

YEAR 12 LEGAL STUDY GUIDE



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Sample

Introduction

Welcome to Lawskool's simple and straight forward Year 12 Legal Studies Exam Guide.

This Exam Guide is easily understandable and not too complicated so that year 11 and 12 students find it simple to use.

The Exam Guide has been designed so that it applies to all Australian jurisdictions equally.

The Exam Guide is full of:

- Study Notes;
- Multiple Choice Practice Questions;
- Information for Answering Legal Problems
- Information for Structuring Your Answers
- A Legal Studies Exam Guide
- Exam Checklist; and
- Numerous Practice Exams;

As such the Lawskool Year 12 Legal Studies Exam Notes are a practical combination of practice questions and model answers for year 12 Exams with the Study Notes to ensure you pass.

The Study Notes clearly explain key legal concepts for different areas of the law covered by the practice questions.

Lawskool hopes you enjoy the Exam Notes and wish you all the best in your study of Year 12 Legal Studies.

Legal Studies Notes

Topic One: Law and Society

The Essential Influences on Law

- Natural Justice - a fair hearing.
- Justice - a decision that is good and fair according to universal principles.

The concept of the rule of law

The 'rule of law' is a principle that requires the law to be known and applicable to all citizens. It requires that the law should be known by those that it may affect and it should apply equally.

The social, cultural, moral, political and economic influences

Influences on the Law

There are 5 main influences on the development of law:

Social	These are the combined cultural, moral and intellectual preferences that affect law-makers
Cultural	These include the religion and philosophy of a society.
Moral	Laws created or changed due to what society believes is right or wrong.
Political	These come from lobby groups as well as political parties themselves.
Economic	The power of major corporations

Nature of Law - Development of law as a reflection of past and present society

Australian law has developed from a number of sources:

- Received English law (doctrine of reception);
- Imperial Acts > Constitution;
- Developing Common Law > Statutory developments.

Doctrine of Reception

If English gained land by war or treaty, then the law used is that, which the inhabitants used,

If English created a colony in an uncultivated land, or land with laws which weren't recognised by the English, then English law applied.

Customary law, common law and civil law systems

- Customary law is law that has arisen due to long-continued practices.
- Civil law system, the judge can ask questions and call upon evidence, it also refers to private law e.g. suing someone.
- Common law refers to the system of law, which comes from England. The law made by courts and judges.

The purpose of different types of law

- Domestic law is the law of the nation. Two primary sources – commonwealth/federal laws and state laws.
- International law is the law that controls behaviour between countries. These come from treaties and agreements. International law does not apply until a country makes a domestic law.
- Public Law – law about disputes between the state and private individuals and about the law-making powers of governments
- Private Law - deals with disputes between private citizens.

Civil Law	Deals with disputes between private individuals or institutions.
Criminal Law	Deals with acts or offences committed against the whole community.
Contract Law	Law concerning legal agreements made between individuals or institutions.
Tort Law	Covers cases where someone interferes with the rights of another e.g. nuisance, negligence, trespassing and assault.
Property Law	Law that deals with the manner in which personal and real property is owned, used, sold or transferred.



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