

36 Multiple choice questions

1. beyond the power or authority legally held by a person, institution or statute to perform an act
 - a. stare decisis
 - b. federation
 - c. ratify
 - d. ultra vires

2. a legal system where the court or a part of the court (e.g. the judge) is actively involved in conducting the trial and determining what questions to ask
 - a. residual powers
 - b. adversarial system
 - c. ultra vires
 - d. inquisitorial system

3. law made by courts
 - a. statute law
 - b. common law
 - c. domestic law
 - d. appeal

4. criminal offences that can be dealt with by a single judge without a jury and do not require a preliminary hearing
 - a. indictable offences
 - b. stare decisis
 - c. summary offences
 - d. ultra vires

5. a case in which the other side is absent or unrepresented
 - a. treaty
 - b. equity
 - c. ex parte
 - d. appeal

6. a judgment that is authority for a legal principle, and that serves to provide guidance for deciding cases that have similar facts
 - a. referendum
 - b. treaty
 - c. precedent
 - d. sanction

7. the body of law that supplements the common law and corrects injustices by judging each case on its merits and applying principles of fairness
 - a. equity
 - b. ratify
 - c. bill
 - d. treaty

8. powers that can be exercised only by the federal parliament
 - a. residual powers
 - b. legislative powers
 - c. exclusive powers
 - d. concurrent powers

9. the concept that Australia was owned by no one and was thus open to settlement when the first Europeans came; it has been judged invalid
 - a. terra nullius
 - b. sanction
 - c. ultra vires
 - d. defamation

10. a drafted law that has not yet been passed by parliament
 - a. bill
 - b. equity
 - c. appeal
 - d. ratify

11. the ability or power of a court to hear a case in the first instance
 - a. jurisdiction
 - b. original jurisdiction
 - c. appellate jurisdiction
 - d. obiter dicta

12. to formally confirm that the country intends to be bound by the treaty
 - a. sanction
 - b. equity
 - c. treaty
 - d. ratify

13. a process in which two parties are brought together for the purpose of discussing and resolving a conflict
- sanction
 - federation
 - mediation
 - defamation
14. the process of uniting several states to form a single national government
- sanction
 - mediation
 - federation
 - defamation
15. an application to have a higher court reconsider a lower court's decision, on the basis of an error in law
- treaty
 - ratify
 - appeal
 - bill
16. the law of a nation
- domestic law
 - mediation
 - statute law
 - common law
17. the legal reason for a judge's decision
- ratify
 - ratio decidendi
 - stare decisis
 - precedent
18. the legal power or capacity to make laws
- exclusive powers
 - concurrent powers
 - legislative powers
 - residual powers

19. powers held by both state and federal parliaments at the same time
 - a. concurrent powers
 - b. exclusive powers
 - c. residual powers
 - d. legislative powers

20. a system of resolving legal conflicts that relies on the skill of representatives for each side who present their cases to an impartial decision-maker
 - a. inquisitorial system
 - b. residual powers
 - c. terra nullius
 - d. adversarial system

21. an international agreement between two states in written form and governed by the guidelines of international law
 - a. treaty
 - b. appeal
 - c. ratify
 - d. equity

22. inquiries held in the Local or Magistrates' Court to determine whether there is enough evidence against the defendant to warrant a trial in a higher court
 - a. stare decisis
 - b. committal hearings
 - c. residual powers
 - d. common law

23. the referral of a particular issue to the electorate for a vote
 - a. federation
 - b. referendum
 - c. defamation
 - d. precedent

24. a penalty imposed on those who break the law, usually in the form of a fine or punishment
 - a. defamation
 - b. ratify
 - c. sanction
 - d. mediation

25. the power of the Commonwealth to legislate on international matters involving Australia
- terra nullius
 - external affairs power
 - exclusive powers
 - legislative powers
26. those remaining matters on which the states can legislate, which are not referred to in the Constitution
- exclusive powers
 - legislative powers
 - residual powers
 - concurrent powers
27. laws made by authorities other than parliament, who are delegated the power to do this by an Act of Parliament
- defamation
 - federation
 - appellate jurisdiction
 - delegated legislation
28. serious criminal offences that require an indictment (a formal, written charge) and a preliminary hearing
- indictable offences
 - legislative powers
 - summary offences
 - residual powers
29. the principle that for the practice of a state to be customary international law, the state must believe that international law requires it
- opinio juris sive necessitatis
 - obiter dicta
 - indictable offences
 - original jurisdiction
30. comments from a judge in a case that are not directly relevant to the case, and therefore not legally binding
- treaty
 - obiter dicta
 - equity
 - precedent

31. the act of making statements or suggestions that harm someone's reputation in the community
 - a. federation
 - b. mediation
 - c. sanction
 - d. defamation

32. the powers of a court, depending on its geographical area, the type of matters that can be decided, and the type of remedies that can be sought
 - a. federation
 - b. mediation
 - c. jurisdiction
 - d. sanction

33. law made by parliament
 - a. sanction
 - b. statute law
 - c. common law
 - d. domestic law

34. the ability or power of a court to hear appeals of the decisions of lower courts and to reject, affirm or modify those decisions
 - a. jurisdiction
 - b. delegated legislation
 - c. appellate jurisdiction
 - d. original jurisdiction

35. containing two chambers or houses of parliament
 - a. bicameral
 - b. bill
 - c. appeal
 - d. ratify

36. a term meaning 'the decision stands'; the doctrine that a decision must be followed by all lower courts
 - a. stare decisis
 - b. federation
 - c. statute law
 - d. ultra vires