Statistics

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Characteristics of good responses

Good responses demonstrated many characteristics. Generally, they:

- responded to the question properly
- followed directions carefully
- applied 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 used their research notes to respond more effectively to the research task question than previous candidates have done.

Common weaknesses

Common weaknesses included:

- not responding to the question
- not applying knowledge of the specific nature of the law under investigation at the time
• contradictory responses:
  – “Jones will be unsuccessful”, then later “he can claim damages from Harry”
  – “I will find the defendant contributory negligent”, then later “I would find the plaintiff contributory negligent”
  – “The customer wouldn’t be able to sue”, then later “He would be compensated”

• repeating the detail of questions in responses

• not understanding legal terms such as “ratio decidendi”

• summarising facts rather than demonstrating understanding

• not showing that there is more than one element to a legally binding contract

• not responding to parts of questions in order, e.g. Part A, then Part B, then Part C

• not following the pattern or structure of questions that were provided to help candidates as they responded

• using elements of criminal law in response to a civil law question

• not using correct legal terms

• using incorrect court names, e.g. Small Claims Tribunal and Environment Court

• not clearly knowing the jurisdictional boundaries of the courts

• not knowing legal rules/principles (lack of legal knowledge)

• limited legal analysis

• responding with social commentary rather than legal concepts and processes.

Sample solutions

The following response was selected from those scripts that met the A standard in all criteria in both papers. It has been reproduced exactly as written and therefore includes any spelling or grammatical errors made by the candidate.
Paper One

Part A — Knowledge and understanding

Part A has 10 questions. Attempt all questions.

Write your responses in the spaces provided. Provide relevant examples where appropriate.

Suggested time allocation: 60 minutes.

Question 1

What is the aim of criminal law?

Criminal law is in place to uphold the statutes created by Parliament. In doing this, the integrity and safety of citizens is protected against breach. It also has a role in ensuring society functions without chaos, what anxiety would be inevitable.

Question 2

List two categories of people that, despite being eligible to vote, are ineligible for jury duty in Queensland.

- Judges and Magistrates
- Police Officers

Question 3

Explain the meaning of the term “standard of proof” and its application in both civil and criminal trials.

In legal trials, the “standard of proof” is what is required of guilt or innocence in a criminal trial and liability in a civil trial. It dictates the degree to which the prosecution or plaintiff must provide evidence supporting their claims. In criminal law, the onus of proof rests with the prosecution, who must prove “beyond all reasonable doubt” that the accused is guilty. This simply means the jury must be 100% convinced of guilt (therefore requiring a unanimous vote by the jury) or a verdict of innocence must be passed down. Civil law differs; the standard of proof required to prove liability is “on the balance of probabilities.” Meaning, a reasonable person would believe that the defendant did commit a tort or breach a contract.

Very good response.
Question 4

Explain three differences between a simple/summary offence and an indictable offence. Provide an example of each type of offence.

A summary offence is one of less severity than an indictable offence. Significant differences that distinguish the two include the punishment that can be handed down - a summary offence is often punished by means of a fine, whereas an indictable offence usually requires imprisonment. This leads to the second difference, being that summary offences generally do not require a court appearance to be settled, whereas an indictable offence must be heard before a judge. An example of a summary offence would be a parking ticket and of an indictable offence would be murder.

Question 5

After intention has been established, what is the next key element in the contract process?

The next key element in the contract process is consideration.

Question 6

What legal remedies are available to a plaintiff in a civil trial for breach of contract?

A breach of contract allows the wronged party to be discharged by breach from the contract. At this point the wronged party may elect to sue for damages to compensate for economic loss or alternatively they may sue for specific performance. This remedy forces the other party to carry out the contract (provided frustration wasn’t the cause of the breach).
Question 7

Describe the role of judges in the Queensland legal system.

It is often mistaken that the judges are the only person involved in a trial, however, their role is confined to interpreting the law to the jury and handing down punishments in the sentencing stage. By interpreting the law to the jury, informed verdicts can be made.

