



# LEGAL STUDIES

## Year 11 (Preliminary) Examination 2006

*Time allowed: 2 hours (plus 5 mins reading time)*

### INSTRUCTIONS – READ CAREFULLY

- Part I consists of 30 multiple-choice questions. Answer this section on the Answer Sheet provided. Spend about 25 minutes on section.
- Part II consists of 4 short answer questions worth 5 marks each. You should write about  $\frac{1}{2}$  to  $\frac{3}{4}$  page for each question. Answer this section in the spaces provided on this question sheet. Spend about 40 minutes on this question.
- Part III consists of an extended response worth 20 marks. Answer this section in the writing booklet provided. Spend about 55 minutes on this section.

ATJ/RGM

**PART I – Multiple Choice (30 marks)**

- Choose the most correct answer.
- Answer this section on the answer sheet provided.

1. Which of the following laws abolished all Australian appeals to the Privy Council?

- (A) Statute of Westminster 1931
- (B) The Australia Acts 1986 (UK and Cth)
- (C) The Constitution of Australia Act 1901 (UK)
- (D) Magna Carta

2. The separation of powers refers to:

- (A) the different powers of the legislature, executive and judiciary
- (B) the powers held at different levels of the court hierarchy
- (C) the division of powers between the Commonwealth and the States
- (D) the division of powers between parliament and the Cabinet

3. A jury has just found Balthazar guilty of importing heroin into Australia. The correct standard of proof in this case would be:

- (A) on balance of probabilities
- (B) beyond all doubt
- (C) beyond reasonable doubt
- (D) on balance of possibilities

4. Which of the following is NOT a source of law in contemporary Australian society?

- (A) Aboriginal and Torres Strait Islander customary law
- (B) Constitutional law
- (C) law from the Australian Bill of Rights
- (D) law from Acts of Parliament

5. The division of powers refers to:

- (A) the different powers of the legislature, executive and judiciary
- (B) the powers held at different levels of the court hierarchy
- (C) the division of powers between the Commonwealth and the States
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6. What type of legal system is characterised by the precedent created by judges' decisions?

- (A) common law
- (B) equity
- (C) customary law
- (D) canon law

7. The Constitution deals with potential clashes between State and Federal laws under section:

- (A) 127
- (B) 128
- (C) 51
- (D) 109

8. The Constitution outlines the steps that need to be taken in order to amend it. This procedure is outlined in section:

- (A) 109
- (B) 128
- (C) 71
- (D) 1

9. Amending the Constitution may only take place after

- (A) a referendum which is passed by a majority of voters in a majority of States
- (B) an election
- (C) an opinion poll
- (D) State parliaments vote to adopt the changes

10. The NSW Parliament was able to pass laws relating to anti-discrimination due to:

- (A) The external affairs power under section 51(29) of the Constitution.
- (B) The so-called 'residual' powers notion where the Commonwealth is allowed to make laws in certain areas and the States can make laws in all other areas.
- (C) Treaties that the NSW government had signed with other countries.
- (D) The enactment of a Bill of Rights in NSW.

11. The legal system in Australia is best described as the:

- (A) inquisitorial system
- (B) the civil law system
- (C) the constitutional system
- (D) the adversarial system

12. When a magistrate hears a case relating to a summary offence, s/he is exercising:

- (A) the doctrine of precedent
- (B) the rules of equity
- (C) original jurisdiction
- (D) appellate jurisdiction

13. A system of rules was developed by the Chancellor's Court in order to redress the injustices which resulted from the inflexibilities of common law. These principles are known as:

- (A) the rules of equity
- (B) alternative dispute resolution (ADR)
- (C) the laws of evidence
- (D) the laws of criminal procedure

14. The Constitution creates the executive arm of government under section:

- (A) 1
- (B) 61
- (C) 71
- (D) 51

15. The executive is comprised of:

- (A) the judiciary
- (B) the legislature
- (C) government departments which administer the law
- (D) the High Court of Australia

16. Aboriginal customary law is not based on:

- (A) kinship ties
- (B) the rule of elders
- (C) the Dreamtime
- (D) the doctrine of precedent

17. Justin is charged with sexual assault in company under s. 61JA of the Crimes Act 1900 (NSW). This provision was passed by NSW parliament in response to the uproar over the gang rape cases in 2000 and 2001. Justin's case will be first heard in:

- (A) Local Court
- (B) District Court
- (C) Supreme Court
- (D) Federal Court

18. A person's view on whether the 55 year sentence handed down to a gang rapist is just would depend on their:

- (A) values and ethics
- (B) interpretation of the Constitution
- (C) customary rights
- (D) domestic duties

19. Ernie is placed on detention at school for not wearing the correct uniform. He has been punished for breaking a

- (A) law
- (B) custom
- (C) statute
- (D) rule

20. Rossi v Dixon (2006) would be an example of a:

- (A) civil matter in which Rossi is the plaintiff and Dixon is the defendant, assuming that the matter is being heard for the first time.

