



Legal Studies

Crime & Human Rights

Student name: _____



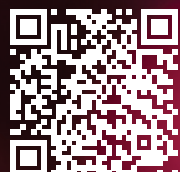


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YOU LOVE ENGLISH? *WHY NOT STUDY:*

- 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

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Crime Overview

From the syllabus:

Principal focus: Through the use of a range of contemporary examples, students investigate criminal law, processes and institutions and the tension between community interests and individual rights and freedoms.

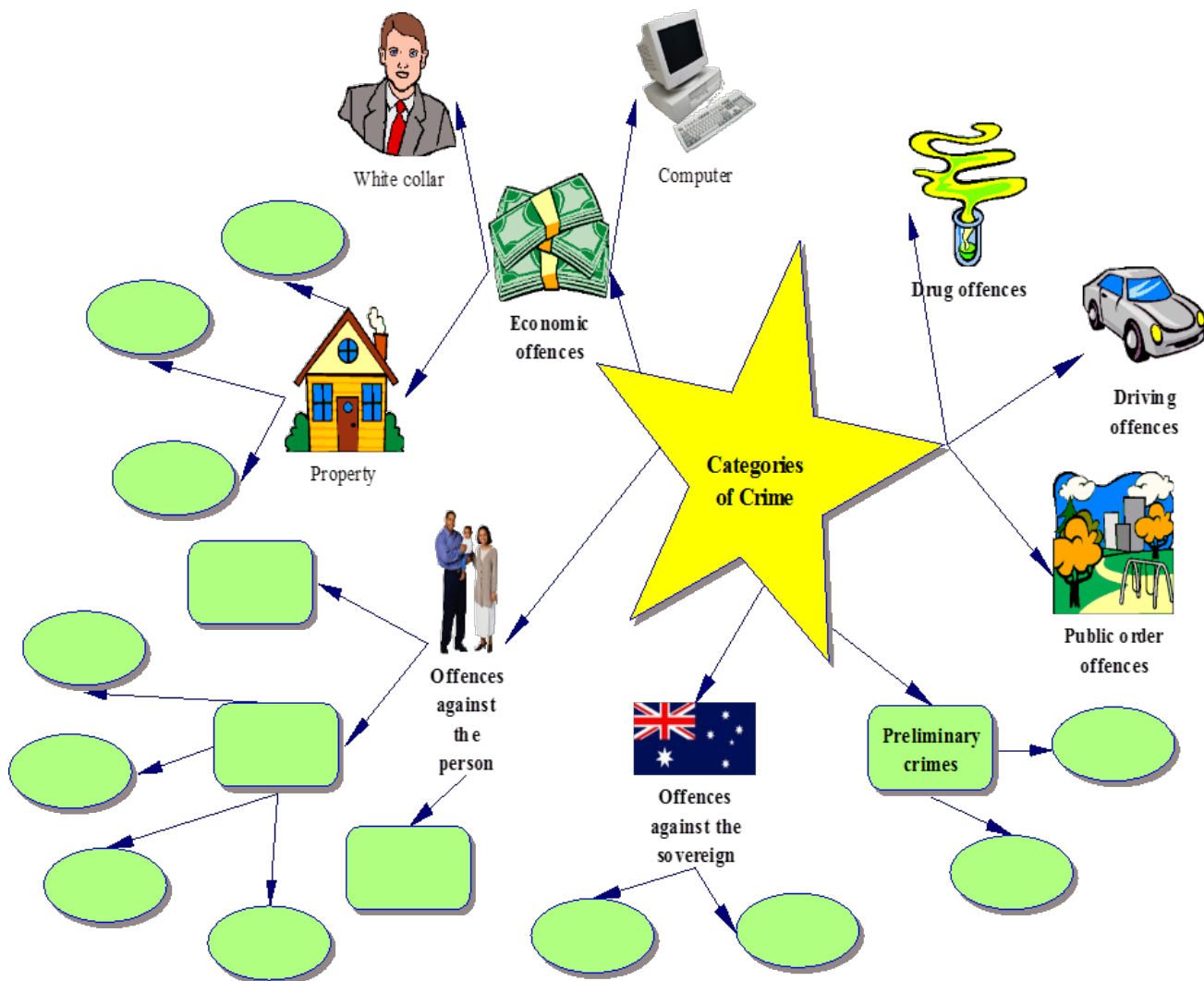
Themes and challenges to be incorporated throughout this topic:

- the role of discretion in the criminal justice system
- issues of compliance and non-compliance in regard to criminal law
- the extent to which law reflects moral and ethical standards
- the role of law reform in the criminal justice system
- the extent to which the law balances the rights of victims, offenders and society
- the effectiveness of legal and non-legal measures in achieving justice.
-

