

TESTBANK

to accompany

BUSINESS LAW

3rd edition

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Chapter 1

Introducing the Law

Multiple Choice Questions

1. The purpose of the law is to:
- i. Resolve disputes.
 - ii. Keep the peace.
 - iii. Preserve and enforce community values.
 - iv. Ensure that resources and opportunities are distributed fairly within a community.

- a. i, ii, iii.
- b. i, iii, iv.
- c. i, iv.
- *d. i, ii, iii, iv.

General Feedback:
Chapter 1, 'The nature of law'.

2. A legal system that complies with the rule of law will ensure that:
- i. All citizens have legal rights enforceable in the courts.
 - ii. The law will be applied equally to all.
 - iii. All citizens are entitled to legal representation.
 - iv. People will only be punished for conduct that is expressly made illegal.

- a. i, ii, iii.
- b. i, iii, iv.
- *c. i, ii, iv.
- d. ii, iii, iv.

General Feedback:
Chapter 1, 'The nature of law'.

3. Public law is concerned with the relationship between the citizen and the state, and includes:

- a. Contract law and criminal law.
- b. Administrative law and tort law.
- c. Taxation law and property law.
- *d. Constitutional law and administrative law.

General Feedback:
Chapter 1, 'The nature of law'.

4. Private law is concerned with the relationships between citizens within the community, and includes:

- i. Contract law and tort law.
- ii. Competition law and consumer law.
- iii. Commercial law and partnership law.
- iv. Employment law.

- a. i, ii, iii.
- b. ii, iii, iv.
- c. i, iii, iv.
- *d. i, ii, iii, iv.

General Feedback:

Chapter 1, 'The nature of law'.

5. A particular law might be changed because of:

- i. A change in government.
- ii. Changing social and moral values.
- iii. Old legislation automatically expiring.
- iv. The invention of new technologies.

- a. i, ii, iii.
- b. i, iii, iv.
- *c. i, ii, iv.
- d. ii, iii, iv.

General Feedback:

Chapter 1, 'The nature of law'.

6. Contract law regulates:

- a. The relationship between the various arms of government.
- *b. Agreements and promises.
- c. The compensation of victims for another's carelessness.
- d. Criminal liability.

General Feedback:

Chapter 1, 'The nature of law'.

7. Tort law may be classified as:

- i Public law.
- ii Criminal law.
- iii International law.
- iv Civil law.
- v Domestic law.
- vi Private law.

- a. i, iii, vi.
- b. ii, iv, v.
- c. iii, iv, v.
- *d. iv, v, vi.

General Feedback:

Chapter 1, 'The nature of law'.

8. 'Justice' can best be understood as:

- a. Morality.
- *b. Fairness.
- c. Legality.
- d. Truth.

General Feedback:

Chapter 1, 'Justice, ethics and politics'.

9. Australia's legal system is a common law legal system based on the:

- a. Indigenous Australian legal system.
- *b. British legal system.
- c. Roman legal system.
- d. US legal system.

General Feedback:

Chapter 1, 'The Australian legal system'.

10. The head of state of the Commonwealth of Australia and of the various States and Territories is the:

- a. Prime Minister.
- *b. King or Queen of England.
- c. Constitution.
- d. Chief Justice.

General Feedback:

Chapter 1, 'The Australian legal system'.

11. Under Australia's federal system of government:

- i. There are two levels of government: the Federal government and the various State governments.
- ii. Power to govern is shared between the Federal and the State governments.
- iii. The two levels of government are not subordinate to each other, but are 'partners'.

- a. i, ii.

- b. ii, iii.
- c. i, iii.
- *d. i, ii, iii.

General Feedback:

Chapter 1, 'The Australian legal system'.

12. Australia was initially regarded terra nullius at the time of British settlement, which means:

- a. 'Land to be settled'.
- *b. 'Land belonging to no-one'.
- c. 'Inhabited land'.
- d. 'Conquered land'.

General Feedback:

Chapter 1, 'The Australian legal system'.

