INTUITION EDUCATION

HSC 2026 · PREDICTED PRACTICE PAPER

2026 HSC Legal Studies

Answers & marking notes

Paper total: 100 marks

Sit the paper first. These are worked answers with the marking notes behind them — what earns the mark, and the traps the marking centre has flagged in past years. Where a note names a band, it describes what a top-band response does, not a guaranteed mark.

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Answers & marking notes

Answers and marking guidance

Section I — answer key

Q	Answer	Rationale (and the flagged confusion the distractors encode)
1	C	Foresight of the risk with indifference is recklessness — a form of mens rea; D (negligence) is the trap for "didn't care".
2	A	Planner absent from the scene = accessory before the fact; lookout present assisting = principal in the second degree. B swaps them — the classic parties-to-a-crime permutation.
3	A	In company aggravates; an early guilty plea mitigates (utilitarian discount).
4	B	Doli incapax is a rebuttable presumption for 10–13-year-olds: the prosecution must prove the child knew the act was seriously wrong (not merely naughty). D encodes "cannot be charged" — the flagged misconception.
5	A	Search of a dwelling without consent generally requires a warrant from an authorised judicial officer — not senior police authorisation (B), the flagged trap.
6	C	Bail turns on unacceptable risk (endangering the community, failing to appear, interfering with witnesses). A encodes the remand-as-bail-factor confusion.
7	D	Charge negotiation's societal benefit is certainty plus efficiency; the victim does not decide (B), and no trial follows a plea (C).
8	A	A judge sitting alone must give reasons for the verdict; a jury never does.
9	A	Prosecution bears the burden; criminal standard is beyond reasonable doubt. C/D encode the civil-standard confusion.
10	B	The VIS is received after conviction and may inform sentencing; A (jury/guilt) is the flagged confusion about when victim input occurs.
11	B	A treatment-program condition prioritises rehabilitation.
12	C	Detaining a still-serving offender beyond the expiry of the sentence by court order is continued detention; D (preventative) is the paired trap flagged since 2019.
13	A	DPP prosecutes indictable matters; Public Defenders represent legally aided accused in serious matters. B/C swap in the police prosecutor (summary matters).
14	B	A formal request to surrender a person to face charges is extradition; deportation (A) is administrative removal — the flagged pair.
15	C	Complementarity: the ICC acts only where the national jurisdiction is unwilling or unable. A and B encode the ICC/ICJ confusions.
16	B	Labour rights sit in ILO conventions and ICESCR (Art 8); the UDHR alone (A) is declaratory.
17	C	Australia's protection is a patchwork of limited constitutional rights, statutes and common law — no comprehensive charter (A), UDHR not directly binding (B), implied rights exist (D).

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Q	Answer	Rationale (and the flagged confusion the distractors encode)
18	A	UN HRC is intergovernmental; Amnesty is an NGO; the AHRC is a domestic statutory body, not an NGO — the IGO/NGO classifier flagged in feedback.
19	D	An enforceable court remedy is enforcement; A–C are promotion/monitoring. Targets the promotion/protection/enforcement conflation.
20	A	State sovereignty is the standing limit on compelling compliance; D misapplies complementarity outside the ICC context.

Question 21 (3 marks) — marking guidance

- 3 marks: traces change over time — e.g. industrial-era suppression of combination, through collective recognition (ILO conventions; ICESCR Art 8 / UDHR Art 23), to domestic statutory protection (e.g. Fair Work framework) — with at least one named instrument or statute.
- 2 marks: outlines some development over time with limited support.
- 1 mark: identifies a relevant feature of labour rights (definition only — the flagged weakness).

Question 22 (5 marks) — marking guidance

- 5 marks: presents developed argument on BOTH sides with accurate features of the current arrangements — for: certainty, justiciable remedies, filling gaps in the constitutional/statutory/common-law patchwork, alignment with comparable jurisdictions; against: parliamentary sovereignty, transfer of power to unelected judges, existing protections adequate and flexible, definitional rigidity — and reaches a considered position or balanced close.
- 3–4 marks: sound arguments both ways with some support, or well-developed one side plus limited other.
- 1–2 marks: identifies an argument or describes rights protection in Australia.
- Watch: confusing express, implied and charter rights caps at 3.

Question 23 (7 marks) — marking guidance

- 6–7 marks: sustained evaluation (judgement woven through, not appended) of BOTH legal responses (e.g. treaties and their incorporation, courts and tribunals, statutory bodies) and non-legal responses (NGOs, media, civil society) against criteria such as enforceability, accessibility and responsiveness, integrated with ONE well-chosen contemporary issue; distinguishes promotion from protection from enforcement.
- 4–5 marks: sound evaluation with an issue, but judgement uneven or one response type thin.
- 2–3 marks: describes responses and/or the issue with minimal judgement (the flagged weakness in 2019/2023/2025).
- 1 mark: identifies a relevant response.