Students learn about:	Students learn to:
1. The nature of crime • the meaning of crime • the elements of crime: actus reus, mens rea • strict liability offences • causation • categories of crime including offences against the person, offences against the sovereign, economic offences (property/white collar/computer), drug offences, driving offences, public order offences, preliminary crimes (attempts and conspiracy) • summary and indictable offences • parties to a crime including principal in the first degree, principal in the second degree, accessory before the fact, accessory after the fact • factors affecting criminal behaviour • crime prevention: situational and social 2. The criminal investigation process • police powers • reporting crime • investigating crime: gathering evidence, use of technology, search and seizure, use of warrants • arrest and charge, summons, warrants • bail or remand • detention and interrogation, rights of suspects 3. Criminal trial process	• describe the nature of crime • recognise the different categories of crime • define summary and indictable offences • examine a range of factors that may lead to criminal behaviour • investigate a range of situational and social crime prevention techniques • discuss the powers of police in the criminal process • examine the reporting and investigating of crime • assess the effectiveness of the criminal investigation process as a means of achieving justice

• court jurisdiction • the adversary system • legal personnel: magistrate, judge, police prosecutor, Director of Public Prosecution, Public Defenders • pleas, charge negotiation • legal representation, including legal aid • burden and standard of proof • use of evidence, including witnesses • defences to criminal charges: – complete defences – partial defences to murder • the role of juries, including verdicts • post-sentencing considerations, including security classification, protective custody, parole, preventative detention, continued detention, sexual offenders registration, deportation 5. Young offenders • age of criminal responsibility • the rights of children when questioned or arrested • Children's Court – procedures and operation • penalties for children • alternatives to court 6. International crime • categories of international crime, including: – crimes against the international community – transnational crimes • dealing with international crime: – domestic and international measures – limitations.	• describe the role of courts in the criminal justice process • discuss the use of the adversary system as a means of achieving justice • examine the role of legal representation in the criminal trial • assess the use of defences to criminal charges in achieving justice • evaluate the effectiveness of the jury system in the criminal trial • assess the effectiveness of the criminal trial process as a means of achieving justice • examine the implications of post-sentencing considerations in achieving justice • evaluate the effectiveness of sentencing and punishment as a means of achieving justice • discuss the issues surrounding the age of criminal responsibility • explain why young offenders are treated differently in the criminal justice system • assess the effectiveness of the criminal justice system when dealing with young offenders • define international crime • describe the various measures used to deal with international crime • evaluate the effectiveness of the domestic and international legal systems in dealing with international crime.
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Define crime?



- What are the differences between summary and indictable offences?

SUMMARY OFFENCE	INDICTABLE OFFENCE

- What is the difference between situational and social crime prevention?

SITUATIONAL CRIME PREVENTION	SOCIAL CRIME PREVENTION

The Criminal Investigation and Trial Processes

Stage of the Process	Personnel Involved	Key Issues	Effectiveness for:		
			The victim	The offender	The community
Reporting crime					
Investigation and police powers					
Arrest and charge					
Bail or remand					
Detention and interrogation, rights of suspects					
Plea					
Charge negotiation					
Legal Aid					
Hearing – burden and standard of proof, evidence, juries					

Stage of the Process	Personnel Involved	Key Issues	Effectiveness for:		
			The victim	The offender	The community
Appeals					

Complete defences	The Defence	Outline of the defence	Cases
	Mental Illness		
	Self-defence		
	Necessity (a form of compulsion)		
	Duress (a form of compulsion)		
	Consent		
	Mistake or accident		
	Automatism		
Partial defences	Provocation		
	Substantial impairment of responsibility		

- Discretion plays an important role in the criminal justice system. Outline the role of discretion in the investigation process.
- Describe the powers of police in the criminal investigation process.
- Explain how crimes are reported and investigated.
- Assess the effectiveness of the criminal investigation process as a means of achieving justice.
-

The Criminal Trial Process – Summary

- Examine the role of legal representation in the criminal trial.
- Discuss the use of the adversary system as a means of achieving justice.
- Evaluate the effectiveness of the jury system in the criminal trial. Use examples of current criminal issues to support your answer.
- Assess the use of defences to criminal charges in achieving justice.
- With reference to defences and the adversarial system, assess the effectiveness of the criminal trial process as a means of achieving justice.

Let's consider the last option because this is the broadest and encompasses the others.

- Justice. What is it? You must define this concept.

- The purpose of the trial process. What is this?