13. The application of the doctrine of reception in Australia meant that:

- a. The laws of the indigenous Australians remained in place and were recognized by the British.
- b. Native title laws were recognized by the British.
- *c. The British settlers brought British laws with them.
- d. British laws and laws of the indigenous Australians were assimilated.

General Feedback:

Chapter 1, 'The Australian legal system'.

14. As an employer Johnny must pay payroll tax to:

- a. The Federal government.
- *b. The State government.
- c. The Local government.
- d. All of the above.

General Feedback:

Chapter 1, 'Law and life'.

15. Which if the following is not a key feature of law?

- a. A set of rules.
- *b. Approved by the court.
- c. Made by the state.
- d. Enforceable by prosecution or litigation.

General Feedback:

Chapter 1, 'The nature of law'.

16. The Australian legal system is:

- i. A constitutional monarchy.
- ii. A liberal democracy.
- iii. A federation.
- iv. A democratic republic.

- a. i, ii, iv.
- *b. i, ii, iii.
- c. i, iii, iv.
- d. ii, iii, iv.

General Feedback:

Chapter 1, 'The Australian legal system'.

17. Certainty is one of the ideals of the law because:

- a. The law should respond to changes in community values.
- *b. People should be able to conduct their affairs confidently and know in advance what rules apply.
- c. People should be able to easily find out what the law is.
- d. The law should never change.

General Feedback:

Chapter 1, 'The nature of law'.

18. Ash promises to meet Johnny for a beer, but never shows up. Ash's conduct is:

- a. Ethical and legal.
- *b. Unethical but legal.
- c. Ethical but illegal.
- d. Unethical and illegal.

General Feedback:

Chapter 1, 'The nature of law'.

19. In his country of origin Nigel is not permitted to exercise any legal rights because of his racial heritage. It appears that his country is not governed in accordance with:

- *a. The rule of law.
- b. The doctrine of reception.
- c. The separation of powers.
- d. The doctrine of precedent.

General Feedback:

Chapter 1, 'The nature of law'.

20. The Federal government compulsorily acquires Tom's land as the proposed site for a new freeway. He is not compensated. Tom may be able to challenge the acquisition on the ground that:

- *a. According to the Australian Constitution he is entitled to 'just compensation'.
- b. The Federal government does not have the power to compulsorily acquire land.
- c. It is not fair.
- d. The Constitution gives the power of compulsory acquisition to the State governments not to the Federal government.

General Feedback:

Chapter 1, 'Justice, ethics and politics'.

21. Danny is arrested. When asked, the arresting officer refuses to tell Danny why he has been arrested. It appears that the police are not acting in accordance with:

- a. Absolute justice.
- b. Retributive justice.
- c. Distributive justice.
- *d. Procedural justice.

General Feedback:

Chapter 1, 'Justice, ethics and politics'.

22. The law is a living, growing thing that constantly changes. Which of the following cannot be regarded as a force for change?

- a. A change in government.
- b. The need to remedy a defect in a law.
- c. Pressure exerted by lobby groups on the government.
- *d. The notion of certainty that maintains that people should be reasonably certain of their legal rights.

General Feedback:

Chapter 1, 'The nature of law'.

23. The term loophole when used in a legal context means:

- a. A way of complying with the spirit of the law rather than the letter of the law.
- *b. A way of interpreting a law so as to circumvent its intended effect.
- c. A technological glitch in a computer system.
- d. An escape clause in a contract.

General Feedback:

Chapter 1, 'The nature of law'.

24. Johnny is accused of murder. Which of the following is not an example of procedural justice at work?

- a. The arresting officer informs him of his right to legal representation.
- b. The Crown must prove his guilt beyond reasonable doubt.
- c. His barrister is entitled to cross-examine the witness for the prosecution.
- *d. The trial judge takes into account Johnny's criminal history when passing sentence.

General Feedback:

Chapter 1, 'Law and justice'

25. Retributive justice is:

- a. Aimed at the fair and proper distribution of resources within a group.
- b. The basis for the theory of egalitarianism.
- *c. Concerned with the rehabilitation of wrongdoers.
- d. Applied to ensure group members receive their just entitlement.

