



Chapter 2

Legal Systems

Choose the one alternative that best completes the statement or answers the question.

1) The Police are often described as community guardians of the peace and have a number of duties which include:

- A) the protection of life and property.
- B) the enforcement of law and the safety of the public.
- C) the prevention of crime and the apprehension of offenders.
- D) all of the above.

Answer: D

Difficulty: Basic

Topic: What are the roles of the police and the courts?

Objective: LO 2.1 Explain the function of police in enforcing the law and the role of courts in administering law and resolving disputes.

AACSB: Application of knowledge

2) Which of the following statements is the most correct?

- A) A court may only judge matters brought before it which are within its jurisdiction.
- B) A court is able to judge any matter brought before it.
- C) A court has the power to overrule a decision by another court.
- D) None of the above.

Answer: A

Difficulty: Basic

Topic: What are the roles of the police and the courts?

Objective: LO 2.1 Explain the function of police in enforcing the law and the role of courts in administering law and resolving disputes.

AACSB: Application of knowledge

3) The term *jurisdiction* refers to the types of cases a particular court can hear.

- A) True
- B) False

Answer: A

Difficulty: Basic

Topic: 2.1: What are the roles of the police and the courts?

Objective: LO 2.1 Explain the function of police in enforcing the law and the role of courts in administering



law and resolving disputes.

AACSB: Application of knowledge

4) Police are community guardians of the peace.

A) True

B) False

Answer: A

Difficulty: Basic

Topic: What are the roles of the police and the courts?

Objective: LO 2.1 Explain the function of police in enforcing the law and the role of courts in administering law and resolving disputes.

AACSB: Application of knowledge

5) What is the meaning of the term 'court hierarchy'?

A) A tiered court system within each particular jurisdiction.

B) The horizontal arrangement of courts within Australia.

C) A vertical system of appellate courts.

D) The supreme courts of the various states and territories.

Answer: A

Difficulty: Basic

Topic: Hierarchy of the courts

Objective: LO 2.1 Explain the function of police in enforcing the law and the role of courts in administering law and resolving disputes.

AACSB: Application of knowledge

6) Which of the following is NOT a characteristic of a court of first instance?

A) A court that has appellate jurisdiction.

B) A court that has original jurisdiction.

C) A court where the parties first litigate a matter..

D) A court that hears cases involving plaintiffs and defendants.

Answer: A

Difficulty: Basic

Topic: Original and appellate jurisdiction

Objective: LO 2.1 Explain the function of police in enforcing the law and the role of courts in administering law and resolving disputes.

AACSB: Application of knowledge

Write your answer in the space provided or on a separate sheet of paper.

7) Explain the difference between a Court of first instance and a Court of appeal.

Answer: The difference between a court of first instance and an appellate court, is that the appeal court has appellate jurisdiction, that is to hear appeals from other courts, whereas a court of first instance has original jurisdiction, because it is the court to which the dispute or issue is taken for the first time.

Difficulty: Basic

Topic: Original and appellate jurisdiction

Objective: LO 2.1 Explain the function of police in enforcing the law and the role of courts in administering law and resolving disputes.

AACSB: Application of knowledge

Choose the one alternative that best completes the statement or answers the question.

8) Why might an accused person prefer to have an indictable matter dealt with summarily in an inferior court instead of in a higher court?

- A) Inferior courts settle disputes less formally.
- B) Inferior courts settle disputes more cheaply.
- C) Inferior courts settle disputes more quickly.
- D) All of the above.

Answer: D

Difficulty: Complex

Topic: The state and territory court hierarchies

Objective: LO 2.2 Identify the state and territory court hierarchies in the Australian legal system.

AACSB: Analytical thinking

9) What is the monetary limit in the Queensland District Court in civil matters?

- A) \$750,000
- B) \$250,000
- C) \$50,000
- D) \$100,000

Answer: A

Difficulty: Basic

Topic: The state and territory court hierarchies

Objective: LO 2.2 Identify the state and territory court hierarchies in the Australian legal system.