- The form the trial takes. What are the pros and cons of this for achieving justice?

- The relevant courts and personnel involved in criminal trials.

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- The burden and standard of proof.

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- The rules of evidence. Why do we have these?

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- The impact of charge negotiation on the trial process. What are the pros and cons of this for achieving justice?

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-
- The role of defences. How and why are they controversial?
-
-
-
-
-

- The role of the jury. What are the pros and cons of using juries for achieving justice?

- The role of the Court of Criminal Appeal.

- Make a judgement about the extent to which the trial process achieves justice.

Sentencing and Punishment

- What are the factors that affect the sentencing decision?

- How effective are the different penalties?

- How effective are sentencing and punishment in achieving justice for the victim, offender and the community?

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Young Offenders

- What is the age of criminal responsibility in NSW?

- How is this different to *doli incapax*?

- Why do we treat young offenders differently to adults in the criminal justice system?

- How effective is the criminal justice system in dealing with young offenders?

[illegible]

International Crime

- What are the types of international crime?

TRANSITIONAL CRIMES	CRIMES AGAINST THE INTERNATIONAL COMMUNITY

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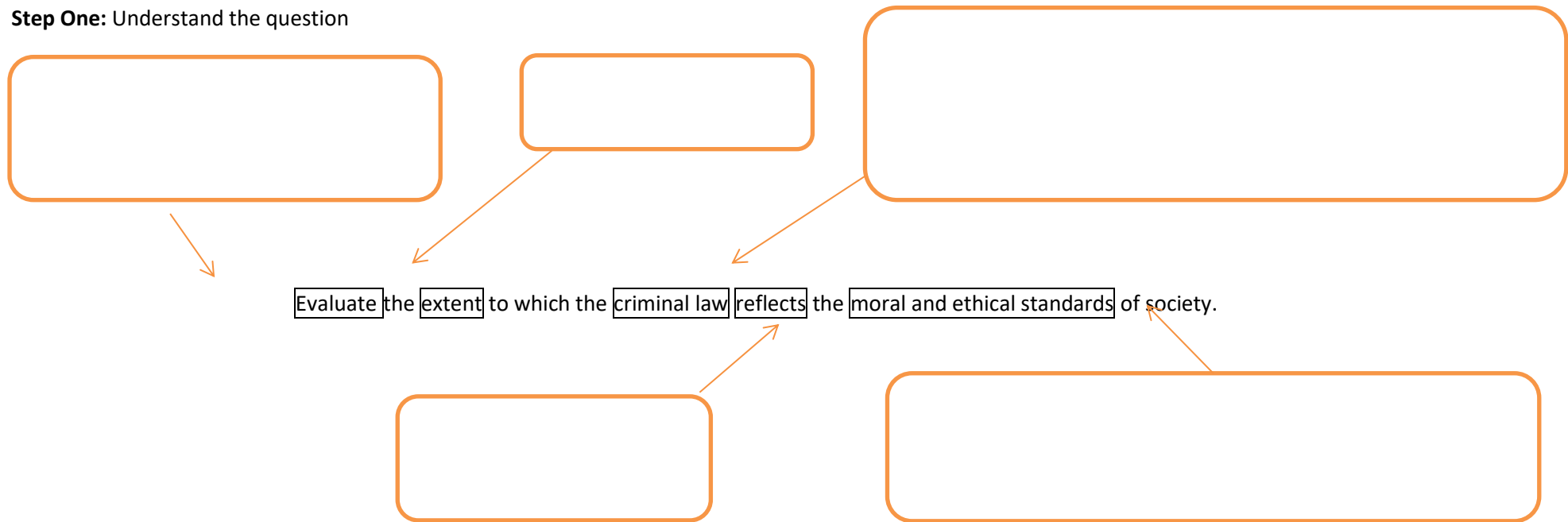
- | | |
|-----------------------------|--|
| Rights of the victim | |
|-----------------------------|--|

Rights of the accused	
Rights of the community	

How to write an essay about criminal law

Sample question: Evaluate the extent to which the criminal law reflects the moral and ethical standards of society.

Step One: Understand the question



Step Two: Decide which aspects of the criminal law, and therefore examples, you want to use.

Moral and ethical standards	Aspects of the criminal law	Examples/case studies

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Step Three: Rewrite the question in your own words.

Step Four: Write a plan

Step Five: Write an introduction which says which aspects of the criminal law you are going to discuss, which case studies you will use and which criteria you will use to evaluate the extent to which the law reflects moral and ethical standards. I would use the 'question in your own words' as the basis for your introduction. Think: What is the big picture?

