Time allowed

• Perusal time: 10 minutes
• Working time: 2 hours 30 minutes

Examination materials provided

• Paper One – Question book
• Multiple-choice response sheet
• Paper One – Response book

Equipment allowed

• QSA-approved equipment
• non-programmable calculator

Directions

You may write in this book during perusal time.

Paper One has three parts:

• Part A: Section I – Multiple choice (attempt all questions)
  Section II – Short response (attempt all questions)
• Part B: Response to stimulus (attempt all questions)
• Part C: Short response (attempt two questions only)

Suggested time allocation

• Part A: Section I: 30 minutes
  Section II: 30 minutes
• Part B: 45 minutes
• Part C: 45 minutes

Assessment

Assessment standards are at the end of this book.

After the examination

Take this book when you leave the examination room.
Planning space
Part A: Knowledge and understanding

Section I — Multiple choice

Suggested time allocation: **30 minutes**.
Section 1 has **15** questions of equal value. Attempt **all** questions.
Each question has four options, one of which is correct or is the best option. Respond to each question by selecting one of the four possible options and blackening the appropriate circle on the multiple-choice response sheet provided. Use a 2B pencil to blacken the circles. No credit for your response will be given if more than one circle is blackened.

Question 1
There is an implied condition that goods must be fit for their purpose. This means that the goods must be

A of merchantable quality.
B fit for any useful purpose.
C exactly fitted for their intended purpose.
D reasonably fit for their specified purpose.

Question 2
Which one of the following defences cannot be used to attempt to justify or excuse a crime?

A accident
B necessity
C provocation
D self-defence

Question 3
A **binding** precedent, when applied to cases of a similar nature,

A can only be established by the very highest court hearing cases on appeal.
B applies to all courts on the same level of the hierarchy, or below.
C is one that must be followed only by inferior courts.
D is a court decision containing points of law.
Question 4

The High Court

A  is technically not a court of law but is a committee to advise the Governor-General.
B  is responsible for the interpretation of Queensland statutes.
C  is the only court competent to decide constitutional issues.
D  hears prima facie murder cases.

Question 5

In the case of *Smith v Jones*, a suit for negligence involving a motor accident was being heard in the Supreme Court. Smith is the

A  plaintiff.
B  appellant.
C  defendant.
D  prosecution.

Question 6

A citizen charged with a serious offence will usually appear first before the Magistrate’s Court. The major reason for this preliminary hearing is to enable the

A  court to decide whether the offence is indictable.
B  defendant to be aware of all the evidence against him or her.
C  Crown to cross-examine witnesses with a view to gather more evidence for the trial in another court.
D  court to decide whether the evidence presented constitutes a sufficient basis for further proceedings.

Question 7

In every criminal trial

A  there is always a jury of 12 people.
B  there is always a judge and a jury to decide the issue.
C  the verdict must be “on the balance of probabilities”.
D  a jury may not always be present to decide on the facts.
Question 8
A remedy that involves making the defaulting party carry out the contract as originally agreed is called
A damages.
B an ejectment.
C an injunction.
D specific performance.

Question 9
Where a State law, a point of common law, and a Commonwealth law all conflict,
A State law prevails.
B Commonwealth law prevails.
C a point of common law prevails.
D equity will determine what the best law to follow is.

Question 10
The provision of bail
A must be considered for only minor offences.
B requires that an applicant remain in custody until trial.
C provides a release from custody prior to the completion of the full sentence.
D sometimes requires an applicant or another person to provide a surety prior to release.

Question 11
The main difference between a crime and a tort is to be found in the
A relative seriousness of the individual’s actions.
B legal consequences which follow the act.
C ability to avoid such an act.
D act involved.
Question 12

The main features of our court system include the following:
1. Courts are ranked according to the seriousness of cases they are entitled to hear.
2. Only certain courts can hear both civil and criminal matters.
3. All courts have an appellate jurisdiction that hears appeals from other courts.
4. Courts are split into State courts and Federal courts.

Of the features listed above,
A  all are correct.
B  all are incorrect.
C  1, 2 and 3 are correct.
D  1, 2 and 4 are correct.

Question 13

Which of the following is **not** a defence for defamation?
A  truth
B  malice
C  for public benefit
D  parliamentary privilege

Question 14

In the case of *Williams v Mark*, counsel for Williams cited the previous case of *Moore v Peter*. He had hoped that the authority of that case would determine the issue in his client’s favour. However, the judge decided not to follow *Moore v Peter* on the basis that the material facts were different from those in *Williams v Mark*.

