CHAPTER 1 WORKSHEET 1

Test your knowledge
1 Match the terms below with the appropriate definition in the table below.

<table>
<thead>
<tr>
<th>Term</th>
<th>Definition</th>
</tr>
</thead>
<tbody>
<tr>
<td>repealing act</td>
<td>Laws relating to the rights of inheritance.</td>
</tr>
<tr>
<td>bill</td>
<td>Laws made by parliament (acts of parliament).</td>
</tr>
<tr>
<td>constitutional law</td>
<td>Laws that set out the law-making powers of the state and Commonwealth</td>
</tr>
<tr>
<td>family law</td>
<td>parliaments.</td>
</tr>
<tr>
<td>criminal law</td>
<td>Laws setting out offences against the state (community as a whole).</td>
</tr>
<tr>
<td>burden of proof</td>
<td>Laws that seek to protect the rights of individuals and groups, by providing</td>
</tr>
<tr>
<td>trespass to goods</td>
<td>remedies.</td>
</tr>
<tr>
<td>plaintiff</td>
<td>Law developed through the courts, e.g. precedent.</td>
</tr>
<tr>
<td>tort law</td>
<td>Laws that protect the rights of individuals and groups with respect to</td>
</tr>
<tr>
<td></td>
<td>negligence, defamation, nuisance and trespass. A branch of civil law.</td>
</tr>
<tr>
<td>law of succession</td>
<td>Laws relating to marriage, divorce, access, parenting orders, etc.</td>
</tr>
<tr>
<td>negligence</td>
<td>Laws setting out rules concerning legally binding agreements.</td>
</tr>
<tr>
<td>trespass to land</td>
<td>A proposed act of parliament which must be passed by both houses of</td>
</tr>
<tr>
<td>perjury</td>
<td>parliament if it is to become law.</td>
</tr>
<tr>
<td>appropriation act</td>
<td>The party initiating a civil case.</td>
</tr>
<tr>
<td>statute law</td>
<td>The party initiating a criminal case.</td>
</tr>
<tr>
<td>common law</td>
<td>The onus of proof — lies with the plaintiff in a civil case and the</td>
</tr>
<tr>
<td>enabling act</td>
<td>prosecution in a criminal case.</td>
</tr>
<tr>
<td>assault</td>
<td></td>
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<tr>
<td>prosecution</td>
<td></td>
</tr>
<tr>
<td>false imprisonment</td>
<td></td>
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<tr>
<td>civil law</td>
<td></td>
</tr>
<tr>
<td>contract law</td>
<td></td>
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<tr>
<td>defamation</td>
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<tr>
<td>juvenile crime</td>
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<tr>
<td>battery</td>
<td></td>
</tr>
<tr>
<td>Term</td>
<td>Definition</td>
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<tr>
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<tr>
<td>Laws relating to the rights of inheritance.</td>
<td></td>
</tr>
<tr>
<td>Laws made by parliament (acts of parliament).</td>
<td></td>
</tr>
<tr>
<td>Laws that set out the law-making powers of the state and Commonwealth parliaments.</td>
<td></td>
</tr>
<tr>
<td>Laws setting out offences against the state (community as a whole).</td>
<td></td>
</tr>
<tr>
<td>Laws that seek to protect the rights of individuals and groups, by providing remedies.</td>
<td></td>
</tr>
<tr>
<td>Law developed through the courts, e.g. precedent.</td>
<td></td>
</tr>
<tr>
<td>Laws that protect the rights of individuals and groups with respect to negligence, defamation, nuisance and trespass. A branch of civil law.</td>
<td></td>
</tr>
<tr>
<td>Laws relating to marriage, divorce, access, parenting orders, etc.</td>
<td></td>
</tr>
<tr>
<td>Laws setting out rules concerning legally binding agreements.</td>
<td></td>
</tr>
<tr>
<td>A proposed act of parliament which must be passed by both houses of parliament if it is to become law.</td>
<td></td>
</tr>
<tr>
<td>The party initiating a civil case.</td>
<td></td>
</tr>
<tr>
<td>The party initiating a criminal case.</td>
<td></td>
</tr>
<tr>
<td>The onus of proof—lies with the plaintiff in a civil case and the prosecution in a criminal case.</td>
<td></td>
</tr>
<tr>
<td>An act that cancels another act or a large part thereof.</td>
<td></td>
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<tr>
<td>An act that changes part of another act.</td>
<td></td>
</tr>
<tr>
<td>An act that authorises the drawing and spending of money by the government.</td>
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</tr>
<tr>
<td>An act that is passed by state or Commonwealth parliaments that delegates (gives) law-making power to a subordinate authority.</td>
<td></td>
</tr>
<tr>
<td>A crime against the legal system.</td>
<td></td>
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<tr>
<td>Crimes commonly committed by young people, e.g. vandalism, theft.</td>
<td></td>
</tr>
<tr>
<td>The area of law covering damages as a result of the breach of a duty of care owed.</td>
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<tr>
<td>An act that harms or discredits another’s reputation.</td>
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<tr>
<td>Entering another person’s land without permission or remaining after permission has expired.</td>
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</tr>
<tr>
<td>Causing genuine fear in another that they will be struck.</td>
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</tr>
<tr>
<td>Direct interference with the goods of another person.</td>
<td></td>
</tr>
<tr>
<td>The application of force to another, directly or indirectly, without their consent.</td>
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</tr>
<tr>
<td>Where a person’s freedom of movement is unlawfully and totally restrained by another.</td>
<td></td>
</tr>
</tbody>
</table>

