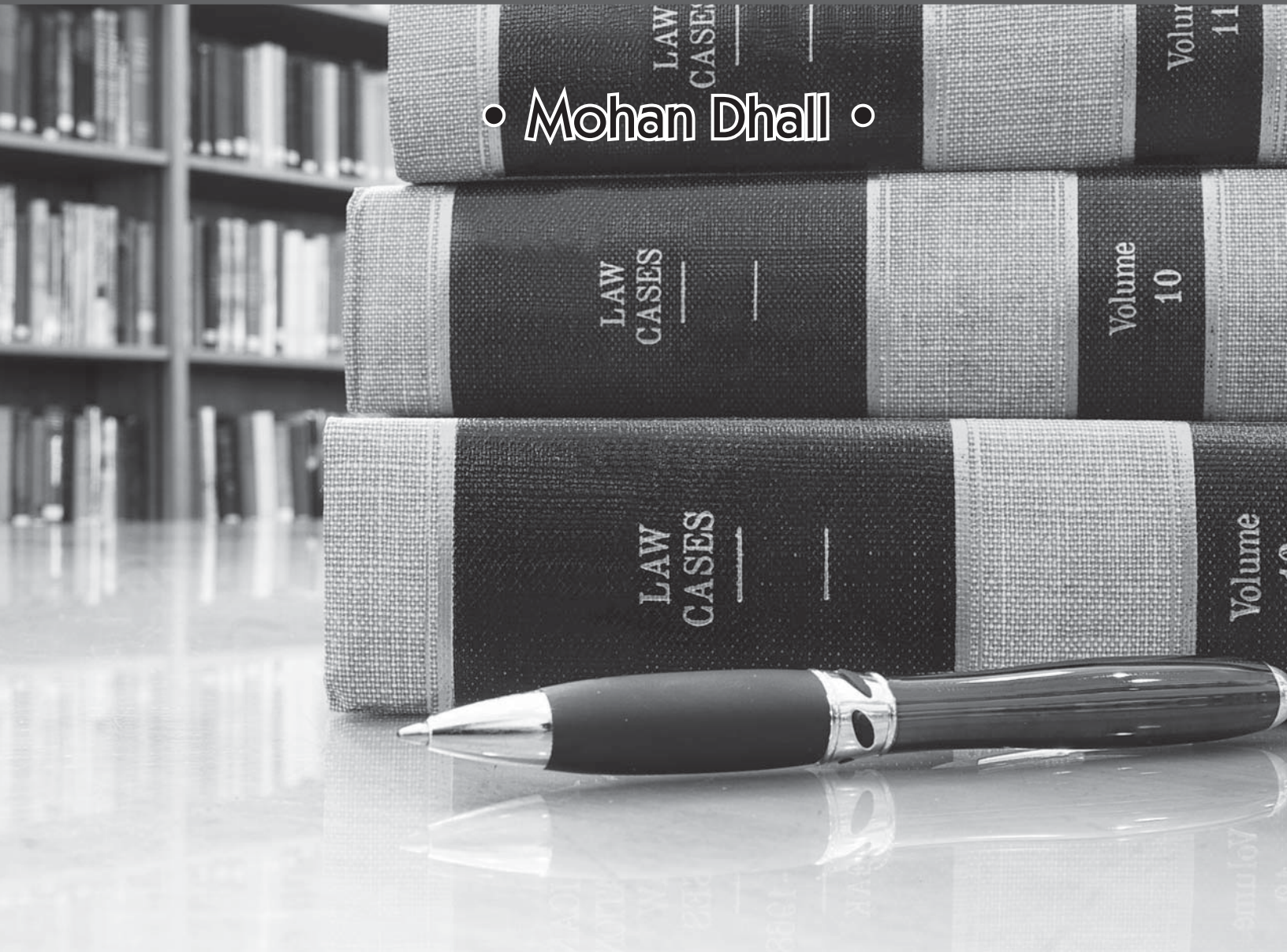


DOT POINT

HSC LEGAL STUDIES

◦ Mohan Dhall ◦



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Notes

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Introduction

What the book includes

This book provides questions and answers for each dot point in the Board of Studies syllabus for the following topics in the Year 12 Legal Studies course.

- Crime
- Human Rights
- Consumers
- Family
- Workplace
- World Order

Format of the book

The book has been formatted in the following way:

1. Main topic statement from syllabus.

1.1 Syllabus requirement.

1.1.1 First question for this syllabus requirement.

1.1.2 Second question for this syllabus requirement.

The number of lines provided for each answer gives an indication of how many marks the question might be worth in an examination. As a rough rule, every two lines of answer might be worth one mark.

How to use this book

Completing all questions will provide you with a summary of all the work you need to know from the syllabus. You may have done work in addition to this with your teacher as extension work. Obviously this is not covered, but you may need to know this additional work for your school exams.

