Yr 12 Legal Studies transition work

1. Write a page or half page on what you understand to be the political situation in Australia at present. Imagine you have a visitor staying at your house who knows nothing of the way politics, government and law-making works here. Inform them and include anything you think may be unusual or interesting.

You can do this either before you learn anything else or after the transition program and when you have finished the holiday homework.

2. Explain the relationship between the criminal and civil law. Page 6-8
Use Farquarson case (page 8) to assist.

3. Write a short paragraph on each of the following features of our parliamentary system, explaining what they are and why they are significant. Chapter 2

- Federation/federal system
- The Constitution
- The Westminster system
- Bicameral parliament
- The separation of powers
  - The legislative power
  - The executive power
  - The judicial power

4. Commonwealth Parliament

  a. Briefly describe the House of Representatives. p22
  b. Outline the role of the HoR – dot points with one sentence. p 22
  c. Describe the Senate. p 23
  d. Outline the role of the Senate – dot points with one sentence. p 23

5. Comment on the state of the House and the Senate in the current parliament. Read the article on page 24 and include any ideas from that if needed.

6. The Crown is the formal Head of State in Australia (The Queen). The Crown is represented in Australia by the Governor-General.

Outline the role of the GG. Dot points 1 - 5 and 8 are the most important and you should know them. p 25

   Explain
   a. how government is formed
   b. how a prime minister is selected
   c. what a minister is
   d. what cabinet is
   e. what the Executive Council is

8. State Parliament

   a. Briefly describe the Legislative Assembly. P 28
   b. Outline the role of the LA – dot points with one sentence. p 28
   c. Describe the Legislative Council. P 28
   d. Outline the role of the LC – dot points with one sentence. p 29

   Note that the Legislative Council cannot block supply (money bills).

9. The role of the Crown is Victoria is similar to the commonwealth except the title is ‘Governor’.

10. Representative government.

    This is an extremely important concept. It has been used by the High Court to decide on the rights of people. p30
    Explain it as best you can in with a number of examples.

11. Responsible government

    Use the dot points and a sentence for each to explain. p 30

12. Complete the accompanying sheets as part of your transition/holiday work.

There will be a short SAC in the second week back on this material.
The upper and lower houses

The upper house acts as a 'house of review' and effectively represents the states' rights. The lower house is the main legislative chamber and the 'people's house'. It is the means by which the people choose their government.

<table>
<thead>
<tr>
<th>Role</th>
<th>Lower house</th>
<th>Upper house</th>
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<tbody>
<tr>
<td></td>
<td>(Note: the government is always formed in the lower house)</td>
<td>The upper house has the same functions as the lower house, except that it cannot introduce Financial Bills.</td>
</tr>
<tr>
<td></td>
<td>• Represents the nation's/states' interest</td>
<td>State House: the upper house is supposed to represent the interest of each state, thus we have equal representation across Australia with 12 senators per state, regardless of size or population.</td>
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<tr>
<td></td>
<td>• Introduces and changes laws (majority come from this house)</td>
<td>House of Review: the Senate is supposed to review all legislation that comes to it from the lower house.</td>
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<td></td>
<td>• Controls the budget and purse strings</td>
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<td></td>
<td>• Debates all laws</td>
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<td></td>
<td>• Delegates and checks delegated legislation</td>
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<td></td>
<td>• Sets up committees to investigate issues of importance</td>
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</tbody>
</table>

Refer to *Making and Breaking the Law VCE Units 3 & 4* page 24 and complete the following activity.