Sentencing is the main role of the judge. In this process, a judge must take into account the following: the criminal record of the offender, other stakeholders and any given sentence may affect the danger the offender poses to the community (this list is non-exhaustive). After this binding, precedents are then applied and a suitable punishment is awarded according to the precedent cases and the guidelines of the Criminal Code.

Question 8

Explain the function of damages in civil law trials.

Damages are the most frequently awarded remedy in civil trials. The purpose of damages (generally a monetary value) is to return the wronged party to the position they were in prior to the tort or contract. They can be calculated in three different ways: special damages—those are easily calculated by finding salary lost, etc., general damages—awarded for non-economic loss (i.e., pain and suffering), and punitive damages—less frequently awarded (not available in defamation cases) as Australia has recognised those damages can quickly grow to out of control amounts (see negligence cases in America).
Question 9

Explain the meaning of the term “doctrine of precedent” and its importance in common law.

The doctrine of precedent is the collection of decisions made by judges in cases. It holds significant value in helping to guide judge interpretation of the law when rendering judgments. Judges are required to give reasons for their decisions. These decisions are broken into two categories. The first being the “ratio decidendi” (translated mean “reasons for the decision”) which are the words critical to the decision and form binding precedent. “Obiter dicta” (translated mean “by the way”), are words used by the judge which are of lesser importance to the decision therefore do not form binding precedent. As sole reliance to the doctrine of precedent is the ratio decidendi — in effect these words form common law.

Question 10

Which court or tribunal would hear the following matters?

<table>
<thead>
<tr>
<th>Matter</th>
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<tbody>
<tr>
<td>a. Divorce hearing</td>
<td>Family Court ✓</td>
</tr>
<tr>
<td>b. Civil dispute over faulty goods worth $16000</td>
<td>Magistrates Court ✓</td>
</tr>
<tr>
<td>c. Unfair dismissal claim of federal employee</td>
<td>Magistrates Court ✓</td>
</tr>
<tr>
<td>d. Murder trial</td>
<td>Supreme Court ✓</td>
</tr>
<tr>
<td>e. Constitutional interpretation case</td>
<td>High Court of Australia ✓</td>
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<tr>
<td>f. Contract law dispute over a house worth $275 000</td>
<td>District Court ✓</td>
</tr>
<tr>
<td>g. Drink-driving offence</td>
<td>Magistrates Court ✓</td>
</tr>
<tr>
<td>h. An environmental claim in Queensland</td>
<td>Supreme Court ✓</td>
</tr>
<tr>
<td>i. Tenancy dispute over unpaid rent</td>
<td>Magistrates Court ✓</td>
</tr>
<tr>
<td>j. Rape case on appeal</td>
<td>Court of Appeal ✓</td>
</tr>
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End of Part A
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 — Torts

A television current affairs program ran a story about an un-named dentist who had been diagnosed as HIV-positive. The dentist was still treating patients. As the reporter spoke of the risks to the patients, the name of the dental surgery was clearly visible in the background. The dentist subsequently argued in court that they had been identified because of this, and had lost patients and friends since the program was aired.

Your task
✓ Identify the tort in this case.
✓ What legal principles would the plaintiff have to establish to be successful in this matter?
✓ What defences could the defendant argue in this case?

Based on your responses, who would be likely to succeed? Justify your response.

This case sees the plaintiff (dentist) bring an action of defamation against the defendant (reporter). The purpose of this tort is to protect the reputation of individuals against any derogatory claims by another. In order to have a successful defamation case, the following three elements must be satisfied: the material was defamatory, the plaintiff was identified in the material, and that said material was published (wrongly communicated to a third party).