Step Six: Write a topic sentence for each paragraph. This sentence should contain references to an aspect of the criminal law, an example and a criterion. Check this against your 'question in your own words'.

Step Seven: Write concluding sentence for each paragraph. This sentence should answer the question you were asked, using your criterion/a. Check this against your 'question in your own words'.

Step Eight: Write a conclusion which explicitly uses the words of the original question.

Key Revision Points for Crime

- ◆ Read the question carefully in your reading time.
- ◆ Identify and underline key words and terms of the question.
- ◆ Focus on the command term or other instructive words.
- ◆ Prepare a brief plan – this is your thinking time!! Do this on the front page of your answer booklet – it will be marked.
- ◆ Write formally and avoid being emotive or too judgemental but give opinion backed up by argument (linked to Acts, cases, media reports and documents).
- ◆ Timing is vital – you have about 30 minutes for this response.
- ◆ Write legibly but quickly – you do need to give detail and explanation.
- ◆ The quality of what you write is vital – develop your points of view/arguments.
- ◆ Be concise in your expression. Short sentences and short paragraphs are more effective than long meandering sentences and limited use of paragraphs.
- ◆ Avoid obscure abbreviations (however well-known acronyms are OK).
- ◆ Always directly answer the question given – avoid rote learned answers.
- ◆ There is a rubric for Crime so you need to be aware of what you are required to do:
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
- ◆ Learn the content:
 - The “Learn About” as the source material for questions – especially multiple choice.
 - The “Learn To” is also vital and provides an insight into possible exam questions.

Look at the Marking Guidelines, past papers, Specimen Paper and the Notes from the Marking Centre on NESA website.

Practice questions

Using examples, evaluate the effectiveness of the judiciary in sentencing and punishing offenders.

Criminal penalties always reflect community standards and expectations.

Evaluate this statement.

Evaluate the effectiveness of the sentencing process in achieving justice within the criminal justice system.

Evaluate the effectiveness of the treatment of adults and juveniles by the criminal justice system.

Explain why young offenders are treated differently in the criminal justice system

Assess the effectiveness of the criminal justice system when dealing with young offenders.

Evaluate the effectiveness of international legal system in dealing with international crime.

Evaluate the effectiveness of sentencing decisions and the range of penalties imposed in achieving justice for victims, offenders and society.

Analyse the operation of the criminal justice process in seeking to balance the rights of the accused, the victim and the community.

Examine why commitment to criminal laws is not shown equally across the community.

Evaluate the effectiveness of the legal system in achieving justice for the accused, the victim and the community.

Identify the agencies of law reform and discuss the conditions that have given rise to law reform within the criminal justice system. Use relevant examples to support your response.

Examine the effectiveness of legal measures in achieving just outcomes for individuals and society as whole. Use relevant examples to support your response.

The criminal law must reflect changing community standards if it is to achieve justice for individuals and society. Discuss this statement and assess the effectiveness of the criminal justice system in balancing the rights of individuals with changing community values and expectations.

Human Rights Overview

Principal focus: Through the use of a range of contemporary examples, students investigate the notion of human rights and assess the extent to which legal systems embody such human rights and promote them in practice.

Themes and challenges to be incorporated throughout this topic:

- the changing understanding of the relationship between state sovereignty and human rights
- issues of compliance and non-compliance in relation to human rights
- the development of human rights as a reflection of changing values and ethical standards
- the role of law reform in protecting human rights
- the effectiveness of legal and non-legal measures in protecting human rights.

Students learn about:	Students learn to:
1. The nature and development of human rights • the definition of human rights • developing recognition of human rights – the abolition of slavery – trade unionism and labour rights – universal suffrage – universal education – self-determination – environmental rights – peace rights • formal statements of human rights – Universal Declaration of Human Rights – International Covenant on Civil and Political Rights – International Covenant on Economic, Social and Cultural Rights 2. Promoting and enforcing human rights In the international community: • state sovereignty • the roles of : – the United Nations – intergovernmental organisations – courts, tribunals and independent statutory authorities – non-government organisations – the media In Australia: • the incorporation of human rights into domestic law • the roles of:	• define human rights • outline how human rights have changed and developed over time • investigate the evolving recognition and importance of universal human rights • examine major human rights documents and explain their contribution to the development of human rights • assess the role of state sovereignty in promoting and enforcing human rights • evaluate the effectiveness of international responses in promoting and enforcing human rights • outline how human rights are incorporated into Australian domestic law

The nature of human rights

- What are human rights?

- What are the four characteristics of human rights?

Inherent	
Inalienable	
Indivisible	
Universal	

- What are the three types of rights which are protected internationally?

	eg
	eg
	eg

- Compare domestic and international rights.

