

## 2008 PRE-TRIAL HIGHER SCHOOL CERTIFICATE EXAMINATION

### LEGAL STUDIES – MARKING GUIDELINES

The sample answers indicate features that should be found in a response that receives full marks. For the extended response questions, a set of guidelines is included rather than a sample answer.

#### Section I

##### Part A – 15 marks

Questions 1-15 (1 mark each)

Question	Correct Response	Outcomes Assessed
1	C	2.1
2	A	2.1
3	B	2.1
4	A	3.1
5	C	3.1
6	B	2.1
7	A	3.2
8	C	2.1
9	D	2.1
10	C	2.1
11	B	1.2
12	D	2.1
13	B	3.3
14	D	3.1
15	B	2.3

#### Section I

##### Part B – 10 marks

##### Question 16

(a) (2 marks)

*Outcomes Assessed: 2.1*

*Targeted Performance Bands: 3-4*

Criteria	Mark
• Accurate definition of common law	2
• Some accurate information related to common law	1

(b) (3 marks)

*Outcomes Assessed: 2.2*

*Targeted Performance Bands: 3-4*

Criteria	Mark
• Clearly and accurately indicates 3 main features of the civil law system	3
• Clearly indicates 2 features	2
• Indicates one feature	1

(c) (5marks)

**Outcomes Assessed: 3.1**

**Targeted Performance Bands: 4-5**

Criteria	Marks
<ul style="list-style-type: none"><li>Succinct, logical and accurate response that clearly explains the development of the Australian legal system</li><li>Reference to at least 2 statute/common law examples</li></ul>	5
<ul style="list-style-type: none"><li>Generally an accurate response that identifies some points relevant to the development of the Australian legal system</li><li>Reference to at least 2 statute/common law examples</li></ul>	3-4
<ul style="list-style-type: none"><li>Makes general statements about the history of the Australian legal system</li><li>Reference to a statute/common law example</li></ul>	1-2

## Section II

**Question 17** (25 marks)

**Outcomes Assessed: 3.1,3.4,4.2**

**Targeted Performance Bands: 2-6**

(a)

Criteria	Marks
<ul style="list-style-type: none"><li>Identifies TWO of: security classification, protective custody, parole</li></ul>	2
<ul style="list-style-type: none"><li>Identifies ONE of: security classification, protective custody, parole</li></ul>	1

(b)

Criteria	Marks
<ul style="list-style-type: none"><li>Briefly explains TWO of: changing social values and composition of society, failure of existing law, new concepts of justice, international law, new technology</li></ul>	3-4
<ul style="list-style-type: none"><li>Sketches in general terms ONE of: changing social values and composition of society, failure of existing law, new concepts of justice, international law, new technology</li></ul>	1-2

(c)

Criteria	Marks
<ul style="list-style-type: none"><li>Demonstrates clear understanding of the role of the sentencing process</li><li>Provides relevant points for and/or against the way the sentencing process balances interests of accused and society</li></ul>	6-7
<ul style="list-style-type: none"><li>Demonstrates some understanding of the role of the sentencing process</li><li>Provides some points for and/or against the sentencing process with reference to the interests of accused and/or society</li></ul>	4-5
<ul style="list-style-type: none"><li>Makes general statements about the sentencing process</li><li>May or may not refer to accused and/or society</li></ul>	1-3

(d) With reference to ONE criminal justice issue, assess the efficiency and the effectiveness of various forms of legal measures in achieving justice.