AACSB: Application of knowledge

10) In Western Australia, a civil dispute involving an amount of \$175,000 would commence in which court?

- A) Magistrates Court.
- B) Court of Appeal.



C) Supreme Court.

D) District Court.

Answer: D

Difficulty: Basic

Topic: The state and territory court hierarchies

Objective: LO 2.2 Identify the state and territory court hierarchies in the Australian legal system.

AACSB: Application of knowledge

11) A crime that the community has designated as less serious is called:

A) indictable offence.

B) committal offence.

C) serious offence.

D) summary offence.

Answer: D

Difficulty: Moderate

Topic: Criminal jurisdiction of the inferior courts

Objective: LO 2.2 Identify the state and territory court hierarchies in the Australian legal system.

AACSB: Analytical thinking

12) Indictable Offences are:

A) preliminary hearing before a Magistrate of a serious criminal offence, where the Magistrate decides if there is enough evidence against the accused to proceed to a formal trial.

B) less formal proceedings where the accused pleads guilty.

C) more serious criminal offences generally heard in intermediate or superior courts.

D) less serious crimes which are usually heard in the Magistrates Court.

Answer: C

Difficulty: Basic

Topic: Criminal jurisdiction of the inferior courts

Objective: LO 2.2 Identify the state and territory court hierarchies in the Australian legal system.

AACSB: Application of knowledge

13) Committal Proceedings are:

A) more serious criminal offences generally heard in intermediate or superior courts.

B) less serious crimes which are usually heard in the Magistrates Court.

C) preliminary hearings of a serious criminal offence, where a Magistrate decides if there is enough evidence against the accused to proceed to a formal trial.

D) less formal proceedings where the accused pleads guilty.

Answer: C

Difficulty: Basic



Topic: Criminal jurisdiction of the inferior courts

Objective: LO 2.2 Identify the state and territory court hierarchies in the Australian legal system.

AACSB: Application of knowledge

14) What is the appellate jurisdiction of an inferior court?

A) The inferior courts hear committal proceedings for serious indictable offences.

B) The inferior courts are the lowest courts in the State court hierarchy and do not hear appeals from any other courts.

C) The inferior courts hear summary offences, and some minor indictable offences.

D) The inferior courts hear appeals from the intermediate courts.

Answer: B

Difficulty: Moderate

Topic: Criminal jurisdiction of the inferior courts

Objective: LO 2.2 Identify the state and territory court hierarchies in the Australian legal system.

AACSB: Application of knowledge

15) In NSW summary matters are dealt with in the Small Claims Court.

A) True

B) False

Answer: B

Difficulty: Moderate

Topic: Criminal jurisdiction of the inferior courts

Objective: LO 2.2 Identify the state and territory court hierarchies in the Australian legal system.

AACSB: Application of knowledge

16) A civil court's jurisdiction is controlled by its monetary jurisdictional limit.

A) True

B) False

Answer: A

Difficulty: Basic

Topic: Criminal jurisdiction of the inferior courts

Objective: LO 2.2 Identify the state and territory court hierarchies in the Australian legal system.

AACSB: Application of knowledge

Choose the one alternative that best completes the statement or answers the question.

17) Which of the following matters fall within the original jurisdiction of the Federal Court?

A) State matters.

B) Commonwealth matters.

C) The Australian Constitution.



D) Disputes between states.

Answer: B

Difficulty: Basic

Topic: Federal courts

Objective: LO 2.3 Describe the objectives, hierarchy and jurisdiction of the courts in the federal court system.

AACSB: Application of knowledge

18) Is the High Court a State Court, that is located within the State court hierarchy, or is it a Federal court, that is located within the Federal court hierarchy?

A) The High Court is neither a State Court nor a Federal Court.

B) The High Court is a State Court located within the State court hierarchy.

C) The High Court is a Federal Court located within the Federal court hierarchy.

D) The High Court is both a State Court and a Federal Court.

Answer: C

Difficulty: Complex

Topic: Federal courts

Objective: LO 2.3 Describe the objectives, hierarchy and jurisdiction of the courts in the federal court system.