2 Fill in the gaps.

a The case of *Grant v. Australian Knitting Mills* (1936), which clearly established the tort of negligence in Australia is an example of ________________ law.

b The *Transport Accident Act* is an example of ________________ law.

c The policy-making body of parliament is the ________________.

d The Commonwealth Parliament and state parliaments (except Queensland) operate on a ________________ system.

e The Victorian Parliament consists of an upper house and a lower house, known as the ________________ and the ________________.
f. The signing of a proposed law before it becomes law is known as ____________________.

g. Under the principle of separation of powers the ____________________ power and the ____________________ power are combined and the ____________________ power is separate.

3. Explain the terms representative government and responsible government.
**CHAPTER 1 WORKSHEET 2**

**Parliament**

1. Define the term ‘bicameral’. \(1 \text{ mark}\)
2. Describe the structure of the Commonwealth Parliament. \(1 \text{ mark}\)
3. Complete the following table. \(16 \text{ marks}\)

<table>
<thead>
<tr>
<th>Name of the house</th>
<th>Size of the house</th>
<th>Voting system</th>
<th>Term of office in years</th>
</tr>
</thead>
<tbody>
<tr>
<td>The lower house of the Victorian Parliament.</td>
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<td></td>
<td></td>
</tr>
<tr>
<td>The upper house of the Victorian Parliament.</td>
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<td></td>
<td></td>
</tr>
<tr>
<td>The lower house of the Commonwealth Parliament.</td>
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<td></td>
<td></td>
</tr>
<tr>
<td>The upper house of the Commonwealth Parliament.</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

4. What additional power does the House of Representatives have which the Senate does not possess? \(1 \text{ mark}\)

5. Outline two key roles of the Senate. \(2 \text{ marks}\)

6. What is a ‘hostile Senate’? What problem can it cause? \(2 \text{ marks}\)

7. Under what circumstances would you expect the Senate to be a rubber stamp for the House of Representatives? \(1 \text{ mark}\)

7. The results of a fictitious election were:

<table>
<thead>
<tr>
<th>Upper house</th>
<th>Labor</th>
<th>Liberal</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>30</td>
<td>10</td>
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</table>

<table>
<thead>
<tr>
<th>Lower house</th>
<th>Labor</th>
<th>Liberal</th>
</tr>
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<tbody>
<tr>
<td></td>
<td>34</td>
<td>54</td>
</tr>
</tbody>
</table>

a. Is this a state or federal election? Justify your answer. \(2 \text{ marks}\)
b. Which house is the seat of government? \(1 \text{ mark}\)
c. Which party won government? Why? \(2 \text{ marks}\)
What is the size of government? 1 mark

