Statistics

<table>
<thead>
<tr>
<th>Year</th>
<th>Number of candidates</th>
<th>VHA</th>
<th>HA</th>
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<th>LA</th>
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<td>2010</td>
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General comments

Candidates must learn the correct legal terminology, concepts and processes of the law as part of their study of basic legal principles.

Candidates are also encouraged to spend time learning the law generally, or at least the law underpinning the topics assessed in Paper Two. This would enable them to provide useful insights into the adequacy of the law when critiquing the legal position of particular topics, and improve overall results.

Characteristics of good responses

Good responses demonstrated many characteristics. Generally, they:

- responded to the question properly
- followed directions carefully
- used legal principles
- reached solid conclusions
- contained concise discussions that flowed freely and were easy to follow
- addressed the questions rather than simply repeating information on research task material taken into the examination room (research topic questions)
- applied the law to the various questions or case study scenarios
- followed the structure of the questions
- demonstrated clear understanding, with good examples provided where required
- were clearly written.

Candidates familiar with the law were able to apply their knowledge appropriately in response to a range of questions covering different aspects of the law.
Common weaknesses

Common weaknesses included:

- not being able to demonstrate simple factual knowledge
- not knowing legal rules/principles (lack of legal knowledge)
- confusing different areas of the law in response to an unrelated question, e.g. using criminal law in response to a tort law question
- not knowing simple common law remedies
- not knowing the relevant law, therefore not being able to provide useful examples
- not knowing the basic elements of a contract
- not knowing the three basic elements of negligence law
- responses that were too general with limited or no references to the law
- not using correct legal terms
- limited legal analysis
- rewriting the question rather than responding to it
- candidates not clearly indicating which part of a question they were responding to, making some responses hard to understand and difficult to assess
- not following the pattern or structure of questions, provided to help candidates as they responded
- not responding to parts of questions in order, e.g. if responses to part A, then B, then C etc. are completed in order, the overall response is likely to flow correctly and help candidates to focus on the right "line of thinking" in the question
- responses that provided social commentary rather than being closely aligned to legal concepts and processes
- responses to research topic questions that were just a rewrite of prepared research material brought into the examination room.

The table below lists examples of general or social comment written by candidates (that a sociology or English student could have written) as opposed to a legal response using correct legal terminology, concepts and processes.

<table>
<thead>
<tr>
<th>General or social comment response</th>
<th>Legal response</th>
</tr>
</thead>
<tbody>
<tr>
<td>the evidence is unusable</td>
<td>the evidence is inadmissible</td>
</tr>
<tr>
<td>the police can’t ask you a question</td>
<td>the right to silence; without reasonable suspicion; without a warrant</td>
</tr>
<tr>
<td>the defence is if accusations are true</td>
<td>justification</td>
</tr>
<tr>
<td>law made in government</td>
<td>statute law</td>
</tr>
<tr>
<td>“snail in bottle case”</td>
<td>Donoghue v Stevenson (1932)</td>
</tr>
<tr>
<td>“get person to finish off house”</td>
<td>remedies for breach of contract such as an injunction or an order for specific performance</td>
</tr>
<tr>
<td>“the person out of pocket should get the money”</td>
<td>shift the loss, or move the loss from the person suffering the loss (the plaintiff) to the party causing the loss (the defendant)</td>
</tr>
<tr>
<td>“stop people doing bad things”</td>
<td>deterrence (either type)</td>
</tr>
<tr>
<td>“not fair in dealings with Matthew”</td>
<td>discuss the elements of contract law and how the matter would be dealt with legally</td>
</tr>
<tr>
<td>“Neil should be more careful”</td>
<td>the duty of care owed; neighbour principle; duty of care breached and damage directly resulting from the breach; etc.</td>
</tr>
<tr>
<td>“written or heard by people”</td>
<td>refer to the basic tenets of common law defamation</td>
</tr>
<tr>
<td>“slur on character”</td>
<td>defamatory material</td>
</tr>
<tr>
<td>“publication of honest opinion and truth”</td>
<td>justification</td>
</tr>
<tr>
<td>“can be put down in a bad light in front of the public”</td>
<td>injuring the plaintiff’s reputation; defamatory material; etc.</td>
</tr>
<tr>
<td>“case of defamation by putting Fred down”</td>
<td>defamatory material likely to cause the plaintiff loss or injury to his reputation.</td>
</tr>
</tbody>
</table>

## Sample solutions

The responses on the following pages were written by candidates who met the Very High Achievement standard as defined by the assessment criteria.
Part A — Knowledge and understanding

Part A has 10 questions. Attempt all questions.
Write your responses in the spaces provided.
Suggested time allocation: 60 minutes.