DOMESTIC RIGHTS	INTERNATIONAL RIGHTS

The developing recognition of human rights

Movement	Brief Outline	Influence on modern human rights law
The abolition of slavery		
Trade unionism and labour rights		
Universal suffrage		
Universal education		
Self determination		
Environmental rights		
Peace rights		

- How has the recognition of human rights changed and developed over time?

Formal statements of human rights

Document	Brief Outline	Rights Protected
The Universal Declaration of Human Rights		
The International Covenant on Civil and Political Rights		
The International Covenant on Economic, Social and Cultural Rights		

- What is the significance of the UDHR and the ICCPR and ICESCR (ie what is their contribution to the development of human rights)?

Define state sovereignty.

- What is the role of state sovereignty in promoting and enforcing human rights?

Promoting and enforcing Human Rights in the International Community

Legal Process or Institution	Effectiveness Pros	Effectiveness Cons
<i>The United Nations</i>	• Forum for peaceful resolution of disputes • All nations represented • No global conflicts since WW2 • Countries pay 'lip service' to its importance	• Relies on political will of nations • Veto power • State sovereignty • Lack of enforcement mechanisms • Self-interest of nations paramount • Time consuming and resource inefficient
<i>Treaties and Declarations eg Genocide Convention, UDHR</i>	• Global values and standards • UN monitors implementation • Countries seek to adhere to (or be seen to)	• Unenforceable • Nations choose to sign – voluntary • State sovereignty • Self-interest of nations takes precedence
<i>Intergovernmental Organisations eg EU, ASEAN, African Union</i>	• Forum for co-operation and peaceful resolution of disputes • Solve conflicts 'internally'	• May not adhere to global standards • Lack of enforcement mechanisms • Relies on political will of nations
<i>International Courts, Tribunals and Statutory Authorities eg ICC, ICTY, ICTR, ICJ</i>	• Uphold international law • Deterrent • Enforcement mechanism	• State sovereignty • 'Victors' justice' • Relies on political will – nations can opt in and out • Time consuming and resource inefficient
<i>Non-legal mechanisms eg NGOs, the Media</i>	• Main purpose is the protection of human rights • Increase knowledge on human rights (consciousness raising) • Lobby governments and international institutions for action	• Limited budgets • Limited capacity to act • Can be 'managed' or controlled by governments, military ie limited access

- How are human rights protected in Australia?

	e.g.
	e.g.
	e.g.

- What is the role of courts and tribunals in enforcing human rights in Australia?

- How effective are Australian responses in promoting and enforcing human rights?

Examination Tips

Multiple Choice Advice

There are two main reasons that students do poorly in multiple choice (and many do). These are that they overthink them and look for the complicated answer, or they rush them. A good strategy is:

1. Read the question and all options in full. Often students jump at what they think is the correct answer without reading the alternatives. Multiple choice questions usually contain a red herring - an answer which is almost right or would be right in some circumstances. It is important to read the questions in full and spend time on them. Often students rush to complete this section as quickly as possible and they drop marks.
2. Cross out the answers which are definitely wrong. It is often easier to see what's wrong than what's right. Hopefully this leaves you with one answer! If not,
3. Re-read the question and decide which of the remaining options is most correct.
4. When in doubt, guess. You can come back and do this after completing the rest of the paper. Often something else in the paper will help you to find the correct answer. Never leave a multiple choice question blank. If you have narrowed it down to two options then you have a 50/50 chance of getting it right. Leaving it blank means a 100% chance of getting it wrong.

A great place to practise multiple choice is the Board of Studies website at

<http://www4.boardofstudies.nsw.edu.au/>

You can enter the subject, choose how many questions to do and when you have completed the test it tells you how many you got correct and what the correct answers are for the ones you got wrong. I highly recommend it!

Criteria for making a judgement

Community standards
Accessibility
Resource efficiency
Equality
Balance of rights
Enforceability
Appeals and review
Responsiveness of the law