What is the role of the cabinet? 1 mark

What is the title of the Queen’s representative at a state level? Name the current holder of this office. 1 mark

What is the title of the Queen’s representative at a federal level? Name the current holder of this office. 1 mark

Name two similarities and two differences between state and Commonwealth parliamentary structures. 4 marks

Within the Australian legal system, what institutions have the following powers? 3 marks

a executive power

b judicial power

c legislative power

Total 40 marks
CHAPTER 1 WORKSHEET 3

Parliament — the Senate
1 In what way do you think the Senate acts as a great safeguard?
2 What is meant by the phrase ‘holding the balance of power’. Describe how this is relevant to the House of Representatives and the Senate.
3 How can the Senate become an obstacle to effective government? Explain your answer.
4 Do you think the Senate could be regarded as undemocratic? Give your reasons for your opinion.
5 Why do you think that people might vote for the government in the lower house, but for the opposition or minority parties in the Senate?
6 Discuss the advantages and disadvantages of the party in government holding a majority in the Senate.
7 Should we abolish the Senate? Construct and complete a table showing the advantages and disadvantages of retaining the Senate.

<table>
<thead>
<tr>
<th>Advantages of the senate</th>
<th>Disadvantages of the Senate</th>
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CHAPTER 1 WORKSHEET 4

Parliament multiple choice questions

Circle the most correct answer.

1. Which of the following statements most correctly describes the role of the Crown in the law-making process?
   a. The Crown must agree to legislation before it can become law.
   b. Although parliament is said to have supreme law-making power, the Crown exercises this in practice.
   c. The Crown has the right to suggest that changes be made to any law made by parliament as long as it does this within a specified time.
   d. The Crown must make the regulations necessary to implement the policies laid down in a proposed law.

2. The state Executive Council consists of the state Governor and:
   a. the Chief Justice
   b. the government members of the Legislative Council
   c. members of the Legislative Council
   d. relevant ministers of the Crown.

3. One of the main roles of the cabinet in the process of law-making by parliament is:
   a. to proclaim the acts passed by parliament so that they can take effect
   b. decide which bills will be introduced into parliament
   c. conduct the first reading of a bill that is passing to parliament for the second and third readings.
   d. enact the bill after it has been considered by parliament.

4. Parliament is considered to be the supreme law-making body because:
   a. it can delegate power to subordinate authorities
   b. it can take the laws made by courts and codify them
   c. it can overrule any court made law through the passage of a bill
   d. it can overrule any court made law by stating in parliament that it no longer applies.

5. In the Australian federal system of government:
   a. there is one central government with supreme law-making powers
   b. the central government allocates power to the states according to their needs
   c. power is divided equally between Commonwealth and state governments
   d. there is one central parliament and six state parliaments, each with their own jurisdiction.

6. A function of parliament is to:
   a. provide for the formation of government
   b. provide royal assent to bills
   c. scrutinise the actions of the High Court
   d. make local laws.
7 Under the principle of separation of powers in Australia:
   a the legislative and judicial powers are combined
   b the executive power and the legislative power are combined
   c the legislative, executive and judicial powers are separate
   d the executive power is separate.

8 The Legislative Council of the Victorian Parliament:
   a has members who are elected to serve a three-year term
   b is divided into 11 regions with five members elected to each region
   c has members who are elected to serve a fixed four-year term
   d has 88 elected members.
CHAPTER 1 WORKSHEET 5

Separation of powers

The doctrine of separation of powers divides the institutions of government into:

- executive powers — exercised by ministers and government departments administering the laws, vested in the monarch and exercisable by the Governor General, although in practice the governor-general acts on the advice of the prime minister and the ministers
- legislative powers — exercised by parliaments, law-making
- judicial powers — exercised by judges, courts and tribunals, enforcing laws and settling disputes.

This doctrine relies on different bodies carrying out each of these powers, and checks and balances are provided so these arms of government can be independent of, and scrutinise, each other. The United States adopted this completely separate model.