General Feedback:

Chapter 1, 'Justice, ethics and politics'.

26. Ethical standards are similar to legal rules because:

- *a. They offer guidance in making decisions about behaviour.
- b. They are not enforceable by prosecution or litigation.
- c. They are based on personal values.
- d. Some consider them to be universal rules applying to everyone, everywhere, all the time.

General Feedback:

Chapter 1, 'Justice, ethics and politics'.

27. Chloe asks Ben whether her bottom looks big in her new pair of jeans. Ben believes it does. Which of the following is an example of unethical behaviour by Ben?

- a. Ben says no because he is frightened of Chloe and wants to avoid a scene.
- b. Ben says no because he doesn't want to hurt Chloe's feelings.
- c. Ben says yes because he believes in always telling the truth regardless of the consequences.
- *d. Ben says yes because the jeans were very expensive and he wants her to return them.

General Feedback:

Chapter 1, 'Justice, ethics and politics'.

28. The doctrine of separation of powers states:

- *a. That the legislative, executive and judicial arms of government should function independently of each other.
- b. That the executive holds the ultimate authority.
- c. That the federal, state and local governments should remain separate.
- d. That the head of state has no power and is a mere figurehead.

General Feedback:

Chapter 1, 'The Australian legal system'.

29. Which of the following countries is not a parliamentary republic?

- a. Italy.
- *b. France.
- c. Singapore.
- d. East Timor.

General Feedback:

Chapter 1, 'The Australian legal system.'

30. In a common law legal system:

- a. The primary source of law is legislation.
- b. The decisions of judges are not recorded as a source of law.
- c. The model of law is the Roman model
- *d. The two main sources of law are legislation and case law.

General Feedback:

Chapter 1, 'The Australian legal system.'

31. Michael, who lives in Brisbane, purchased a set of golf clubs from Matthew, who lives in England, via the Internet. The clubs were delivered but did not fit the description given on the website. Michael wants to sue Matthew for breach of contract. An Australian court will have jurisdiction to hear the dispute if:

- *a. Michael serves the statement of claim on Matthew when he visits Brisbane on holiday.
- b. An Australian company manufactured the golf clubs.
- c. Matthew knew the clubs were to be used in Australia.
- d. Michael is a citizen of Australia.

General Feedback:

Chapter 1, 'The Nature of law'.

32. Which of these is not a characteristic of a liberal democracy?

- a. The judiciary and legislature constrain the power of the executive.
- b. The citizens determine the outcomes of elections.
- *c. There is no written constitution.

d. All citizens are equal under the law.

General Feedback:

Chapter 1, 'The Australian legal system'.

33. Which of the following statements is true?

- a. There was no legal system in Australia prior to British settlement.
- b. The first governor of Australia was Governor Lachlan Macquarie.
- c. Indigenous Australians were recognised as legal inhabitants when the first British colony was established.
- *d. Terra nullius means 'empty land'.

General Feedback:

Chapter 1, 'The Australian legal system'.

34. The High Court decided in the landmark decision of *Mabo v Queensland (No.2)* that:

- a. Australia was terra nullius at the time of colonisation.
- b. The Meriam people had no title to the Murray islands.
- *c. Indigenous Australians could have their traditional title to land formally recognised.
- d. Compensation should be paid where traditional rights are removed.

General Feedback:

Chapter 1, 'The Australian legal system'.

35. By the late 1800s there was growing pressure for unification of the colonies. The sources of pressure did not include:

- *a. The British government's desire to reinforce its control over the colonies.
- b. The need to defend the continent during war.
- c. Trade disputes because of customs barriers between colonies.
- d. The desire for a consistent and effective immigration policy.

General Feedback:

Chapter 1, 'The Australian legal system'.

36. The Australian Constitution was established by the:

- a. Colonial Laws Validity Act.
- b. Constitution Act.
- c. Australia Act.
- *d. Commonwealth of Australia Constitution Act.

General Feedback:

Chapter 1, 'The Australian legal system'.

37. A local government is:

- a. A separate level of government in its own right.
- b. Comprised of a legislature, executive and judiciary.
- *c. Established by a state government to be responsible for local services.
- d. Responsible for controlling power supply and health services.