Key Revision Points for Human Rights

- ◆ There are likely to be 3-4 questions in total.
- ◆ Know the syllabus – the principal focus, the themes and challenges and the students learn to.
- ◆ Essential concepts (ideally know it all but some parts are absolutely crucial):
 - State sovereignty (an important concept at IL & a major limitation on the effectiveness of IL)
 - Developing recognition of human rights – key concepts such as self- determination
 - Formal statements especially the UDHR
 - Promoting and enforcing human rights – key roles (UN, NGOs)
 - The recognition of human rights under Australian law
- ◆ Read the question very carefully – underline the key terms.
- ◆ Directly answer that question – not the question you wanted to be asked.
- ◆ Don't use prepared answers (eg on a contemporary human rights issue)
- ◆ Pay particular attention to the directive terms – generally drawn from the glossary eg identify, explain, describe, discuss, justify etc. Note that recent exams have started questions with “how” and “what”.
- ◆ If it says to evaluate/assess you must do this!
- ◆ Use the space provided – to write more is not necessary and wastes time.
- ◆ Don't read more into the question than is there.
- ◆ Don't leave any questions – give a response – even if it's a guess.
- ◆ Take about 25-30 minutes
- ◆ The promotion and / or enforcement of human rights is a focus.
- ◆ Know both a contemporary issue and the effectiveness of the legal and non-legal responses. An issue is more than just talking about asylum seekers for example – it is referring to such an example but explaining how their human rights are affected eg a breach of the ICCPR or a breach of CROC re the detention of children and the limitation on the provision of education, health issues etc.
- ◆ If you are asked a question about a contemporary human rights issue, note that it can be international or domestic, and that if domestic, it can involve Australia or any other country.
- ◆ Make sure you link your issue to legal and non-legal responses.
- ◆ Legal responses:
 - Domestic – refer to specific legislation, cases, bodies – ie LAW
 - International – UN Charter; declarations/conventions/treaties (UDHR, ICCPR, ICESCR); Bodies – UN / Security Council; Human Rights Council; UNHCR; International Criminal Court; ICJ; Special Courts/Tribunals (International Criminal Tribunals for Yugoslavia, Rwanda, Sierra Leone – Charles Taylor recently received a 50 year sentence)
 - Note – the limitations of IL – sovereignty, political will, money, power imbalances.
- ◆ Non legal responses:
 - Amnesty, Human Rights Watch, MSF
 - Media, writers

Look at the Marking Guidelines, past papers, Specimen Paper and the Notes from the Marking Centre on NESA website.

Practice Questions

Define universal suffrage and explain how this relates to the struggle for human rights in Australia. (4 marks)

Describe the changing nature of the protection of human rights under international law and assess the effectiveness of such changes. (6 marks)

Explain the benefits and limitations of international instruments in protecting human rights. (5 marks)

Explain the role of the United Nations in promoting and enforcing human rights. (5 marks)

Assess the effectiveness of domestic and international legal measures in protecting human rights. (8 marks)

Compare and contrast the domestic protection of human rights with the international protection of human rights. Refer to a specific human rights issue. (8 marks)

Compare the effectiveness of legal and non-legal measures in addressing human rights issues. (5 marks)

Using ONE specific example of an international human rights issue, outline how domestic law has responded to this issue. (6 marks)

Outline how the recognition of human rights has changed and developed over time. (5 marks)

Evaluate the effectiveness of the existing mechanisms for the protection of human rights in Australia. (6 marks)

Key Revision Points for the Extended Responses

Consumers
Family
Global Environment

Indigenous Peoples
Shelter
Workplace

World Order

- ◆ Attempt two questions (25 marks each), each from a different focus study.
- ◆ Each question requires an extended response.
- ◆ The expected length of each response will be around six/seven pages of an examination writing booklet.
- ◆ Read these questions carefully in your reading time.
- ◆ Know the rubric – including legislation, cases, media, international instruments and documents/opinions is vital.
- ◆ Identify and underline key words and terms of the question.
- ◆ Focus on the command term or the direction e.g “How effective is / To what extent does?”.
- ◆ Prepare a plan – this is your thinking time!! Use the front page of your answer booklet.
- ◆ Clearly indicate whether you are answering (a) or (b) on the front cover of the answer booklet.
- ◆ Timing is vital - you have about 45-50 minutes for each response.
- ◆ Write legibly but quickly – the amount of content is relevant as you need to give details and explanations.
- ◆ Write formally and avoid being emotive or too judgemental but do give opinion backed up by argument (linked to Acts, cases, media reports, international instruments and documents).
- ◆ The quality of what you write is vital – develop your points of view/arguments.
- ◆ Be concise in your expression. Short sentences and short paragraphs are more effective than long meandering sentences and limited use of paragraphs.
- ◆ Avoid obscure abbreviations (however well-known acronyms are OK).
- ◆ Refer to a range of issues.
- ◆ Use legislation, cases, media reports, treaties, documents ie LAW – it is called Legal Studies!
- ◆ Always directly answer the question given – avoid rote learned answers.

Key words in questions – what they really mean!

