

DAPTO HIGH SCHOOL



YEAR 11 LEGAL STUDIES Preliminary Mid-Course Examination 2009

General Instructions:

- Reading time – 5 minutes
- Working time – 1 ½ hours
- Write using blue or black pen
- Write your Student Number/Name at the top of every page

TOTAL MARKS – 90

PART A

Total Marks (40)

Attempt ALL 40 questions, 1 mark for each question

Answer the questions on the multiple choice answer sheet provided

Allow about 30 minutes for this part of the examination

PART B

Total Marks (50)

Attempt ALL 14 short answer questions

Answer the questions in the spaces provided

Allow about 60 minutes for this part of the examination

This paper MUST NOT be removed from the examination room

PART A

40 marks

Attempt ALL questions

Mark your answers on the answer sheet provided

Select the alternative **A, B, C, D** that **best** answers the question

1. Before a referendum can be put to the people of Australia:
 - (A) The State Legislatives must vote on the issue proposed in the referendum
 - (B) The Prime Minister must sign the Bill for holding the referendum
 - (C) Both Houses of Parliament have to pass a bill in favour of holding a referendum
 - (D) Cabinet must vote in favour of the issue proposed in the referendum

2. A member of the judicial arm of government in Australia would be:
 - (A) A High Court Judge
 - (B) Member of Parliament
 - (C) The Commissioner of Taxation
 - (D) The Speaker in the Senate

3. The Australia Act 1986:
 - (A) abolished appeals from the State Supreme Courts to the Privy Council
 - (B) unified the six Australian states into one Commonwealth
 - (C) established the High Court of Australia
 - (D) abolished appeals from the High Court to the Privy Council

4. The most important difference between legal rules and other rules is that:
 - (A) legal rules are backed by sanctions
 - (B) legal rules are recognised by courts
 - (C) legal rules are just
 - (D) legal rules cannot be changed

5. The principle aim of an award of damages in a civil action before a court is to:
 - (A) uphold criminal law as expressed in the Crimes Act
 - (B) punish the offending party via the imposition of criminal sanctions
 - (C) imprison the offending party to ensure that similar behaviour does not occur again
 - (D) compensate the injured party

6. When the Federal Government makes laws about defence, immigration and customs duties, they are examples of:
 - (A) specific powers
 - (B) residual powers
 - (C) concurrent powers
 - (D) judicial powers

7. Delegated legislation is made under power delegated by:
 - (A) common law
 - (B) the Governor
 - (C) courts
 - (D) an Act of Parliament

8. If Jason was charged with assaulting a person in Sydney, his case would be heard in the:
- (A) Local Court
 - (B) Criminal Court of New South Wales
 - (C) District Court
 - (D) Criminal Division of the Supreme Court

9. The High Court of Australia has power to interpret the Commonwealth Constitution.

This power is given to it by:

- (A) Federal Parliament
 - (B) the Queen's representative
 - (C) the Australian Constitution
 - (D) the Westminster System
10. Edwina believes that Bill has defamed her during a public meeting. She intends to take him to court and sue for damages.

In court Bill is referred to as:

- (A) the defendant
 - (B) the prosecution
 - (C) the victim
 - (D) the plaintiff
11. Mr & Mrs Brown are taking legal action against a builder who failed to complete their home satisfactorily. During a severe storm, the foundations moved causing serious structural damage. The Browns are seeking \$200, 000 in compensation.

This case will be heard in:

- (A) the Local Court
 - (B) the District Court
 - (C) the Supreme Court
 - (D) the High Court
12. In a civil case:
- (A) the onus is on the defendant to prove their case beyond reasonable doubt
 - (B) the onus is on the plaintiff to prove their case on the balance of probabilities
 - (C) the onus is on the defendant to prove their case on the balance of probabilities
 - (D) the onus is on the plaintiff to prove their case beyond reasonable doubt

13. The most likely result if the case *Marsh vs. James* is proven is that:

- (A) Marsh will be given a good behaviour bond
- (B) James will have to serve a prison sentence
- (C) Marsh will have to pay a fine and court costs
- (D) James will have to pay damages