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Question 24 (15 marks) — marking guidance outline

A top-band response:

- makes and sustains an informed judgement of *extent* — the investigation process protects suspects' rights only partially / conditionally — rather than narrating the process;
- covers BOTH named elements: police powers (search and seizure, warrants, detention and interrogation limits, right to silence, bail/remand) AND the exercise of discretion (to stop, search, caution, charge; prosecutorial and bail decisions) — one-limb answers band down (the AND/OR guideline pattern of 2024–2025);
- deploys specific legislation and at least one case; statutory anchors such as the NSW law enforcement powers legislation (LEPRA) and bail legislation are the expected evidence (external-knowledge anchor — verify currency);
- weighs safeguards (warrants from judicial officers, detention time limits, the caution, oversight bodies such as LECC) against community-interest mechanisms (extended detention regimes, preventative powers, bail risk tests);
- avoids the flagged wrong-slot errors: no victim impact statements or sentencing content in an investigation answer; bail distinguished from remand and parole.

Bands (guideline-style outline): 13–15 sustained judgement, both elements, integrated current examples; 10–12 sound judgement, both elements uneven or examples thin; 7–9 describes the process with implied judgement or covers one element well; 4–6 partial description, terminology weak; 1–3 identifies relevant features.

Section III — marking guidance outlines

All option responses are marked against the four printed criteria; top band requires a sustained, integrated judgement with current examples ("dated cases and legislation" is the recurring feedback penalty). Expected top-band evidence by question (LEDs marked ◆ are external-knowledge anchors — real reforms absent from the study pack; verify currency before relying on them):

- **25(a) Consumers — redress:** ACL guarantees and remedies; NCAT accessibility vs Federal Court enforcement; ACCC/ASIC litigation and penalties; class actions; judgement on BOTH courts/tribunals AND government organisations (the 2021(a) flagged weakness).
- **25(b) Consumers — law reform:** BNPL brought under the credit framework◆, scams-prevention legislation◆, unfair contract terms penalties; judged for responsiveness to the digital economy, not narrated chronologically.
- **26(a) GEP — Australia's responses:** Climate Change Act 2022 targets, safeguard mechanism◆, EPBC reform stall◆, ratification practice and the external affairs power; judged against international commitments. Top answers may also apply ESD principles (watch-list realisation).
- **26(b) GEP — law reform:** as above, plus the ICJ advisory opinion on states' climate obligations◆ as the landmark new "court" example; COP outcomes vs sovereignty.
- **27(a) Family — DV:** the NSW coercive control offence◆ (commenced July 2024) as the headline LED, ADVO regime, serious-DV bail changes◆, police and court responses, plus non-legal

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responses (support services, media advocacy); justice judged for victims, including enforcement gaps.

- **27(b) Family — law reform:** Family Law Amendment Act 2023 parenting reforms◆ (repeal of the equal-shared-parental-responsibility presumption), coercive control◆, surrogacy or same-sex recognition as acceptable issues (watch-list realisation).
- **28 Indigenous Peoples:** outside the panel taxonomy (no model predictions); stems are structural-parity only. Markers should apply the standard criteria to the candidate's studied issues.
- **29(a) Shelter — marginal tenures:** boarding houses legislation, residential parks and retirement villages regimes, aged-care accommodation rights; contrasts with mainstream tenancy protection; the breadth the 2019–2021 feedback repeatedly demanded.
- **29(b) Shelter — law reform:** the 2024–25 NSW rental reforms — no-grounds evictions abolished, rent-increase and pet reforms◆ — as the model case study answering the defect flagged in 2023 feedback; social housing initiatives.
- **30(a) Workplace — safety:** WHS Act duties, SafeWork NSW enforcement, industrial manslaughter offence◆, psychosocial hazard regulation◆, workers compensation; effectiveness judged through deterrence and compliance evidence.
- **30(b) Workplace — law reform:** criminalised wage theft◆, right to disconnect◆, gig-economy "employee-like" protections◆, Respect@Work positive duty◆; judged for whether reform recognises rights AND enforces responsibilities.
- **31(a) World Order — global cooperation:** UN Charter mechanisms and P5 veto practice, UNGA action where the UNSC is paralysed, sanctions coalitions, ICJ provisional measures and ICC arrest warrants in current conflicts◆, R2P's limits; success judged, not narrated. Political negotiation, persuasion and force may legitimately carry part of the judgement (watch-list realisation).
- **31(b) World Order — law reform:** treaty development and amendment, Rome Statute practice, sanctions regimes; cooperation successes and failures as the contemporary issue.