When working through the questions, write the answers you have to look up in a different colour to those you know without having to research the work. This will provide you with a quick reference for work needing further revision.

Verbs to Watch

account, account for

State reasons for, report on, give an account of, narrate a series of events or transactions.

analyse

Identify components and the relationships among them, draw out and relate implications.

apply

Use, utilise, employ in a particular situation.

appreciate

Make a judgement about the value of something.

assess

Make a judgement of value, quality, outcomes, results or size.

calculate

Determine from given facts, figures or information.

clarify

Make clear or plain.

classify

Arrange into classes, groups or 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 an analysis or evaluation.

deduce

Draw conclusions.

define

State the meaning of and identify essential qualities.

demonstrate

Show by example.

describe

Provide characteristics and features.

discuss

Identify issues and provide points for and against.

distinguish

Recognise or note/indicate as being distinct or different from, note difference between things.

evaluate

Make a judgement based on criteria.

examine

Inquire into.

explain

Relate cause and effect, make the relationship 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.

predict

Suggest what may happen based on available data.

propose

Put forward a point of view, idea, argument or 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

Put together various elements to make a whole.

Crime

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World Order

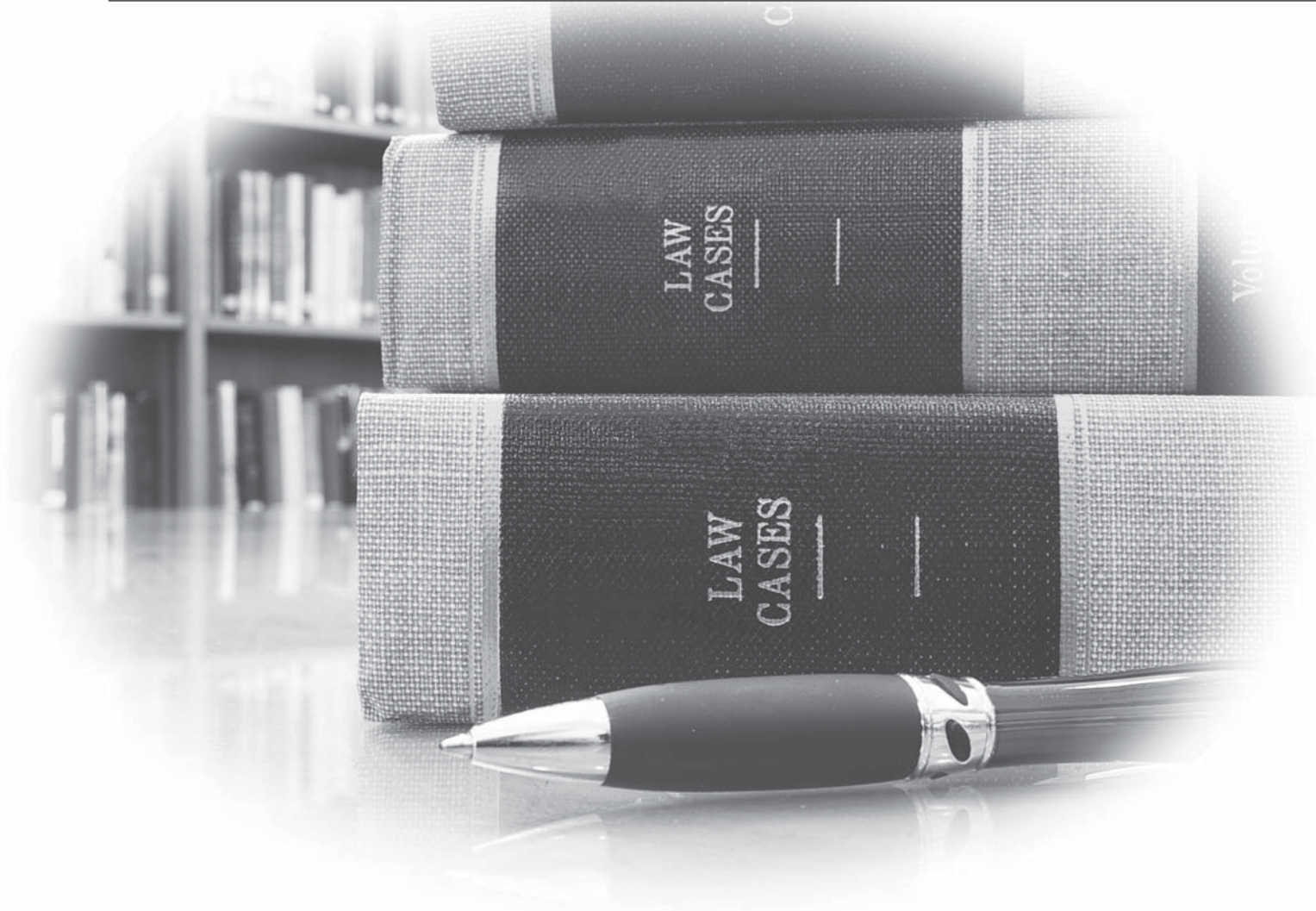
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Crime



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1. The nature of crime.