In this case the judge has
A  reversed the earlier decision.
B  overruled the earlier decision.
C  disapproved of the earlier decision.
D  distinguished between the two cases.
Question 15

Prior convictions are generally

A not disclosed at any stage of the proceedings.
B read out at committal hearings and made part of the depositions.
C read out to the jury to help them decide if an accused is guilt or not guilty.
D read out to the court so that they can be taken into account when determining an appropriate penalty.

End of Section I
Section II — Short response

Suggested time allocation: **30 minutes.**
Section II has **five** questions of equal value. Attempt **all** questions.
Write your responses to these questions in the spaces provided in the response book.

**Question 1**
Define the following terms, and provide an example of the application of each.

a. damages
b. adversary system
c. postal acceptance rule
d. diminished responsibility
e. exclusion clause

**Question 2**
Why does the legal system have specific laws for minors entering into contracts?

**Question 3**
Explain the two things that the prosecution generally must prove against the accused person to satisfy criminal responsibility.

**Question 4**
Construct a flow diagram illustrating the steps a Bill goes through before it becomes a law in Queensland.

**Question 5**
Explain how you could use the legal principles derived from the famous case *Carlill v Carbolic Smoke Ball Company [1893]* in a more recent scenario or case example.

End of Section II

End of Part A
Part B: Investigation

Suggested time allocation: **45 minutes**.

Part B has **four** questions of equal value. Attempt **all** questions.

Each response should be **200–250 words** in length.

Write your responses to the questions in the response book provided.

Question 1 — The Legal System

Use the diagram below when considering the following case scenarios:

![SCHOOL ZONE Diagram](image)

**Case 1** – John’s 4WD vehicle was clocked driving at 60 km/hr through a school zone at 8:10 am on a school day. John was driving and had his wife and three children in the car with him at the time. The police stopped John to explain his infringement and issued him with a ticket. John, having previously studied Legal Studies in Years 11 and 12, contested the matter in the Brisbane Magistrate’s Court. The magistrate, on the evidence presented, found John guilty of the traffic offence and he was ordered to pay a fine.

**Case 2** – A car driven by Amy was photographed by a police speed camera at 58 km/hr in a school zone at 3:40 pm on a Wednesday during the school holidays. Amy had her good friend Joanne in the car with her at the time. Amy had to go to court to have the matter heard. Her solicitor put forward the argument that it was not a school day and that she should not be penalised for this. The magistrate summed up by saying that even though “it was a weekday, being Wednesday and not the weekend, the school was not in normal operational mode and therefore not classed as a ‘school day’. Amy is to be found not guilty of any offence”.

**Case 3** – Deborah, driving her 4WD vehicle, was caught by a speed radar gun driving at 60 km/hr through a school zone on a Monday at 8:15 am. Deborah’s three children were also in the car. When stopped by the police officer, Deborah explained that it was a student-free day at all schools and only the teaching staff would be present. The police officer was adamant that Deborah would still be found guilty of the offence and would have to pay the fine. Deborah said that she “would fight it in court”.

You are the magistrate who has been assigned Case 3. You are to determine which way you will decide for Deborah. Explain the legal reasoning behind your decision. In your response, you should use the following terms:

- doctrine of precedent
- ratio decidendi
- obita dicta
- distinguishing
- generalising.
Question 2 — Crime and Society

Read the following scenario:

| Jack arranges with Mack to buy a DVD recorder from him. Mack says that the only time he can see Jack is that evening at midnight. Mack also says that he would have to “meet Jack out the back of Jack’s house as he doesn’t like the furniture in Jack’s house”. Jack agrees and buys a DVD recorder at midnight. Jack pays the $259.00 as quoted. Jack later finds out that Mack originally stole the DVD recorder and is in trouble with the police. |

Task:

Determine what crime Jack could be charged with. Analyse and apply the law in this situation to decide if he should be found guilty.

Question 3 — Civil Obligations (Civil Wrongs)

Read the following case:

| P Ain, who lives next door to G Citizen, wakes up very early every morning. She goes out to her open carport at 4:00 am and tries to start her car, which is old and often takes many attempts to start. However, when it does start, to ensure it remains going she “revs” it up very loudly and proceeds to drive off with the exhaust system in pieces, dragging behind the vehicle. G Citizen is “fed up to the back molars” with the noise as it wakes him and his family up and they lose two hours sleep every morning. |

Task:

Decide if G Citizen would be successful in his case against P Ain in tort. Identify any defences P Ain could use to counteract G Citizen’s claims.