14. The case *R vs. Jones*:
- (A) is a civil case in which Jones is the defendant
 - (B) is a criminal case in which Jones is the defendant
 - (C) is a civil case in which Jones is the plaintiff
 - (D) is a criminal case in which Jones is the plaintiff
15. The *obiter dicta* of a case is:
- (A) the reason why it is decided
 - (B) statements of law by the judges that do not strictly apply to the facts of the case
 - (C) the facts of the case
 - (D) the precedents that a case has to follow
16. Slasher Brown is accused of murder.
- His case will most likely to be heard in:
- (A) the Federal Court
 - (B) the Criminal Division of the Supreme Court
 - (C) the Full Court of the High Court
 - (D) the District Court
17. An inquiry into the cause of death of a person who has died in suspicious circumstances is conducted in:
- (A) a magistrates court
 - (B) the city morgue
 - (C) in the Coroner's Court
 - (D) in the District Court
18. A *prima facie* case means that:
- (A) the case is first heard in the Local Court
 - (B) a magistrate is convinced that there is sufficient evidence for a case to be heard in trial
 - (C) a case will only involve primary evidence
 - (D) the police evidence have not established a strong case and so the charged are dismissed
19. Which of the following courts is an example of a federal court?
- (A) the Supreme Court
 - (B) the Land and Environment Court
 - (C) the Family Court
 - (D) the Coroner's Court
20. The method of dealing with legal problems in Community Justice Centres is best described as:
- (A) mediation
 - (B) arbitration
 - (C) adversarial
 - (D) judgemental

- 21.** The role of the Administrative Appeals Tribunal is to:
- (A) investigate the conduct of Parliament
 - (B) hear appeals from local councils about their powers
 - (C) hear disputes concerning decisions made by Government departments
 - (D) hear appeals from public servants concerning discrimination
- 22.** The legal person responsible for presenting evidence against the defendant in a criminal trial is referred to as:
- (A) the Judge
 - (B) the Crown Prosecutor
 - (C) the Queen's Counsel
 - (D) the Court Officer
- 23.** Common law is:
- (A) the body of law developed by parliaments
 - (B) the law that is used to resolve disputes between two parties
 - (C) the law derived by the decisions of judges
 - (D) the legal principles developed by the House of Commons in England after the signing of the Magna Carta
- 24.** A binding precedent is set when:
- (A) Parliament passes mandatory sentencing laws
 - (B) it is established by a higher court
 - (C) a judge has determined that a case is similar to a previous case
 - (D) a judge accepts the advice of a judge from a higher court
- 25.** The parliamentary structure that exists in the Australian Federal Parliament and the New South Wales Parliament is:
- (A) a senatorial system
 - (B) a bicameral system
 - (C) representative democracy
 - (D) a statutory system
- 26.** Which of the following statements best describes a treaty?
- (A) a voluntary agreement between nations
 - (B) an agreement between the leaders of two nations
 - (C) a Bill passed by the United Nations General Assembly
 - (D) resolutions made by the United Nations Security Council
- 27.** The main source of international law is:
- (A) customs that are common to many nations
 - (B) resolutions passed by the United Nations Assembly
 - (C) decisions made by the International Court of Justice
 - (D) international treaties and agreements
- 28.** Delegated legislation is legislation made by:
- (A) non-parliamentary bodies
 - (B) judges
 - (C) law reform commissioners
 - (D) the executive of government