Australia adopted the Westminster system at the federal level, which combines the executive and legislative powers, but keeps the judicial powers separate. The prime minister and ministers, in practice, are the executive power, but are also members of the legislature, and as such form part of the legislative power. This link between the executive and legislative powers is also seen through the process of delegation of powers, from the legislature to government departments (the executive), and the necessity of the executive to check delegated legislation.

Our parliamentary system depends on the domination of two major political parties, with the members of those parties voting on party lines. The party with the majority in the lower house forms government. The members of this party will always support the executive and its proposals on all issues. This effectively weakens the scrutiny of the executive by the legislature, as the legislature is merely following the suggestions of the executive. However, since the introduction of proportional representation in the Senate, the government has rarely controlled the upper house, and the Senate was more of a parliamentary scrutineer of the executive government.

The judiciary remains the separate arm of the institutions of government, although there have been a number of instances when this separation has been blurred. The separation of powers does not exist in the same way in the state Constitutions. There is far more crossing of responsibilities in the states than federally, although generally the doctrine of separation of powers is accepted practice through state constitutional conventions.

The doctrine of separation of powers, with its checks and balances, remains an integral part of our democratic system and protects us from an executive with increasing power over our lives. In other words, there is a balance of power between the three arms of government and the independence of these bodies provides a check on one body exercising domination over the others.

Read the above information and complete the discussion questions below.

1. Describe how the institutions of government are divided under the doctrine of separation of powers.
2. Explain two ways that the executive and legislative powers are linked.
3. In a democratic system it is important that the separate powers are able to provide checks and balances on each other. How does voting on party lines weaken this aim?
4. How did the introduction of proportional representation in the Senate strengthen the Senate’s ability to scrutinise the executive? Is this still the case? Explain.
5. Describe the number of members of each house according to their party, plus independents following the 2010 election. Discuss the effectiveness of the Commonwealth Parliament. In your discussion consider the following:
   - How has a hung parliament weakened the party system?
   - Do you think the hung parliament is better, or worse, for a democratic system?
• Does the current make up of the upper and lower house of the Commonwealth Parliament strengthen or weaken the parliament’s ability to scrutinise the executive?
CHAPTER 2 WORKSHEET 1

Law-making through parliament

1. Explain three reasons for why the law may need to be changed. 6 marks
2. Explain three methods used by individuals and groups in influencing changes in the law. Provide an example of each method. 9 marks
3. What is the role of cabinet and ministers? 4 marks
4. In what way may government departments be influential in influencing a change in the law? 2 marks
5. Explain the role of committees in relation to influencing changes in the law. 2 marks
6. Explain the role of parliamentary counsel. 2 marks
7. Discuss two problems that may occur when drafting legislation. 4 marks
8. What is the role of the Senate Scrutiny of Bills Committee? 1 mark
9. Describe the purpose of a statement of compatibility. 2 marks
10. Discuss the strengths and weaknesses of law-making through parliament. 8 marks

Total 40 marks
CHAPTER 2 WORKSHEET 2

Law-making through parliament multiple choice questions

1. Royal assent:
   a. is given immediately after the second reading of a bill
   b. is the step taken before an act of parliament is proclaimed
   c. is the signing by the governor-general of acts of parliament passed by the Victorian Parliament
   d. is not necessary for state bills.

2. The lower house of the Victorian Parliament is referred to as the:
   a. House of Representatives
   b. Executive Council
   c. Legislative Council
   d. Legislative Assembly.

3. The Commonwealth Parliament consists of:
   a. elected members of both the Senate and the House of Representatives and the Queen
   b. elected members of the political party or parties with a majority in the House of Representatives and the Queen
   c. members of the government in both the Senate and the House of Representatives
   d. members of the government and opposition parties in the House of Representatives.

4. The reason for a bill is explained during:
   a. cabinet meetings
   b. the first reading
   c. the second reading
   d. the committee state.

5. A bicameral system of parliament means:
   a. parliament consists of the Legislative Council and Legislative Assembly
   b. there is a state and federal level of government
   c. parliament consists of an upper and lower house which have identical powers
   d. there are two houses involved in the passage of legislation.

