

**LAW10002 - AUSTRALIAN CRIMINAL LAW I, 2018  
FINAL EXAM (190 minutes)**

**PART A (short answer questions)**

You must answer **FOUR** (4) questions out of the **SIX** (6) short answer questions provided. Each question is worth **6 marks**, making a total of **24 marks** for **Part A**.

**QUESTION A-1**

Explain the key features of restorative justice, Indigenous justice and therapeutic justice (with reference to relevant practical examples in the Australian criminal justice system). What are the arguments for and against these 'alternative' forms of justice?

**QUESTION A-2**

Explain the difference between the 'code' and 'common law' criminal law jurisdictions in Australia. Which do you prefer and why? Do you think that Australia should have uniform criminal law?

There are two key traditions in Australian criminal law

Common law is only used in Victoria SA and NSW much of the criminal law is formulated by judges through their decisions. In modern times legislation has been enacted which sets out the crimes and punishment through the crimes act 1900 NSW. Unfortunately there are large gaps in definitions of crimes and offences which has been left to judges to explain via common law. Judges are unable to create crimes this is left up to the legislature.

Criminal codes have been enacted in Queensland and WA originally they used common law but diverged overtime the code is based on common law but it's been codified but with significant differences particularly in relation to mental elements such as Mens Rea for crimes.

NT and Tasmania also have criminal codes and they're more influenced by common law NT in testimony were once part of South Australia Victoria respectively.

The ACT also has a Criminal Code and it's based on the work of the Model Criminal Code Officers Committee. In relation to having a uniform criminal law in Australia there are arguments for and against there would be fairness consistency as simplification. Against there's importance of federalism and some jurisdictions have different issues.

# Australian Criminal Law

**Puja Mehta**



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## **Table of Contents Australian Criminal Law**

1. Understanding the eBook Australian Criminal Law
  - The Rise of Digital Reading Australian Criminal Law
  - Advantages of eBooks Over Traditional Books
2. Identifying Australian Criminal Law
  - Exploring Different Genres
  - Considering Fiction vs. Non-Fiction
  - Determining Your Reading Goals
3. Choosing the Right eBook Platform
  - Popular eBook Platforms
  - Features to Look for in an Australian Criminal Law
  - User-Friendly Interface
4. Exploring eBook Recommendations from Australian Criminal Law
  - Personalized Recommendations

- Australian Criminal Law User Reviews and Ratings
- Australian Criminal Law and Bestseller Lists
- 5. Accessing Australian Criminal Law Free and Paid eBooks
  - Australian Criminal Law Public Domain eBooks
  - Australian Criminal Law eBook Subscription Services
  - Australian Criminal Law Budget-Friendly Options
- 6. Navigating Australian Criminal Law eBook Formats
  - ePub, PDF, MOBI, and More
  - Australian Criminal Law Compatibility with Devices
  - Australian Criminal Law Enhanced eBook Features
- 7. Enhancing Your Reading Experience
  - Adjustable Fonts and Text Sizes of Australian Criminal Law
  - Highlighting and Note-Taking Australian Criminal Law
  - Interactive Elements Australian Criminal Law
- 8. Staying Engaged with Australian Criminal Law
  - Joining Online Reading Communities
  - Participating in Virtual Book Clubs
  - Following Authors and Publishers Australian Criminal Law
- 9. Balancing eBooks and Physical Books Australian Criminal Law
  - Benefits of a Digital Library
  - Creating a Diverse Reading Collection Australian Criminal Law
- 10. Overcoming Reading Challenges
  - Dealing with Digital Eye Strain
  - Minimizing Distractions
  - Managing Screen Time
- 11. Cultivating a Reading Routine Australian Criminal Law
  - Setting Reading Goals Australian Criminal Law
  - Carving Out Dedicated Reading Time
- 12. Sourcing Reliable Information of Australian Criminal Law
  - Fact-Checking eBook Content of Australian Criminal Law

- Distinguishing Credible Sources
- 13. Promoting Lifelong Learning
  - Utilizing eBooks for Skill Development
  - Exploring Educational eBooks
- 14. Embracing eBook Trends
  - Integration of Multimedia Elements
  - Interactive and Gamified eBooks

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