Question 1
Give one example of a rule, and one example of a law. Explain the differences between rules and laws.

Rule: All the members of the Fripplesnerf family must wash their own beds before breakfast.

Law: You must not vandalise public property (e.g., graffiti).

Differences: Rules are usually only applicable to a certain group (e.g., the Fripplesnerf family), and are not enforceable by the police. Laws apply to the whole of society, usually (no one is allowed to vandalise) and are enforceable by police and punishable also.

Question 2
Briefly explain the two main sources of law in Australia.

- Statute laws: Set out by the statutes of our written laws, passed by members of parliament.
- Judge-made laws: Interpretations of the law (common law) that set precedent for cases to come.

Question 3
Define the following terms:

a. Ratio decidendi

Ratio decidendi means "the reason for the decision". A judge gives his/her ratio decidendi when giving the reasons for finding the accused guilty or innocent.

Question 3 continues overleaf
b. Doctrine of precedent

"Precedent" for decisions made on similar cases in lower-order courts. Lower courts must follow.

Define the following terms, giving an example of each from civil law:

- Decisions made in higher-order courts set
- "precedent" for decisions made on similar cases in lower-order courts. Lower courts must follow.

C. Consideration

"Something of value" that must pass from one party to another in order for a contract to be made. (eg. money when buying the groceries from the local shops)

D. False imprisonment

When a party has been charged with a crime, he/she did not commit and is imprisoned. (eg. Fred is accused of armed robbery and is held in custody for five months until the police find the real robber)

Question 4

Explain the role of the jury in criminal trials. How does it differ from the role of the judge?

-The jury (in criminal trials) consists of twelve randomly selected members of the public who decide on the guilt or innocence of the accused party. The judge's role, however, consists of instructing the jury on questions of law. The judge does not decide on the accused guilt or innocence. However, he/she may instruct the jury to bring forward a not guilty verdict. Also, the judge decides on the sentence of the guilty party.
Question 5

Briefly state the facts of the famous case *Donoghue v Stevenson* (1932). Outline the main legal principles that arose from this case.

In the *Donoghue v Stevenson* case, the complainant's friend purchased a bottle of ginger beer for the complainant to drink. After drinking one whole glass, Donoghue discovered the semi-decomposed remains of a snail in the bottle. Donoghue suffered from shock and food poisoning. The "neighbourhood" principle arose from this case, which posed the question: since Donoghue did not actually purchase the snail bottle and therefore had no legal contract with the vendor, who takes the responsibility for her subsequent injury? The court held that Donoghue was close enough (neighbour) to the vendor who then was held responsible for her damages.

Question 6

What legal remedies are available for a breach of contract? Explain two of these, giving relevant examples.

Damages and nullification of contract are the two main remedies for breach. Damages means that the injured party receives compensation for any financial loss he/she may have suffered due to the breach of contract. Nullification ensures that the party who has been injured by the other's breach can leave the contract without penalty.
Question 7

Draw a diagram that shows the Queensland Court hierarchy. In your diagram, you should indicate the lower and upper criminal and civil boundaries of each court.

![Diagram showing the Queensland Court hierarchy]

Question 8

Explain how tort law allows for shifting loss from one party to another in a civil law dispute.

In the tort of negligence, the employer may take vicarious liability from his employee. For example, if a student is injured while under the care of a teacher, the teacher does not take responsibility for his/her actions/inactions, the head of the school does.
Question 9

Decide whether each of the following situations is a civil law and/or a criminal law matter.

a. Mr Jones complains to his lawyer that Mrs Archer’s dog dug up his favourite flowers.

Civil...Case...Dangerous...animals...interfering...with...another's...quiet...enjoyment...of...his/her...land.

b. A woman caught driving with a blood alcohol concentration of 0.09%.

Civil...Drink...Driving

c. A man drives his car dangerously and is involved in an accident causing serious injury to his wife sitting in the passenger seat.

Criminal...Dangerous...Driving...Endangering...the...Public

d. A tenant fails to pay rent to their lessor.

Civil...Failure...to...Pay...Rent

e. Two people have a physical fight.

Criminal...Assault

Question 10

The Penalties and Sentences Act 1992 (Qld) outlines the purposes and types of sentencing available when convicting offenders in Queensland.

a. What are the aims of punishment?