6. Which of the following statements best describes the role of Victorian Law Reform Commission in the process of law-making by parliament?
   a. It decides which bills should be put to parliament.
   b. It researches all bills prior to them being put to parliament.
   c. It makes recommendations to the government for new laws.
   d. It organises demonstrations relating to law reform.

7. Which is NOT a role of the parliamentary counsel?
   a. Discuss proposals for a new bills with the relevant government department.
   b. Represent the government in parliament.
   c. Prepare a draft bill.
   d. Decide how policies can be implemented and put into an easily understood bill.
The stage in the passage of a bill through parliament where each clause is debated in full is:

a. the first reading
b. the committee stage
c. the third reading
d. the second reading.
CHAPTER 3 WORKSHEET 1

The Constitution quick quiz

1. What is the section of the Constitution where specific powers are enumerated?
2. What is the name of the powers that are shared by both the Commonwealth and state parliaments?
3. Give two examples of the type of power referred to in question 2.
4. What is the name of the powers that only the Commonwealth Parliament can rule on?
5. Give two examples of the type of power referred to in question 4.
6. What is the importance of S109?
7. What is the name of the powers that were left to the states at the time of federation?
8. Give two examples of the type of power referred to in question 7.
9. Give two examples of sections of the Constitution that protect the rights of individuals.
10. Which section prohibits states from coining money?
11. Which section of the Constitution states that trade between the states must be free?
12. Which section of the Constitution prevents the Commonwealth Parliament from legislating with respect to religion?
13. Which section prevents the residents of a state from being discriminated against?
14. What is the right that is protected by section 51(xxxi)?
15. Which section describes the mechanism for changing the Constitution?
CHAPTER 3 WORKSHEET 2

The constitution multiple choice questions

Circle the most correct answer.

1 Which of the following statements most accurately represents the powers of state and Commonwealth parliaments?
   a The state parliaments can only make laws on matters that have not previously been covered by federal acts of parliament.
   b State parliaments have specific powers and the Commonwealth Parliament is able to exercise any of these powers.
   c Each of the state parliaments and the Commonwealth Parliament has full powers within their own territorial jurisdiction.
   d Certain specified powers are vested in the Commonwealth Parliament, and the state parliaments, as well as having some of the same powers, have all the remaining powers.

2 Does the Commonwealth of Australia Constitution Act 1900 affect the legislative powers of the Victorian Parliament?
   a No, it establishes the Commonwealth of Australia as a federation, and thus the state parliaments retain all the powers they previously held.
   b No, it deals only with the Commonwealth of Australia and the powers of the Commonwealth Parliament.
   c Yes, it restricts that parliament’s ability to make effective laws because it gives control of taxation to the Commonwealth Parliament.
   d Yes, it has given some powers exclusively to the Commonwealth Parliament, although it has provided that others may be exercised by either parliament.

3 Which of the following statements is most correct regarding to the role of the High Court of Australia in relation to the Commonwealth of Australia Constitution Act?
   a Amending the wording of the Constitution where it has become out of date.
   b Advising the Commonwealth Parliament whether it has the power to make a proposed law.
   c Adjudicating in cases where there has been a challenge to the authority of the Commonwealth Parliament to make a particular law.
   d Advising the Governor-General whether he may properly assent to the laws passed by the Commonwealth Parliament.

4 The concurrent powers of the states and the Commonwealth may be exercised by:
   a a state, but only if the Commonwealth has not already exercised the power
   b the Commonwealth, but only if a state has not already exercised the power
   c both a state and the Commonwealth, but Commonwealth legislation may override the state’s
   d both a state and the Commonwealth, but state legislation may override the Commonwealth’s.
5 As a result of the provisions of the Commonwealth of Australia Constitution Act 1900, a state parliament, within its own boundaries, will have the exclusive power to legislate on matters:
   a that are specifically listed in Section 51
   b that have already been legislated on by the Commonwealth
   c that are not reserved exclusively for the Commonwealth Parliament
   d on which the Commonwealth Parliament has not been given the power to legislate.

