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Sample assessment 2020

Stimulus book

Legal Studies



Queensland
Government



Queensland Curriculum
& Assessment Authority

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Stimulus 1

Article 19 of the United Nations Universal Declaration of Human Rights

Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.

Stimulus 2

Article 27(2) of the United Nations Universal Declaration of Human Rights

Everyone has the right to the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he [sic] is the author.

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Stimulus 3

Summary of a study conducted by the Australian Digital Alliance (ADA), a broad group representing copyright users and innovators

The Australian Digital Alliance (ADA) interviewed 29 Australian creators working in a variety of art forms and with a range of expertise, about the extent to which their creative choices are influenced by copyright law. The study found that Australia's large and disorganised copyright system presents a significant barrier to creative practice, leading creators to break the law, alter or abandon projects, or avoid whole genres of creation entirely. The study found creators are comfortable operating within the spirit of fairness and respect rather than spending a large amount of time understanding the complexities of specific exceptions. Digital rights reforms that increase the openness of a country's copyright regime are associated with higher revenues in high-technology industries and great output in scholarly publication, without harming the revenue of copyright-intensive industries like publishing and entertainment.

Stimulus 4

Discussion of possible issues under Australian copyright law

Certain everyday activities may breach copyright laws in Australia. Many of the following activities have been commonplace for years, and use technology that is available inside the devices we use each day. Some activities that may be technically illegal under Australian copyright law are:

- retweeting a tweet or forwarding an email
- uploading a company's logo to its Wikipedia entry
- accidentally capturing a short excerpt of background music while filming a documentary
- including charts and tables in a conference presentation
- reproducing a poem in the order of service for a wedding or funeral
- creating a Snugglepote costume for the Children's Book Council of Australia Book Week
- running an internet search engine.

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Stimulus 5

Extract from an opinion piece on the state of Australia’s digital rights

Consumers want access to content, while creators and artists want protection so that they can generate financial benefit for the risks they take. The modern digital landscape that both consumers and artists operate in has created challenges around balancing these competing rights. The Business Council of Australia notes that creative people and businesses need the right legal environment to thrive and create value from new ways of doing things. Without reasonable limitations on use, there would be fewer new works and less innovation.

With roles in innovations from penicillin to the pacemaker, from the quadrivalent human papillomavirus (HPV) vaccine to wi-fi, Australians are inventive and innovative. There is an important relationship between innovation and intellectual achievement — specifically, innovation depends upon the right to protection of any gains that result from scientific, literary or artistic production. Innovation creates jobs and prosperity. Australia is involved in a global innovation race where the capacity to protect innovative people and practices will be as valuable as oil and iron ore.

Stimulus 6

Extract from an opinion piece on the need for digital rights reform

Trying to equate breach of copyright with theft does not make moral sense to many people. From memes to music samples to streaming sites, the digital economy has embedded the concept that sharing content and ideas is acceptable. Even though copyright law has noble intentions of protecting the intellectual work of artists, scientists and creators, the law needs reform because it faces a crisis of legitimacy.

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References

Stimulus 1 and 2

United Nations 1948, 'Universal Declaration of Human Rights', www.un.org/en/universal-declaration-human-rights/index.html.

Stimulus 3 and 5

Adapted from:

- reports from Australian Digital Alliance 2019, <http://digital.org.au>, licensed under CC BY 3.0, <https://creativecommons.org/licenses/by/3.0>

and

- Australian Digital Alliance 2018, *Copyright Modernisation Consultation Submission by the Australian Digital Alliance*, https://www.communications.gov.au/sites/g/files/net301/f/submissions/australian_digital_alliance_1.pdf.

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