

# Exam Strategies

Suggestions for Legal Studies HSC



# READING TIME

1. Start at the last question (back of exam) – read this first; start considering which answer would be best for you. Focus on the key phrases. Your brain will keep processing the question as you read the rest of the paper.
2. Next, read the crime question. Don't panic if it looks hard. Stay calm and your brain will start working it out.
3. Then, move on to the short answer questions – Human Rights.
4. Read the multiple choice questions LAST. These will give you clues for the crime and human rights questions.

## Question 30 — Workplace (25 marks)

(a) Evaluate the effectiveness of regulation of the workplace in protecting and 25 recognising workplace rights.

OR

(b) Assess the role of law reform in recognising rights and enforcing responsibilities 25 in the workplace. In your response, refer to at least ONE contemporary issue.

## Question 24 (15 marks)

Explain how post-sentencing considerations seek to balance community interests and individual rights and freedoms.

# Examination Paper Timing

## What you are TOLD to do:

### Section I – 20 marks

- Attempt Questions 1–20
- Allow about **30 minutes** for this section

### Section II – 30 marks

This section has two parts, Part A and Part B

- **Allow about 1 hour** for this section

Part A – 15 marks

- Attempt Questions 21–23

Part B – 15 marks

- Attempt Question 24

### Section III – 50 marks

- Attempt TWO questions from Questions 25–31, each from a different Option
- Allow **about 1 hour and 30 minutes** for this section

## What you COULD do:

### Section 1 (Multiple Choice)

**Allow 15 minutes.** Do not get bogged down. Move on if not finished and come back to this section later.

### Section II (Short Answer and Longer Response)

**Allow 50 minutes**

Part A: 15 minutes

Part B: 35 minutes

### Section III (Extended Responses)

**Allow 1 hour 55 minutes**

- Allow 2-3 minutes planning time for each essay (the essay plan could be acronyms and ways or organising your ideas)
- Allow 55 minutes to write each essay

# Writing/working time

- **R – read each question at least twice**
- **U – underline key words**
- **B – bank in the easy marks for the paper first (multiple choice, short answers)**

1. **Draft your essay plans.** You will feel better when you ‘dump’ some of this memorised information onto the page. Keep an eye on the time. Don’t be fussy to make them ‘pretty’ – the markers will focus on the essay. Use them as a tool to organise your ideas. Don’t spend more than 10 minutes on these.
2. **Complete the multiple choice questions.** Put a mark next to any you weren’t sure of – if you have time later, you can revise them. Don’t overthink the questions. Eliminate the obvious wrong answers first. Usually there are two answers very close to being right, but one will be MORE correct.
3. **Draft your crime essay plan** – you have lots of crime terminology in your head now and have had some time to think about the question. Keep an eye on the time.
4. **Complete the short answer human rights questions.**
5. **Write the crime essay.** Crime and human rights are the ‘core’ so need to be done well. Directly answer the question being mindful that you need 15 marks for this essay but 25 for the later ones.
6. **Write the option topic essays.**
7. **Allow time to come back and check your multiple choice responses.**

# HSC Judging

- Regardless of what your teacher or marker at the HSC Marking Centre marked you as, your final band will be determined by the **Judges**.
- The Judges do not know how you were marked – they refer to the ‘Performance Band Descriptions’.
- NESA has published examples of responses in these bands.
- These sample responses are not the high or mid band responses, they are the ‘fingernail’ – responses which ‘just sneak in’ by one mark to each band.
- Your raw HSC Exam mark will be scaled (up or down) to these standards – see the next slide.



# Your Job

- You MUST know what each band looks like to the Judges
- You must also know EXACTLY what you need to do to move up a band – be that fingernail response
- Example:
  - Does your response lack structure (TEEL)? Do you waffle/describe/narrate? Is it the lack of key terminology? Do you have a prepared response in mind, and in doing so fail to engage with the question? Evidence looks 'made up' or not very convincing? No counter-argument? Forget to include an extensive range of law, including international law? Didn't show attention to detail, for example by quoting 'sections' of the law? Forgot to identify jurisdiction, such as (Cwlth) or (NSW)? Abbreviated words and slang? Do you tend to jump to conclusions without really justifying your point? Conclusion weak (no contemporary implications/law reform)? - EVERY STUDENT IS DIFFERENT
- **It might only take one mark to move up a band**
- Subject performance band descriptions can be found at:  
<http://educationstandards.nsw.edu.au/wps/portal/nesa/11-12/stage-6-learning-areas/hsie/legal-studies/pbd>
- The Standards Packages can be found at <https://arc.nesa.nsw.edu.au/go/hsc/std-packs/>