[ aims of punishment listed with corresponding actions needed to keep people from doing the same]

b. List three types of sentencing orders available to judges.

1. Jail...time...a...last...resort...in...serious...cases

2. Community...service...making-up...for...damages...to...the...community

3. Damages...the...guilty...party...must...pay...compensation...to...the...injured...party.

End of Part A
Part B — Investigation

Part B has five questions. Attempt all questions.
Each response should be 300–350 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 — The legal system and Crime and society

**Armed robbery charges**

*Brisbane:* At Brisbane Magistrate’s Court today, Magistrate Mrs K Sparks SM committed Vanessa George, mother of **[redacted]**, to the sitting of the District Court commencing on 10 August.

George is charged with **armed robbery**, and has reserved her defence. She was released on *[redacted]*.

a. Are George’s offences summary or indictable? How do you know?
b. Why did Mrs K Sparks SM not deal with this case today?
c. Suggest two reasons why George was granted bail.
d. What matters will the judge take into account when deciding on an appropriate sentence if George is found guilty of these offences?

Mrs George’s offences are **[redacted]**... she has been...

committed for trial by the district court... in order...
for her case to be heard in front of a jury...

The Magistrate, Mrs K Sparks... did not deal with...
the case today as she needs time to...

consider... must... get a jury together at...

district court... also, the case is... as high a...

priority as... some... other... cases... such... as... murder...

The reasons that George was granted bail are...
because she has... young children... and...

assuming that all... weapons have been removed...

from her residence by the police... she is...
If George is found guilty of this offence, the judge will take into account that the accused is the mother of two very young children who probably would need to go into full-time care without their mother, whether George is the main money provider of the family and whether George has any previous offences.

George has also made the decision to withhold her defence until such a time that she may come before a jury. She may need extra time to come up with her defence and to reinforce her alibi.
Question 2 — Agreements

Eighteen-year-old Matthew saw a portable stereo for sale at a flea market. The price that the stall holder, Suzie, wanted for the stereo was $75. Matthew was short of cash so he offered her $65. After some discussion, they agreed to split the difference, finally settling on a price of $70. Matthew paid Suzie a deposit of $5, took receipt for this amount then hurried to the ATM to get more cash. While he was gone, he received a 15-year-old, visited the stall and offered Suzie $75 for the stereo. Suzie sold the stereo to Georgia. When Matthew returned to claim the stereo, Suzie shrugged her shoulders and said: "I tough a thought of Matthew—his $5 back but he refused to take it.“ When Georgia arrived home, she found the stereo did not work! Suzie now has two angry customers.

a. What legal claim can Matthew bring against Suzie?

c. Has Matthew or Georgia got a claim against Suzie under statute law?

d. Based on your responses to the above questions, who do you think has an enforceable contract with Suzie?

Matthew can bring forward a claim of breach of contract against Suzie. Since they had the agreement to form a contract to buy/sell the stereo, the bargaining price and the $5 bond given by Matthew to Suzie when Suzie then sold the stereo to Georgia, she was in breach of that contract.

Georgia can claim that the stereo that she purchased from Suzie was defective and was therefore, unqualified for the sale. That occurred when Georgia is now qualified to receive a refund or exchange from Suzie.

Under the Sale of Goods Act, Georgia can file her claim against Suzie. Matthew’s claim falls under contract law.

Matthew can maintain that he took part in...
such a contract with Sue, as she is old enough to form legal contract (eighteen) and has the three essential aspects of a legal contract: offer, acceptance, consideration (due to the consideration, George has no contract with Matthew).

But since the service was still the property of Matthew, Sue has attempted to form a new contract with George.

Sue is, however, a minor. It is therefore not possible to consider illegal the second contract. It is possible that George needs the money to maintain his “quality of life” and it would then be considered illegal. For her to purchase the service, there must be consideration. If no consideration is present, the contract is void under the law.
Question 3 — Torts

Neil is a truck driver with Acme Transport Company. On the way to deliver a parcel to the airport, Neil picks up his son from soccer practice. As the truck slowly exits the soccer club car park he is momentarily blinded by the afternoon sun and collides with Kevin, who is riding his bicycle home. After having a few beers with his mates at the local hotel, Kevin’s bicycle is destroyed. Kevin also suffers a badly broken leg and has to take three months off work and go to hospital. A promising rugby league player, Kevin is told his career is over and he has lost his place in the Brisbane Broncos for the next two seasons. He has lost his savings and has lost dreams of representing his country. Neil agrees that Kevin was riding his bicycle on the wrong side of the road when the accident happened, but is in shock. At the time of the crash, Mari is standing outside the soccer club, rushed to the scene of the accident and witnesses Kevin badly injured and in considerable pain. She is claiming that this has resulted in the need of continuing treatment for all of her injuries.

