

Exam

Name_____

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

- 1) There are three levels of court in every state of Australia, except for one state and two territories, which are:
- A) Western Australia, Northern Territory and the ACT.
 - B) Victoria, Northern Territory and the ACT.
 - C) Tasmania, Northern Territory and the ACT.
 - D) Queensland, Northern Territory and the ACT.

Answer: C

- 2) Which of the following statements about the role of the Magistrates Court is not true?
- A) They hear (decide) criminal cases with the assistance of a jury of 12 people.
 - B) They hear summary (less serious) criminal offences.
 - C) They can award damages for civil actions, such as contract disputes.
 - D) They hear civil claims within a specific monetary limit.

Answer: A

- 3) When a Magistrates Court conducts a committal hearing it has to consider whether a person:
- A) has committed a serious bankruptcy.
 - B) should stand trial for a serious crime.
 - C) is guilty of a summary offence.
 - D) is mentally unfit to plead in a criminal case.

Answer: B

- 4) The judicial officer who presides over (controls) a Magistrates Court wears:
- A) normal business clothes.
 - B) a court uniform.
 - C) a wig and gown.
 - D) a wig.

Answer: A

- 5) The full court of a State Supreme Court hears appeals against decisions of single Supreme Court judges. How many judges are there in this full court?
- A) Three.
 - B) Five.
 - C) Four.
 - D) Seven.

Answer: A

- 6) In all jurisdictions except South Australia and the Australian Capital Territory, juries are regularly used in civil cases that involve:
- A) assault and battery.
 - B) defamation.
 - C) negligence.
 - D) contracts.

Answer: B

- 7) Negin's motor vehicle was hit by another car and completely destroyed. As Negin did not have comprehensive insurance, he wants to sue the driver at fault for the cost of a replacement car, which is \$40 000. In which court will he usually have to take action?
- A) The Local or Magistrates Court.
 - B) The District or County Court.
 - C) The Supreme Court.
 - D) The Federal Court.

Answer: A

- 8) Negin's financial adviser convinced him to invest \$5 000 000 in a property development. The business failed and all the money was lost. Negin wants to sue his adviser for negligence. In which court will he commence his legal action?
- A) The District Court.
 - B) The Magistrates Court.
 - C) The Federal Court.
 - D) The Supreme Court.

Answer: D

- 9) Gina claims that Adze borrowed \$20 000 from her and he has refused to repay the loan. If Gina takes legal action she would usually be required to commence her legal action in:
- A) the District Court (or the County Court in Victoria).
 - B) the Supreme Court.
 - C) the Magistrates Court.
 - D) the Federal Court.

Answer: C

- 10) The Federal Magistrates Service does not have jurisdiction to hear:
- A) family law matters.
 - B) bankruptcies.
 - C) federal crimes.
 - D) consumer protection disputes.

Answer: C

- 11) Which of the following statements about state and federal tribunals are correct?
- A) They resolve disputes in specific areas of law.
 - B) They apply less formal legal procedures.
 - C) They do not have the same independence as courts.
 - D) All of the above.
 - E) A and B only.

Answer: D

- 12) Imagine the Commonwealth Parliament passed an Act that prohibited New South Wales, Victoria and Queensland from making any laws about education and required them to follow Commonwealth legislation on educational issues. The only legal action available to the states is:
- A) to introduce a private members Bill in the House of Representatives.
 - B) to commence legal action in the High Court of Australia.
 - C) to commence legal action in the International Court of Justice.
 - D) to hold a referendum of voters in New South Wales, Victoria, Queensland.

Answer: B

- 13) The only court which can hear constitutional disputes between the States and the Commonwealth governments is:
- A) the Federal Court.
 - B) the Supreme Court.
 - C) the High Court.
 - D) the Privy Council.

Answer: C

- 14) Two legal matters that the Federal Court has the jurisdiction to hear are:
- A) federal consumer protection and intellectual property disputes.
 - B) Constitutional disputes between the States and bankruptcies.
 - C) financial crimes and bankruptcies.
 - D) financial crimes and taxation disputes.

Answer: A

- 15) A State magistrate must follow a previous decision if that case involved similar facts and the decision was made by:
- A) a Full Federal court.
 - B) a single judge of the Supreme Court in the same state as the Magistrates Court.
 - C) a court of appeal in another state.
 - D) all of the above courts.