29. The functions of the International Court of Justice include:
- (A) resolving disputes between nations and prosecuting war criminals
 - (B) resolving disputes between nations and enforcing international criminal law
 - (C) resolving disputes between nations and providing legal advice
 - (D) establishing precedent and advising the United Nations
30. Under the federal system of government, power is divided between:
- (A) the executive, parliament, judicature
 - (B) the government and bureaucracy
 - (C) state and federal governments
 - (D) courts and governments
31. Exclusive powers are those that are exercised by:
- (A) the executive
 - (B) the Commonwealth
 - (C) the Governor-General
 - (D) the High Court of Australia
32. The Commonwealth Executive includes:
- (A) the Governor-General and Cabinet
 - (B) the Prime Minister and the Members of Parliament
 - (C) the Prime Minister, the Governor-General and Chief Justice of the High Court
 - (D) the full bench of the High Court
33. As a result of the *Statute of Westminster 1931 (UK)*:
- (A) Australia became a republic
 - (B) Australia had the right to determine its own foreign policy
 - (C) Australians lost the right to appeal to the Privy Council
 - (D) the state parliaments became independent of the British Parliament
34. Darren has been charged with murdering his former girlfriend.
- His trial will most likely take place in the:
- (A) High Court of Australia
 - (B) New South Wales Supreme Court
 - (C) Federal Court of Australia
 - (D) New South Wales Local Court
35. The adversary system involves:
- (A) the use of a jury in all matters
 - (B) the right to have any decision appealed
 - (C) each side presenting their case and testing the opposition's evidence
 - (D) judges cross-examining the witnesses about important facts
36. In Australia the role of a judge in a criminal trial is to:
- (A) advise the jury on points of law and pass sentence
 - (B) determine the innocence or guilt of the defendant
 - (C) ensure that the prosecution and defence have equal time to present their case
 - (D) conduct brief investigations to ensure that the evidence given to the jury is true

37. Which of the following statements is correct?
- (A) In a civil case, the plaintiff must prove the case beyond reasonable doubt
 - (B) In a civil case, the defendant must produce a statement of claim
 - (C) In a civil case, the plaintiff must prove their case on the balance of probabilities
 - (D) In a civil case, the burden of proof lies with the defendant
38. Which of the following statements best describes Legal Aid?
- (A) A right to which every Australian is entitled
 - (B) Available to those people who meet the merit and means test
 - (C) Only available to children
 - (D) Never available except in criminal cases
39. Which statement best describes the role of police?
- (A) The police investigate crimes and decide if there is enough evidence to take a matter to court
 - (B) The police investigate crimes and advise judges on the validity of evidence in civil case crimes
 - (C) The police investigate crimes and punish criminals
 - (D) The police protect society and investigate crimes
40. Which of the following statements most accurately describes why the Mabo case was so important to Australia's legal system?
- (A) The High Court ruled that the declaration of *terra nullius* was not valid
 - (B) The High Court granted all Indigenous people rights over their traditional lands
 - (C) The High Court ruled that indigenous Australians had the right to self-determination
 - (D) The case established the doctrine of *terra nullius*

END OF PART A

PART B

50 marks

Attempt ALL questions

Answer the questions in the spaces provided

	Marks
Question 41 Outline the meaning of a constitution.	2
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Question 42 Explain how the Australian Constitution divides powers between the state and federal Governments. Use examples of this division of powers to illustrate your answer.	6
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Marks

Question 43

Explain what is meant by the *separation of powers* under the Australian Constitution.

2

Question 44

Describe the meaning of International Law.

2

Question 45

Identify four (4) sources of International Law.

4

Marks

Question 46

Describe the relationship or link between Australian Domestic Law and International Law. Use a case study to illustrate your answer.

4

Case Study

Question 47

Explain the difference between summary and indictable offences. In your answer define each term, give an example of each type of offence and state the court that would usually hear each type of offence.

6

Question 48

Outline three (3) distinct features of an adversarial system of trial.

3

Marks

Question 49

Outline two (2) ways in which criminal proceedings in the Children’s Court differ from adult court proceedings.

2

Question 50

Explain the meaning of a *court hierarchy*.

2

Question 51

Explain three (3) reasons for having a court hierarchy in the Australian Legal System.

3

Question 52

Explain the meaning of *court jurisdiction*.

2

Marks

Question 53

Describe three (3) different types of jurisdiction which are exercised by the courts in our legal system. Use examples to describe this concept.

3

Question 54

Identify five (5) different sources of contemporary Australian Law.

5

END OF PART B

END OF EXAMINATION

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YEAR 11 LEGAL STUDIES Preliminary Mid-Course Examination 2009
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Name: Result: $\frac{\quad}{40} + \frac{\quad}{50} = \frac{\quad}{90}$ %

PART A
MULTIPLE CHOICE ANSWER SHEET

Choose the BEST answer and place an X in the space on the grid provided.

	A	B	C	D		A	B	C	D		A	B	C	D
1					16					31				
2					17					32				
3					18					33				
4					19					34				
5					20					35				
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