person is arrested and charged with an indictable offence.*

What is the *period of time* they spend in the community awaiting trial called?

- (A) Bail
- (B) Remand
- (C) Probation
- (D) Interrogation

3 It is illegal to sell cans of spray paint to people under the age of 18 .

What sort of crime prevention strategy is this?

- (A) social
- (B) diversion
- (C) situational
- (D) strict liability

4 When does *doli incapax* apply?

- (A) Below 10 years of age

- (B) Below 14 years of age
 - (C) Between 10 and 14 years of age
 - (D) Between 14 and 18 years of age
- 5 What is the purpose of a Victim Impact Statement?
- (A) It is evidence of guilt presented at trial
 - (B) It is for the judge to consider at sentencing
 - (C) It is collected by police during the investigation phase
 - (D) It helps to determine compensation for victims of crime
- 6 *Joe kills a man who was attacking Joe's friend, Bill. Joe is put on trial for murder.*
- Which defence is most likely to succeed in this matter?
- (A) Duress
 - (B) Provocation
 - (C) Self defence
 - (D) *Doli incapax*
- 7 Which of the following is not a post-sentencing consideration?
- (A) Parole
 - (B) Deportation
 - (C) Security classification
 - (D) Post-Circle Sentencing
- 8 In which of the following situations does the Coroner's Court not have specific jurisdiction?
- (A) Suicides
 - (B) Unexpected deaths
 - (C) Motorcycle gang murders
 - (D) Fires that cause serious injury

- 9 When are individuals required to answer questions asked by police?
- (A) When under arrest
 - (B) When driving a motor vehicle
 - (C) Never, due to the right to silence
 - (D) When accused of a crime where the right to silence does not apply
- 10 Which of the following courts does not have appellate jurisdiction for criminal matters?
- (A) High Court
 - (B) Local Court
 - (C) District Court
 - (D) Supreme Court
- 11 *Harry has committed a serious indictable offence.*
- Harry's trial will occur in the
- (A) Local Court before a magistrate
 - (B) District Court before a magistrate
 - (C) Local Court before a judge alone
 - (D) District Court by a judge and jury
- 12 Which court is most likely to deal with a crimes against the international community?
- (A) The Hague
 - (B) An *ad hoc* tribunal
 - (C) International Criminal Court
 - (D) International Court of Justice
- 13 The Standard Non-Parole Period is
- (A) A recommendation in the legislation
 - (B) The amount of time an offender spends on parole

- (C) The total amount of time an offender spends incarcerated
- (D) A recommendation from the Judicial Commission of NSW

14 The individual driving a getaway car after a bank robbery is considered

- (A) An accessory after the fact
- (B) An accessory before the fact
- (C) A principal in the first degree
- (D) A principal in the second degree

15 *A teenager threatens a train passenger with a knife and takes their wallet.*

What is the most likely criminal offence they have committed?

- (A) Robbery
- (B) Larceny
- (C) Economic offence
- (D) Assault with a deadly weapon

Section II- Extended Response

15 marks

Attempt Question 16

Allow about 40 minutes for this section.

Answer the question on your own paper or writing booklet provided.

The expected length of response is *approximately* 600 words or four written pages.

In your answers you 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 16

To what extent does law reform assist in achieving justice in the criminal justice system? **15**



HSC SIMULATED EXAM

Legal Studies

Human Rights

General Instructions:

- Reading time – 5 minutes
- Working time – 1 hour
- Write using a black pen
- Draw diagrams using pencil
- Calculators approved by NESA may be used

Total Marks:
30

Section I - 10 Marks

- Attempt Questions 1-10
- Allow about 20 mins for this section

Section II - 20 Marks

- Attempt Questions 11-15
- Allow about 40 mins for this section

Section I - Multiple Choice

10 marks

Attempt Questions 1–10

Allow about 20 minutes for this section

Select the best answer to each question.

Please note: In the HSC Examination there will be approximately 5 multiple choice questions and 3-4 short answer questions that refer specifically to Human Rights content.

- 1 Which recognised human right refers to the ability of employees to join together?
 - (A) Trade unionism
 - (B) Self determination
 - (C) Universal suffrage
 - (D) Universal education

- 2 Which of the following is an example of an intergovernmental organisation involved in the promotion of human rights?
 - (A) United Nations
 - (B) Human Rights Watch
 - (C) Amnesty International
 - (D) Australian Human Rights Commission

- 3 Which of the following is a collective right?
 - (A) Trade unionism
 - (B) Self-determination
 - (C) Universal suffrage
 - (D) Universal education

- 4 *The Commonwealth government enacts a law requiring individuals to get a licence before becoming a parent.*

What types of rights does this infringe?

- (A) Peace rights
- (B) Collective rights
- (C) Civil and political rights
- (D) Economic, social and cultural rights

5 *The Commonwealth government prevents asylum seekers who arrive by boat from remaining in Australia.*

What types of rights does this infringe?