General Feedback:

Chapter 1, 'The Australian legal system'.

38. Ideally the law should:

- *a. Be certain, flexible, accessible and fair.
- b. Remain unchanging.
- c. Be followed regardless of whether it or not it is seen by most to be fair.
- d. Not be enforced where a wrongdoer was unaware of its existence.

General Feedback:

Chapter 1, 'The nature of law'.

39. Which of the following would not be regarded as a purpose of the law?

- a. Keeping the peace and preventing chaos.
- b. Ensuring community values are applied equitably.
- c. Ensuring fair distribution of resources.
- *d. Encouraging the arbitrary exercise of power.

General Feedback:

Chapter 1, 'The nature of law'.

40. Public law is concerned with:

- a. Prosecution of crimes committed by members of the public.
- b. Matters that do not involve privacy issues.
- *c. The relationship between the citizen and the state.
- d. The maintenance of parks and other community venues.

General Feedback:

Chapter 1, 'The nature of law'.

41. Brockwell is the leader of a religious sect. His position requires him to wear a ceremonial sword. He is arrested and charged with carrying a weapon. He seeks to challenge the charge on the grounds that the law contravenes his religious freedom. His defence will rely on:

- a. Criminal law.
- b. Administrative law.

- *c. Constitutional law.
- d. Private law.

General Feedback:
Chapter 1, 'The nature of law'.

42. Tort law:

- a. Is the law that regulates agreements and promises.
- b. Seeks to ensure businesses do not misuse their power in the marketplace.
- *c. Provides a remedy for those harmed by the acts or omissions of another.
- d. Governs the relationship between employers and employees.

General Feedback:
Chapter 1, 'The nature of law'.

43. Which of the following statements is not in accordance with the notion of retributivism?

- a. Offenders must be dealt with as individuals.
- b. Punishment should be determined in accordance with what the offender deserves.
- *c. Punishment for any given offence should always be the same, regardless of the circumstances of the crime.
- d. Punishment should constitute a proper response to a wrongful act.

General Feedback:
Chapter 1, 'Justice, ethics and politics'.

44. Which of the following is not an example of the operation of procedural justice?

- a. Informing a defendant of the charges made against them.
- b. The right to trial by jury.
- *c. Denying a defendant the right to legal representation.
- d. The requirement for unanimous jury decisions in criminal trials.

General Feedback:
Chapter 1, 'Justice, ethics and politics'.

45. Dominique cooks a chocolate cake for her son Tiger's birthday. Sadly she is not a good cook and Tiger finds the cake dry and floury. When Dominique asks Tiger what he thinks of the cake, he responds that it is the best cake he has ever eaten. It appears from his reply:

- a. He has bad taste in cakes.
- b. He favours a deontological approach to ethical behaviour.
- *c. He favours a utilitarian approach to ethical behaviour.
- d. He is afraid Dominique will poison him if he tells the truth.

General Feedback:

Chapter 1, 'Justice, ethics and politics'.

46. Melissa is a real estate agent. She is showing a house to Tania. She knows Tania believes in the supernatural. A grisly murder was carried out in the house 10 years before. Melissa is not required by law to inform Tania. She suspects if Tania knew, it would influence her decision to buy the house. Which of the following does not constitute ethical conduct on Melissa's part?

- a. Melissa makes it clear that Tania should not buy the house but does not tell her why.
- b. Melissa says nothing because she believes there is nothing wrong with the house.
- c. Melissa makes full disclosure of the history of the house.
- *d. Melissa keeps quiet because she is focused on earning a large commission.

General Feedback:

Chapter 1, 'Justice, ethics and politics'.

47. When used in a legal context the term 'bicameral' refers to:

- *a. The parliament consisting of two Houses, an Upper House and a Lower House.
- b. The separation of power between federal and state governments.
- c. The authority of the Governor General.
- d. The ban on the filming of parliamentary sessions.

General Feedback:

Chapter 1, 'The Australian legal system.'