Answer: B

- 16) Which court is legally bound by a decision of a single judge of the Supreme Court of Victoria?
- A) The District Court of Western Australia.
 - B) The Victorian Court of Appeal.
 - C) The County Court of Victoria.
 - D) B and C.

Answer: C

- 17) Which of the following statements regarding precedents is most accurate?
- A) A single judge of a State Supreme Court is legally bound by relevant decisions of three judges of another State Supreme Court.
 - B) The Federal Court is legally bound by relevant decisions of the High Court.
 - C) The High Court is legally bound by relevant decisions of the Privy Council.
 - D) The High Court is legally bound by its own relevant decisions.

Answer: B

- 18) Court decisions which are not binding on another court are known as:
- A) persuasive precedents.
 - B) ratio precedents.
 - C) *stare decisis* precedents.
 - D) *obiter* precedents.

Answer: A

- 19) If a case was reported as *White v Johnson* (1998) NSWCA 250, you would know that it was probably:
- A) heard by the NSW Criminal Court.
 - B) won by White.
 - C) a criminal case.
 - D) a civil case.

Answer: D

- 20) The case of *Johns v Cosgrove & Ors* [1997] is identified under the 'report neutral' system as QSC 229. Which of the following statements about this case report is not correct?
- A) 229 is the number of the court judgement
 - B) Jones is the name of the Crown prosecutor
 - C) [1997] is the year of the judgement
 - D) 'QSC' means the Queensland Supreme Court

Answer: B

- 21) The main system for deciding court disputes in Australia is described as:
- A) an adversary system.
 - B) a mediation system.
 - C) a conciliation system.
 - D) an inquisitorial system.

Answer: A

- 22) The inquisitorial system of law is followed in:
- A) special state commissions, such as an enquiry into police corruption.
 - B) Europe (but not Britain).
 - C) Australian Royal Commissions.
 - D) all of the above.

Answer: D

23) Another term for a plaintiff is:

- A) an advocate. B) an arbitrator. C) a litigant. D) a defendant.

Answer: C

24) The main role of judges and magistrates in a civil case is:

- A) to summarise the main arguments of the plaintiff and the defendant.
B) to decide the appropriate remedy, such as the amount of damages.
C) to ensure that the rules of evidence and procedure are followed.
D) to carry out all of the above.
E) to carry out A and B only.

Answer: D

25) The official title of a lawyer who specialises in court room advocacy (representation) is

- A) an attorney. B) a 'mouth for hire'. C) a solicitor. D) a barrister.

Answer: D

26) In a civil action, plaintiffs must prove their case:

- A) *res judicata*. B) beyond reasonable doubt.
C) *summa cum laude*. D) on the balance of probabilities.

Answer: D

27) The standard of proof required in a civil case is:

- A) 51% certainty. B) beyond the realms of possibility.
C) on the balance of probabilities. D) beyond reasonable doubt.

Answer: C

28) Which of the following statements about class actions is not correct?

- A) They are used by parties with identical or similar claims.
B) They are often funded by litigation-funding companies in return for a large share of a successful claim.
C) Parties with identical or similar claims are automatically included unless they specifically opt out.
D) There must be a minimum of 20 applicants to commence an action.

Answer: D

29) The tribunal that is responsible for reviewing decisions made by Federal Departments is called:

- A) the Australian Competition Tribunal. B) the Industrial Relations Tribunal.
C) the Consumer Claims Tribunal. D) the Administrative Appeals Tribunal.

Answer: D

30) The tribunal that is responsible for reviewing the decisions made by Federal Departments or officials is called:

- A) the Australian Competition Tribunal. B) the Consumer Claims Tribunal.
C) the Administrative Appeals Tribunal. D) the Australian Industrial Relations Tribunal.

Answer: C

31) Which of the following is not a feature of the mediation process?

- A) Most mediations are run by non-lawyers.
- B) The aim is for parties to reach a mutually acceptable agreement.
- C) Agreements made after mediation are usually legally binding.
- D) The parties participate voluntarily.

Answer: C

32) Arbitration is a process that occurs when parties in dispute appoint a third person to:

- A) help the parties to reach a mutually acceptable agreement.
- B) make a binding (compulsory) determination if the parties cannot agree.
- C) investigate the claims of both sides and make recommendations about appropriate legal action.
- D) carry out all of the above.

Answer: B