<table>
<thead>
<tr>
<th>What pressures to legislate exist in the Senate?</th>
<th>Do we really need a Senate?</th>
</tr>
</thead>
<tbody>
<tr>
<td>What is the role of Senate?</td>
<td></td>
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<tr>
<td>What are the strengths of the Senate?</td>
<td></td>
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<tr>
<td>What are the weaknesses of the Senate?</td>
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</tbody>
</table>

**Issues for discussion**

| What is meant by a 'rubber stamp'? |  |
| What is meant by the balance of power? |  |
| What is meant by a hostile house? |  |
Parliament

1. If reports of law reform committees effect major changes in the law, they are most likely to do so
   as soon as they are published, because legislative power has been delegated to these law reform bodies by the parliaments that set them up.
   B. by parliamentary legislation, after the proposed reforms have been debated in each house of parliament.
   C. by the reports being adopted in orders-in-council made by the governor or Governor-General-in-Council.
   D. by the courts drawing on the recommendations of the report and overruling past decisions.

2. Which of the following statements most correctly describes the Crown’s role in relation to legislation?
   A. The Crown has the right to veto any law made by parliament as long as it does this within a specific time.
   B. The Crown must give assent to legislation before it can become law.
   C. The Crown must make the regulations to implement the legislation passed by parliament.
   D. Although parliament is said to have supreme legislative authority, the Crown exercises this power.

3. The main function of parliament is to provide a
   A. means by which the general public are democratically represented in the making of laws that are to govern them.
   B. forum for the exchange of views that provides guidance to the courts.
   C. public means of effecting change to the decisions of courts.
   D. means by which the public service can check the exercise of power by the government.

4. If the Commonwealth Government wished to make a major change in the law relating to electronic commerce via the internet, what would be the quickest and most direct method of doing this?
   A. Directing the courts to change the common law rules relating to contracts of this nature.
   B. Referring the matter to the High Court.
   C. Introducing a Bill, containing the desired protection, to parliament.
   D. Obtaining an order from the governor-general.

5. Each level of government—Commonwealth and state—has initial responsibility in certain areas of the law. Which one of the following areas lies largely in the control of the Commonwealth?
   A. Motor traffic and liabilities of motorists.
   B. Currency and legal tender.
   C. Town planning.
   D. Crime.
6 The Commonwealth Parliament is the ultimate law-making authority because
A it can make any laws it pleases within the confines of its own Constitution
B it retains the Queen as figurehead and her representative must sign all enactments
C it can override the states in any area of law where conflict arises
D both A and C.

7 A Bill before parliament goes through a number of stages. Which one of the following statements is incorrect?
A A Bill may pass through the committee stage before the second reading.
B A Bill may pass through the committee stage before the third reading.
C A Bill always passes through the committee stage after the first reading.
D A Bill passes through the committee stage before the first reading.

8 Which of the following is a correct statement about the Australian legislative process?
A The law requires parliamentary members of political parties to adopt legislative proposals arising out of party policy.
B Only legislative proposals that have gained Cabinet approval are able to be brought before parliament.
C The bicameral structure of most Australian parliaments ensures that opposition parties are always able to block legislation.
D A Bill can be amended during the committee stage or third reading.

9 A minister wishing to introduce a Bill in the Commonwealth Parliament first gains approval from the
A Cabinet
B Executive Council
C governor-general
D prime minister.

10 In Victoria a Bill becomes an Act of Parliament when it is
A signed by the governor and proclaimed law
B proclaimed by the Legislative Council
C passed by both houses of parliament
D read in parliament for a third time.

11 Commonwealth Parliament consists of
A elected members of the political party or parties with a majority in the House of Representatives and the Crown
B members of the government and opposition parties in the House of Representatives
C elected members of both the Senate and the House of Representatives and the Crown
D members of both the Senate and the House of Representatives.
A change in legislation
A is largely initiated through public demonstrations in favour of the proposed change
B is commonly a response to recommendations put to the relevant minister by government departments
C is primarily the role of the courts through the operation of the doctrine of precedent
D takes place only with the support of recognised law reform bodies.

Which of the following statements about state parliaments is true?
A State parliaments are subordinate to the Commonwealth Parliament.
B State parliaments have their own constitutions that give them powers to enact laws for the people of that state.
C State parliaments are able to legislate in an area in which the Commonwealth Parliament has power to legislate.
D State parliaments must have their legislative proposals approved by the Commonwealth Parliament before they are debated.