48. Australia is a:

- a. Presidential system.
- b. Parliamentary republic.
- c. Theocracy.
- *d. Constitutional monarchy.

General Feedback:

Chapter 1, 'Justice, ethics and politics'.

49. Which of the following is not a possible definition of the term 'common law'?

- a. The law common to the whole of England as opposed to local laws.
- b. Case law developed by the common law courts in England.
- c. Case law generally.
- *d. Law that was made by the Common Court.

General Feedback:

Chapter 1, 'Justice, ethics and politics'.

50. Which of the following is not an institution that administers public international law?

- *a. International Committee of the Red Cross.
- b. United Nations.
- c. World Trade Organisation.
- d. International Monetary Fund.

General Feedback:

Chapter 1, 'The Nature of the Law.'

51. The role of the executive within the federal government is to:

- a. Make the law.
- b. Interpret the law via the court system.
- c. Declare certain laws unconstitutional and invalid.
- *d. Administer the law and oversee the public service.

General Feedback:

Chapter 1, 'Australian legal system.'

52. The Australian legal system differs in some respects from the legal systems of other countries. Select the statement below that correctly describes the Australian system.

- a. Australia has a constitution accompanied by a bill of rights identifying Australian citizens' civil rights and liberties.
- *b. The head of state is the Queen of England.
- c. The head of state is also the head of the executive.
- d. The Australian prime minister has no connection with the legislature.

General Feedback:

Chapter 1, 'Australian legal system.'

53. Which of the following is not a characteristic of a liberal democracy?

- a. The military has the power to override the authority of the executive and legislature.
- *b. Citizens enjoy freedom of speech, freedom of opinion and the right to demonstrate.
- c. The judiciary is independent and operates to protect civil liberties.
- d. The law is designed to protect citizens' human rights.

General Feedback:

Chapter 1, 'The Australian legal system'.

54. The phrase 'division of power' refers to:

- a. The separation of legislative, executive and judicial power within each level of government.

- b. The notion that laws are made by the legislature, administered by the executive and interpreted by the judiciary.
- c. The separation between the three arms of government.
- *d. The division of law-making power between the Federal government and various State governments.

General Feedback:

Chapter 1, 'The Australian legal system'.

55. According to the doctrine of responsible government:

- a. Persons convicted of an indictable offence are not eligible to contest a parliamentary seat in an election.
- b. The members of the legislature are also judicial officers.
- *c. The ministers comprising the executive council are elected representatives who are also members of the legislature.
- d. The members of the executive government are not answerable to citizens, as they are not elected to their positions.

General Feedback:

Chapter 1, 'The Australian legal system'.

56. The doctrine of reception provides that:

- a. Where a territory is conquered or acquired the colonising power brings with it the laws of its home country.
- b. Where a territory is settled the laws of the original inhabitants remain in place.
- *c. Where a territory is settled the territory is regarded as previously unoccupied and the settlers bring with them the laws of their home country.
- d. At the time of the colonisation of Australia the British settlers acknowledged the prior existence of Indigenous customary law.

General Feedback:

Chapter 1, 'The Australian legal system'.

57. The New South Wales Act passed in 1823 was an important piece of legislation. Which of the following was not an effect of that Act?

- a. The establishment of New South Wales as a full colony.
- b. The establishment of a comprehensive court system in New South Wales.
- c. The establishment of a legislative council.
- *d. The establishment of the Supreme Court of New South Wales.

General Feedback:

Chapter 1, 'The Australian legal system'.

58. Which of the following is not a characteristic of a law?

- a. A statement of behavioural expectation.
- *b. Made by persons or organisations.
- c. Enforceable by prosecution or litigation.
- d. Made by the state.

General Feedback:

Chapter 1, 'The nature of law'.

59. Which of the following is a difference between natural law theory and legal positivism?

- a. Natural law theory denies that there is a set of higher values.
- *b. Natural law theory maintains there must be a connection between laws and principles of morality and justice.
- c. Legal positivists consider what the law ought to be, not what it is.
- d. Legal positivists focus on universal standards of morality and justice.

General Feedback:

Chapter 1, 'The nature of law'.

