

Revision Activities

Key Legal Concepts and Features of the Legal System

1. What is a crime?

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2. Outline the following types of crime and provide an example for each.

Offences against persons

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Example:

Economic offences

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Example:

Offences against the State

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Example:

Drug offences

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Example:

Public order offences

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Example:

Traffic offences

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Example:

'Victimless' crimes

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Example:

Preliminary crimes

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Example:

3. Outline how Statute law, Common law and the Constitutional separation of powers contribute to Criminal law.

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4. Complete the following table to summarise the court structure.

Court	Definition / Description	Types of Criminal Cases heard (jurisdiction)	The role of this court
Local Court			
Children's Court			
Drug Court			
District Court			
Supreme Court			
State Court of Criminal Appeal			

High Court			
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5. Outline the following factors that affect the definition of crime and provide an example for each.

Social

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Example:

Economic

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Example:

Genetic

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Example:

Political

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Example:

Self-interest

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Example:

6. Describe what is meant by the following elements of crime.

Mens Rea

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Actus Reus

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Causation

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7. Distinguish between **summary** and **indictable** crimes.

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8. Outline what is meant by the following parties to a crime and provide an example for each.

Principal in first degree

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Example:

Principal in second degree

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Example:

Accessory before the fact

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Example:

Accessory after the fact

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Example:

9. Distinguish between **complete** and **incomplete** defences to a crime.

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10. Describe each of the following defences to a crime, classify them as complete or incomplete and provide an example for each.

Mental illness

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Complete/Incomplete:

Example:

Provocation

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Complete/Incomplete:

Example:

Substantial impairment of responsibility

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Complete/Incomplete:

Example:

Provocation

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Complete/Incomplete:

Example:

Self defence

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Complete/Incomplete:

Example:

Necessity

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Complete/Incomplete:

Example:

Duress

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Complete/Incomplete:

Example:

Consent

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Complete/Incomplete:

Example:

11. Complete the following table to outline the criminal process and the role of discretion.

Section of Process	What Happens at this Stage	Discretion Available and the role of it
Reporting Crime		
Investigation, arrest and charge		
Bail		
Plea, hearing		
Appeals		

12. Outline the role of each of the following personnel in the criminal process.

Police

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Prosecutors

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Defence lawyers

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Magistrates

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Judges

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13. Outline the role of legal aid in Criminal law.

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14. Describe the following types of international crime and provide an example for each.

Crimes committed outside the jurisdiction

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Example:

Transnational crimes

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Example:

Crimes against the international community

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Example:

15. Explain the sources of international law.

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Legal Issues and Remedies

1. Explain how social order is created through **education, regulation and coercion**.

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2. Outline the following crime prevention means and provide an example for each.

Situational

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Example:

Social

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Example:

3. Explain the following purposes of punishment.

Rehabilitation

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Deterrence

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Retribution

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Incapacitation

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Reintegrative shaming

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4. Outline what occurs during the hearing process, describing **evidence**, the role of **prosecutor**, **defence** and the **victim**.
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5. Complete the table to describe the factors affecting the decision during the sentencing process.

Factor	Effect on the Sentencing Process
Circumstances of the offence (<i>objective features</i>)	
Circumstances of the offender (<i>subjective features</i>)	
Aggravating factors	
Mitigating factors	
Judicial Discretion and the limits of	

6. Describe the following penalties for a criminal offence, and provide one advantage and one disadvantage for each.

Fine

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Advantage:

Disadvantage:

Bond

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Advantage:

Disadvantage:

Probation order

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Advantage:

Disadvantage:

Community Service Order

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Advantage:

Disadvantage:

Home Detention

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Advantage:

Disadvantage:

Periodic Detention

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Advantage:

Disadvantage:

Imprisonment

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Advantage:

Disadvantage:

7. Explain why **capital** and **corporal punishment** are no longer available in Australia.

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8. Outline examples of **cruel** and **unusual penalties** that infringe human rights laws.

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9. Describe the post sentencing options, mentioning security classification, protective custody and parole.

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10. Outline how the **International Criminal Court** and **sanctions** deal with international crime.

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11. Describe the role of **extradition** and how it assists to solve domestic and international crime.

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12. Research a current criminal justice issue and assess the efficiency and effectiveness of various forms of legal measures in achieving justice.

Morality, Ethics and Commitment to the Law

1. Define **morality**.

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2. Define **ethics**.

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3. Access the extent to which law reflects moral and ethical standards.

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4. Explain the issue of **compliance** and **non-compliance** to the law.

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Effectiveness of the Law

Complete the following table to describe the factors to be considered when evaluating the effectiveness of law in achieving justice for individuals and society.

For Individuals	
Factor	Meaning
Equality	
Accessibility	
Enforceability	
Resource Efficiency	
Protection	
Recognition of Individual Rights	

For Society	
Factor	Meaning
Resource Efficiency	
Opportunities for Enforcement	
Appeals and Review	
Balance of Individual Rights and values and community rights and values	

Law Reform

1. Complete the following table to compare the agencies of law reform.

Agency	Role in Law Reform	Limitations of Effectiveness
Law Reform Commissions		
Parliament		
Courts		

2. Complete the table to compare the conditions which give rise to law reform.

Condition	Explanation	Effect on Law reform	Example
Changing Social Values			
Changing Composition of Society			

New Concepts of Justice			
Failure of Existing law			
International law			
New Technology			

Key Questions/Issues

- What kinds of behaviour are criminalised? Why?

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- How does the practical operation of the criminal process influence enforcement of the law?

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- Do people show the same respect for all criminal laws? Why?

- Is the adversary system the best system for achieving justice in criminal trials?

- What international instruments have been developed with respect to international crime?
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- What role could be played by an international criminal court?
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- What international instruments and regimes have been developed with respect to extradition?
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- What are the implications of plea bargaining for the notion of justice for the accused, the victim, the community and the efficiency of the court process?
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- How effective are the various forms of punishment in achieving their objectives?
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