AACSB: Application of knowledge

19) Which of the following matters fall within the original jurisdiction of the High Court?

A) Disputes between States.

B) Disputes between individuals over land within one State.

C) Disputes relating to the constitutions of individual States.

D) Appeals from State Supreme Courts.

Answer: A

Difficulty: Moderate

Topic: Federal courts

Objective: LO 2.3 Describe the objectives, hierarchy and jurisdiction of the courts in the federal court system.

AACSB: Application of knowledge

20) Which of the following is NOT one of the objectives of the High Court?

A) To grant special leave to appeal from other superior courts.

B) To serve as a final court of appeal within the Australian legal system.

C) To provide a simpler and more accessible alternative to the Federal Court.

D) To guard and interpret the Australian Constitution.

Answer: C



Difficulty: Basic

Topic: Federal courts

Objective: LO 2.3 Describe the objectives, hierarchy and jurisdiction of the courts in the federal court system.

AACSB: Application of knowledge

21) What is the appellate jurisdiction of the High Court?

- A) To hear appeals from State and Territory Supreme Courts, the Family Court of Australia and from the Federal Court of Australia.
- B) The High Court does not have an appellate jurisdiction.
- C) To hear indictable offences against the laws of the Commonwealth, cases where the Commonwealth itself is a party, disputes between two or more states, or matters involving residents of two or more states.
- D) To guard and interpret the States' Constitutions.

Answer: A

Difficulty: Basic

Topic: Federal courts

Objective: LO 2.3 Describe the objectives, hierarchy and jurisdiction of the courts in the federal court system.

AACSB: Application of knowledge

22) When is Special Leave, that is, permission to appeal from either a State or Territory Supreme Court or a Federal Court to the High Court, required?

- A) Only in cases involving State law and federal law.
- B) Only in cases involving matters of major public importance.
- C) Only in cases involving the interpretation of the Australian Constitution.
- D) In all cases.

Answer: D

Difficulty: Moderate

Topic: Federal courts

Objective: LO 2.3 Describe the objectives, hierarchy and jurisdiction of the courts in the federal court system.

AACSB: Application of knowledge

23) Which of the following is NOT one of the purposes of having a hierarchical court structure?

- A) A hierarchy of courts is instrumental in establishing precedent.
- B) A hierarchy of courts provides a system of appeals through which dissatisfied litigants may appeal from a decision of a lower court to a high court to have the matter reconsidered.
- C) A hierarchy of courts ensures that the decision of any court is final and cannot later be reviewed or overturned.



D) It allows litigants the quickest legal remedy.

Answer: C

Difficulty: Moderate

Topic: Federal courts

Objective: LO 2.3 Describe the objectives, hierarchy and jurisdiction of the courts in the federal court system.

AACSB: Application of knowledge

24) Appellate jurisdiction is the only jurisdictional power of the High Court.

A) True

B) False

Answer: B

Difficulty: Basic

Topic: Federal courts

Objective: LO 2.3 Describe the objectives, hierarchy and jurisdiction of the courts in the federal court system.

AACSB: Application of knowledge

25) The Privy Council reviews decisions appealed from the Supreme Court of Victoria.

A) True

B) False

Answer: B

Difficulty: Basic

Topic: Abolition of appeals to the Privy Council

Objective: LO 2.3 Describe the objectives, hierarchy and jurisdiction of the courts in the federal court system.

AACSB: Application of knowledge

26) An eCourt uses mediation to promote alternative dispute resolution.

A) True

B) False

Answer: B

Difficulty: Basic

Topic: Abolition of appeals to the Privy Council

Objective: LO 2.3 Describe the objectives, hierarchy and jurisdiction of the courts in the federal court system.

AACSB: Application of knowledge

27) Common law provides for a right of appeal.



A) True

B) False

Answer: B

Difficulty: Basic

Topic: Features of a court hierarchy

Objective: LO 2.3 Describe the objectives, hierarchy and jurisdiction of the courts in the federal court system.

AACSB: Application of knowledge

Write your answer in the space provided or on a separate sheet of paper.

