The revision tips and strategies outlined in this section will help you to develop a solid revision plan before a test or exam. Below are some additional and practical tips to help you deal with nerves and make the most of the exam experience.

It's natural and normal to feel nervous before a test or exam. This is not necessarily an indication that you are poorly prepared or don't know enough. You want to do well and succeed -- that's usually why nerves set in. The more prepared you feel, the easier it will be to conquer your anxiety.

Make sure you know what is involved in the test or exam:
- Where is it being held?
- What time does it start?
- How many questions will you have to answer?
- How much time do you have to complete the exam?

Eat well and make sure that you get enough sleep. Drink plenty of water too -- dehydration makes you tired and reduces concentration.

Make sure that you have everything you need (e.g., pens, pencils, etc.)

Bring a watch so that you know how to allocate your time effectively.

Read over the test or exam paper carefully. Look at the marks that are available for each question. Once you are permitted to pick up a pen/pencil, make a note of any difficult elements and note down your initial thoughts on how you might address them.

Use the information provided in the paper -- there are often clues about the best way to answer the questions.

Pace yourself and give yourself enough time to answer all questions to the best of your ability.

Write as neatly as you can as marking untidy writing is difficult and the teacher/examiner may miss something important.

Try to allow ten minutes at the end of the test/exam to read through what you have written and correct any obvious errors.

Stay positive and don't panic!

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**THE LEGAL SYSTEM**

**PART 1**

**CHAPTER 1**

Basic legal concepts

**MULTIPLE-CHOICE QUESTIONS**

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 organisations.
   - (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 recognized, binding and enforceable by persons or organisations 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. Which of the following does not explain aspects the relationship between law, rules and customs?
   - (A) Rules for a community have traditionally been based on the traditions, customs and values of the group.
   - (B) Rules based on customs usually have penalties attached if members of the group fail to follow them.
   - (C) Customs are always developed into laws over time.
   - (D) The main difference between rules and laws is that laws are enforced by the state but rules are not.

3. From the options provided below, which best explains the features of natural justice?
   - (A) The right to be heard in your own local court.
   - (B) The right to be heard by a judge of your choice.
   - (C) The right to be heard by an unbiased decision maker.
   - (D) All of the above.
4 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 From the following, select the option that best describes the difference between anarchy and tyranny.
(A) Anarchy is an absence of law, whereas tyranny is the application of laws that serve a dictatorial leader or group of leaders.
(B) Anarchy is the selective enforcement of law to favour the privileged, whereas tyranny is the application of laws that only serve a dictatorial leader or group of leaders.
(C) Anarchy is a temporary absence of law, whereas tyranny is the application of laws that serve the disadvantaged.
(D) Anarchy is the elimination of unjust laws, whereas tyranny is the application of laws that serve a dictatorial leader or group of leaders.

SHORT ANSWER QUESTIONS

1 Does the law need to change to reflect changes in society? If so, why?
2 Explain why the law might lead to injustice if it treated all people in the same way.
3 Why do people obey the law?

Common law

MULTIPLE-CHOICE QUESTIONS

1 The difference between the common law system and the inquisitorial system of law is best reflected by which of the following?
(A) The judge in a trial in the adversarial system acts as an impartial referee whereas the judge in the inquisitorial system investigates the case.
(B) The judge in a trial in the adversarial system investigates the case whereas the judge in the inquisitorial system acts as an impartial referee.
(C) Judges in both systems act as impartial referees but lawyers in the inquisitorial system have greater control over the running of their case.
(D) Judges in both systems act as impartial referees but lawyers in the adversary system have greater control over the running of their case.

2 The reason for the development of equity law is summed up by which of the following?
(A) Common law, although applied correctly, did not always provide a fair outcome.
(B) Common law remedies were too rigid and inflexible.
(C) Equitable remedies were needed for some situations where money was not always an adequate remedy.
(D) All of the above

3 Which of the following options best describes the difference between the ratio decidendi and the obiter dicta of a precedent case?
(A) The ratio of a case is the legal reason why a judge came to a particular decision, whereas the obiter is reason in the
precedent in a previous case referred to when the judge made their decision.

(A) A ratio decidendi of a higher court will set a binding precedent on lower courts whereas the obiter is not binding on higher courts.
(B) A ratio decidendi of a higher court will set a binding precedent on lower courts whereas the obiter is not binding on any courts.
(C) The ratio of a case is the legal reason why a judge came to a particular decision whereas the obiter is a more detailed explanation of the reasoning applied when reported.

4 In respect to the appellate jurisdiction possessed by our courts, which of the following statements 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 Coroners Court.