# NESA Performance Band descriptions

## Band 6

- analyses, synthesises and interprets information to evaluate the effectiveness of the **domestic and international** legal system in addressing issues
- demonstrates extensive knowledge and understanding of the operation of the legal system and the **processes involved in law reform**
- synthesises and analyses legal information from a variety of sources including relevant legislation, cases, media, international instruments and documents to support arguments in a **domestic and international context**
- communicates coherent arguments on contemporary issues from **differing perspectives and interpretations**
- communicates an argument using relevant legal concepts and terminology

“extensive knowledge”

“analyses, synthesises and interprets information”

“domestic and international context”

“differing perspectives and interpretations”

# Spot the difference

## **Band 6**

- analyses, synthesises and interprets information to evaluate the effectiveness of the domestic and international legal system in addressing issues
- demonstrates extensive knowledge and understanding of the operation of the legal system and the processes involved in law reform
- synthesises and analyses legal information from a variety of sources including relevant legislation, cases, media, international instruments and documents to support arguments in a domestic and international context
- communicates coherent arguments on contemporary issues from differing perspectives and interpretations

## **Band 5**

- analyses and interprets information to evaluate the effectiveness of the domestic and international legal system in addressing issues
- demonstrates detailed knowledge and understanding of the operation of the legal system and the processes involved in law reform
- uses legal information from a variety of sources including relevant legislation, cases, media, international instruments and documents to support arguments in a domestic and international context
- communicates an argument using relevant legal concepts and terminology

# SPOT THE DIFFERENCE

## **Band 4**

- provides some analysis of information and issues related to the effectiveness of the domestic and international legal system
- demonstrates good knowledge and understanding of the operation of the legal system and the processes involved in law reform
- uses appropriate legal information from sources including legislation, cases, media, international instruments and documents
- uses appropriate legal concepts and terminology

## **Band 3**

- demonstrates some knowledge and understanding of the issues related to the domestic and /or international legal system
- demonstrates some understanding of the operation of the legal system
- makes reference to sources including legislation, cases, media, international instruments and documents
- uses some legal concepts and terminology

CAN YOU **PREDICT** WHAT RESPONSES WOULD LOOK LIKE?

# CAN YOU PREDICT WHAT RESPONSES WOULD LOOK LIKE?

Band	Characteristics
Mid Band 6	This student will do more than just examine the legal information in the question, they will make something new of it.
Fingernail Band 6	This student will display bits and pieces of 'extensive'; sometimes the student will bring new meaning to a legal problem; the student will show glimpses of new perspectives and try to apply law to a contemporary context but wont do this completely and frequently.
Mid Band 5	This student will clearly examine and explain the meaning of legal information, but will tend to draw conclusions without really extending further.
Fingernail Band 5	There will certainly be analysis (otherwise it's a Band 4) but there will only partial interpretation of information; the explanations aren't likely to be consistent.

# YOUR TASK

- Review the performance descriptions
- Write your own performance descriptions for a student achieving at:
  - Mid band 6
  - Fingernail band 6
  - Mid band 5
  - Fingernail band 5
  - Mid band 4
  - Fingernail band 4
  - Mid band 3
  - Fingernail band 3
  - Mid band 2
  - Fingernail band 2

Justify your responses

# Suggested marking criteria areas

<b>Criteria</b>	<b>What it looks Like</b>
Knowledge	Know enough across the Syllabus – wide knowledge
Understanding	Apply the question, use counterarguments
Structure	TEEL, logical, organised
Sources	Supporting the argument, formal, correctly referenced
Communication	Sophisticated, academic, using legal terminology

# Sample Exam

“in the spaces provided”

## Part A – Human Rights

15 marks

Attempt Questions 21–23

Answer the questions in the spaces provided. These spaces provide guidance for the expected length of the response.

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### Question 21 (2 marks)

Define *state sovereignty*.



Four horizontal dotted lines for writing the answer to Question 21. A vertical purple arrow points upwards from the top of the first dotted line towards the question text.

2

2 marks – one  
minute only  
needed

Define = “State meaning and identify essential qualities”

**Question 22 (5 marks)**

With reference to ONE example, explain how law reform has assisted in protecting ~~protecting~~ 5 human rights.