28) The Federal Circuit Court was established to reduce the workload of the Federal Court and the Family Court. (i) How was this reduction in workload to be achieved? (ii) Has this reduction in fact been achieved? You may wish to visit <http://www.federalcircuitcourt.gov.au>.

Answer: *The question seeks personal opinion.*

Difficulty: Complex

Topic: Federal courts

Objective: LO 2.3 Describe the objectives, hierarchy and jurisdiction of the courts in the federal court system.

AACSB: Reflective thinking

Choose the one alternative that best completes the statement or answers the question.

29) Which of the following is NOT one of the advantages of ADR (Alternative Dispute Resolution) over formal litigation?

A) ADR is less intimidating than formal litigation.

B) ADR is less expensive than formal litigation.

C) ADR is more likely to be heard quickly than formal litigation.

D) ADR is more authoritative than formal litigation.

Answer: D

Difficulty: Moderate

Topic: Alternative methods to courts

Objective: LO 2.4 Identify the adversary system, and describe alternative methods of dispute resolution.

AACSB: Application of knowledge

30) A licensing court is an example of alternative dispute resolution.

A) True

B) False

Answer: A

Difficulty: Moderate

Topic: Alternative methods to courts



Objective: LO 2.4 Identify the adversary system, and describe alternative methods of dispute resolution.
AACSB: Application of knowledge

Choose the one alternative that best completes the statement or answers the question.

31) Which of the following is NOT one of the differences between Tribunals and Courts?

- A) The jurisdiction of a court is usually restricted to a narrow area, whereas the jurisdiction of a tribunal is more general.
- B) The decision of a court can usually be appealed, whereas the decision of a tribunal is usually final.
- C) Courts generally allow legal representation, whereas tribunals generally restrict legal representation.
- D) Tribunals are less formal and less intimidating than courts.

Answer: A

Difficulty: Moderate

Topic: Judicial and quasi-judicial tribunals

Objective: LO 2.5 Discuss the function of different state and federal tribunals.

AACSB: Application of knowledge

32) If a person wants to appeal against a decision of the Tax Office, they will go to:

- A) the Federal Court.
- B) the Supreme Court of their state.
- C) the Civil and Administrative Tribunal of their state.
- D) the Administrative Appeals Tribunal.

Answer: D

Difficulty: Moderate

Topic: Judicial and quasi-judicial tribunals

Objective: LO 2.5 Discuss the function of different state and federal tribunals.

AACSB: Analytical thinking

33) In NSW, a complaint about racial discrimination would be dealt with in the Civil and Administrative Tribunal.

- A) True
- B) False

Answer: A

Difficulty: Basic

Topic: Judicial and quasi-judicial tribunals

Objective: LO 2.5 Discuss the function of different state and federal tribunals.

AACSB: Application of knowledge

34) Consumer claims under the *Australian Consumer Law* are dealt with by the Australian Competition and Consumer Tribunal.



A) True

B) False

Answer: B

Difficulty: Complex

Topic: Judicial and quasi-judicial tribunals

Objective: LO 2.5 Discuss the function of different state and federal tribunals.

AACSB: Analytical thinking

Choose the one alternative that best completes the statement or answers the question.

35) The purpose of an ombudsman is:

A) to interrogate government departments.

B) to rectify wrongs.

C) to initiate legal action against government.

D) to investigate complaints about administrative actions and administrative decisions.

Answer: D

Difficulty: Basic

Topic: The ombudsman

Objective: LO 2.6 Explain the role and purpose of the ombudsman.

AACSB: Application of knowledge

Choose the one alternative that best completes the statement or answers the question.

36) Which of the following is a feature of the adversarial system of trial?

A) Competitive conduct of each party's case.

B) Lack of party control over the case.

C) The inquisitorial trial.

D) An investigative judge.

Answer: A

Difficulty: Moderate

Topic: The adversary system

Objective: LO 2.7 Discuss the roles of the legal profession, judiciary, juries and parties in criminal and civil trials.

AACSB: Application of knowledge

37) In a civil case, the required standard of proof is beyond a reasonable doubt.

