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 — Sport)

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 — Sport)
- Part B — Law in a changing society
  Attempt one question only.

Suggested time allocation

- Part A Section 1: 1 hour
  Section 2: 1 hour
- Part B: 1 hour

Assessment

Paper Two assesses the following assessment criteria:

- Knowledge and understanding
- Investigation
- Evaluation
- Communication skills

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: 1 hour.

Either

Question 1 — Marriage

Some hold the view that the law in relation to marriage should reflect not only the traditional view of partnerships but also the changing nature of personal relationships in a family unit.

Does Australian law meet the needs of all members of the family unit? What changes to the law, if any, would you recommend?

In your response, consider the definition of marriage and eligibility to marry.

or

Question 2 — Dissolution of marriage

Australian family law seeks to minimise the conflict and disruption caused to family members on the breakdown of marriage.

Examine how the law determines the end of a married relationship, the care, residence and financial support of children and the division of family assets. Does current legislation adequately protect the interests of all family members?

or

Question 3 — Distribution of property on death

The co-author of a report entitled “Every Player Wins a Prize”, Professor Myles McGregor-Lowndes, commented that legal challenges to wills had become more common and predicted that battles between families and charities would continue to grow as the wealthy generation of baby boomers died over the next few decades.

Evaluate how effectively the law provides a balance of rights between those leaving a will and others who believe they have an entitlement to challenge its provisions.

End of Section 1
Section 2 — Sport

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 — Sport and respond in essay form.

Your response should be approximately 600 words in length.

Write your response in the response book.

Suggested time allocation: 1 hour.

Either

Question 1 — Civil law and sport

Civil law impacts on sport in the areas of:

- contract
- negligence
- trespass to the person
- defamation
- discrimination.

The rapid commercialisation of sport has led to a much greater appreciation of the legal rights and duties involved in the playing of both professional and amateur sport. Critically review how effectively civil law protects all parties. Refer to at least two of the areas listed above.

or

Question 2 — Dispute resolution

When conflicts arise in sport in Australia, there are a range of organisations that attempt to resolve the issues at both a local and national level. These include the Australian Sports Anti-Doping Agency (ASADA), the Court of Arbitration for Sport, the Australian Football League Tribunal and the National Rugby League Judiciary. These organisations operate alongside the traditional court system.

Examine how effectively both judicial and non-judicial organisations provide appropriate solutions to individuals and organisations in dispute. Recommend any necessary reforms to ensure that the rights of all participants and sporting bodies are protected.

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: 1 hour.

Either

Question 1 — Juries

One of Australia’s most senior judges says juries should no longer be used in complex criminal trials. He believes some trials are just too complex for juries. NSW Supreme Court judge, Peter McLellan, says it would be much easier and cheaper to use a panel of assessors to decide on someone’s guilt or innocence. He says the panel of assessors could sit alongside a judge or even a panel of judges.

On the other hand, the president of the NSW Council of Civil Liberties, Cameron Murphy, says we should stick with juries. “The danger of getting rid of jury trials is that there will be a perception that someone who is an elite judge is going to be deciding matters, someone that may not be in touch with the ordinary community”, he said.

Discuss the strengths and weaknesses of these opposing views. Make a decision about the suitability of reducing the use of juries in complex criminal trials.

or

Question 2 — Bill of Rights

In all free nations such as Australia, freedom of speech and expression is seen as a fundamental right essential to the democratic process. Many nations protect this right through a Bill of Rights. Instead, in Australia, the principle of free speech is found in a mix of common law principles, the Constitution and various statutes.

Consider the adequacy of individual rights as they now exist. Does Australia need to introduce a Bill of Rights?

or

Question 3 — Justice, equity and fairness

In an attempt to provide a justice system which is accessible to all, three courts were added to the Queensland courts system: the Federal Magistrates Court (which hears mainly family law matters), the Drug Court, and the Murri Court (now disbanded).

Critically review the ability of such courts to focus on the needs of minority groups and groups with special needs. Make any recommendations that you believe would improve the effectiveness of the Queensland court system.

End of Part B

End of Paper Two
### Assessment standards from the Legal Studies Senior External Syllabus 2007 (amended 2009)

#### Paper Two

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<tbody>
<tr>
<td><strong>Knowledge and understanding</strong></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>• information about some legal concepts</td>
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<td></td>
<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>
<td>• inclusion of some examples.</td>
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<td><strong>Investigation</strong></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>
<td>• analysis of legal issues and problems in considerable detail</td>
<td>• some analysis of legal issues and problems</td>
<td>• identification of some legal issues and problems</td>
<td>• occasional identification of some legal issues and problems</td>
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<td>• consistent selection and application of relevant legal principles and procedures</td>
<td>• in the main, selection and application of relevant legal principles and procedures</td>
<td>• selection and application of some relevant legal principles and procedures</td>
<td>• selection of some legal procedures</td>
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<td>• identification of a wide range of relevant legal responses to problems and issues.</td>
<td>• identification of a range of relevant legal responses to problems and issues.</td>
<td>• identification of some relevant legal responses to problems and issues.</td>
<td>• identification of some legal responses to problems and issues.</td>
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<td><strong>Evaluation</strong></td>
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<td>• comprehensive, well-informed critiques of legal issues</td>
<td>• informed critiques of legal issues</td>
<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>
<td>• some conclusions about legal outcomes</td>
<td>• some conclusions about 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>
<td>• some justification of stances on issues of law.</td>
<td>• stances taken on issues of law.</td>
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<td><strong>Communication skills</strong></td>
<td>The candidate's work has the following characteristics:</td>
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<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>
<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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