



CRANBROOK SCHOOL
HISTORY AND LEGAL STUDIES DEPARTMENT

Candidate Number

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LEGAL STUDIES

Year 11 (Preliminary Course)

Term 3 Examination 2005

Time allowed: Two hours (plus five minutes reading time)

Directions to Students

- Complete all sections:
 - Section I – Multiple Choice Questions – 20 marks**
 - Section II – Short Answers – 25 marks**
 - Section III – Extended Response – 25 marks**
- Use the appropriate spaces in the separate Answer Sheet and this examination paper to record your answers.

ATJ, MWM

SECTION I – MULTIPLE CHOICE QUESTIONS

This section is worth 20 marks. Allow 30 minutes to complete this section.

Choose the most correct alternative answer to each of the following questions.

Record the letter of your chosen answer in the appropriate space on the separate Answer Sheet.

1. Bill and Ben keep Vietnamese pigs in their backyard. This is allowed by common law, but is against the by-laws of their local council. If this case goes to court, the court will:
 - (A) apply the common law rule
 - (B) apply the local council by-law
 - (C) decide what is the most equitable
 - (D) not be able to make a decision

2. What is precedent?
 - (A) It is a doctrine of international law.
 - (B) It is a doctrine that is mandatory for police to follow.
 - (C) It is a doctrine that helps achieve consistency in the law.
 - (D) It is a doctrine for interpreting the Australian Constitution.

3. Moi Moi steals and damages a car during a police chase. What is a possible civil outcome of this event?
 - (A) Moi Moi is sent to gaol
 - (B) Moi Moi is fined \$1000
 - (C) Moi Moi is sued by the owner of the car for damages
 - (D) Moi Moi is placed on a good behaviour bond

4. The NSW Parliament passes a law prohibiting smoking in public places. Vijay smokes in a park. Which of the following is true?
 - (A) He cannot be prosecuted because the law is unjust.
 - (B) He cannot be prosecuted because he is unaware of the law.
 - (C) He can be prosecuted because smoking is a health hazard.
 - (D) He can be prosecuted because the law prohibits smoking in a public place.

5. The Commonwealth Government has passed a valid law to require all international passengers arriving in Melbourne to be vaccinated. The Victorian Government has passed a law exempting Commonwealth Games officials from the vaccination requirement. The Victorian law will be
 - (A) invalid because it is inconsistent with the Commonwealth law.
 - (B) invalid because it discriminates in favour of Games officials.
 - (C) valid because it has been passed by the Victorian Parliament.
 - (D) valid because Melbourne will be hosting the Commonwealth Games.

6. Customary Law of Aboriginal and Torres Strait Islander peoples is
 - (A) a result of the Mabo decision.
 - (B) written down in Commonwealth statutes.
 - (C) always applied by federal courts
 - (D) a reflection of tradition and past practices.

7. A formal means of challenging state power is contacting
 - (A) An Ombudsman
 - (B) the Media
 - (C) Members of Parliament
 - (D) NGOs

8. Which of the following statements cannot be applied to common law?
- (A) common law is based on precedent
 - (B) common law is made by the courts
 - (C) common law is made by judges
 - (D) common law is made by the legislature
9. The Friends of Sydney Harbour Bridge decides to challenge informally the decision of the NSW Government to demolish the bridge and replace it with an environmentally friendly tunnel. An informal challenge will
- (A) guarantee success in stopping the proposal.
 - (B) give them the legal right to stop the proposal.
 - (C) be quick, cheap and attract publicity.
 - (D) stop anyone taking the matter to court.
10. The standard of proof in a criminal trial is
- (A) on the prosecution
 - (B) beyond a reasonable doubt
 - (C) on balance of probabilities
 - (D) on the plaintiff
11. The onus of proof in a civil trial is
- (A) on balance of probabilities
 - (B) on the prosecution
 - (C) on the defence
 - (D) on the plaintiff
12. The Supreme Court of NSW hears civil matters for the first time if the value of the claim is in excess of:
- (A) \$40,000
 - (B) \$250,000
 - (C) \$750,000
 - (D) \$1 million
13. The District Court of NSW hears civil matters involving motor vehicle injury claims for the first time if the value of the claim is:
- (A) between \$40,000 and \$250,000
 - (B) less than \$750,000
 - (C) more than \$750,000
 - (D) unlimited
14. A rice grower was granted a court order to stop a factory from dumping toxic waste products into local waterways. This order is called
- (A) an injunction.
 - (B) specific performance.
 - (C) a protection order.
 - (D) a restraining order.
15. The doctrine of separation of powers is about power divided between the
- (A) Supreme Court, Federal Court, and High Court.
 - (B) people, courts, and government.
 - (C) Executive, Judiciary, and Legislature.
 - (D) Local, State, and Commonwealth governments.