The comments made by the reporter constitute defamatory material — an HIV-positive person stands to lose face if this become known. The plaintiff is correct in arguing that they were identifiable by making them clearly visible in the report where the plaintiff may be recognised (it’s reasonable to assume that somebody would). Finally, as the media, the report was issued — a journalistic report. It is apparent the final element is proven.
The defendant has a number of defences available in order to defend the defamation accusation. Firstly, the defendant could be considered to be justified in his comments as they are true and it is not unreasonable to report the risk to patients. Coinciding with this, the defendant could argue that the report is a fair report of proceedings like the previous defence. The report is substantially true and in the public benefit (the two criteria required to use this defence). If both of these defences failed, as a journalist the defendant is entitled to the defence of qualified privilege (they are simply performing their job).

It is evident that while the plaintiff does satisfy all three elements to bring forward a defamation case, they would be unsuccessful in their suit. The defences the defendant has available are simply too strong for a judge to decide in the plaintiff’s favour. By bringing forward the action, the plaintiff will not only lose but also be forced to close their practice due to workplace health and safety to continue operating may result in further legal issues being brought forward (negligence).

End of Question 1
Question 2 — The Legal System

Read the case studies below before responding to the questions.

**Canter v Waterhouse (1947)**  
Queensland District Court

Canter stole a horse from Waterhouse and took it for a ride. The next day he returned the horse to its owner but claimed it had caused him some physical pain as a result of riding it for some hours. Canter claimed for negligence. The judge in this case, following the earlier judgment of Brown v Smith (1932), said that no-one “should be in a position to benefit from his own wrongdoing”. Waterhouse was not liable.

**Proud v Sharp (2001)**  
Queensland Court of Appeal

Sharp broke into Proud’s house by climbing through the roof. As she lowered herself from the ceiling, she fell onto a knife resting in a dangerous position in the kitchen and suffered serious injuries. She sued Proud for negligence but was unsuccessful before the trial judge. However, the Court of Appeal upheld her claim on the grounds that “the Defendant had been so grossly negligent that it was likely to cause injury to anyone connected to the house.”

**Jones v Harvey (2011)**  
Queensland Supreme Court

Jones entered Harvey’s retail store and stole a book. As he was walking towards the store exit, he noticed a security guard approaching. Jones then began to run out of the shop. In his haste, however, he didn’t notice that the floor at the entrance to the store had just been mopped. He fell on the wet and slippery tiles, cracking his head and suffering serious injuries. Jones decided to sue the owner of the store, Harvey, for negligence.

**Your task**

a. What is the ratio decidendi in Canter v Waterhouse and in Proud v Sharp?

b. What decision would you make if you were the judge in Jones v Harvey? Justify your decision with reference to the facts and the case studies provided.
from binding precedent of the Jones v Harvey, sharing virtually the same circumstances, this case is of relevance. Despite the illegal nature of why the plaintiff was in the store, the store still owes a duty of care to all who enter the establishment.

End of Question 2
Question 3 — Agreements

Candi took her DVD player to Sparky’s electronic repair shop to have it fixed. Sparky repaired the DVD player and placed it on a shelf for collection. Peter, a casual staff member, was fooling around and accidentally knocked the DVD player to the floor. Sparky found that it was beyond repair. When Candi arrived to pick up her DVD player, she was told of the accident. Sparky said that Candi still had to pay for the original repairs as they were completed before it was broken. Candi refused to pay Sparky and commenced legal action.

Your task

a. Determine whether there is a legally enforceable contract. In your response, refer to the elements that make up a binding contract.

b. Determine whether there has been a breach of contract.

c. What remedies, if any, are available?

A contract is a promise which is intended to have legal consequence and thus is binding. A legally enforceable contract requires that four elements be satisfied. These are: that there was an offer made that was then accepted, that there was intention to create a legal relationship, and finally that there was consideration exchanged.

There is a legally enforceable contract between Candi and Sparky. Sparky accepted Candi’s offer, that in return for the promise of a fixed DVD player, she will pay money. (forming a bilateral contract). As it is a business, the intention of legal responsibility is implied and by handing the DVD player over, consideration can be seen.