A) True

B) False

Answer: B

Difficulty: Basic

Topic: The parties



Objective: LO 2.7 Discuss the roles of the legal profession, judiciary, juries and parties in criminal and civil trials.

AACSB: Application of knowledge

38) The Jury decides questions of law while the Judge decides all questions of fact.

A) True

B) False

Answer: B

Difficulty: Basic

Topic: The jury

Objective: LO 2.7 Discuss the roles of the legal profession, judiciary, juries and parties in criminal and civil trials.

AACSB: Application of knowledge

39) The role of the Jury is to decide matters of fact.

A) True

B) False

Answer: A

Difficulty: Basic

Topic: The jury

Objective: LO 2.7 Discuss the roles of the legal profession, judiciary, juries and parties in criminal and civil trials.

AACSB: Application of knowledge

40) What is a class action?

A) An action taken by more than one litigant.

B) An action taken by multiple persons with similar claims against another party.

C) An action taken by one person against multiple persons.

D) An action taken against more than one litigant.

Answer: B

Difficulty: Basic

Topic: Representative or class action

Objective: LO 2.7 Discuss the roles of the legal profession, judiciary, juries and parties in criminal and civil trials.

AACSB: Application of knowledge

Write your answer in the space provided or on a separate sheet of paper.

41) The adversary system of justice adopted by Australian courts is often contrasted with the inquisitorial system adopted by European courts. Find out what you can about the inquisitorial system, and explain



which system you believe is the fairest.

Answer: *The question seeks personal opinion.*

Difficulty: Moderate

Topic: The adversary system

Objective: LO 2.7 Discuss the roles of the legal profession, judiciary, juries and parties in criminal and civil trials.

AACSB: Reflective thinking

42) What are some of the distinctions between the duties of a solicitor and the duties of a barrister?

Answer: The duties of a solicitor include:

- Conveyancing and drafting (drawing up documents);
- The preparation of wills and the administration of estates;
- Family law problems;
- Taxation problems;
- Litigation; and
- Preparation of various legal documents relating to topics such as the drawing up of contracts, the formation or dissolution of businesses, and the preparation of documents and all other relevant matters before trial in which a barrister is employed on behalf of the client (called a 'brief').

The duties of a barrister are:

- Giving 'opinions' to clients on the facts presented to them, setting out the relevant law and indicating the likely outcome of any action; and
- Preparing pleadings for court cases and appearing in court to represent and plead or argue a case for a client if the barrister is 'briefed' as 'counsel' in either a civil or criminal case.

Difficulty: Basic

Topic: The legal profession

Objective: LO 2.7 Discuss the roles of the legal profession, judiciary, juries and parties in criminal and civil trials.

AACSB: Application of knowledge

43) What are the designated roles of a Judge and a Jury in a trial? Do you think that there is still a need for a jury in today's society?

Answer: The duties of a judge are:



- To ensure that the rules of evidence are followed;
- To ensure that each party is fairly treated according to the law;
- To instruct the jury on matters of law;
- To decide on points of law and make a ruling on their relevance;
- To sum up the arguments impartially, and explain the law to the jury;
- Where there is no jury, to determine questions of fact and law;
- To ensure that the burden of proof has been discharged;
- In a criminal case, to pass sentence;
- In a civil case to assess damages;
- To discharge the jury if one has been used; and
- To hear appeals.

A jury is a body of men and women summoned and sworn under oath to determine questions of fact fairly and objectively in a judicial proceeding. The use of juries in civil cases has largely been abolished in most jurisdictions unless required in the interests of justice, with the judge deciding both questions of fact and of law. Where a civil case is heard with a jury it will usually consist of four, five or six members in an intermediate court and 12 in a Supreme Court. Only a majority verdict is required. If the plaintiff wants to have a matter heard before a jury, most jurisdictions now provide that before the case starts, the plaintiff has to pay into the court the costs of having a jury.

Difficulty: Basic

Topics: The judiciary

Topics: The jury

Objective: LO 2.7 Discuss the roles of the legal profession, judiciary, juries and parties in criminal and civil trials.

AACSB: Application of knowledge