60. It is generally acknowledged that the law should comply with certain ideals. The ideal of 'accessibility' means:

- a. Ignorance of a law is an excuse for breaking a law.
- b. Only legal professionals should have knowledge of the law and it is their role to impart that knowledge to their clients.
- c. Persons without legal training can easily misunderstand technical laws.
- *d. Persons should be able to easily find out the relevant law.

General Feedback:

Chapter 1, 'The nature of law'.

61. The philosopher Thomas Hobbes famously stated that without law, existence would be a "war of all against all". By that he meant:

- *a. Law is necessary to keep the peace and prevent chaos.
- b. Law is a vehicle of oppression.
- c. Law discourages international conflict.
- d. Law is necessary to keep military forces in check.

General Feedback:

Chapter 1, 'The nature of law'.

62. Which of the following is not an example of the way the law maintains the stability and growth of the economy?

- a. An increase in the rate of personal income tax.

- b. A change in the law making it more difficult for victims to sue for compensation for personal injury.
- c. The introduction of a goods and services tax.
- *d. An increase in the penalty for murder.

General Feedback:

Chapter 1, 'The nature of law'.

63. According to legal theorist A V Dicey, a legal system that complies with the rule of law will:

- a. Integrate the legislature and judiciary to ensure a consistent approach.
- b. Restrict personal freedoms via the court system.
- c. Punish persons even where conduct is not expressly illegal.
- *d. Apply the law equally to everyone, regardless of their social status, culture, religion or political beliefs.

General Feedback:

Chapter 1, 'The nature of law'.

64. Constitutional law is a category of public law concerned with:

- a. Regulating the administrative activities of the government.
- b. Making government departments accountable to citizens for their actions.
- *c. Regulating the relationship between the government and its citizens and granting human rights and liberties.
- d. Giving citizens the right to seek judicial review of administrative decisions.

General Feedback:

Chapter 1, 'The nature of law'.

65. Private law is concerned with the relationships between persons within the community. Which of the following types of law do not fall within this category?

- a. Tort law and property law.
- b. Commercial law and employment law.
- c. Company law and partnership law.
- *d. Criminal law and taxation law.

General Feedback:

Chapter 1, 'The nature of law'.

66. A lobby group is:

- *a. A group within the community that exerts pressure on the government to effect change to laws perceived to be unjust.
- b. A group of activists known to loiter in the reception areas of government facilities.

- c. A community group that organises safety campaigns in local areas.
- d. A group that acts as a watchdog to ensure the government does not move to change existing legislation.

General Feedback:

Chapter 1, 'The nature of law'.

67. Which of the following is not a character trait of an ethical person?

- a. Integrity, i.e. acting in accordance with moral values.
- *b. Inflexibility, i.e. always following the letter of the law regardless of the consequences.
- c. Wisdom, i.e. making the right decisions based on experience.
- d. Moral courage, i.e. the ability to make difficult choices.

General Feedback:

Chapter 1, 'Justice, ethics and politics'.

68. Ashley breeds rabbits. He exports live rabbits overseas. He learns that those rabbits are being used for scientific lab testing. Which of the following actions would be least likely to be considered ethical conduct on Ashley's part?

- *a. Ashley continues to export the rabbits because it is a lucrative contract and he is indifferent to their suffering.
- b. Ashley continues to export the rabbits because he hopes the testing will result in a medical breakthrough in the treatment of disease.
- c. Ashley stops exporting the rabbits in order to spare their suffering.
- d. Ashley continues to export the rabbits because he believes the knowledge gained from the testing justifies the suffering to which the rabbits are subjected.

General Feedback:

Chapter 1, 'Justice, ethics and politics'.

69. A contingency fee is:

- a. An upfront payment by a client to his or her lawyer.
- b. A fee paid to a lawyer that is contingent on the quality of the service provided.
- c. Designed to encourage litigation regardless of the prospects of success.
- *d. An arrangement between a lawyer and a client to pay the lawyer's fees only if the outcome of the legal action is favourable to the client.

General Feedback:

Chapter 1, 'The Australian legal system'.

