2011 Senior External Examination

Legal Studies
Paper Two — Question book

Time allowed

- Perusal time: **10 minutes**
- Working time: **3 hours**

Examination materials provided

- Paper Two — Question book
- Paper Two — Response book

Equipment allowed

- QSA-approved equipment
- research task material completed during the year
  (for use when responding to Part A Section 2 — Rights and responsibilities)

Directions

You may write in this book during perusal time.

Paper Two has **two** parts:

- Part A — You, the Law and Society
  Attempt **two** questions **only** (one from **Section 1 — Family** and one from **Section 2 — Rights and responsibilities**)
- Part B — Law in a Changing Society
  Attempt **one** question **only**

Suggested time allocation

- Part A Section 1 — Family: 60 minutes
  Section 2 — Rights and responsibilities: 60 minutes
- Part B: 60 minutes

Assessment

Assessment standards are at the end of this book.

After the examination session

The research task material will be collected by the supervisor.
Take this book when you leave.
Planning space
Part A — You, the Law and Society

Section 1 — Family

Choose one question from Section 1 — Family and respond in essay form.
Your response should be approximately 600 words in length.
Write your response in the response book.
Suggested time allocation: 60 minutes.

Either

Question 1 — Marriage

The law governing marriage in Australia has been the subject of much debate over recent years. How well does the current law relating to marriage cater for the diversity of Australian society?
In your response, consider eligibility to marry, the requirements for a legal marriage, and changing social attitudes towards marriage. What changes to the law, if any, would you recommend? Use examples where appropriate.

or

Question 2 — De facto relationships

In recent years, de facto relationships have become more common. Professor Patrick Parkinson, a university law professor, warned that amendments to laws mean that people, when in de facto relationships, are automatically treated as married.
Examine how the law treats de facto relationships. In particular, discuss how recent legislation affects married couples compared with de facto couples, whether adequate protection exists for each group, and whether legislative change reflects changing societal attitudes.

or

Question 3 — Domestic violence

Domestic violence is the term used to describe violence that occurs within the family. It includes physical and sexual violence, threats, and emotional and psychological abuse, and damage to property.
Evaluate how well Queensland’s domestic violence legislation helps victims of such violence. What changes, if any, should be made to the existing law?

End of Section 1

Part A continues overleaf
Section 2 — Rights and responsibilities

You were required to complete a research task during the year, and bring your research material into the examination room. The research material must be used in your response to one of the essay topics below. Although the research material itself will not be assessed by markers, it must be handed in to the supervisor at the end of the examination.

Choose one question from Section 2 — Rights and responsibilities and respond in essay form.

Your response should be approximately 600 words in length.

Write your response in the response book.

Suggested time allocation: 60 minutes.

Either

Question 1 — Bill of Rights

Recently an Australian Government committee recommended that the following civil and political rights be included in any federal Human Rights Act:

- the right to freedom from forced work
- the right to freedom of movement
- the right to privacy and reputation
- the right to vote
- the right to freedom of thought, conscience and belief
- the right to manifest one’s religion or beliefs
- the right to freedom of expression
- the right to peaceful assembly
- the right to freedom of association
- the right to marry and found a family
- the right of children to be protected by family, society and the State
- the right to take part in public life
- the right to property
- the right to liberty and security in prison
- the right to humane treatment when deprived of one’s liberty
- the right to due process in criminal proceedings
- the right not to be tried or punished more than once
- the right to be compensated for wrongful conviction.

Evaluate the following statement, referring to one or more of the recommended rights.

Australia needs a “Bill of Rights” to safeguard our personal freedoms. In these times of uncertainty, we need to ensure that the basic rights of Australian citizens are not threatened.
Question 2

Does Queensland’s current residential tenancy legislation appropriately balance the rights and responsibilities of lessors and tenants? Critically review how the law attempts to balance rights with responsibilities of both parties. Provide examples.

End of Section 2

End of Part A
Part B — Law in a Changing Society

Choose one question from Part B — Law in a Changing Society and respond in essay form.