1.1 The meaning of crime.

1.1.1 Define crime.

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1.1.2 Outline each of the following elements of the definition of crime.

Act or omission

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Injurious to the public

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Punishable by the state

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In proceedings brought in the name of the state

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1.1.3 Explain the general purpose of criminal laws.

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1.1.4 Outline the importance of each of the following statutes.

Crimes Act 1900 (NSW)

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Summary Offences Act 1988 (NSW)

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Crimes Act 1914 (Cth)

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Criminal Code Act 1995 (Cth)

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1.1.5 Identify two problems arising with respect to inconsistencies in criminal laws between the states and territories.

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1.1.6 Why are criminal laws written into statute?

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1.1.7 Distinguish between statute law and common law as sources of criminal law in Australia.

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1.2 The elements of crime: actus reus, mens rea.

1.2.1 Identify two elements of crime.

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1.2.2 With reference to mens rea, outline the following.

Intention

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Negligence

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Recklessness/reckless indifference

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1.2.3 Explain the conduct or actus reus element of crime with respect to the following.

Intentional act

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Involuntary act (automatism)

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1.2.4 Describe how mens rea may be deduced from actus reus, with reference to two examples.

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1.3 Strict liability offences.

1.3.1 Define strict liability.

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1.3.2 Explain what regulatory offences are.

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1.3.3 Describe two benefits of strict liability offences.

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1.3.4 Identify two issues arising with respect to strict liability offences.

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1.3.5 Outline whether a person can defend a strict liability offence.

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1.3.6 Outline the following strict liability offences.

Speeding

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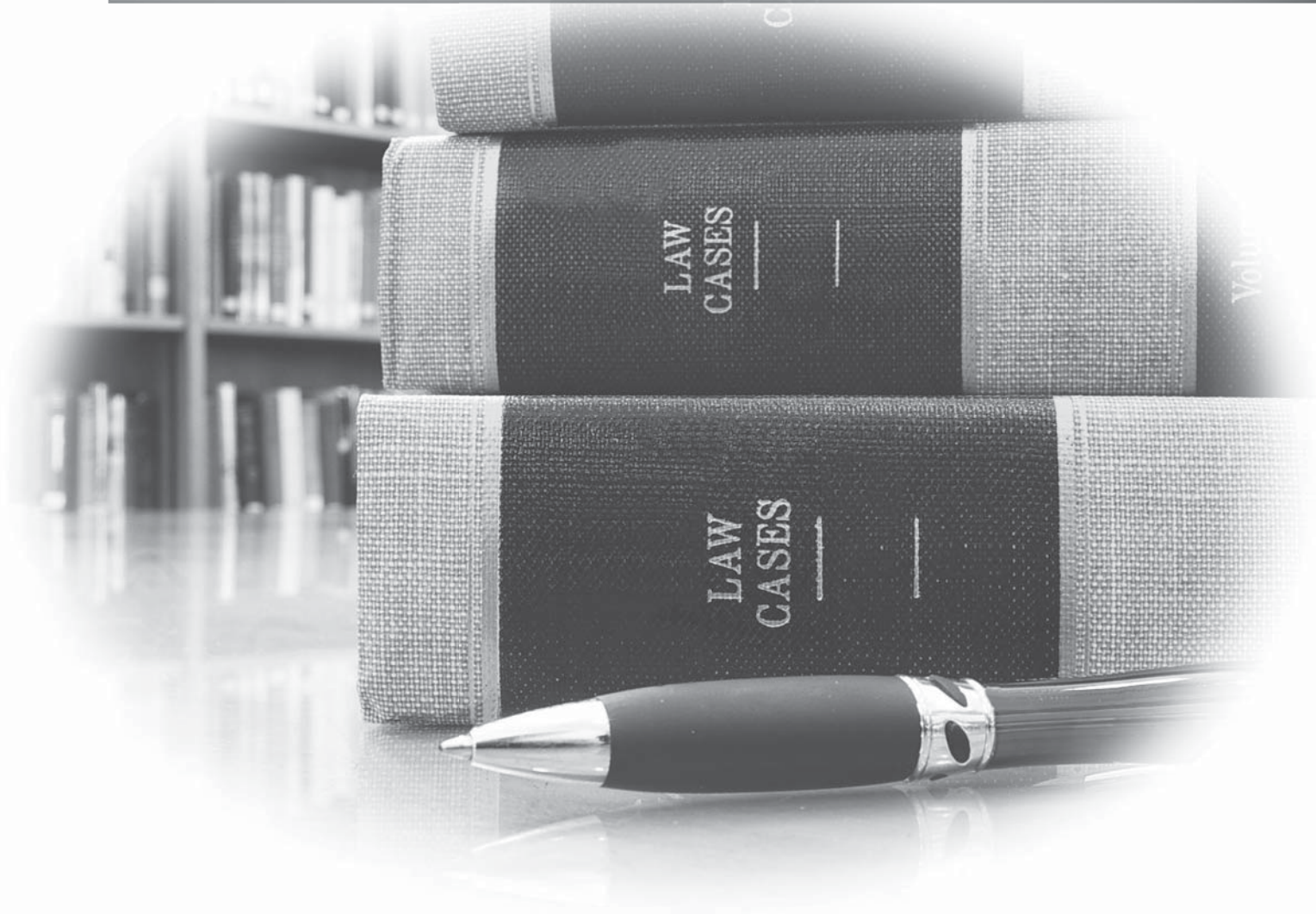
Littering