70. Lady Justice is the Roman goddess of justice and a personification of justice in the legal system. She is depicted bearing a set of scales. These scales are designed to represent:

- *a. The way which justice balances the opposing arguments of litigants.

- b. Her humble nature.
- c. The expense associated with litigation.
- d. The heavy burden she must carry in defending the truth.

General Feedback:

Chapter 1, 'The nature of law'.

71. Lucy's employer declares that if any person leaves their coffee mug on the bench then they will be responsible for cleaning the kitchen that day, and this will encourage employees to maintain a tidy kitchen. This is an example of justice as:

- a. Divine command.
- b. Mutual agreement.
- *c. Consequentialism.
- d. Natural law.

General Feedback:

Chapter 1, 'Justice, ethics and politics'.

72. Australia is:

- i. A constitutional monarchy.
- ii. A liberal democracy.
- iii. A common law legal system.
- iv. A federation.

- a. i, ii, iii.
- b. i, ii, iv.
- c. i, iv.
- *d. i, ii, iii, iv.

General Feedback:

Chapter 1, 'The Australian legal system'.

73. Lady Justice is a personification of the law. She is often depicted wearing a blindfold to:

- *a. Demonstrate her objectivity and impartiality.
- b. Reinforce the notion that the law is blind.
- c. Show her contempt for mankind.
- d. Indicate her anguish over the breaking of laws.

General Feedback:

Chapter 1, 'The nature of law'.

74. Which of the following is not regulated by intellectual property law?

- a. A trademark.
- b. A new invention.

- *c. A sale of goods.
- d. A design.

General Feedback:
Chapter 1, 'The law and life'.

75. Which of the following is not a reason for changes in the law?

- a. A change in government.
- b. Changing social and moral values.
- *c. All legislation eventually expires.
- d. The invention of new technologies.

General Feedback:
Chapter 1, 'The nature of law'.

76. If Ash borrows money to buy a car, her car loan will be regulated by:

- a. The law of torts.
- *b. Consumer credit law.
- c. Criminal law.
- d. Intellectual property law.

General Feedback:
Chapter 1, 'Introduction'.

77. Litigation necessarily involves:

- a. Arbitration.
- b. Mediation.
- c. Reconciliation.
- *d. A court of law.

General Feedback:
Chapter 1, 'Introduction'.

78. When a contract is breached, the other person can sue the person who breached the contract for:

- *a. Monetary compensation.
- b. A fine.
- c. Imprisonment.
- d. An apology.

General Feedback:
Chapter 1, 'Introduction'.

79. An owner of land pays rates to the:

- a. Federal government.
- b. State government.
- *c. Local government.
- d. Territory government.

General Feedback:
Chapter 1, 'Introduction'.

80. Law is:

- *a. A set of rules.
- b. A set of guidelines.
- c. A set of statements.
- d. A set of standards.

General Feedback:
Chapter 1, 'The nature of law'.

81. Business law is:

- a. A set of guidelines that shape business activities.
- b. A set of regulations that discourage business activities.
- *c. A set of rules that regulate business activities.
- d. A set of principles that guide business activities.

General Feedback:
Chapter 1, 'The nature of law'.

82. A 'positivist' definition of law emphasises:

- *a. What the law is.
- b. What the law ought to be.
- c. What the law can be.
- d. What the law is believed to be.

General Feedback:
Chapter 1, 'The nature of law'.

83. Natural law theory emphasises:

- a. The view that the law is what the government says it is.
- *b. The relationship between the law and a set of higher values or universal principles.
- c. The principle of a pre-existing basic rule.
- d. The customs and traditions of a society.

General Feedback:

Chapter 1, 'The nature of law'.

84. Law should comply with certain ideals, such as:

- a. Morality, religious principles, and arbitrariness.
- b. Equality, fairness, justice and discretion.
- c. Fairness, compromise, flexibility and negotiability.
- *d. Accessibility, certainty, flexibility and fairness.

General Feedback:

Chapter 1, 'The nature of law'.

85. Which of the following is not one of the purposes of law?

- *a. To prohibit disadvantage.
- b. To resolve disputes.
- c. To keep the peace.
- d. To prevent the misuse of power.