16. Damages of \$1.5 million have been awarded in a defamation action in the Supreme Court of NSW. An appeal can be taken to
- (A) the Full Court of the Federal Court of Australia.
 - (B) a single judge of the High Court of Australia.
 - (C) a single judge of the Federal Court of Australia.
 - (D) the Court of Appeal of the Supreme Court of NSW.
17. Under the Australian Constitution residual powers are
- (A) left to the States alone
 - (B) left to the Commonwealth
 - (C) left to the Federal Parliament
 - (D) left to the legislature under s. 1 of the Constitution
18. The power to pass anti-discrimination legislation is an example of a concurrent power held by the Commonwealth and the States. An act to prevent discrimination on the basis of religion in NSW may be passed by
- (A) the Commonwealth Parliament, but only if the NSW Parliament has not exercised the power.
 - (B) both the NSW and Commonwealth Parliaments. The NSW legislation may override the Commonwealth legislation.
 - (C) both the NSW and Commonwealth Parliaments. The Commonwealth legislation may override the NSW legislation.
 - (D) the NSW Parliament, but only if the Commonwealth Parliament has not already exercised the power.
19. Private law includes
- (A) contract law, torts and property law
 - (B) taxation, constitutional and administrative law
 - (C) criminal, public health law
 - (D) all of the above
20. Caitlin is called for jury duty that will occur during her annual holidays. Caitlin ignores the summons and goes overseas. This is
- (A) a breach of her legal duty.
 - (B) her right as a free citizen.
 - (C) a breach of her moral duty.
 - (D) her right as a taxpayer.
21. The role of a magistrate is to:
- (A) use mediation to solve disputes and avoid court action
 - (B) argue the case before the judge
 - (C) hear mostly summary offences and committal hearings
 - (D) prove a *prima facie* case so the matter can go to trial
22. Section 109 of the Constitution deals with:
- (A) inconsistencies between State and Federal laws
 - (B) disagreements between States and the Commonwealth over the meaning of the Constitution
 - (C) the establishment of the High Court of Australia
 - (D) the rules relating to referenda
23. International law only becomes binding in Australia when it is:
- (A) signed by the Prime Minister
 - (B) approved by all the State and Territories
 - (C) the Constitution is amended accordingly
 - (D) it is enacted into domestic law

24. The High Court of Australia has the power to
- (A) amend invalid legislation.
 - (B) hear appeals.
 - (C) appoint all judges.
 - (D) amend the Constitution.
25. The role of a jury in a criminal trial is to determine
- (A) punishment.
 - (B) the facts of the case.
 - (C) the admissibility of evidence.
 - (D) damages.
26. Which of the following is not true of common law?
- (A) It is made by judges
 - (B) It is made by juries
 - (C) It is based on the doctrine of precedent
 - (D) It is based on the adversarial system
27. A NSW statute is introduced which states in Section 6: 'All NSW residents with tattoos must pay an annual tax of \$5 to the NSW Government for each tattoo'. Which of the following best describes this section of the statute?
- (A) A non-legal rule
 - (B) A just law
 - (C) A public law
 - (D) A private law
28. Siena wants to contest a legal issue in court. When she is told that her case will cost her around \$10,000 a day she decides not to proceed. Siena's decision not to proceed illustrates a difficulty with which legal concept?
- (A) Ratio Decidendi
 - (B) Access to the law
 - (C) Obiter Dicta
 - (D) Anti-discrimination
29. Gwen hires a plumber to repair a broken toilet. The repair work is faulty and causes flooding and major damage to Gwen's house. Who must prove negligence in this scenario, and what is the standard of proof?
- (A) The prosecution, beyond reasonable doubt
 - (B) The prosecution, on the balance of probabilities
 - (C) Gwen, on the balance of probabilities
 - (D) The plumber, on the balance of probabilities
30. What is statute law?
- (A) Law made by courts
 - (B) Law that cannot be changed by parliaments
 - (C) Law that can be changed by courts
 - (D) Law made by parliaments
31. The Australian legal system is based on parties presenting their arguments to an impartial judge. Which of the following legal systems does this statement describe?
- (A) A civil law system based on an inquisitorial system of justice
 - (B) A civil law system based on an adversarial system of justice
 - (C) A common law system based on an inquisitorial system of justice
 - (D) A common law system based on an adversarial system of justice

32. What is the purpose of tort law?
- (A) To amend outdated statutes
 - (B) To update Aboriginal and Torres Strait Islanders' customary laws
 - (C) To remedy civil wrongs
 - (D) To compensate for breaches of contract
33. Which of the following would indicate if a court is hearing a criminal law or civil law matter?
- (A) The presence or absence of a jury
 - (B) Whether parties had legal representation
 - (C) Whether the case is heard in the Supreme Court
 - (D) The standard of proof required
34. What is the purpose of legal aid?
- (A) To ensure the equal distribution of legal costs
 - (B) To guarantee legal representation
 - (C) To improve access to the legal system
 - (D) To achieve equal treatment by the law
35. Historically, in which court were the principles of equity developed?
- (A) The King's Court
 - (B) The Mercantile Court
 - (C) The Chancellor's Court
 - (D) The International Court of Justice
36. The Local Court of New South Wales has
- (A) civil, criminal and appellate jurisdiction
 - (B) civil and appellate jurisdiction
 - (C) criminal and appellate jurisdiction
 - (D) civil and criminal jurisdiction
37. The allocation of powers between the State and Federal Governments of Australia is referred to as:
- (A) the division of powers
 - (B) the separation of powers
 - (C) statute law
 - (D) the Statute of Westminster
38. Original jurisdiction is:
- (A) the first time a plaintiff can appeal
 - (B) only found in Local Court
 - (C) the cases heard for the first time in a particular court
 - (D) only relevant for criminal law.
39. The Governor-General and the trial judge discuss a case that will be decided next week. This is a problem under the doctrine of:
- (A) the rule of law.
 - (B) the division of powers.
 - (C) the separation of powers.
 - (D) human rights.
40. The Australia Acts of 1986:
- (A) stopped appeals from the State courts to the Privy Council.
 - (B) stopped appeals from the High Court to the Privy Council.
 - (C) allowed appeals from the State courts to the Privy Council.
 - (D) allowed appeals from the High Court to the Privy Council.