- (B) criminal matter of a serious nature.
- (C) civil matter where Rossi won the case on balance of probabilities.
- (D) civil matter where Dixon needs to prove his case on balance of probabilities.

21. What term describes a society without any recognisable system of government or law?

- (A) Federal
- (B) Inquisitorial
- (C) Democracy
- (D) Anarchy

22. In the Australian Parliament, which house serves to review proposed bills before they are passed into legislation?

- (A) the House of Representatives
- (B) the Senate
- (C) the Legislative Council
- (D) the Legislative Assembly

23. The lower house in NSW Parliament is called the:

- (A) the House of Representatives
- (B) the Senate
- (C) the Legislative Council
- (D) the Legislative Assembly

24. The upper house in Federal Parliament is called:

- (A) the House of Representatives
- (B) the Senate
- (C) the Legislative Council
- (D) the Legislative Assembly

25. The reception of English law into Australia was derived from the legal principle that Australia was:

- (A) a conquered territory
- (B) a military state controlled by a governor
- (C) inhabited by convicts
- (D) a settled territory

26. Queensland's upper house in parliament:

- (A) is called the Legislative Council
- (B) is called the House of Representatives
- (C) is called the Senate
- (D) does not exist

27. State rail inspectors have the power to issue on the spot fines to persons travelling without a ticket. These powers originate from:

- (A) common law
- (B) delegated legislation
- (C) private law
- (D) administrative law

28. In 1998, an Aboriginal man who killed his nephew, Stephen Barnes, was released from jail after serving only two years because the judge said there was no point in him being punished twice. Barnes was subsequently speared in both legs. This reflects:

- (A) a denial of natural justice
- (B) contemporary Australian law taking Aboriginal customary law into consideration
- (C) contemporary Australian law not taking Aboriginal customary law into consideration
- (D) Aboriginal customary law overriding contemporary Australian law

29. Dweezle was concerned that the reopening of a copper smelter 200 metres from his front door would affect the health of his family and the local community. The smelter had been given approval by the NSW state government to resume operations. Dweezle could obtain information about the state government's decision

- (A) through the Ombudsman
- (B) through the Freedom of Information Act 1989 (NSW)
- (C) through the Legal Controls on State Power Act
- (D) through the ICAC

30. A formal mechanism by which Dweezle would be able to challenge the government's decision in Question 29 would be:

- (A) the courts
- (B) the media
- (C) through his local member of parliament
- (D) through lobby groups









### PART III – EXTENDED RESPONSE (20 marks)

Assess the effectiveness of the law's response to the challenges faced by the two focus groups you have studied this year.

Helpful hints:

1. Assess means come to judgement based on strengths and weaknesses.
2. Some criteria you should think about for the law's effectiveness are as follows:
  - for *individuals*: equality, accessibility, enforceability, resource efficiency, protection and recognition of individual rights
  - for *society*: resource efficiency, law as a reflection of community standards and expectations, opportunities for enforcement, appeals and review, balance of individual rights and values and community rights and values

### MARKING GUIDE

Student provides a detailed analysis of strengths and weaknesses, addresses both focus groups in a meaningful manner, supports statements with a wide range of cases, legislation and media reports, sustains a logical and coherent argument, uses relevant legal terminology in a sophisticated fashion and structures their answer in an appropriate way.	18-20 marks
Student provides an analysis of strengths and weaknesses, addresses both focus groups, supports statements with a range of cases, legislation and media reports, attempts a logical and coherent argument, uses relevant legal terminology in an appropriate and provides structure for their answer.	15-17 marks
Student provides some analysis of strengths and weaknesses, addresses both focus groups, supports statements with some cases, legislation and/or media reports, attempts an argument, uses some legal terminology and provides some structure.	12-14 marks
Student provides a limited analysis of strengths and weaknesses, attempts to supports statements with some evidence, sustains a logical and uses some legal terminology. Argument and structure are limited.	9-11 marks
Student does not attempt an analysis of strengths and weaknesses, statements are not supported by relevant evidence, argument and structure are very limited.	<9 marks