

## Terminology Review - answers

1. **Law** is the name for the set of rules imposed by the state upon its citizens.
2. Law made by judges is referred to as **common law**.
3. The process by which the colonies of Australia joined to form one nation is called **federation**.
4. Powers which only the Commonwealth parliament has to make laws are known as **exclusive powers**.
5. The theory of the separation of powers splits the responsibilities of government between three 'arms'. These are **Executive, Legislature and Judiciary**.
6. The **High** Court hears disputes over the interpretation of the Commonwealth Constitution.
7. The three elements of Commonwealth parliament are **Governor General, House of Representatives** and **Senate**.
8. The final stage in the process of a bill becoming an act is called **Royal Assent**. It does/**does not** become an operative law at this date.
9. Laws made outside parliament, but under its authority are called **Delegated Legislation**.
10. The principle that every citizen should be entitled to vote at elections for parliament is called **suffrage**.
11. When a rule of common law conflicts with a rule of equity, **the rule of equity** will prevail.
12. The principle of parliamentary sovereignty means **parliament is the supreme law making power**.
13. The system of trial used in Australian courts, based on each party being responsible for the presentation of their own case, with the judge playing a neutral role, is the **adversarial** system.
14. When a judge decided a current case based on similar past decisions, they are said to be applying the doctrine of **precedent**.
15. The rules of equity were originally applied by the **courts of chancery**.
16. A person suing for damages of \$100,000 in NSW should go to the **District** Court.
17. The standard of proof required in a civil case is '**On the balance of probabilities**'.
18. There are two tests that a person may be required to satisfy before legal aid is granted. These are **Merit Test, Means Test**.
19. The name for the general type of law which deals with enforcing rights and duties is **Civil Law**.
20. Laws based on traditions and the way things are usually done in the community is called **Customary Law**.
21. Laws made by parliament are referred to as **Statute Law**.
22. Bicameral parliament consists of **two** houses of parliament. The **Legislative Council** and **Legislative Assembly** are an example of this system.
23. Law which deals with actions between the individual and the state are known as **Public Law**.
24. In a jury trial, what are the representative functions of the judge and jury are **the judge to ask questions of law and the jury to ask questions of fact**.
25. The party who brings an original action in a civil court is the **plaintiff**.
26. The general burden of proof in a criminal trial lies with the **prosecution**.
27. The standard of proof required in a criminal trial is '**Beyond reasonable doubt**'.
28. A person arrested generally has a right to be released on conditions, this is known as **Bail Conditions**.
29. Two different types of remedies available in a civil court are **Compensation/damages** and **Injunctions**.
30. An offence which does not give the defendant the right to a jury trial is called **Summary Offence**.