Criteria	Marks
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<ul style="list-style-type: none"> <li>• Critically assesses the efficiency and the effectiveness of a wide variety of legal measures in achieving justice, clearly referring to ONE criminal justice issue.</li> </ul>	10-12
<ul style="list-style-type: none"> <li>• Assesses the efficiency and the effectiveness of some legal measures in achieving justice, referring to ONE criminal justice issue.</li> </ul>	7-9
<ul style="list-style-type: none"> <li>• Describes the efficiency and the effectiveness of some legal measures in achieving justice, referring to ONE criminal justice issue.</li> </ul>	4-6
<p>Makes a general statement/s about the efficiency and/or effectiveness of some legal measures in achieving justice and identifies a criminal justice issue.</p>	1-3

### Section III

**Question 18-25** (25 marks)

*Outcomes Assessed: H1, H3, H5*

*Targeted Performance Bands: 2-6*

**Questions 18a), 19a), 20a) and 21a)**

CRITERIA	MARKS
<ul style="list-style-type: none"> <li>• Makes a comprehensive judgment based on criteria (explicit or implicit) about the effectiveness of dispute resolution mechanisms in resolving conflict and encouraging cooperation</li> <li>• Integrates references to relevant legal issues</li> <li>• Integrates relevant legislation, cases, media reports, documents and treaties into the response</li> <li>• Presents a sustained, logical and well-structured answer using relevant legal terminology and concepts</li> </ul>	21-25
<ul style="list-style-type: none"> <li>• Makes a judgment using some criteria (explicit or implicit) about the effectiveness of dispute resolution mechanisms in resolving conflict and encouraging cooperation</li> <li>• Makes reference to relevant legal issues, which may/may not be integrated into the response</li> <li>• Uses relevant legislation, cases, media reports, documents and treaties in discussion</li> <li>• Presents a logical and well-structured answer using relevant legal terminology and concepts</li> </ul>	16-20
<ul style="list-style-type: none"> <li>• Makes statements about the way dispute resolution mechanisms resolve conflict and/or encouraging cooperation</li> <li>• Makes some reference to relevant legal issue/s</li> <li>• Cites some relevant legislation, cases, media reports, documents and treaties</li> <li>• Presents a structured answer using relevant legal terminology/concepts</li> </ul>	11-15
<ul style="list-style-type: none"> <li>• Identifies some ways dispute resolution mechanisms resolve conflict</li> <li>• Makes limited reference to legislation, cases, media reports, documents and treaties</li> <li>• Uses some appropriate legal information/terminology</li> </ul>	6-10

<ul style="list-style-type: none"> <li>• Makes a general statement about the law relating to consumers/family/workplace/world order</li> <li>• May make limited reference to supporting examples</li> <li>• Limited reference to legal information/terminology, which may or may not be correct/appropriate</li> </ul>	<b>1-5</b>
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**Questions 18b), 19b), 20b) and 21b)**

<b>CRITERIA</b>	<b>MARKS</b>
<ul style="list-style-type: none"> <li>• Makes a conclusive judgment about the role of law reform in achieving justice</li> <li>• Integrates relevant legislation, cases, media reports, documents and treaties into discussion</li> <li>• Presents a sustained, logical and well-structured answer using relevant legal terminology and concepts</li> </ul>	<b>21-25</b>
<ul style="list-style-type: none"> <li>• Makes a judgment about the role of the role of law reform in achieving justice</li> <li>• Uses relevant legislation, cases, media reports, documents and treaties in discussion</li> <li>• Presents a logical and well-structured answer using relevant legal terminology and concepts</li> </ul>	<b>16-20</b>
<ul style="list-style-type: none"> <li>• Makes statements about the role of the role of law reform in achieving justice</li> <li>• Cites some relevant legislation, cases, media reports, documents and treaties</li> <li>• Presents a structured answer using relevant legal terminology/concepts</li> </ul>	<b>11-15</b>
<ul style="list-style-type: none"> <li>• Identifies some relevant legal information and/or issues</li> <li>• Makes limited references to legislation, cases, media reports, documents and treaties</li> <li>• Presents a general answer which includes some legal terminology</li> </ul>	<b>6-10</b>
<ul style="list-style-type: none"> <li>• Makes a general statement about the law relating to consumers/family/workplace/world order</li> <li>• May make limited reference to supporting examples</li> <li>• Limited reference to legal information/terminology, which may or may not be correct/appropriate</li> </ul>	<b>1-5</b>