Your response should be approximately 600 words in length.

Write your response in the response book.

Suggested time allocation: 60 minutes.

Either

Question 1

Crime rates are on the increase. A strong stance is needed to curb this breakdown in our community for the benefit of our future and our children’s future. We should increase the punishment handed down to criminals in today’s society. That is the only way to reduce crime rates and return order to our world.

Do you agree with the statement above? Should Queensland get tougher on crime and give criminals longer mandatory sentences in prison? Is this the solution to reducing crime rates in Queensland? What other reforms could the government introduce?

or

Question 2

Earlier this year, many parts of Queensland were severely affected by damaging floods and cyclones.

What role, if any, should the government play in response to such disasters?

In your response, critically evaluate the balance required between government regulation and individual responsibility in protecting against economic loss resulting from these disasters.

or

Question 3

As society changes, there is a need to make new laws to keep pace. There is a need to change old laws where they are perceived to be unsuitable, inefficient or unjust, in the light of new social attitudes or conditions. Only then can the existing legal system effectively meet the needs of an ever-changing society.

Using your knowledge and understanding of an area of legal change, evaluate whether the change is consistent with the statement above.

End of Part B

End of Paper Two
### Assessment standards from the 2007 senior external syllabus for Legal Studies

#### Paper Two

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<td>Knowledge and understanding</td>
<td>The candidate’s work has the following characteristics:</td>
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<td></td>
<td>• accurate and comprehensive information about key concepts, identifying links to significant aspects of law</td>
<td>• substantial information about most key concepts, identifying significant aspects of the law</td>
<td>• general information about key concepts, identifying relevant aspects of the law</td>
<td>• information about some legal concepts with tenuous links to aspects of the law</td>
<td>• occasional identification of legal concepts, procedures or responses.</td>
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<td>• thorough explanation and recognition of legal issues, with links between knowledge and highly relevant examples.</td>
<td>• significant explanation and recognition of legal issues, illustrated with relevant examples.</td>
<td>• explanation of some legal issues with use of appropriate examples.</td>
<td>• inclusion of some examples related to legal issues.</td>
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<td>Investigation</td>
<td>The candidate’s work has the following characteristics:</td>
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<td>• analysis of legal issues and problems in significant detail</td>
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<td>• consistent selection and application of relevant legal principles and procedures</td>
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<td>• identification of a wide range of relevant legal responses to problems and issues.</td>
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<td>• comprehensive, well-informed critiques of legal issues</td>
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<td>• critiques of legal issues</td>
<td>• description of legal issues</td>
<td>• occasional description of legal issues</td>
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<td>• valid and detailed conclusions about the suitability of legal outcomes</td>
<td>• valid conclusions about the suitability of legal outcomes</td>
<td>• some valid conclusions about the suitability of legal outcomes</td>
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<td>• detailed and convincing justification of reasoned stances on issues of law</td>
<td>• detailed justification of reasoned stances on issues of law.</td>
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<td>• stances taken on issues of law.</td>
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<td>skills</td>
<td>• clear, concise and fluent organisation and presentation of information</td>
<td>• clear and concise organisation and presentation of information</td>
<td>• organisation and presentation of information with some clarity</td>
<td>• presentation of some information</td>
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<td>• proficient use of legal and law-related terminology, definitions and documents</td>
<td>• correct use of legal and law-related terminology, definitions and documents</td>
<td>• use of legal and law-related terminology, definitions and documents, with some inconsistencies</td>
<td>• some use of legal and law-related terminology, definitions and documents</td>
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<td>• proficient use of suitable forms and styles of written communication.</td>
<td>• effective use of suitable forms and styles of written communication.</td>
<td>• use of suitable forms and styles of written communication, with minor lapses.</td>
<td>• some use of forms and styles of written communication.</td>
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Queensland Studies Authority
154 Melbourne Street, South Brisbane
PO Box 307 Spring Hill
QLD 4004 Australia
T +61 7 3864 0299
F +61 7 3221 2553
www.qsa.qld.edu.au

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