a. Identify two legal actions which could possibly arise out of the tort in the situation described above. Explain the legal elements of this tort.

b. Apply each of these elements to these actions.

c. Identify and explain any possible defences applicable to Neil.

d. Decide on the most likely conclusion.
However, although Maria also suffered damages due to Neil's actions, it is arguable that Neil had a duty of care to people that witnessed his accident. Therefore, it may be hard to prove that Neil is responsible for Maria's nervous condition. But, the negligence principle may apply due to Maria's proximity to the negligent action and subsequent injury.

Neil may defend himself with his claim that he was "not at fault". Also, forensic evidence may act to prove that Kevin was, in fact, on the wrong side of the road, thus driving negligently himself. Also, an alcohol reading of Kevin's blood at the time should have been taken to establish whether Kevin was drunk driving.

In conclusion, further evidence must be collected in order to determine Neil's guilt or innocence. However, whatever the outcome, Neil's employer (Acme Transport Co.) is not likely to pay damages as he was carrying out his duties at the time of the accident, albeit in the company truck. Kevin's employer (Acme Transport Co.) may not have been negligent in the hiring of Kevin or failure to implement proper safety measures. Nor does it appear from the evidence that Kevin was drunk driving.
**Question 4: Crime and society**

The following hypothetical scenario about police powers is provided as a stimulus for the questions below.

Bill is standing outside the local 7-Eleven store at 3 pm when a police car pulls up. An officer gets out and says, "We're investigating a break-in. You fit the suspect's description. What do you know about it?" Bill doesn't answer.

"Oh! Damn, I'm dumb! You're not clean!" says the policeman. "Lean against the car - I'm going to search you, now," he exclaims, and does so, without finding anything.

"I'm getting you in for questioning. Get in the car - I'm going to search you there," he says, and off they go. The search proves negative. He then takes Bill to the station.

"You're as guilty as sin! I'm actually arresting you now for stealing. You've got to answer my questions truthfully, or it's another offence! I'm going to type up an arrest, get the description and you better a approves of that, you will have to take the interdiction on your police officer present. Following the interrogation, Bill participates in an identification parade.

a. Write a paragraph identifying any four actions of the police officer which overstepped the legal boundaries of "police powers".

b. Take any two of the actions you identified above and state what procedures the police officer should have followed.

c. Why are police officers expected to follow strict procedures when arresting and questioning suspects?

d. What happens in court when police do not follow correct procedures when arresting and questioning suspects? Why?

Like all people, when faced with police questioning, Bill has the right to remain silent. If no evidence was presented, the officer should not have arrested Bill. Also, Bill has the right to counsel and/or phone call. He should have been made sure that Bill's parents were aware of the situation.
as Bill is still a minor.

Also, the officer had no right to search Bill’s house. He had no probable cause of a warrant. If the officer was more than a little suspicious of Bill’s actions (e.g., if attacked the officer Bill fled, when the officer tried to talk to him), then he could have obtained a warrant to search the house at a later date.

Strict procedures are put in place for questioning, because people need to be made aware of their rights before questioning. (e.g., have a lawyer present, remain silent, no obligation to provide incriminating evidence against themselves.)

Suspects may be released even if all evidence points towards their guilt, if that evidence is obtained illegally. Therefore, it is the wisest choice to follow all the proper procedures in police work.
Question 5 — Torts

Fred "Family Man" Saunders has been a member of the state parliament for many years, representing a metropolitan area. He is also the state treasurer. A state election has recently been called. Fred’s neighbour, Bill, a member of a rival political party, has written and distributed a pamphlet around the local community which contains the following text:

"A prominent figure from our local area carries the responsibility of the state's sound economic management. Given his track record in small business, however, the man couldn't manage a pub raffle, never mind a state economy!"

"This prominent local also prides himself as a beacon of family values. Yet, who hasn't seen this man around town in the company of another woman!?"