The legislative process is important because
A it ensures that all the demands of the community can be discussed in parliament
B it allows the Cabinet to ensure that all of its proposals for legislative change are passed
C the laws passed have been debated by elected representatives of the people
D it means that laws that do not gain the approval of all members of parliament cannot be passed.

The Commonwealth Parliament has the power to make laws
A for the peace, order and good government of the Commonwealth generally
B for the peace, order and good government of the Commonwealth with respect to certain heads of power
C only in relation to international affairs
D on any matters of national importance.

The last step in the making of a Commonwealth Act of Parliament is the
A third reading
B royal assent and proclamation
C adoption of the report by the Committee
D third reading in the Senate.

Which of the following statements is incorrect? The State Parliament
A is bicameral
B has an upper house which cannot introduce Bills
C delegates its legislative power to subordinate authorities
D has concurrent legislative powers with the Commonwealth and certain residual powers.
18. The Crimes (Criminal Trials) Act (Vic.) is an example of
   A. subordinate legislation
   B. judicial precedent
   C. statute law passed by the Victorian Parliament
   D. legislation passed by the Commonwealth Parliament.

19. The Executive Council at a Commonwealth level consists of
   A. all ministers
   B. the governor and only the most senior ministers
   C. the governor-general and some senior ministers
   D. the governor-general and the Chief Justice of the High Court.

20. Which of the following parliamentary documents provides an indication of the government's general
    aims in introducing the Act of Parliament?
    A. The minister's second reading speech
    B. Margin notes to the Bill
    C. The first reading debate
    D. An explanatory press release.

21. Parliament consists of the
    A. government and the Crown
    B. two houses of parliament and the Crown
    C. Crown
    D. political party with a majority in the lower house.

22. Which of the following statements describes a significant difference in the powers of the two houses of
    the Commonwealth Parliament?
    A. The Senate's sole function is to review legislation.
    B. The lower house can initiate money Bills.
    C. The House of Representatives must begin and pass all new legislation.
    D. The upper house is the only house that can initiate money Bills.

Tribunals and other methods of dispute resolution

1. One of the significant benefits to individuals of the introduction of tribunals with specialised jurisdiction
   is that
   A. they provide for the timely resolution of appeals against decisions of government departments
   B. legal procedures are less complicated in them and legal advice may not be needed
   C. the dispute resolution powers are delegated to bodies with particular expertise by the courts
   D. the traditional courts are not interested in settling less important matters or disputes relating to
      specific areas.
Across
1. The highest court in Australia established by the Commonwealth Constitution (4, 5)
2. The meeting of ministers of the government to formulate government policy (7)
3. The party (parties in coalition) holding a majority of seats in the lower house of Parliament (10)
4. The function of government that provides for dispute resolution (8)
5. Law-making function of government (11)
6. The lower house of the Commonwealth Parliament (5, 2, 15)
7. The authority of the monarch represented by the governor or the governor-general (5)
8. The lower house of the Victorian Parliament (11, 6)
9. Administrative function of government (9)
10. The supreme law-making body consisting of elected representatives and the crown (10)
11. The upper house of the Victorian Parliament (11, 7)
12. The Crown's representative at a state level (8)
13. Describes the powers of government (10, 2, 6)
14. The Crown's representative at a federal level (8, 7)
15. The upper house of the Commonwealth Parliament (6)

Down
1. The party (parties in coalition) holding a majority of seats in the lower house of Parliament (10)
2. The function of government that provides for dispute resolution (8)
3. Law-making function of government (11)
4. The authority of the monarch represented by the governor or the governor-general (5)
5. The lower house of the Commonwealth Parliament (5, 2, 15)
6. The upper house of the Victorian Parliament (11, 7)
7. The Crown's representative at a state level (8)
8. The Crown's representative at a federal level (8, 7)
9. Administrative function of government (9)
10. The supreme law-making body consisting of elected representatives and the crown (10)
11. Describes the powers of government (10, 2, 6)
12. The lower house of the Commonwealth Parliament (6)