

DAPTO HIGH SCHOOL
2009 PRELIMINARY EXAMINATION – LEGAL STUDIES
MARKING GUIDELINES

Section I

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20
C	A	B	A	D	D	B	C	C	B	A	D	D	B	D	A	C	B	A	C

Section II

Question 21(a)

Criteria	Marks
Provides the correct answer.	1

Answers may include: House of Representatives.

Question 21(b)

Criteria	Marks
Correctly identifies TWO other means of challenging State power.	2
Only identifies ONE means of challenging State power.	1

Answers may include: Other means of challenging State power include: media, trade unions, interest groups (including NGO's).

Question 21(c)

Criteria	Marks
Outlines ICAC's functions as well as its authority.	2
Outlines ICAC'S function but does not recognise its authority.	1

Answers may include: ICAC is a statutory, independent body which investigates corruption by public officials (Joshua, Robert) and breaches of public trust (Andrew). It can "search and seize" evidence but it does not actually prosecute.

Question 21(d)

Criteria	Marks
Correctly distinguishes between power and authority. Uses an example from the scenario.	3
Correctly distinguishes between power and authority.	1 – 2

Answers may include: Power is the ability to exert force of control over someone whereas authority is the ability to exert force or control over someone WITH legal backing.
 In this example they have the power to arrest but lack the authority since the drugs were planted.

Question 22(a)

Criteria	Marks
Correctly identifies the main aims of the United Nations.	1

Answers may include: To facilitate cooperation in international law, international security, economic development, social progress, human rights and achieving world peace.

Question 22(b)

Criteria	Marks
Correctly identifies the term 'member state'.	1

Answers may include: A nation, a sovereign state, a country of the world.

Question 22(c)

Criteria	Marks
Correctly outlines the role of TWO bodies.	3 – 4
Only covers ONE "body" OR generally/superficially covers TWO bodies.	1 – 2

Answers may include:

- *General Assembly* – main forum for deliberations;
- *Security Council* – debates resolutions for peace/security with power to send "peacekeepers";
- *Economic and Social Council* – promote cooperation and development re health/science/finance/refugees etc;
- *Secretariat* – daily admin of UN;
- *ICJ* – judicial organ of UN to handle disputes between nations;
- *Trusteeship Council* – oversees territories that do not have self governing status.

Question 22(d)

Criteria	Marks
Provides an outline of ONE source of international law.	2
Only identifies a source OR implied a source within a general statement.	1

Answers may include: Sources of international law include: treaties/conventions, customs/international customary law, legal decisions, legal writings, etc.

Question 23(a)

Criteria	Marks
Accurate identification of key features of Aboriginal customary law.	2
Some reference to features of Aboriginal customary law.	1

Answers may include: Spiritual link to the land; kinship; ritual and oral tradition; payback

Question 23(b)

Criteria	Marks
Clear explanation of the link between measures such as circle sentencing and customary law.	2
Some reference to customary law and circle sentencing.	1

Answers may include: Stresses the importance of the community – made to account for actions within that community especially Elders.

Question 23(c)

Criteria	Marks
<ul style="list-style-type: none"> • Clear and accurate understanding of a range of benefits. • Specific relation to Aboriginal peoples needs and issues. • Consistent use of legal terminology. 	3 – 4
Some understanding of benefits which relate to Aboriginal peoples needs or issues.	1 – 2

Answers may include: Range of benefits – effective, accountable, tailored to Aboriginal communities, reflect values/morals; some degree of self determination

Question 24(a)

Criteria	Marks
Accurate identification of legal sources.	1

Answers may include: Statue/legislation

Question 24(b)

Criteria	Marks
Provides a clear understanding of the importance of freedom of information.	2
Shows some understanding of freedom of information.	1

Answers may include: To hold government to account; know what their rights are and if they have been infringed.

Question 24(c)

Criteria	Marks
<ul style="list-style-type: none"> • Accurately describes formal measures relevant to challenging government decisions. • Shows clear understanding of the measures identified. 	3
<ul style="list-style-type: none"> • Describes formal measures relevant to challenging government decisions. • Use of legal terminology. 	2
Some reference to challenging state power.	1

Answers may include: Formal means include: courts, administrative appeals tribunal, ombudsman

Section III

Question 25

Criteria	Marks
<ul style="list-style-type: none">• Identifies the relevant FOCUS GROUP.• Uses examples to clearly illustrate the limitations of legal measures in addressing disadvantages.• Uses examples to clearly illustrate the nature of disadvantages and struggles for justice that face members of this group.• Comprehensively assess how effectively BOTH legal and non-legal measures have been in achieving justice for this focus group.• Integrates relevant legislation, documents, treaties, cases or media reports into the response.• Presents a sustained, logical, and well-structured response using relevant legal terminology.	21 – 25
<ul style="list-style-type: none">• Identifies the relevant FOCUS GROUP.• Uses examples to illustrate the limitations of legal measures in addressing disadvantages.• Uses examples to illustrate the nature of disadvantages and struggles for justice that face members of this group.• Assesses how effectively BOTH legal and non-legal measures have been in achieving justice for this focus group.• Uses relevant legislation, documents, treaties, cases or media reports into the response.• Presents a logical and well-structured response using relevant legal terminology.	16 – 20
<ul style="list-style-type: none">• Identifies the relevant FOCUS GROUP.• Attempts to use examples to illustrate the limitations of legal measures in addressing disadvantages.• Attempts to use examples to illustrate the nature of disadvantages and struggles for justice that face members of this group.• Describes BOTH legal and non-legal measures that have been introduced that aim to provide justice for this focus group with limited reference to their effectiveness (or assess the effectiveness of the LEGAL or NON-LEGAL measures without adequate coverage of the other).• Refers to relevant legislation, documents, treaties, cases or media reports into the response.• Presents a structured response using relevant legal terminology.	11 – 15
<ul style="list-style-type: none">• General discussion of the injustices faced by a particular FOCUS group.• Limited discussion of the legal and non-legal measures that have attempted to address the injustices.• Limited or generalised reference to cases, legislation, treaties, media reports.• Uses some appropriate legal terminology.	6 – 10
<ul style="list-style-type: none">• Superficial discussion of the injustices faced by a particular FOCUS group.• Limited reference to cases, legislation, media reports, treaties, etc.• Little or no coverage of legal and non-legal measures used to address these injustices/disadvantages.• Limited reference to legal information, terminology or appropriate examples.	1 – 5