6 A most significant reason for the low success rate for referendums is:
   a the governor-general decides not to give royal assent
   b the proposal does not pass the majority of voters in a majority of states provision
   c the proposal does not pass the majority of voters in the whole of Australia provision
   d both political parties do not decide to support the change.

7 If there is inconsistency between a law passed by a state parliament and a law passed by the Commonwealth parliament:
   a if it is a residual area of law the state act must prevail
   b the Commonwealth law must prevail
   c it must relate to an exclusive power
   d both a and b are correct.

8 Under the Constitution, the states are prevented from making law in relation to:
   a coining money
   b the freedom of religion
   c the guarantee of state powers
   d acquiring property without paying just compensation.

9 A proposed change to the wording of the Commonwealth Constitution must be:
   a first passed by the Commonwealth Parliament
   b agreed to by both major parties
   c confirmed by the High Court
   d passed by the states and territories.

10 Which of the following is NOT a factor affecting the likely success of a referendum?
   a The strict requirement of a double majority.
   b The timing of referendums
   c The Liberal Party has projected itself as the protector of the Constitution.
   d There is opposition against the referendum in the community.
CHAPTER 4 WORKSHEET 1

Protection of rights

1. Explain the difference between statutory rights and express rights. 4 marks
2. How do bills of rights differ? 3 marks
3. How is the principle of separation of powers a structural protection of rights? 2 marks
4. Explain the concepts of responsible government and representative government. 4 marks
5. How did the High Court come to the conclusion that the Constitution contained an implied right to political communication? Use an example to illustrate the points made. 6 marks
6. How are rights protected in Australia? 3 marks
7. Compare Australia’s approach to the protection of rights and the approach adopted in one of the following countries: Canada, New Zealand, South Africa or the United States of America. 8 marks

Total 30 marks
CHAPTER 4 WORKSHEET 2

Protection of rights multiple choice questions

1 Which of the following rights is not protected by the Commonwealth Constitution?
   a the right to silence
   b the right to trial by jury of indictable offences
   c the right to freedom of religion
   d the right to freedom from interstate discrimination.

2 Implied rights are:
   a rights that the founding father wrote in another document, supplementary to the Constitution
   b rights that are written in the Commonwealth Constitution
   c rights that the High Court has stated should be included in the Constitution.
   d rights that the High Court has found to have been intended to be protected by the Constitution.

3 An entrenched bill of rights is one where:
   a the bill of rights forms part of the Constitution
   b the bill of rights has been added to the Constitution at a later date
   c the bill of rights has been passed by parliament
   d the bill of rights has been agreed to by the people.

4 Which of the following countries has the most extensive protection of human rights in their bill of rights:
   a Australia
   b the Republic of South Africa
   c the United States of America
   d New Zealand.

5 An express right is:
   a a right contained in an act of parliament
   b a right set out in a constitution that cannot be changed easily
   c a right protected by common law
   d a right implied in the Constitution.

6 Responsible government:
   a confirms the responsibility of individuals’ right to vote
   b directs that the senators for each state should be directly chosen
   c protects the right of citizens to be governed by a government that has the confidence of the elected upper house
   d protects the right of citizens to be governed by a government that has the confidence of the elected lower house.
7 Constitutional rights are fully enforceable by:
a the Commonwealth Parliament, which can pass an act giving power to the federal police to enforce the rights
b the High Court, which can declare legislation invalid if it violates these rights
c amending the Constitution to enforce the rights
d the Federal Court, which can declare that the rights are valid.
CHAPTER 5 WORKSHEET 1

Precedent

Decide whether each of the following are:
- reversing
- overruling
- disapproving
- distinguishing.

The precedent used in each case is *Donoghue v. Stevenson*.

**Case A**
A higher court finds a manufacturer not liable for negligence when a snail is found in a transparent bottle and the consumer is made ill. The case was heard in 1982 the court felt *Donoghue v. Stevenson* had been wrongly decided.

**Case B**
A lower court maintains a manufacturer should not be held negligent because there was only a snail shell in the bag of chips.

**Case C**
A higher court held that Donoghue was not owed a duty of care and hence the manufacturer could not be negligent.