These comments are subsequently republished in full in the local newspaper, as well as broadcast on the local radio station. Fred seeks legal advice.

a. Identify the tort involved in the scenario above and explain the elements that have to be established in order for the plaintiff to be successful.

b. Apply each of the elements to determine if Fred has a case.

c. Identify and explain any possible defences.

d. Based on your responses to the questions above, develop a reasoned likely outcome.

Fred can easily show that the remarks made were about him, as he is immediately identifiable by his occupation "carries the responsibility of the state's sound economic management" and is stated to be a "prominent local" and a "beacon of family values." Then, the defamatory "couldn't manage a pub raffle" and "seen around town with another woman" are remarks made clearly for the purpose of destroying Fred's good name. As these remarks are made close to the election, it can be assumed to the polls...
will certainly be affected by the "bad-smothering..."

There are three possible defences for defamation: falsity, honest opinion, or mistake. Of these, Bill could only really claim that his comments were honest opinion.

Any comments made in parliament fall under "parliamentary privilege" which means that the maker of these remarks cannot be sued. As the statements that Bill made were not under parliamentary privilege, technically Fred can bring forward an action against Bill. However, Bill asserted himself saying that his accusations were "honest opinion." It is unlikely that any action brought by Fred will be successful, however, if it is, Bill would probably be issued an injunction (to stop making such public statements) and may have to pay damages (which is the most common remedy for torts).
Laws relating to employer-employee relations play a huge role in the success or failure of a government. Industrial Relations has been an issue forever on the front pages of newspapers and has caused many vicious, vitriolic battles between unions, workers, and employers. It has brought down governments and elected governments. Recent changes made by our current government to Industrial Relations Laws have spawned some mixed comments. One prominent criticism is that the new laws have “moved too far in favour of the employee.” But although laws have certainly leaned in favour of employees recently, some older principles have been kept in place. This prevents the balance from tipping too far in the employee’s favour, but eliminates an employer-dominated system.

Our political parties basically represent two schools of thought; the Liberals believe that the employer has more responsibility and should therefore have more rights, and Labor which strongly holds that the employee is the one that needs a hand to get ahead. Thus, Liberal legislation tends to favour the employer and Labor legislation leans towards the employee instead. This represents the conflict of interest in industrial relations.

There is a definite conflict of interest between employers and employees. Each group desires...
that legislation will favour them. The employers want their workers to do their job quickly and thoroughly for a reasonable price. They do not want their workers to strike or get involved with unions. Employees, on the other hand, want to be paid a higher amount depending on how hard they work and crave more bargaining power with the employer.

Under our previous Liberal government, WorkChoices was the main piece of legislation regarding Industrial Relations in Australia. This legislation, however, gave the employer very little bargaining power or options when it came to union involvement. WorkChoices gave unfair favour to the employer.

The Fair Work Act (2009) is the latest piece of legislation brought into fruition by our current Labor government. This act has nationalised our industrial relations laws which now covers 90% of workers in Australia.

The Fair Work Act (2009) also established the new Ten National Employment Standards (or NES). These include the employees' entitlement to certain hours of work, flexible work hours, for parental, parental leave, carers/compassionate leave, long service leave and community service leave. On the whole, these standards certainly help to improve workplace...
Part/Section: A/1 Question: 1

Also, the Labor government has organised our Australian award system, putting in place 102 standard national award rates which cover all employees in Australia. Also, laws have been put in place to enforce the minimum pay rate is maintained.

On the side of employers, old legislation, such as the Workplace Relations Act (1996), has been kept in place. This means that the employer retains the right to "lock-out" his/her employees. Also, anti-strike laws are still in place to ensure that the employee cannot hold his/her employer to ransom, requesting wages.

Small businesses (19 employees or less) are exempt from unfair dismissal laws because of their more specific needs. However, some employers wish to make an amendment to the law which allows businesses of 100 employees or less, count as a small business.

Some significant changes have occurred in our country's Industrial Relations laws. Since our Labor government took power, however, these new laws have acted to simply grant the employee more equal rights and bargaining power with the employer. Some previous legislation has been kept in place to ensure that the balance does not...
Tip... too... for... in... the... employees' favour... A much... lower... unemployment... and... strike... rate... are... living... proof... that... the... new... laws... have... improved... employee-employer... relations... throughout... Australia... today...
Many people, over the years, have complained about advertising and how they have been “tricked” into buying a product by the representation of that product on an advertisement. The Trade Practices Act (1974) has set forth very definite guidelines regarding false and misleading representations as has the Fair Trading Act (1989, 1991). But the real trouble arises when a consumer is unaware of his/her rights and so, therefore, not protected themselves or protest against the breaches of trade practice laws.