Question 4 — Civil Obligations (Agreements)

Read the following scenario:

| Stephen goes into a sports store and spots a Sherrin football with a $2 price sticker on it. As Stephen knows that these footballs normally retail for about $100, he assumes that a mistake has been made. Consequently, he shouts out to the salesperson, “How much are you selling these footies for, mate?” The proprietor, who is busy serving a customer, responds with “Whatever it says on the sticker”. Stephen then goes to the cash register with the ball and his $2 but the proprietor refuses to sell it at that price, indicating that a mistake has been made. Stephen believes that he has accepted the proprietor’s offer and therefore he thinks there is a breach of contract. |

Task:

Decide if there is a contract here. What arguments would both parties put forward?

End of Part B
Part C: Evaluation

Suggested time allocation: **45 minutes**.

Part C has four questions of equal value. You are required to respond to two of the four questions. If you respond to more than two questions, only the first two responses will be marked.

Each response should be approximately **300 words** in length.

Write your responses to both questions in the response book provided.

**Question 1**

*Double jeopardy occurs when an alleged offender is accused of the same offence more than once.*

There have been recent changes to the law on double jeopardy allowing certain exceptions to the general rule. What are the implications of allowing a person to be charged twice for the same crime? Critically review the social impact of the government’s decision to change the laws in relation to double jeopardy.

**Question 2**

*In recent years, specialised courts have emerged in Queensland such as the Murri Court and the Drugs Court.*

Evaluate the strengths and weaknesses of specialised courts by reference to the Murri Court or the Drugs Court in determining a just outcome for both the offender and society.

**Question 3**

*The Personal Injuries Proceedings Act 2002 (Qld) was enacted to restrict the amount of damages awarded and the circumstances in which damages could be awarded.*

Has the Queensland government achieved a balance between a plaintiff’s rights to a fair remedy and the cost of consumer insurance? Provide sound reasons and/or evidence to support your conclusion.

**Question 4**

*After reviewing your study of criminal justice proceedings this year, reflect on what the system offers in the way of protection to the accused person.*

Firstly, determine whether or not the legal system favours the accused over other stakeholders in the system. Secondly, decide whether there should be any changes to our criminal law procedures.

End of Part C

End of Paper One
### Assessment standards from the Senior External Syllabus for Legal Studies

|-------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Knowledge and understanding | The candidate’s work has the following characteristics:  
- accurate and comprehensive information about key concepts, identifying links to significant aspects of law  
- thorough explanation and recognition of legal issues, with links between knowledge and highly relevant examples. | The candidate’s work has the following characteristics:  
- substantial information about most key concepts, identifying significant aspects of the law  
- significant explanation and recognition of legal issues, illustrated with relevant examples. | The candidate’s work has the following characteristics:  
- general information about key concepts, identifying relevant aspects of the law  
- explanation of some legal issues with use of appropriate examples. | The candidate’s work has the following characteristics:  
- information about some legal concepts with tenuous links to aspects of the law  
- inclusion of some examples related to legal issues. | The candidate’s work has the following characteristics:  
- information about some legal concepts  
- inclusion of some examples. |
| Investigation           | The candidate’s work has the following characteristics:  
- analysis of legal issues and problems in significant detail  
- consistent selection and application of relevant legal principles and procedures  
- identification of a wide range of relevant legal responses to problems and issues. | The candidate’s work has the following characteristics:  
- analysis of legal issues and problems in considerable detail  
- in the main, selection and application of relevant legal principles and procedures  
- identification of a range of relevant legal responses to problems and issues. | The candidate’s work has the following characteristics:  
- some analysis of legal issues and problems  
- selection and application of some relevant legal principles and procedures  
- identification of some relevant legal responses to problems and issues. | The candidate’s work has the following characteristics:  
- identification of some legal issues and problems  
- selection of some legal procedures  
- identification of some legal responses to problems and issues. | The candidate’s work has the following characteristics:  
- occasional identification of some legal issues, problems, procedures or responses. |
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<td>• proficient use of suitable forms and styles of written communication.</td>
<td>• effective use of suitable forms and styles of written communication.</td>
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