PAST HSC QUESTIONS

YEAR	HUMAN RIGHTS QUESTIONS	CRIME QUESTION
2021	21. Define human rights. (2) 22. How are environmental rights recognised? (2) 23. Using an example, describe the relationship between state sovereignty and human rights. (4) 24. Discuss the effectiveness of Australian legal responses in enforcing human rights. (7)	'The legal system focuses on punishing offenders rather than preventing crime.' Assess this statement in reference to achieving justice through criminal processes and institutions. (15)
2020	21. How has the International Covenant on Civil and Political Rights contributed to the development of human rights? (3) 22. Explain the role of intergovernmental organisations in enforcing human rights. Use an example to support your answer. (5) 23. To what extent has compliance with international human rights law been achieved by nations? (7)	To what extent does the criminal trial process reflect the moral and ethical standards of society? (15)
2019	21. Outline how the right to universal suffrage has developed over time. (4) 22. How does the United Nations promote human rights? (4) 23. How effective are international responses in enforcing human rights? In your answer, refer to at least ONE contemporary issue. (7)	Explain how post-sentencing considerations seek to balance community interests and individual rights and freedoms. (15)
2018	21. List TWO features of human rights. (2) 22. Why is self-determination a human right? (2) 23. Explain how the separation of powers can protect human rights in Australia. Use an appropriate example to support your answer. (5) 24. How effective have non-government organisations and the media been in promoting human rights? Use appropriate examples to support your answer. (6)	Discuss the use of discretion in achieving justice in the criminal justice system. (15)

2017	21. Outline how trade unionism can protect labour rights. (3) 22. Describe how the common law in Australia promotes and enforces human rights. Use an appropriate example to support your answer. (4) 23. Evaluate the effectiveness of both legal and non-legal responses to ONE contemporary human rights issue. (8)	‘A court’s decision whether to allow an accused person bail or to hold them in remand reflects the tension between community interests and individual rights and freedoms.’ Assess this statement with reference to the criminal justice system. (15)
2016	21. Outline how international human rights are incorporated into Australian domestic law. (2) 22. Discuss whether Australia should have a Charter of Rights. (6) 23. ‘The law aims to protect human rights. However, human rights are not always enforced in practice.’ Assess this statement with reference to ONE contemporary issue. (7)	‘The criminal justice system must treat young offenders differently in order to achieve justice.’ To what extent is this statement true? (15)
2015	21. Explain how the Australian Human Rights Commission OR another independent statutory authority promotes human rights. (3) 22. Outline the role of law reform in the abolition of slavery. (5) 23. Compare the contributions of common law and statute law in enforcing human rights. (7)	How effective are domestic and international measures in dealing with transnational crime? (15)
2014	21. Outline how ONE international human rights document contributes to the development of human rights. (3) 22. How are human rights protected by the Australian Constitution? (5) 23. Compare the roles of international and domestic courts in protecting human rights. (7)	Stimulus provided. To what extent does the criminal investigation process balance the rights of victims, suspects and society? (15) In your answer, refer to the above statement.

2013	21. Define <i>peace rights</i>. (2) 22. How is the right to an education protected? (2) 23. How does the United Nations assist in protecting human rights? (4) 24. Explain how changing values have been reflected in the promotion and enforcement of ONE human rights issue. (7)	Assess the role discretion plays in the sentencing and punishment of offenders. (15)
2012	21. What impact does state sovereignty have on the protection of human rights? (3) 22. How has the promotion of ONE contemporary human rights issue been influenced by the media? (5) 23. Discuss how a charter of rights could affect the protection of human rights within Australia. (7)	To what extent are courts the only means of achieving justice within the criminal justice system? (15)
2011	21. Identify TWO non-government organisations that promote human rights. (2) 22. Define the <i>right to self-determination</i>. (2) 23. Outline how ONE human right has been legally recognised. (5) 24. With reference to ONE contemporary human rights issue, explain the role of state sovereignty in enforcing human rights. (6)	Explain the tension between community interests and individual rights and freedoms within the criminal justice system. (15)
SPECIMEN	21. Define <i>state sovereignty</i>. (2) 22. With reference to ONE example, explain how law reform has assisted in protecting human rights. (5) 23. How effective have non-legal responses been in addressing ONE contemporary human rights issue? (8)	To what extent do penalties imposed during the sentencing process achieve justice for victims, offenders and society?

A Glossary of Key Words

This glossary contains key words that appear frequently in Board of Studies syllabuses, performance descriptions and examinations.

The purpose behind the glossary is to help students prepare better for the HSC by showing them that certain key words are used similarly in examination questions across the different subjects they are studying.

It is important to note that examination questions for the HSC will continue to use self-explanatory terms such as 'how', or 'why' or 'to what extent'. While key words have a purpose, they will not set limits on legitimate subject-based questions in examination papers.