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Answers



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- 1.1.1** A crime is an act or omission harmful (injurious) to the public and punishable by the state in proceedings brought in the name of the state.
- 1.1.2** Act or omission: the accused did a criminal act or failed to act (omission) when they should have acted.
- Injurious to the public: the act or omission resulted in harm to the public, either to a member of the public directly or public welfare more generally.
- Punishable by the state: the injurious act or omission may be punished by the state through its prosecuting authorities.
- In proceedings brought in the name of the state: the state must initiate proceedings against the accused, on behalf of the victim/society.
- 1.1.3** Criminal laws are intended to create certainty and predictability regarding crime and its punishment, which helps society to feel safe. They should reflect broadly held community values and standards and enable behaviour that is offensive to those standards and community expectations to be punished.
- 1.1.4** *Crimes Act 1900* (NSW): this is the main act that codifies criminal law in NSW. It details most serious crimes and their penalties, including the standard of proof required and any available defences (where codified). This act is amended when the law changes to adapt to changing social and technological influences.
- Summary Offences Act 1988* (NSW): this is the main act that details minor summary offences in NSW. It is amended over time to reflect changing social values.
- Crimes Act 1914* (Cth): this is the original federal law that codified Commonwealth criminal laws and policing procedures for Commonwealth matters. It also incorporates rules on managing evidence and sentencing.
- Criminal Code Act 1995* (Cth): this is the main Commonwealth act that codifies criminal law in Australia, at a federal level. Several state jurisdictions have also passed this code in an effort to unify state criminal laws.
- 1.1.5** Inconsistencies in criminal laws between states present two key problems: inequity and uncertainty. Inequities may develop when some states or territories have laws benefiting residents that other jurisdictions do not. The industrial manslaughter laws in the ACT, for example, are unique in Australia. Uncertainty develops if citizens are unaware or unsure of how the laws differ between states, which may inhibit their behaviour without cause or result in the unknowing commission of crimes.
- 1.1.6** Criminal laws are written into statute so that they are codified in writing, publishable and thus easily communicated. In this way, the law becomes publically available, predictable, certain and known.
- 1.1.7** Statute law is determined by Parliament and tends to codify acts and omissions punishable by the state, whereas common law is derived from the courts and its main contribution to criminal law is defences to crime.
- 1.2.1** Mens rea is the mental element of crime and actus reus is the active or conduct element of crime.
- 1.2.2** Intention: a person must act wilfully and be aware of what they are doing.
- Negligence: a person with a duty of care to another breaches that duty, causing injury.
- Recklessness: a person acts in a certain way indifferent to the potential injury to others, knowing that risk is associated with their behaviour.
- 1.2.3** Intentional act: the act or omission is voluntary, wilful or intended and is therefore a guilty act.
- Involuntary act (automatism): the act is unintentional and involuntary and therefore cannot be a guilty act.
- 1.2.4** The nature of the offending act may suggest the necessary mental element. For example, if a person is seen to hide a weapon and then use it to carry out an armed robbery it should be clear that the accused was thinking about stealing and then did so using force.
- 1.3.1** Strict liability means that the offending act is proof of the offence itself; no mental element is required.
- 1.3.2** Regulatory offences are offences codified in statute law and thus listed in regulations.
- 1.3.3** Strict liability offences clearly demonstrate unequivocal community standards and expectations. They are also easy to enforce.
- 1.3.4** Since strict liability offences treat all people equally, they can actually have a disproportionate effect on people from low socio-economic backgrounds. They may also be over-policed in some areas, affecting some groups of people more than others.