“ONE example”

“explain”

“law reform”

“protecting human rights”

5 marks is half a page. Fill the space given.  
Address the question (not five examples)  
2-3 minutes approximately

**Question 22**

<b>Criteria</b>	<b>Marks</b>
<ul style="list-style-type: none"><li>• Clearly shows the relationship between law reform and the protection of human rights</li><li>• Uses a relevant example</li></ul>	4–5
<ul style="list-style-type: none"><li>• Outlines aspects of law reform and/or the protection of human rights</li><li>• May use an example</li></ul>	2–3
<ul style="list-style-type: none"><li>• Makes a general statement about law reform and/or human rights</li></ul>	1

### Question 23 (8 marks)

How effective have non-legal responses been in addressing ONE contemporary human rights issue?

Notice they are not always using the HSC descriptors. A 'how' question requires a judgement.

You must analyse the non-legal responses, not the legislation, for this question. Case studies, examples and statistics are needed.

8

8 marks is approximately one page. 8 key points are needed. Fill the space given. 6-8 minutes should be all that is needed.

### Question 23

Criteria	Marks
<ul style="list-style-type: none"><li>• Demonstrates a thorough understanding of non-legal responses to ONE contemporary human rights issue</li><li>• Clearly makes a judgement about the effectiveness of non-legal responses</li><li>• Integrates a relevant contemporary human rights issue</li></ul>	7-8
<ul style="list-style-type: none"><li>• Demonstrates some understanding of non-legal responses to ONE contemporary human rights issue</li><li>• Attempts to make a judgement about the effectiveness of non-legal responses</li><li>• Uses a relevant contemporary human rights issue</li></ul>	5-6
<ul style="list-style-type: none"><li>• Makes general statements about non-legal responses about human rights</li><li>• May make reference to a human rights issue</li></ul>	3-4
<ul style="list-style-type: none"><li>• Makes general statements about human rights</li></ul>	1-2

## Part B – Crime

15 marks

### Attempt Question 24

Answer the question in a writing booklet. Extra writing booklets are available.

In your answers you will be assessed on how well you:

- demonstrate knowledge and understanding of legal issues relevant to the question
- communicate using relevant legal terminology and concepts
- refer to relevant examples such as legislation, cases, media, international instruments and documents
- present a sustained, logical and cohesive response

#### Question 24 (15 marks)

To what extent do penalties imposed during the sentencing process achieve justice for victims, offenders and society?

You will not get a 'space' to write within the exam, you will need to use a writing booklet. You need to write four pages or 600 words.

If you have allowed 35 minutes, you can easily write 4 – 5 pages.

"penalties imposed"  
... "sentencing process"

"victims" "offenders" AND "society"

"justice" will need to be defined - the legal principle of upholding generally accepted rights and enforcing responsibilities, ensuring that equal outcomes are achieved for those involved. It requires equality, fairness and access.

"legislation, cases, media, international instruments and documents"

#### Question 24

Criteria	Marks
<ul style="list-style-type: none"><li>• Clearly demonstrates knowledge and understanding of the legal issues relevant to the sentencing process and penalties imposed to achieve justice for victims, offenders and society</li><li>• Clearly makes a judgement about the penalties imposed during the sentencing process to achieve justice for victims, offenders and society in a sustained, logical and cohesive response</li><li>• Communicates integrating relevant legal terminology and concepts supported by relevant examples such as legislation, cases, media, international instruments and documents</li></ul>	13–15

A band 6 is a **sustained response** – it goes on and on ... making sure that it makes the point clearly

It is **logical** (organised)

It is **cohesive** (sticks together) – it doesn't contradict itself, eg agree with itself in the topic and link sentences as well as the introduction and conclusion.

**Example: Don't say:** The sentencing process is only **partially effective**.

Therefore, it can be seen that the sentencing process is **highly effective**.

There are three obvious judgments – **HIGHLY EFFECTIVE**, **MODERATELY EFFECTIVE** OR **PARTIALLY EFFECTIVE** (but there are many ways of saying this)

## Section III — Options

**50 marks**

**Attempt TWO questions from Questions 25–31, each from a different Option**

**Allow 1 hour and 30 minutes for this section**

Answer each question in a **SEPARATE** writing booklet. Extra writing booklets are available.

In your answers you will be assessed on how well you:

- demonstrate knowledge and understanding of legal issues relevant to the question
- communicate using relevant legal terminology and concepts
- refer to relevant examples such as legislation, cases, media, international instruments and documents
- present a sustained, logical and cohesive response

You need to write six pages or 1,000 words. Many students write more than this.

You will need to allow plenty of time for each essay. Five minutes planning time could be invaluable.

**TIP:** During ‘writing’ time, put your hand up and ask for another writing booklet. Write your essay plans on separate, ‘spare’ booklets. Keep the essay plan on separate booklets, so that you do not have to keep flicking back to the essay plans when you are writing your essays. HSC markers are allowed to award marks for the information in the plans but don’t rely on more than one or two marks for these – put your main effort into the essay.

