LEGAL STUDIES – PRELIMINARY

EXAM

Total marks – 40

Section I – Multiple-choice questions
15 marks

Section II – Short answer questions
25 marks

Instructions to students:
• Reading time – 5 minutes
• Please answer all questions in the spaces provided
• There is to be no talking during the test
Section I – Multiple-choice questions
15 marks

Attempt Questions 1-15
Use the multiple choice answer sheet.

1 Which of the following best explains what law is?
   (A) A set of rules imposed on all members of a community that are recognized, binding and enforceable by those persons or organizations.
   (B) A set of guidelines promoted by a community for all members to follow for the Best interests of the community.
   (C) A set of rules imposed on all members of a community that are officially recognised, binding and enforceable by persons or organizations such as the police and/or courts.
   (D) A set of rules imposed on all members of a community that are officially recognised and binding on everyone.

2 The main purpose of having laws is to:
   (A) provide stability for the ruling government
   (B) make certain people do that they do not want to do
   (C) divide power among different groups
   (D) maintain order in society

3 The difference between rules and laws is that:
   (A) laws are binding on the whole community.
   (B) rules have nothing to do with ethics.
   (C) rules do not involve rights and responsibilities
   (D) rules are binding on the whole of the community

4 The rule of law is best described by which of the following?
   (A) All people are answerable to the law in accordance with their needs and abilities.
   (B) All people are treated according to their needs and abilities.
   (C) All people are treated according to their rank in society.
   (D) All people are answerable to the law and no one is above the law.
5 Ethics is a term that refers to:
(A) different people’s perceptions of the law
(B) principles that help people make decisions about right and wrong
(C) a mix of equality and fairness
(D) procedural fairness and natural justice

6 The term ‘common law’ can also be referred to as:
(A) parliament-made law
(B) law of disputes between individuals
(C) judge-made law
(D) statute law

7 The ratio decidendi of a case refers to:
(A) The binding precedent of a case
(B) the legal reason behind a judge’s decision
(C) additional reasoning and background in a case
(D) a dissenting judgment in a case

8 Which of the following statements relating to appellate jurisdiction is true?
(A) All courts have appellate jurisdiction
(B) Only federal courts have appellate jurisdiction.
(C) The Local Court has no appellate jurisdiction.
(D) The Local Court has appellate jurisdiction from the Coroner’s Court.

9 Which of the following is NOT true of statute law?
(A) Statute law overrides the common law.
(B) Statute law is the superior source of law-making in our society.
(C) Statute law requires royal assent if it fails to pass both houses of parliament.
(D) Statute law must pass a vote in both houses of parliament to become law.
10 The Commonwealth Parliament is:
(A) bicameral meaning it has two houses
(B) bicameral meaning it has two leaders
(C) unicameral meaning it has one leader
(D) unicameral meaning it has one house.

11 Australia does not follow the doctrine of separation of powers in its purest form because:
(A) the judiciary is not strictly separated from the executive and legislature.
(B) members of the executive and the legislature are completely separate.
(C) some members of the executive are also members of the legislature.
(D) Australia is still a monarchy.

12 Which of the following is NOT true regarding the legislative power of the federal and state parliaments?
(A) Concurrent powers are shared by the federal and state governments.
(B) Exclusive powers are exercised by the states.
(C) Residual powers are exercised by the states.
(D) Exclusive powers are exercised by the Commonwealth Government.

13 Which section of the Australian Constitution outlines the legislative powers of the Commonwealth Government?
(A) Section 71
(B) Section 109
(C) Section 51
(D) Section 116

14 Aboriginal and Torres Strait Island law today:
(A) is not recognised at all by Australian law.
(B) is recognised only in land rights cases.
(C) is sometimes recognised in sentencing Indigenous offenders.
(D) is recognised by the Family Court
What is the main difference between international declarations and treaties?

(A) Treaties state and clarify the parties’ position on issues, whereas declarations can be enforced by the organs of the UN.

(B) Declarations state the parties’ position on particular issues and also impose legally binding obligations that must be followed.

(C) Declarations state and clarify the parties’ position on particular issues but are not legally binding, whereas treaties may be binding when ratified.

(D) Declarations must be following, but treaties do not as they merely state and clarify the parties’ positions.
Section II – Short answer questions
25 marks

Attempt questions 16-21

16 Identify two differences between a rule and a law. 2
..........................................................................................................................................................
..........................................................................................................................................................
..........................................................................................................................................................
..........................................................................................................................................................
..........................................................................................................................................................
..........................................................................................................................................................
..........................................................................................................................................................

17 What does ‘division of power’ refer to and how is it determined? 2
..........................................................................................................................................................
..........................................................................................................................................................
..........................................................................................................................................................
..........................................................................................................................................................
..........................................................................................................................................................
..........................................................................................................................................................
..........................................................................................................................................................

18 How is international law incorporated into Australian law? 2
..........................................................................................................................................................
..........................................................................................................................................................
..........................................................................................................................................................
..........................................................................................................................................................
..........................................................................................................................................................
..........................................................................................................................................................
..........................................................................................................................................................
Question 19 (8 marks)

Australia and the USA refuse to sign the Kyoto Protocol. Australia signs the *Rome Statute of the International Criminal Court*, but the USA refuses to sign.

a) Explain the relationship between state sovereignty and domestic rights.  

b) Explain the relationship between international treaties and international rights.
Question 20 (6 marks)

Despite international protest, the country of Ska declares war on and invades the neighbouring country of Modo. Modo asks for help from the international community through the United Nations. The United Nations informs Ska that they are acting illegally.

(a) Using the country Ska as an example, outline the international duties that a country is expected to follow.

(b) Using the country Modo as an example, outline the international rights that a country is entitled to.
Question 21 (5 marks)

Define equity law and explain how it differs from common law

..............................................................................................................................................
..............................................................................................................................................
..............................................................................................................................................
..............................................................................................................................................
..............................................................................................................................................
..............................................................................................................................................
..............................................................................................................................................
..............................................................................................................................................

Explain why Australian law is based on common law principles

..............................................................................................................................................
..............................................................................................................................................
..............................................................................................................................................
..............................................................................................................................................
..............................................................................................................................................
..............................................................................................................................................
..............................................................................................................................................
..............................................................................................................................................