General Feedback:

Chapter 1, 'The nature of law'.

86. To prevent oppression by the government, a system of law must be:

- a. Flexible.
- b. Dynamic.
- *c. Transparent.
- d. Enforceable.

General Feedback:

Chapter 1, 'The nature of law'.

87. The rule of law is generally found in:

- *a. Liberal democratic countries
- b. Authoritarian countries.
- c. Totalitarian countries.
- d. All countries.

General Feedback:

Chapter 1, 'The nature of law'.

88. The doctrine of separation of powers states that:

- a. The ruling political party and the Opposition in parliament must have separate seating areas.
- b. The State and Federal governments must remain separate.
- c. The executive has the power to make laws in parliament and the judiciary has the power to interpret and apply the laws made in parliament.
- *d. The power of the legislature to make the law, of the executive to administer the law, and of the judiciary to interpret and apply the law should as far as possible remain functionally separate from each other.

General Feedback:

Chapter 1, 'The nature of law'.

89. The subcategories of public law include:

- a. Criminal law, administrative law, tort law, and constitutional law.
- b. Constitutional law, criminal law, tort law, and commercial law.
- c. Administrative law, constitutional law, taxation law and contract law.
- *d. Criminal law, administrative law, constitutional law and taxation law.

General Feedback:

Chapter 1, 'The nature of law'.

90. Private law is concerned with:

- a. The relationships between the various States.
- b. The relationships between the States and the Federal government.
- *c. The relationships between people within the community.
- d. The relationships between the various nations.

General Feedback:

Chapter 1, 'The nature of law'.

91. Sam is charged with theft. The subcategory of law that would be most relevant is:

- *a. Criminal law.
- b. Contract law.
- c. Constitutional law.
- d. Tort law.

General Feedback:

Chapter 1, 'The nature of law'.

92. The law is 'dynamic' because:

- *a. It is influenced by political, economic and technological changes.
- b. It is a legal entity like a human being.
- c. Politicians make new laws every time they make a decision.

d. It automatically changes every time community values change.

General Feedback:

Chapter 1, 'The nature of law'.

93. Which of the following does not describe the relationship between law and justice?

- a. Law should reflect principles of justice.
- b. Justice is the first virtue of social institutions.
- c. Justice provides a standard against which particular laws can be measured.
- *d. If a rule is unjust it is not legally binding.

General Feedback:

Chapter 1, 'Justice, ethics and politics'.

94. 'Justice' can best be understood as:

- a. Truth.
- b. Law.
- *c. Fairness.
- d. Virtue.

General Feedback:

Chapter 1, 'Justice, ethics and politics'.

95. The notion that resources should be distributed equally amongst the members of a group or community is known as:

- a. Equality justice.
- b. Utilitarian justice.
- *c. Egalitarian justice.
- d. Retributive justice.

General Feedback:

Chapter 1, 'Justice, ethics and politics'.

96. Sam is charged with theft but he is not allowed to be represented by a lawyer, nor is he allowed to call witnesses to prove his innocence. The legal system appears to lack:

- a. Distributive justice.
- b. Retributive justice.
- c. Absolute justice.
- *d. Procedural justice.

General Feedback:

Chapter 1, 'Justice, ethics and politics'.

97. Ethical standards are typically not enforced by:

- a. A change in government.
- b. Fear of condemnation by other members of the community.
- c. Desire to avoid guilt.
- *d. Desire to avoid being arrested.

General Feedback:

Chapter 1, 'Justice, ethics and politics'.

98. Johnny is asked to donate to a charity. He lies and says he has no money. Johnny's action is best categorised as:

- a. Illegal.
- b. Apolitical.
- *c. Unethical.
- d. Allegorical.

General Feedback:

Chapter 1, 'Justice, ethics and politics'.

99. A document setting out the fundamental rights of citizens is called:

- a. A Bill of Attainder.
- b. A Bill of Freedom.
- *c. A Bill of Rights.
- d. A Bill of Privileges

General Feedback:

Chapter 1, 'The sources of law'.