5 The highest court with appellate jurisdiction for NSW is which of the following?
(A) The Supreme Court.
(B) The Court of Appeal.
(C) The District Court.
(D) The High Court.

SHORT ANSWER QUESTIONS
1 Outline the origin and development of English common law.

2 Explain the difference between binding precedent and persuasive precedent.

3 What is the difference between 'original jurisdiction' and 'appellate jurisdiction'?

Statute Law

MULTIPLE-CHOICE QUESTIONS
1 Statute law is passed in Parliament. Of the following statements about statute law which is not correct?

(A) Statute law overrides common or "judge-made" law.
(B) Statute law is the superior source of law-making in our society.
(C) Statute law must pass a vote in both houses of Parliament to become law.
(D) Royal Assent by the Governor-General is only necessary when a bill fails to pass both houses the first time it is put.

2 Delegated legislation is used by Parliament for which of the following reasons?
(A) Parliament does not possess the constitutional power to legislate on a matter.
(B) Parliament has limited time to make legislation so it delegates some of its authority to subordinate bodies.
(C) The federal Parliament delegates some of its power to state governments in areas of regional concern.
(D) Local councils delegate some of their authority to community bodies.

3 The committee stage of the legislative process is considered one of the most important parts of the legislative process for which of the following reasons?
(A) This is where a group of lawyers draft the bill.
(B) This is where the bill is read thoroughly.
(C) This where the bill is debated in detail and changes may be made.
(D) This is where the Prime Minister and the Cabinet debate the new laws they are going to introduce in their term of government.

4 The NSW and federal Parliaments in Australia are based on the Westminster system of government and are best identified by which of the following statements?
(A) They are bicameral meaning they have two houses.
(B) They are unicameral meaning they have two leaders in each house.
(C) They are unicameral meaning they have one leader in each house.
(D) They are unicameral meaning they have one house.
5 Which of the following statements is not a disadvantage of delegated legislation?
(A) Members of Parliament do not have the time or expertise to fully check the delegated legislation.
(B) With many different bodies involved in making delegated legislation, there can be inconsistencies.
(C) Little publicity surrounds the delegated legislation and thus the public usually cannot voice their views.
(D) The Prime Minister's staff rarely has enough resources to carry out their responsibilities and therefore have to delegate to staff in other ministers' offices.

SHORT ANSWER QUESTIONS
1 All Australian state and federal Parliaments are bicameral except for Queensland. The Northern Territory and the Australian Capital Territory are unicameral. Explain what is meant by bicameral and how this influences the passing of legislation.
2 Describe the function of delegated legislation.

The Constitution

MULTIPLE-CHOICE QUESTIONS
1 Which of the following 'checks and balances' is a feature of the Australian Constitution?
(A) Section 128.
(B) The Senate.
(C) The Division of Power.
(D) All of the above.
2 The Australian Constitution can only be changed through a public referendum. Of the options below, which correctly identifies what is required for a referendum to be successfully passed?
(A) Majority of voters.
(B) Majority of votes in both houses of federal Parliament.
(C) Majority of voters and a majority state.
(D) Majority of votes in the lower house of federal Parliament.
3 In respect to the legislative power of the federal and state governments, which of the following statements is not true?
(A) Concurrent powers are shared by the federal and state governments.
(B) Exclusive powers are exercised by the states.
(C) Exclusive powers are exercised by the federal government.
(D) Residual powers are exercised by the states.

4 Which of the following most accurately describes the key organs of government that need to be separate and independent of each other to reflect the doctrine of the separation of powers?
(A) Cabinet, jurisdiction and legislature.
(B) Legislature, executive and judiciary.
(C) Legislature, jurisdiction and judiciary.
(D) Executive, judiciary and cabinet.

5 Which section of the constitution established the High Court of Australia?
(A) Section 71.
(B) Section 109.
(C) Section 51.
(D) Section 116.
SHORT ANSWER QUESTIONS
1 Describe how common Aboriginal and Torres Strait Islander customary laws were throughout Australia before British settlement.

2 Who was responsible for enforcing the law in Aboriginal and Torres Strait Islander societies?

3 Describe the significance of land and bodies of water to Indigenous societies.

4 Describe what is meant by 'terra nullius' and how this was applied by the first British settlers in Australia.

5 Explain the extent to which Aboriginal and Torres Strait Islander customary laws are recognised today.

INTERNATIONAL LAW

MULTIPLE-CHOICE QUESTIONS
1 In the legal sense, an autonomous (independent) state requires which of the following?
   (A) Permanent population, defined territory, democratic government and a capacity to enter into international negotiations.
   (B) Permanent population, defined territory, an effective government and a capacity to enter into international negotiations.
   (C) A defined population, territory, a government capable of governing and a capacity to enter into international negotiations.
   (D) A defined population, territorial sovereignty, a government capable of governing and a capacity to enter into international negotiations.

