**Assessment 3: Short Answer Questions**

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| **Student Name** |  |

**Instructions**

This assessment consists of **thirty (30)** short answer questions. Answer the questions as you work through the Learner Manual and participate in the Q&A’s.

You must answer all the questions. A guide to the length of your answer is provided next to each question.

Please note where a question refers specifically to NSW law or NSW organisation please provide an answer based on the law/organisation in your own state or territory.

1. What are the duty of care requirements you must comply with when representing a client in legal proceedings? (*Please provide* ***two (2)*** *examples.)*

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2. What is the *Aboriginal Legal Service NSW/ACT Ltd.’s* current policy regarding conflict of interest, where both the accused and the alleged victim are Aboriginal and/or Torres Strait Islander? *(20-30 words)*

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3. What is an effective way of presenting a client’s statement and the facts of their case to a solicitor in accordance with *Aboriginal Legal Service NSW/ACT Ltd.* work practices? *(20-30 words)*

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4. Name **two (2)** practices that legal organisations such as *Aboriginal Legal Service NSW/ACT Ltd*. and *Legal Aid New South Wales* use to protect the confidentiality of their client’s information.

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5. What is the Aboriginal Field Officer’s role within legal organisations? *(100-150 words)*

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6. Provide an overview of the following three legal concepts. *(20-40 words each)*

* *Common law*
* *Equity*
* *Statutory law*

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7. Name **three (3)** areas of legal practice.

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8. Name the State Courts in Australia in order of their superiority (i.e. from lowest to highest).

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9. What is the function of the Australian Constitution? *(40-50 words)*

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10. Define the following four terms. *(20-40 words each)*

(a) *Social Justice*

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(b) *Human Rights*

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(c) *Anti-discrimination*

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(d) *Confidentiality*

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11. You are interviewing a client charged with ‘assault occasioning actual bodily harm’ who is due to appear before the *Island Reef Local Court* in five days. The client was granted bail by the police sergeant following arrest. This will be the client’s first court appearance in these proceedings.

(a) How would you explain what the client’s available options are when pleading to the offence at their first court date? *(80-100 words)*

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(b) Further explain to the client the court procedures they should expect depending on which way they plead. *(60-80 words)*

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12. How do you address a Magistrate or Judge in an Australian Court of law?

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13. What is the general court-room procedure/court room etiquette that your client should know about before they enter the court? *(100-120 words)*

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14. Explain the roles and responsibilities of legal practitioners. *(25-50 words)*

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15. List **two (2)** typical bail conditions and explain how Aboriginal and Torres Strait Islander cultural needs conflict with these provisions. *(25-50 words)*

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16. List **three (3)** roles of a paralegal in a bail application and **three (3)** roles of a lawyer in a bail application.

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17. List **three (3)** differences between the methods of initiating criminal versus civil proceedings.

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18. Identify and interpret **one (1)** factor from each of the following which may affect Indigenous people in making informed legal decisions:

* Historical
* Cultural
* Physical
* Mental

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19. Provide **two (2)** indicators of each of the following:

* Mental illness
* Alcohol use issues
* Other drug use issues

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20. Identify **two (2)** agencies for client referrals for a client with a disability.

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21. Identify **two (2)** agencies for client referrals for a client with a mental illness.

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22. Identify **two (2)** agencies for client referrals for a client with a drug and/or alcohol issue.

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23. Name **two (2)** examples of anti-discrimination and equal opportunity legislation.

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24. Describe the role and function of discrimination legislation in Australia.

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25. Explain the principles of social justice (i.e. access, equity, participation, rights). *(50-80 words)*

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26. Identify **two (2)** organisations to which people can be referred for making a disability or other discrimination complaint.

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27. Identify **two (2)** methods of supporting people under the influence of alcohol and other drugs, including transportation.

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28. Identify **three (3)** issues for people with a physical disability.

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29. Identify **three (3)** issues for people with mental health problems.

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30. Outline the process for a mentally ill person to be committed as an involuntary patient. *(30-50 words)*

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