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Prediction provenance

Which consensus prediction each part of this paper realises. Full evidence panels: intuitioneducation.com.au/hsc-2026

Paper item	Prediction	Agreement
Section I Q2	`topic-level consensus`	trend call (fable; format lineage 2020/2022/2024/2025) · 3 (fable, opus, gpt-5.6-sol table-format trend)
Section I Q3	`topic-level consensus`	0.62–0.80 · 4 (fable, opus, grok, gemini-3.1-pro)
Section I Q4	`legal-q2-mc-doli-incapax-young-offender`	0.65 · 5 (fable, opus, gpt-5.6-sol, grok, deepseek)
Section I Q5	`topic-level consensus`	0.55–0.72 · 4 (opus, gpt-5.6-sol, grok, fable)
Section I Q6	`topic-level consensus`	0.55 (deepseek) · 3 (deepseek, fable, gemini-3.1-pro)
Section I Q7	`topic-level consensus`	0.46–0.80 · 2 (grok, fable)
Section I Q8	`topic-level consensus`	0.50 (deepseek) · 2 (deepseek, fable)
Section I Q9	`topic-level consensus`	0.72 (gpt-5.6-sol) · 2 (gpt-5.6-sol, fable)
Section I Q10	`topic-level consensus`	0.55 (deepseek) · 1 (deepseek)
Section I Q11	`topic-level consensus`	0.60–0.90 · 3 (deepseek, gemini-3.1-pro, grok)
Section I Q12	`topic-level consensus`	0.55 (opus) · 4 (opus, fable, gpt-5.6-sol, grok)
Section I Q13	`topic-level consensus`	0.45 (opus) · 2 (opus, deepseek)
Section I Q14	`topic-level consensus`	0.50–0.80 · 3 (fable, grok, deepseek)
Section I Q15	`topic-level consensus`	0.50–0.80 · 4 (fable, opus, gpt-5.6-sol, grok)
Section I Q16	`topic-level consensus`	— · pool
Section I Q17	`topic-level consensus`	— · 3 (fable, gpt-5.6-sol, grok)
Section I Q18	`topic-level consensus`	— · 3 (opus, grok, fable)
Section I Q19	`topic-level consensus`	— · 4 (opus, grok, deepseek, fable)

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Paper item	Prediction	Agreement
Section I Q20	`topic-level consensus`	— · 2 (gpt-5.6-sol, grok)
Q21	`legal-q6-hr-labour-slavery-opener`	0.44 · 4 (fable, opus, grok, deepseek)
Q22	`legal-q7-hr-charter-of-rights`	0.41 · 4 (fable, opus, gpt-5.6-sol, grok)
Q23	`legal-q4-hr-7mark-contemporary-closer`	0.52 · 6 (all)
Q24	`legal-q5-er-investigation-rights`	0.53 (+ fable 0.20 / opus 0.28 discretion) · 4 (gpt-5.6-sol, gemini-3.1-pro, grok, deepseek); fable and opus dissent toward discretion — realised as the rider
Q25(a)	`topic-level consensus`	0.30 (fable), 0.55 (gemini-3.1-pro) · 2
Q25(b)	`legal-q3-options-law-reform-stem`	0.55 · 5 (fable, opus, gpt-5.6-sol, gemini-3.1-pro, grok)
Q26(a)	`legal-q10-globals-unused-mandatory-issue`	0.36 · 3 (fable, opus, grok)
Q26(b)	`legal-q3-options-law-reform-stem`	0.55 · 5
Q27(a)	`legal-q9-family-dv-coercive-control`	0.50 · 2 (fable, gemini-3.1-pro)
Q27(b)	`legal-q3-options-law-reform-stem`	0.55 · 5
Q28(a)/(b)	`topic-level consensus`	— · —
Q29(a)	`watch list`	0.22–0.40 · 4 (deepseek, gpt-5.6-sol, fable, opus)
Q29(b)	`legal-q3-options-law-reform-stem`	0.55 · 5
Q30(a)	`legal-q8-workplace-safety-returns`	0.39 · 4 (fable, opus, gpt-5.6-sol, grok)
Q30(b)	`legal-q3-options-law-reform-stem`	0.55 · 5
Q31(a)	`legal-q10-globals-unused-mandatory-issue`	0.36 · 3 (fable, opus, grok)
Q31(b)	`legal-q3-options-law-reform-stem`	0.55 · 5

Built by an AI panel and backtested against the hidden 2025 papers before publication — method at intuitioneducation.com.au/hsc-2026/how-we-did-it. Scored publicly in November 2026. Independent Intuition Education material from publicly available NESA documents; not affiliated with or endorsed by NESA.

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