In a survey which I conducted as part of a research, I questioned women on their beauty product purchasing habits. I found that one hundred percent of women, the target market of the beauty industry, had been persuaded to purchase an advertised beauty product. Seventy-five percent of those women had been persuaded by the advertisement itself, ten percent by word-of-mouth and fifteen percent by other means. However, seventy percent of women maintained that the product that they purchased did not meet their expectations. But, astonishingly, a massive eighty-two percent of women surveyed felt that they had been deceived by the representations of the product that had been made by the advertisement or salesperson. By this example, we may glean that not only do women have low expectations of the products that they purchase, they also expect to be misled in the process of purchasing any form of beauty product.
Advertisements, such as the Mitsubishi car advertisement which depicted a small child driving a four-wheeled drive..........

have been taken off the air due to the fact that..........

the public may be misled into believing that a child could drive such a car. This sort of representation in an advertisement...considered as being "misleading or likely to...to mislead...or...deceive."...A mobelline mascara..........

advertisement was admonished by the department of Fair Trading when they aired an advertisement..........

without informing the public that the model on the advertisement had false eyelashes on as well as the mascara. (Thus, representing a result impossible to..........

achieve by simply using the advertised product). Also..........

in the beauty industry, an entire prescription of Avon catalogues had to be recalled due to the fact that..........

no warning appeared on the lipstick advertisement..........

cautioning potential purchasers that the colours of the lipstick may not be, in actual life, the same as the colours of the print. There is, however, a distinct lack of prosecution on such matters and a distinct flood of private complaints.........................

Under the Fair Trading Act, it is illegal for a trader to..........

mislead or deceive the customer, make false or misleading claims about goods or services, pass off old goods as.....new, advertise products with false endorsements or claim any other benefits that the product simply does not..........

have...The Beauty industry in the USA has the Food and...

Drugs Association which is a regulatory body, insuring the quality of cosmetics before they hit the market...The.............
Australian beauty industry has no such specific cases taken with it that it should. So, although all the codes formerly mentioned apply to the beauty industry as well as the general market, the beauty industry continues to bend the rules and dodge accusations of "misleading and deceptive conduct." ..............................................................

From the evidence which I gathered, the previous cases and... the independent survey which I conducted, it can be seen that the beauty industry is behaving as a... 
"law unto itself" when it comes to misleading and deceiving the public. Perhaps a Fair Trading Ombudsman should be put in place to ensure that the voice of the people is heard... and that information is available to the public. Also, an industry-specific regulatory body should be established to make sure that the beauty...... industry adheres to national trading standards. ........................................
The wrongly imprisoned person is a victim of injustice. When a person goes to prison for something he/she didn't do, it leaves a scar on the good name our justice system. Therefore, people who have been wrongly accused deserve immediate compensation from the government.

Imprisonment leaves a black mark on the criminal record of a man/woman. This may not only effect his/her capacity to find future employment, but will also reduce his/her possibility of finding friends and partners or having a family.

While in prison, the accused is unable to earn money. This will have a huge effect on any people the accused may be providing for and that person being able to start afresh in life.

Prison is a terrible place. The convicted party will undoubtedly suffer from their stay in prison. Also, if the convicted witnessed the crime they have been imprisoned for, they will not have the opportunity to heal.

The imprisoned person is excommunicated from society while in prison. Depending on the crime, he/she has been convicted of, the convicted may have no contact at all with society outside of...
prison walls... Not having contact with one's family,... friends... and... partners... takes a terrible toll on the psyche of the convicted party.

When a person is imprisoned, untold taxpayer dollars are spent on that party while they are in prison. Feeling that they are a drain on society, hindering rather than helping their families is a terrible pressure to put on a person, especially one who knows that he/she is innocent.

By imprisoning an innocent person, society is, in effect, offering the real guilty party permission to re-offend. In cases such as the John Botton Case (1963), a serial killer was still on the loose while an innocent man spent ten years of his life in prison.

False imprisonment is a theft of life... when an innocent person is imprisoned for no reason, part of their person's life is taken away from them... We cannot give their life back, but we can do them the simple courtesy of exonerating and compensation... Maybe the money will at least help them to begin to re-construct what is left of their shattered life...

Judges should also be reminded that prison should only be used as a last resort... There are many more constructive forms of punishment which are a lot less damaging to the punished.