2 Customary international law requires two elements to have occurred before it is deemed to exist. Which of the following best reflects this?
   (A) Constant and legal practice.
   (B) Uniform and ethical practice.
   (C) Constant and uniform practice.
   (D) Agreement by all the countries involved.
If North Korea tested a nuclear device in an underground detonation, this may be a breach of international law, but North Korea might claim to be able to do so because of which of the following?
(A) Its neighbours did not have the military power to stop it.
(B) It had the technology to do so.
(C) It is not a member of the United Nations.
(D) It is a sovereign state.

The main sources of international law are most accurately represented by which of the following?
(A) Treaties, legal decisions and legal writings.
(B) Multi-lateral treaties.
(C) Customs, treaties, legal decisions and legal writings.
(D) Customs, treaties, legal decisions by experts.

From the options provided below, which of the following best describes the difference between international declarations and treaties?
(A) Declarations state and clarify the parties’ position on particular issues but are not legally binding, whereas treaties may be binding when ratified.
(B) Declarations must be followed, but treaties are not as they merely state and clarify the parties’ positions.
(C) Declarations state a parties’ position on particular issues and also impose legally binding provisions that must be followed.
(D) Treaties state and clarify parties’ positions on issues, whereas declarations can be enforced by the organs of the UN.

Describe how international law differs from domestic law.
Explain the main source of international law today.
Outline the two types of disputes that the International Court of Justice can hear.
What is the relationship between international law and domestic law in Australia?

MULTIPLE-CHOICE QUESTIONS

1 Which of the following most accurately outlines the difference between public and private law?
(A) Public law deals with members of the public, and private law concerns members of a family or extended family group.
(B) Public law deals with relationships between individuals and the state, whereas private law governs relationships between individuals.
(C) Public law deals with relationships between corporations and the state, whereas private law governs relationships between individuals and the state.
(D) Public law deals with relationships between the states, whereas private law governs relationships between individuals and the state.

2 Which of the following is an example of public law?
(A) Contract law.
(B) Tort law.
(C) Criminal law.
(D) Corporations law.

3 Under administrative law, a person can seek a review of a decision made by a government agency in three ways. Which of the following best reflects this?
(A) Internal review, external review, parliamentary review and judicial review.
(B) Internal review, external review and parliamentary review.
(C) External review, parliamentary review and judicial review.
(D) Internal review, external review and judicial review.

Lucinda enters a shop, trips and injures herself on a wet floor that has been mopped by the store owner who has failed to place any warning about the condition of the floor. Lucinda might take action under which area of law?
### Solutions

#### CHAPTER 1 – BASIC LEGAL CONCEPTS

**MULTIPLE-CHOICE SOLUTIONS**

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**SHORT ANSWER SOLUTIONS**

1. The law must continually evolve to reflect changes in society. If it cannot, it will become irrelevant and fail to regulate the community as its citizens will no longer respect the law. Changes must be timely to ensure public morality reflects the need for the change.

2. People are not all the same. They have different needs and desires. Justice, it can be said, is the law striving to be equal and fair. This requires the law to be accessible to all and not exclude groups within society from exercising their rights. The law must also protect the rights of the community and at times this will come at the expense of the individual.

3. People obey the law for various reasons. If the law is reflective of the public morality of the day, there will be greater compliance and as a result, most people will be educated about what is right or wrong within their own communities. People obey law because it protects their rights and is coercive in that it is enforceable by the courts and law enforcement officers who may punish people who break the law.

#### CHAPTER 2 – SOURCES OF CONTEMPORARY AUSTRALIAN LAW

**MULTIPLE-CHOICE SOLUTIONS**

**Common law**

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**Statute law**

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**The Constitution**

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**Aboriginal and Torres Strait Islander Peoples’ customary laws**

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2 Delegated legislation allows Parliament to use its time and resources on issues of broader concern within the community. It includes regulations, department rules and local by-laws. It has both advantages and disadvantages, but ultimately state or federal parliaments do not have the resources to carry out all required legislation.

The Constitution
1 The creation of the Australian Senate established a bicameral house of Parliament. The upper house (the Senate) allowed the smaller states at the time of Federation to have equal numbers of seats and representation - 12 for each state. It became a states' rights house and a house of review, as ultimately all federal legislation must pass a vote in both houses of Parliament.

