Time allowed

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

Examination materials provided

- Paper One — Question and response book
- Notepaper

Equipment allowed

- QSA-approved equipment

Directions

Do not write in this book during perusal time.

Paper One has two parts:

- Part A — Knowledge and understanding (short response)
- Part B — Investigation (response to stimulus)

Attempt all questions.

Suggested time allocation

- Part A: 1 hour
- Part B: 1 hour 30 minutes

Assessment

Paper One assesses the following assessment criteria:

- Knowledge and understanding
- Investigation
- Communication skills

Assessment standards are at the end of this book.

After the examination session

The supervisor will collect this book when you leave.
Planning space
Part A — Knowledge and understanding

Part A has 10 questions. Attempt all questions.
Write your responses in the spaces provided.
Suggested time allocation: 1 hour.

Question 1
State two differences between statute law and common law.

Question 2
Define the following legal terms.

a. Judicial precedent

b. Standard of proof

c. Injunction

d. Deterrence

e. Unconscionable conduct
Question 3
Describe the role of the jury in the criminal justice process.

Question 4
List two defences which may be pleaded by a defendant in a negligence case.

Question 5
The Bail Act 1980 (Qld) regulates the operation of bail. Describe two circumstances in which bail would not be granted.

Question 6
a. State two features of tribunals.

b. Name a specific tribunal and describe its function.
Question 7
For each of the following criminal situations, name the court in which the matter would be heard.

a. Jane Coleby is tried for armed robbery.


Question 8
Describe one similarity and one difference between trespass and nuisance.

a. Similarity

b. Difference

Question 9

a. Explain the principle of “duty of care” in the law of negligence.

b. Use an example to demonstrate how this principle might apply.

Question 10
List two rules in relation to “offer” in forming a contract.
Part B — Investigation

Part B has five questions. Attempt all questions.
Each response should be up to 300 words in length.
Write your responses in the spaces provided. Cross out any draft work that is not to be assessed.
Suggested time allocation: 1 hour 30 minutes.

Question 1 — Crime and society

A fight erupts after two members of rival bikie gangs have a disagreement. One gang member, Sean, produces a knife and stabs Chris in the chest. Chris collapses and dies within minutes. Sean has previously been convicted of both assault and wounding as a result of gang-related crime. Evidence was presented in court that both Sean and Chris were under the influence of drugs at the time of the fight.

Your task

a. Analyse the above situation and determine which offence Sean will be charged with.

b. What defence, if any, could be offered by Sean?

c. If Sean was found guilty in court, determine a likely outcome for him. Give reasons for your response.
End of Question 1
Question 2 — Agreements

Nicole, who is 18 years of age, has a 7-year-old brother who is a fan of Harry Potter. While searching the internet, she finds a variety of Harry Potter lunchboxes and decides that she will buy one for him for his upcoming birthday. The seller is based in Queensland. She completes the payment over the internet and receives a lunchbox five days later through the post. Unfortunately, the lunchbox she receives shows a different Harry Potter scene and is a different size to the one she had specifically ordered.

Your task

a. Apply the law of contract to determine whether a valid contract had been formed between Nicole and the online seller.

b. Identify any legal grounds on which Nicole could avoid the contract. Justify your response.

c. If Nicole was successful, what remedy or remedies would be available?
Question 3 — Torts

Jonathan works part-time at a local pizza store while he is studying at university. On his way home from university, Jonathan calls in to see a friend of his and they each consume six stubbies of beer in two hours. He gets into his car and, when he is one kilometre from home, runs a red light and collides with another car that is exceeding the speed limit. As a result of the collision, the sole occupant of the other car, Tracey, is thrown from her vehicle and suffers severe spinal injuries.

