Name: Teacher:

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| **Total Mark:**  **37** | **%** | **Weight**  **7.5%** |
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My Target Score: \_\_\_\_\_ or \_\_\_\_\_%

Year 8 HASS- Assessment 6 In-Class Multiple Choice and Short Answer

**Time: 5 minutes reading time and 45 minutes working time.**

***Section One - MULTIPLE CHOICE:*** *Carefully read each task below and respond selecting the most appropriate response.*

1. What does the term ‘common law’ refer to?
   1. Law that is common to all states
   2. Law created by parliament
   3. Law created by judges
   4. Law that Australia shares with England
2. What does the term ‘statute law’ refer to?
   1. Law that is common to all states
   2. Law created by parliament
   3. Law created by judges
   4. Law that Australia shares with England
3. ‘Government’ is best defined as:
   1. Basic rights and freedoms that all humans are entitled to, such as the right to life and liberty
   2. The system of courts that interprets and applies the law
   3. The right to practice any religion you want
   4. A group of people elected to make laws for a country
4. What does the term ‘civil law’ refer to?
   1. Laws that address crimes in which financial compensation is being pursued
   2. Laws that are designed to protect the community from harming one another
   3. Laws relating to relationships between countries or states
   4. Laws relating to relationships between the government and its citizens
5. What does the term ‘criminal law’ refer to?
   1. Laws that address crimes in which financial compensation is being pursued
   2. Laws that are designed to protect the community from harming one another
   3. Laws relating to relationships between countries or states
   4. Laws relating to relationships between the government and its citizens
6. What is the judicial system?
   1. Basic rights and freedoms that all humans are entitled to, such as the right to life and liberty
   2. The system of courts that interprets and applies the law
   3. The right to practice any religion you want
   4. A group of people elected to make laws for a country
7. In Western Australia, if you are under 18 and accused of a crime you will have to attend:
   1. The Children’s Court
   2. The Supreme Court of Western Australia
   3. The District Court of Western Australia
   4. The Magistrates Court of Western Australia
8. Which Western Australian court can hear criminal cases for which the maximum penalty is life imprisonment?
   1. Magistrates Court of Western Australia
   2. Coroners Court
   3. Supreme Court of Western Australia
   4. District Court of Western Australia
9. Which of the following is NOT a feature of the Australian legal system?
   1. All persons are considered innocent until proven guilty
   2. The power of the government is divided between the judiciary, executive and legislature
   3. All persons are equal before the law
   4. The decisions of all the courts are final and cannot be challenged
10. In a criminal case the right to a fair trial, means that the trial must be fair to who?
    1. The defendant
    2. The victim
    3. Witnesses
    4. All of the above
11. How many people serve on a jury?
    1. 21
    2. 12
    3. 10
    4. 13
12. The term given to people who are responsible for keeping society safe and orderly
    1. Judges
    2. Jury
    3. Police
    4. Security guards
13. Being held in Custody means
    1. Imprisonment prior to court hearing
    2. Imprisonment after court hearing
    3. Being held before you are charged
    4. When a police officer grabs you
14. A person who brings a case against another in court in known as
    1. Defendant
    2. Plaintiff
    3. Defence
    4. Offence
15. Which statement about laws made in Australia is NOT true?
    1. Parliament makes laws called statute law which reflects society’s beliefs.
    2. Courts make laws called common law, which is inferior to statute law.
    3. Common law is signed by the governor-general.
    4. Statute law includes civil law.
16. When a judge makes a decision on a case that is the first of its kind, it is called:
    1. common law.
    2. a judgement.
    3. case law.
    4. a precedent.
17. Statute law applies to everyone and:
    1. is made by the courts of Australia.
    2. is made by the parliament of Australia.
    3. covers very limited areas.
    4. is proposed in the upper house.
18. The three main types of civil law are:
    1. contract law, family law and tort law.
    2. private law, family law and defamation law.
    3. contract law, statute law and private law.
    4. statute law, tort law and defamation law.
19. The law that covers a dispute about something that was bought online is called:
    1. criminal law.
    2. tort law.
    3. contract law.
    4. statute law.
20. Which of the following correctly describes the hierarchy of Western Australia’s courts, from the lowest to highest court?
    1. Supreme Court of Western Australia, District Court of Western Australia, Magistrates Court of Western Australia
    2. District Court of Western Australia, Magistrates Court of Western Australia, Supreme Court of Western Australia
    3. Magistrates Court of Western Australia, Supreme Court of Western Australia, District Court of Western Australia
    4. Magistrates Court of Western Australia, District Court of Western Australia, Supreme Court of Western Australia

***Section Two – SHORT ANSWER***

1. Short Provide one reason why laws exist. (1 mark)

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1. Explain why criminal laws are a dispute between the accused and the ‘state’ or government. (1 mark)

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1. List two types of criminal law. (1 mark)

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1. Explain why civil law is sometimes called private law. (1 mark)

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1. State the area of law that covers marriages, divorces and the care of children? (1 mark)

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1. List four features of a fair trial: (4 marks)
2. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
3. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
4. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
5. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
6. Select one of the features of a fair trial that you have listed above and outline with an example how it contributes to a legal trial being fair. (3 marks)

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**Refer to Case Study One to complete the following questions.**

1. State whether Case Study one about is a criminal or civil case. (1 mark)

1. Explain why the case study is either a criminal or civil case. (4 marks)

***CASE STUDY 1:***  *Carefully read the following case study and answer the following questions.*

**Cockatoo cleared of wrongdoing in Adelaide suburban dispute**

[**By AAP**](https://www.9news.com.au/meet-the-team/contributors/aap)

3:36pm Nov 1, 2019

A pet cockatoo at the centre of a bitter neighbourhood dispute because of its screeching has been cleared of wrongdoing, in a case described by an Adelaide judge as "completely unjustified".

The dispute was settled in the District Court this week, after a woman's decision to take the family next door to court backfired.

She had lived in her northern suburbs rental property for a few months when she earlier this year asked a magistrate to award her damages because her neighbours were causing a nuisance.

In the claim, she said the family's cockatoo screeches, their dogs bark "day and night", their young children play outside and "often scream as loud as they can" and the man whistles while he mows the lawn.



Investigations by the City of Prospect council disproved the allegations, including a report that found the noise generated by the cockatoo was not excessive and there was no cause for complaint.

The family, however, lodged a counter-claim, alleging the woman harassed them by needlessly calling the police to their property 15 times in five months, including six times because of "loud talking on Christmas Day".

They described their experience with her as "a nightmare" and said they installed security cameras and fences in an effort to keep the woman off their property.

A magistrate in July dismissed the woman's nuisance claim but awarded the family more than $11,000 in damages for the harassment they had suffered.

The woman appealed that ruling, and Judge Patrick O'Sullivan this week reversed the decision and ordered that neither party should be paid damages.

In his judgment, he said the woman's claim was "completely unjustified" and her complaints amounted to "no more than the ordinary activities of a young family living in a suburban environment".

"For reasons unknown, in my view, the (woman) has set about a campaign against (the family) in relation to any noise emanating from their property," Judge O'Sullivan said.

"I have no doubt that (the family) have been subjected to behaviour on the part of (the woman) which has had a significant impact on their lives."

But he said while the woman's harassment had been relentless, her making complaints to the council and police did not constitute a nuisance worthy of damages.

Australian Associated Press, 2019, <https://www.9news.com.au/national/south-australia-news-cockatoo-noise-complaint-dispute/92dbe992-71fa-4894-8e81-57f20958f1c4> , accessed 13/11/2019