2 Within the Constitution there are a number of safeguards to prevent this. Firstly, law-making power is divided between state and federal governments and therefore not all power rests with one body. Within the Constitution, there are reserve powers held by the Governor-General that enable the government to be dismissed. The Prime Minister also has the power to dismiss the Governor-General. This Constitution also established the High Court of Australia, which has the power to invalidate any laws that are contrary to the Constitution. Lastly, the people of Australia accepted the authority of the Constitution and its institutions.

3 The separation of powers does not exist in its purest form in Australia, as some members of the cabinet, part of the executive, also are a part of the legislature. The independence of the judiciary is extremely important for democracy, and this is best illustrated by the powers of the High Court of Australia, which are entrenched within the Constitution and can only be altered or removed through a public referendum.

4 The full bench refers to all seven judges of the High Court hearing a matter and all of them giving their own judgement. The full bench always sits for any constitutional matters before the High Court. The full bench may also sit in other important matters, for example the Mabo Case.

5 The system of judicial review involves review of the actions of a government official or department by a court of law. Matters for judicial review can arise when laws are challenged as unconstitutional.
when government departments make decisions that may be outside their jurisdiction, or when there may have been an error or infraction of the law. Judicial review provides outside accountability in the workings of government.

Aboriginal and Torres Strait Islander peoples’ customary laws
1. There is no single system of Aboriginal and Torres Strait Islander law. Traditionally, Aboriginal languages and cultures varied throughout Australia. However, there were common elements of customary law. For example, the Dreamtime was a common phenomenon across Australia and provided the basis of many traditions and beliefs. These were also many common offences, such as insulting elders or singing sacred songs in public. Dispute resolution would normally involve everyone in the community.

2. The law in Aboriginal and Torres Strait Islander societies was usually enforced by all members of the society. Compliance with the law was reinforced by self-regulation and by the consensus of all members of the community. Community elders also played an important part in interpreting and enforcing the law.

3. Aboriginal and Torres Strait Islander peoples believe in collective ownership of property, meaning that land and bodies of water are not owned by individuals but belong to all members of the group. The land is cared for by the whole community and membership of a group allows a person to live on and access the resources of that group's land.

4. Terra nullius is a Latin term meaning 'land belonging to no-one'. This was the legal concept applied by the British when they arrived in Australia and considered it to be unoccupied land, because they did not observe their own traditional markers of ownership, such as signs or fences. It did not recognize Aboriginal and Torres Strait Islanders as the true owners or custodians of the land. The British considered themselves free to settle the land and impose their own laws.

5. There has been some recent recognition of Aboriginal and Torres Strait Islander customary laws in Australia. For example, customary laws may be considered in land rights recognition in Australia, also known as 'native title'. They may also be recognized in mitigation in sentencing under Australian law. For example, if there were provocation by someone breaching a certain Aboriginal or Torres Strait Islander customary law, elders may also be consulted about maintaining and enforcing the law.

International law
1. One of the main differences is the way both types of law are enforced. The manner in which domestic law is enforced is easily recognizable, international law however, can be more difficult to enforce. International law relies on the cooperation of nation states. Many nations comply with international law on a daily basis because it is in their national interest to do so.

2. In the past, customary international law was the foremost source of international law. It generally involved long established and recognized customs between two or more countries within a particular region. Today, there are many more national states and many important and urgent matters to address between those states that require a faster and more effective method of creating international law. For this reason, treaties have become a more common method of creating and developing international law.

3. The Security Council is the organ of the UN with primary responsibility for maintaining international peace and security. It has the power to issue economic sanctions against nation states to persuade them to change their policies, or to prevent or stop acts of aggression. It can also send peacekeeping troops into conflict areas or in rare cases authorize collective military action.

4. The International Court of Justice can hear two distinct types of cases. The first is legal disputes, which are contentious issues between states. The second is advisory proceedings, where the UN General Assembly or the UN Security Council can request the court’s opinion on a particular legal question.

5. International law is not automatically incorporated into Australian law. The preferred method of giving effect to treaty obligations is by incorporating the text of the treaty into domestic legislation. For example, the Space Activities Act 1998 [Cth] contains provisions from several UN treaties regulating the exploration and use of outer space.

CHAPTER 3 – CLASSIFICATION OF LAW

MULTIPLE-CHOICE SOLUTIONS
1. B
2. C
3. D
4. B
5. A

SHORT ANSWER SOLUTIONS
1. A person may seek relief in the courts for damages suffered as a result of another party breaching a contract that they have