Your task

a. Identify the tort which Tracey could bring before a civil court as a result of this accident.
b. What legal principles would she have to establish to be successful in this matter?
c. What defences, if any, could Jonathan argue in this case?
d. Would Tracey be likely to succeed? Justify your response.
Question 4 — The legal system

A District Court judge is dealing with a case involving Sam, a 28-year-old male accused of arson. The police allege that he set fire to a number of buildings including an office block, a small factory and a food outlet. He claims that he had not intended to commit arson. His workshop was in an industrial area and, when he was using some welding equipment, there was a fault which started a fire that spread to neighbouring properties. He did not contact emergency services immediately as he feared the consequences.

Your task

The following cases have been researched by the judge’s assistant. Identify which case would be considered as binding precedent by the judge. Explain the legal reasoning behind your decision and justify why the other cases would or would not be followed.

Case 1: R v Jess and Ben 2000 (District Court of Queensland)

Jess and Ben (both 18 years old at the time of the incident) appeared before the local District Court on a matter involving attempted arson of the local primary school. The facts presented indicated that the two had entered the school grounds after hours and were smoking in one of the sports sheds when flammable materials caught alight. The fire subsequently spread to the administration block. Neighbours saw the smoke and alerted emergency services in time to save the other buildings. The judge stated that, despite his belief that Jess and Ben had not intended to start a fire, their action indicated gross recklessness and the protection of public buildings was everyone’s responsibility.

Case 2: R v Rory and Kelsey 1996 (District Court of Queensland)

Rory and Kelsey (both in their early 20s) lived on the streets and sought shelter in a picnic shed. It was a cold night and they decided to light a small fire in a container which they found inside the shelter. Unfortunately, the building caught alight and the fire spread to a nearby toilet block and maintenance shed. All the buildings burnt to the ground and Rory and Kelsey were charged with arson in the District Court. Both suffered serious burns in the incident.

Case 3: R v Jordan 2006 (Queensland Supreme Court)

Jordan runs away from members of a gang who have been chasing him through a park which is next to the local high school. He is heavily under the influence of amphetamines at the time. In an attempt to protect himself from those chasing him, he sets fire to some bushes at the entrance to the park and some embers spread to the nearby high school. Several wings of the school are destroyed. He appeared before the Supreme Court on arson offences but claims he had not intended to cause any damage to buildings — he was simply trying to protect himself.
Question 5 — Torts

Justin Kim owns a popular Korean restaurant. A food critic for the local newspaper visits the restaurant and writes a review of the food that includes the comments, “not authentic, tasteless and clearly not fresh”. These comments cause a significant reduction in trade over the following weeks. Justin sues the journalist and the newspaper’s owners for defamation.

Your task

a. Explain what elements would need to be established by Justin.

b. Decide what defence the journalist and the newspaper’s owners are likely to use.

c. Taking into account your responses to a and b above, determine whether Justin would be successful. Justify your decision.
End of Question 5

End of Part B

End of Paper One
### Assessment standards from the Legal Studies Senior External Syllabus 2007 (amended 2009)

#### Paper One

|---------------------------|---------------------------------------------------------------------------|---------------------------------------------------------------------------|---------------------------------------------------------------------------|---------------------------------------------------------------------------|---------------------------------------------------------------------------|
| **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. |
### Paper One (continued)

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<td>Communication skills</td>
<td>The candidate’s work has the following characteristics: • clear, concise and fluent organisation and presentation of information • proficient use of legal and law-related terminology, definitions and documents • proficient use of suitable forms and styles of written communication.</td>
<td>The candidate’s work has the following characteristics: • clear and concise organisation and presentation of information • correct use of legal and law-related terminology, definitions and documents • effective use of suitable forms and styles of written communication.</td>
<td>The candidate’s work has the following characteristics: • organisation and presentation of information with some clarity • use of legal and law-related terminology, definitions and documents, with some inconsistencies • use of suitable forms and styles of written communication, with minor lapses.</td>
<td>The candidate’s work has the following characteristics: • presentation of some information • some use of legal and law-related terminology, definitions and documents • some use of forms and styles of written communication.</td>
<td>The candidate’s work has the following characteristics: • presentation of some information.</td>
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