**Case D**
A lower court did not follow the *Donoghue v. Stevenson* precedent. It found that that a ginger beer manufacturer was not negligent as the glass of the bottle was clear and it was possible to see the contents of the bottle prior to drinking the contents.
CHAPTER 5 WORKSHEET 2

Law-making through the courts quick quiz

1. Laws made by courts are also known as __________________________ and ____________________________________.
2. Distinguish between ratio decidendi and obiter dictum.
3. Distinguish between binding and persuasive precedent.
4. If the Victorian Court of Appeal creates a precedent in a case, which part of the decision is binding, and which courts are bound to follow this?
5. State two courts whose decisions may be persuasive, but not binding, on the Supreme Court of Victoria.
6. A judge may try to avoid following a precedent by saying the material facts differ between the case where the precedent was created and their current case. This is called ____________________.
7. Distinguish between reversing and overruling.
8. Name of the Australian case that established the tort of negligence in Australia.
10. State two disadvantages of the courts as law-makers.
CHAPTER 5 WORKSHEET 3

Law-making through the courts multiple choice questions
Circle the most correct answer.

1 Which one of the following statements best explains the need for the interpretation of statutes by the courts?
   a Judges are more skilled in the rules of statutory interpretation than parliamentary counsel.
   b Statutes state general rules that need to be applied to a specific set of circumstances.
   c Parliament does not have the time, or the expertise to interpret statutes.
   d The doctrine of separation of powers requires that the legislative, judicial and executive functions of government must be kept separate.

2 The doctrine of precedent is important in our legal system because:
   a it helps to establish consistency within the legal system
   b future cases are bound by past decisions, and the experience of the past
   c laws made through the courts are more easily understood
   d the decisions of courts are recorded in law reports.

3 A major constraint on courts in law-making is that:
   a a court can only apply law that already exists
   b only the highest court in the hierarchy can change the law
   c the doctrine of precedent is so rigid that a court cannot depart from previous decisions
   d a court can only make a binding decision on the points of law involved in the specific case before it.

4 Parliament is the supreme law-making body. Despite this a law-making role for the courts can be justified by the fact that:
   a parliament cannot cope with the large amount of law-making that is required in our society
   b the majority of our rules have developed through law-making by courts
   c courts have a greater ability to take into account the attitudes and interests of the general public
   d a court must make a decision in every case before it, whether parliament has passed legislation on the issue or not.

5 In deciding an appeal from the County Court, the Supreme Court decided not to follow a decision of the High Court on the ground that some of the material facts were different. This is an example of:
   a distinguishing
   b overruling
   c reversing
   d disapproving
6. The term common law refers to:
   a. only those rules of law which are shared by Australia and the United Kingdom
   b. the rules of law other than those found in statute law and subordinate legislation
   c. legislation that is applicable to all Australians
   d. those rules of law which originate from the appropriate use of common sense.

7. In following the doctrine of precedent a Supreme Court judge:
   a. must follow all previous decisions in similar cases
   b. must use previous decisions in all previous cases of a similar nature on which to base
      his/her decision
   c. is bound by decisions of the High Court in the United Kingdom
   d. follows the decisions of higher courts in the same hierarchy, and in some instances
      courts of equal standing.

8. An observation made by a judge on a question of law, which arises in a case but is not part
   of the precedent is:
   a. ratio decidendi
   b. obiter dictum
   c. stare decisis
   d. ratio dictum.

9. Which of the following is NOT a reason for statutory interpretation?
   a. To resolve ambiguities within the acts of parliament.
   b. To clear some inconsistencies in legislation.
   c. To decide whether a specific set of facts is covered by a statute.
   d. To save parliamentary time as judges have more time to consider the meaning of the
      words of legislation.

10. Which of the following statements about the doctrine of precedent is correct?
    a. The doctrine of precedent ensures that penalties are applied consistently.
    b. A law established through the doctrine of precedent will override a valid law made by
        parliament.
    c. Decisions of a higher court are binding on lower courts in the same hierarchy.
    d. only precedents established in Australian courts are used in Victoria by legal counsel to
        support their arguments.