Account	Account for: state reasons for, report on. Give an account of: narrate a series of events or transactions
Analyse	Identify components and the relationship between them; draw out and relate implications
Apply	Use, utilise, employ in a particular situation
Appreciate	Make a judgement about the value of
Assess	Make a judgement of value, quality, outcomes, results or size
Calculate	Ascertain/determine from given facts, figures or information
Clarify	Make clear or plain
Classify	Arrange or include in classes/categories
Compare	Show how things are similar or different
Construct	Make; build; put together items or arguments
Contrast	Show how things are different or opposite
Critically (analyse/evaluate)	Add a degree or level of accuracy depth, knowledge and understanding, logic, questioning, reflection and quality to (analyse/evaluate)
Deduce	Draw conclusions
Define	State meaning and identify essential qualities
Demonstrate	Show by example
Describe	Provide characteristics and features
Discuss	Identify issues and provide points for and/or against

Distinguish	Recognise or note/indicate as being distinct or different from; to note differences between
Evaluate	Make a judgement based on criteria; determine the value of
Examine	Inquire into
Explain	Relate cause and effect; make the relationships between things evident; provide why and/or how
Extract	Choose relevant and/or appropriate details
Extrapolate	Infer from what is known
Identify	Recognise and name
Interpret	Draw meaning from
Investigate	Plan, inquire into and draw conclusions about
Justify	Support an argument or conclusion
Outline	Sketch in general terms; indicate the main features of
Predict	Suggest what may happen based on available information
Propose	Put forward (for example a point of view, idea, argument, suggestion) for consideration or action
Recall	Present remembered ideas, facts or experiences
Recommend	Provide reasons in favour
Recount	Retell a series of events
Summarise	Express, concisely, the relevant details
Synthesise	Putting together various elements to make a whole
Give an Example	Do exactly that and no more, but make sure it is specific to the rest of the question
What	Asking for more information, specifying something; marks will determine the extent of detail required
How	In what way or manner; by what means
Why	For what reason or purpose
To what extent	How much, to what degree or how many

Judging effectiveness in Legal Studies

- ◆ Questions such as Evaluate / Assess / Discuss/ To what extent/ Compare and contrast / How may be used in conjunction with the word 'effectiveness'.
- ◆ Addressing the 'effectiveness' requirement utilises higher order THINKING skills. It is essential if you are aiming for Bands 5 or 6.
- ◆ The trend is for a top category response in the marking guidelines to make an informed judgement ie you must explain what the law is and what purpose it serves.
- ◆ Comment on the legal (and non-legal) measures – analyse and evaluate why the law is what it is and how it works.
- ◆ Develop an argument/point of view – evaluate / demonstrate understanding and awareness of implications / deal with effectiveness. The use of legislation, cases, media reports / issues, documents adds weight to what you are saying.
- ◆ Refer to criteria for evaluation / assessment. Give a value to this criteria – eg poor; limited; significant.
- ◆ Criteria to use in measuring effectiveness:

Community standards

Accessibility

Resource efficiency

Equality

Balance of rights

Enforceability

Appeals and review

Rights of individual

Protection/recognition of rights

Equality

Enforceability

Resource Efficiency

Justice

Accessibility – cost and time

Meeting society's needs

Rule of law

International law

Responsiveness of the law

You should integrate these concepts as the standard by which the effectiveness of the law is judged. You can also refer to other criteria such as the purposes of punishment for example.

Structuring a coherent response in Legal Studies

When responding in Legal Studies the following format is a simple guide to how to write a paragraph when answering an examination question.

Remember the question will tell you what to do – the directive verb (describe, explain, assess etc) and how much to write.

Follow the **PEEL** principle:

Point – what is the area / issue you will be discussing in this paragraph

Explanation – provide details.

Examples/Evidence – tie in an example to support the points you are making. Use LAW (legislation, cases, media reports, treaties/conventions and expert opinions).

Link– to the topic / question – how is this point relevant to the issue of the question

SYLLABUS TOPIC:

NAME & LCMID	DESCRIBE	EXPLAIN & ANALYSE	CRITICALLY ANALYSE		EVALUATE/CONCLUDE
Identify the key content & LCMID	What are the characteristics?	What is the significance or main purpose? And, what are the key relationships?	Using the “themes & challenges” - what are the positive aspects? Prove it.	Using the “themes & challenges” - what are the negative aspects? Prove it.	So overall, how effective is it?
THESIS (Combine your evaluation/conclusion for each point into a statement which addresses the question as a whole)					

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