- (A) Collective rights
- (B) Self-determination
- (C) Civil and political rights
- (D) Economic, social and cultural rights

6 Which of the following is a United Nations body with the power to hear human rights complaints?

- (A) Children's Fund
- (B) Human Rights Committee
- (C) Security Council for Human Rights
- (D) International Committee of the Red Cross

7 A system of checks and balances to prevent the abuse of power in Australia is provided through the

- (A) division of powers
- (B) separation of powers
- (C) doctrine of precedent
- (D) doctrine of terra nullius

8 Which of the following is not one of the four pillars of the UN?

- (A) Rule of law
- (B) Veto powers

- (C) Human Rights
 - (D) Peace and security
- 9** Through what mechanism could Australia achieve a legislative Charter of Rights?
- (A) A referendum
 - (B) International law
 - (C) A High Court decision
 - (D) A Commonwealth statute
- 10** Why would the International Criminal Court be unlikely to charge the Prime Minister of Australia with crimes against the international community?
- (A) Australia has veto power
 - (B) Australia is not a signatory to the Rome Statute
 - (C) Australia would deal with such cases domestically
 - (D) The case would be heard in the International Court of Justice

Section II - Short Answer

20 marks

Allow about 40 minutes for this section.

Attempt Questions 11-15

Question 11

Identify TWO formal statements of human rights. **2**

Question 12

Outline how human rights treaties are incorporated into Australian domestic law. **2**

Question 13

Distinguish between the division and separation of powers **4**

Question 14

Explain how the relationship between state sovereignty and human rights has changed. **5**

Question 15

Evaluate the effectiveness of international responses in promoting and enforcing human rights, using examples. **7**



HSC SIMULATED EXAMINATION

Marking Criteria

Legal Studies - Crime

CRIME

MARKING GUIDELINES

SECTION I - MULTIPLE CHOICE

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
D	A	C	B	B	C	D	C	B	B	D	C	A	D	A

SECTION II – EXTENDED RESPONSE

Question 16

Criteria	Marks
• Demonstrates extensive understanding of the criminal justice system • Makes an informed judgement about the extent to which law reform assists in achieving justice in the criminal justice system • Integrates relevant examples such as legislation, cases, media, international instruments and documents • Presents a sustained, logical and cohesive answer to the question using relevant legal terminology and concepts	13–15
• Demonstrates substantial understanding of the criminal justice system • Makes a sound judgement about the extent to which law reform assists in achieving justice in the criminal justice system • Uses relevant examples such as legislation, cases, media, international instruments and documents • Presents a logical and cohesive answer to the question using relevant legal terminology and concepts	10–12
• Demonstrates some understanding of how the criminal justice system • Makes some judgement about the extent to which law reform assists in achieving justice in the criminal justice system • Makes some reference to examples such as legislation, cases, media, international instruments and documents • Presents a structured answer to the question using relevant legal terminology and concepts	7–9
• Demonstrates limited understanding of how the criminal justice system • Makes general statements about law reform and/or achieving justice in the criminal justice system • Makes limited reference to examples such as legislation, cases, media, international instruments and documents • Uses some relevant legal terminology	4–6
• Writes in general terms about crime • May include reference to legislation, cases, media, international instruments and documents • Uses legal terminology	1–3

Answers could refer to:

- Investigation, trial and sentencing reforms eg LEPR, judge alone, majority verdicts, VIS
- Areas of law in need of reform eg police powers re. strip searches; consent
- Justice for victims eg retribution, avoiding re-trauma,
- Justice for offenders eg proportionality & human rights such as a fair trial
- Justice for society eg safety, purposes of sentencing



HSC SIMULATED EXAM

Marking Criteria

Legal Studies - Human Rights

SECTION I - MULTIPLE CHOICE

1	2	3	4	5	6	7	8	9	10
A	A	B	D	C	B	B	C	D	C

SECTION II – SHORT ANSWER

Question 11

Criteria/Suggested answer	Marks
• Correctly identifies two formal statements of human rights	2
• Correctly identifies one formal statements of human rights	1

Possible answers include:

- Universal Declaration of Human Rights
- International Covenant on Civil and Political Rights
- International Covenant on Economic, Social and Cultural Rights

Question 12

Criteria/Suggested answer	Marks
• Sketches in general terms how human rights treaties are incorporated into law	2
• May provide an example	
• Mentions some aspects of how human rights treaties are incorporated into law	1

Answers could include:

- treaties are signed by the government, ratified by the parliament and must then be enacted into domestic legislation

Question 13

Criteria	Marks
• Identifies and explains points of difference between division and separation of powers	3
• Describes separation and division of powers	2
• Defines separation and/or division of powers	1

Answer may include:

purpose, institutions involved, section of the Constitution, nature of the powers

Question 14

Criteria/Suggested answer	Marks
- Clearly shows how the relationship between state sovereignty and human rights has changed - May refer to R2P	4–5
- Describes the relationship between state sovereignty and human rights - May use an example	2–3
Makes general statements about state sovereignty and human rights	1

Answer may include:

State sovereignty used to be absolute which led to the neglect of human rights in some circumstances. Now state sovereignty may be breached by other nations where the state fails to protect the people within its borders from crimes against the international community.

Question 15

Criteria/Suggested answer	Marks
- Demonstrates a thorough understanding of international responses - Clearly makes a judgment about the effectiveness of international responses in promoting AND enforcing human rights - Integrates relevant examples including international instruments, cases, media, and/or other documents	7
- Demonstrates some understanding of international responses - Attempts to make a judgment about the effectiveness of the effectiveness of international responses in promoting AND enforcing human rights - Uses relevant examples including international instruments, cases, media, and/or other documents	5–6
- Makes general statements about international responses - May make reference to promoting and/or enforcing human rights	3–4
Makes general statements about human rights	1–2

Answer may include:

- Reference to the UN, IGOs, courts, tribunals, statutory authorities, NGOs, the media
- Separation of 'protecting' and 'enforcing' by the various organisations



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