**Question 27 — Family (25 marks)**

(a) *'Society moves ahead and the law limps behind.'*

**25**

Discuss this statement referring to contemporary issues concerning family law.

**OR**

(b) Compare the legal consequences and responsibilities of marriage with those of  
ONE alternative family arrangement.

**25**

**Compare - show how things are similar or  
different**

**"consequences" ...  
"responsibilities"**

**'marriage" ... "one alternative family  
arrangement"**

# 2011 Paper

Question 28 — Family (25 marks)

(a) To what extent have changing values in the community improved the legal rights of parents and children?

OR

(b) Evaluate the effectiveness of the law in achieving justice for parties involved in relationship breakdown.

Your task:

Predict what responses might look like for each of the bands.

Use the standards scripts to help you see what fingernail responses look like for these bands.

# HOW TO WRITE A STRONG EXTENDED RESPONSE

**2015 HIGHER SCHOOL CERTIFICATE EXAMINATION**  
**Legal Studies**

**Section II (continued)**

**Part B – Crime**

**15 marks**

**Attempt Question 24**

Answer the question in a writing booklet. Extra writing booklets are available.

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Your answer will be assessed on how well you:

- demonstrate knowledge and understanding of legal issues relevant to the question
- communicate using relevant legal terminology and concepts
- refer to relevant examples such as legislation, cases, media, international instruments and documents
- present a sustained, logical and cohesive response

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**Question 24 (15 marks)**

How effective are domestic and international measures in dealing with transnational crime?

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# Step 1: Introduction

## General statement

- First of all, make an indisputable general statement about the topic area. This should not be controversial, or a subjective argument. Usually, it is safest to generally describe the topic in a contemporary sense. Example: "**Various domestic and international measures exist which aim to deal with transnational crime**".

## Thesis

- Is it absolutely crucial that you **directly answer the question**. This is not English – do not provide a historical introduction. It is unfortunately common that students simply **describe** the domestic and international measures used to deal with international crime. DO NOT DO THIS. You are telling the marker how effective they are. It is an argumentative, critical response.
- Exactly how effective are domestic and international measures in dealing with international crime? Quantify this – describe precisely what your viewpoint is. Very effective? Not effective at all? Partially effective?
- Whatever your response (and there is not one correct answer, it's all about how good your argument is as a whole!), this is your main line of argument/thesis. Example: "**Domestic and international measures have only been somewhat effective in engaging with, and combatting this type of crime due to \*insert reason\***".

# Outline your argument

- Now that you've outlined your thesis, you have to list the reasons why. You're describing what topics/issues your essay will cover in order to prove your thesis.
- Generally identifying the topic areas is sufficient. You do not need to get into too much depth.
- Example: "**This is evident in the areas of** \*list your topics\*".

## Step 2: Body

### Topics

- As seen in the example above (last sentence), this essay will prove its thesis by exploring a number of points: .... Therefore, your body will have separate paragraphs discussing these.
- This usually means about four paragraphs, with one per section. However, if one of your topics is more easily understood when explained in two paragraphs, there is nothing to prevent you from doing so.
- What is important is making sure you maintain a balanced argument. Don't write six paragraphs on one of your points, and condense the last three into a paragraph. Try to place an equal amount of weight on all your topics.

# Paragraph Structure

- Begin each paragraph with a topic sentence. As in an English essay, this sentence serves to explain what you will cover in the paragraph, and how that relates to the question/your thesis.
- These need to be clear, as they mark the logical progression of your argument.
- Example: **“The difficulty of cooperation between nationals reveals the ineffectiveness of international measures in dealing with transnational crime, which is clearly demonstrated in the prevalence of human trafficking.”**
- After this, you need to explain your idea. There are many acronyms to use, but one is EEE: Explain, Elaborate, Example.
- You don't necessarily have to use this if you're writing perfectly coherent and flowing paragraphs. But for the majority of students, following this structure ensures a good paragraph.
- Lastly, finish your paragraph with a linking sentence, which brings your point back to your thesis.
- Example: **“Therefore, it is clear that international measures to combat human trafficking have not been effective in eliminating transnational crime.”**

# Step 3: Conclusion

- This is where you re-state your thesis, which in other words, is re-phrasing it. Afterwards, re-state the points you have made, for the purpose of reinforcing your original point (thesis).
- For a strong conclusion, add here:
  - Implications/contemporary issues
  - Areas for law reform

**“I USE TEEL STRUCTURE, BUT STILL DON’T GET AN A. WHY?”**

The difference can be:

- Didn’t answer the question
- Sophisticated language/terminology/communication
- Sophisticated sources and convincing examples - move away from “the Daily Telegraph”, towards parliamentary reports, law reform commissions, institutes and research organisations

# How to write strong Short Answer responses

- How to answer Legal Studies Section II Part A short answers is achievable with a clear strategy
- The example below uses the 2015 HSC Legal Studies Exam Paper, the official marking criteria and the example responses to break it all down. The mark of each question is a good indication of how much to write. Students tend to write too much for short response questions. Save the time for your essays!
- There is no real structure for 2-3 mark questions, and can be answered in 2-4 sentences. The longer does not mean the better. All that is required is you hit the two key points we highlighted above.
- A TEE structure is suggested (topic sentence, elaborate/example)

## Question 21 (3 marks)

Explain how the Australian Human Rights Commission OR another independent statutory authority promotes human rights.

3

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# Sample short answer

## Question 21 (3 marks)

Explain how the Australian Human Rights Commission OR another independent statutory authority promotes human rights.

In this question, list 2-3 processes of the AHRC or another independent statutory authority, and link each one to the promotion of human rights.

### ***Sample answer:***

1. Awareness programs
2. Which deal with human rights issues

The Australian Human Rights Commission promotes human rights through awareness programs dealing with human rights issues. In addition the Australian Human Rights Commission prepares and releases reports concerning human rights.

1. Prepares and releases reports
2. Which concern human rights

- Example of a process
- How that is related to human rights

The example response does this twice. This is sufficient. But to be extra cautious, you could give three examples if you can think of another. It is always preferable to lean on the safe side, in case one of your examples aren't entirely strong.

**Question 22 (5 marks)**

**Outline the role of law reform in the abolition of slavery**

**5**

- Outline: explaining the process of law reform which the abolition of slavery has seen in the past
- Abolition of slavery: how that has affected slavery abolition.

Response structure:

- TEE structure. 5-6 mark questions should have an argument, or 'point of view'. Therefore, you need to think of your position on the statement. How has law reform affected the abolition of slavery? Did it assist the abolition of slavery? Hinder it? Had no effect?
- After establishing your argument, **you will need to provide examples or real-life cases which support your point of view.**
- In terms of length, it should generally be the length of the spaces provided. However, the size of writing differs. So a rough word count should be 150-200 words.

- Give this question a try!
- Have you got a strong position statement?
- Have you identified what legal reform occurred?
- Have you identified an actual case?
- Does this case prove that the reform assisted in the abolition of slavery?
- Have you provided an assessment of how effective the reform was?

***Sample answer:***

Law reform has been effective in the movement towards the abolition of slavery. The move to abolish slavery began in the 12th century. The transatlantic slave trade gradually gave way to changing social values and led to law reform to protect individual rights. In addition, France abolished slavery in 1794 and there was a worldwide movement towards abolishing slavery. In the USA, the US Constitution was amended to abolish slavery. This is an example of domestic law reform responding to changing community standards. Slavery was the first human rights issue to raise wide international concern. The Slavery Convention (1926) was the first document to prohibit slavery, with a number of countries ratifying this convention. There was further law reform under the Universal Declaration of Human Rights (UDHR) (1948) and International Convention on Civil and Political Rights (ICCPR) (1966). Despite efforts at law reform, slavery still exists in a number of countries.

- The first **green** sentence is the argument - your general answer to the question, in one sentence. Usually, of a 'yes or no' nature. In this case, we have a 'yes' response – an affirmation of the effectiveness of law reform.
- All the **blue** are examples given. For a 5 mark question, here there are 5/6 responses (depending on if we count the last two conventions as one example). This is a good number to include.
- The **purple** underlines the explanatory parts. As you can see in the example, each of the examples (blue) are supplemented by an explanation (purple).
- The **purple** describes the link between the historical events (blue) and the eventual abolition of slavery. They explain the relation between these examples of law reform and slavery abolition. This is clear when we read into what the purple describes: "changing social values", "worldwide movement", "changing community standards" and "ratification".
- The last **green** sentence makes a short comment on slavery today. This is not entirely necessary, but ties together this longer short response
- (For short responses, a link sentence is not essential (ie, TEE structure can be effective)

# summary

The most important parts to remember are:

- Exam timing - How to attack/time manage the exam
- The Performance Descriptors (what the Judges are looking for)
- How to 'break-down' a question
- The correlation between the marks for a question and how much to write
- Structuring your responses
- How to use evidence, and the frequency of using evidence
- Be detailed and accurate – make it easy for the markers to spot that you stand out

Good luck ...