The irreparable damage caused by the casual employee is indicative of a breach of contract. This damage occurred after the contract was initially fixed, means that the DVD player was broken when Candi came to collect; therefore, the contract was not fulfilled. (a repaired DVD was in exchange for money, payment was what was agreed upon).

Candi has the remedy of discharge by breach available to her. This
allows her to rescind the contract and no longer be bound by it. She would also be entitled to special damages to a monetary value that would equal the value of the broken DVD player, returning her to the position she was in prior to the commencement of the contract.

End of Question 3
Question 4 — Torts

During a bank robbery, a customer is threatened with a gun and forced to jump over the counter to retrieve the cash in the teller’s drawer. After the robbery he breaks down emotionally and is unable to walk into any shop or commercial premises, even though he is told that the gun was a fake. The customer takes legal action against the bank.

Your task

a. Identify the tort in this case.

b. What legal principles would the plaintiff have to establish to be successful in this matter?

c. What defences, if any, could the defendant argue in this case?

d. Who would be likely to succeed? Justify your response.

The tort the plaintiff could bring forward is negligence. In order to prove negligence three criteria must be satisfied: that there was a duty of care owed by the defendant, this duty of care was breached, and as a result of this breach, damages occurred. The bank, as a business entity, has an immediate duty of care to all customers due to circumstantial proximity. As the case Daraghba v. Stevenson declared, the bank does have some responsibility due to the neighbor principle, while damages did occur due to the incident, the bank did in no way breach their duty of care. It is unreasonable to assume that a robbery may occur. The defendant’s duty of care does not extend to the actions of someone committing an illegal act on their premises.

As only two of the elements of negligence were satisfied, the plaintiff’s case was disproven. The defendant is not liable for any damages.

No defense is necessary as negligence was not proven.

Good response.
Question 5 — Crime and Society

Jodie was walking home from a nightclub with her friend Peter when they were attacked by four youths. Both were pushed to the ground and kicked in the head. During the attack, Peter managed to grab a large tree branch that was close by, and lashed out at one of the youths. As a result, the youth died of his injuries. The police arrested Peter and the youths.

Your task

a. What offences would the youths and Peter be charged with? Briefly explain the offence/s.
b. What legal defence could defence counsel raise in Peter’s case?
c. What outcomes are likely for the youths and Peter in this scenario? Give reasons for your responses.

All four youths would be charged with assault. Assault can be defined as the use of violence in many contexts. Peter, on the other hand, would be charged murder. Murder can be defined as the intentionally killing of another person. In defence to this charge, Peter’s legal counsel would argue that the defence of self-defence.

In order for self-defence to be successful, Peter must admit to the

Peter did not commit murder as there was no intention to kill the youth. This would be accepted by the judge. Therefore, reducing the charge from murder to manslaughter. In defence to this new charge, his legal counsel would use the defence of self-defence. In order for this to be successful, Peter must first admit that he attacked one of the youths. The most important factor in a successful self-defence argument is that He... was of reasonable severity in comparison to the initial attack.

As both Jodie and Peter were first pushed to the ground and assaulted, Peter severely, this defence would hold in court. Resulting in assault of Peter (self-defence is a full defence). The youths on the other hand would all be sentenced CFI, fraud.
End of Question 5

End of Part B

End of Paper One
A study undertaken by the Australian Bureau of Statistics revealed an alarming trend. According to the results, 23% of women who were or had been married, reporting experiencing domestic violence. 42% of women in any relationship reported that they had experienced domestic violence. Half of those said their trauma had been ongoing and 12% confessed that they remained living in fear of the perpetrator. These statistics are frightening and cast doubt upon the adequacy of the law in protecting victims from further harm.

Each State and Territory is responsible for regulating their own legislation, in Queensland, victims are protected by the Domestic and Family Violence Protection Act 1999 (DFVPA). The intention of this Act is to maintain and protect the integrity of citizens against domestic violence. At present, it seeks to do this by going courts, the authority to issue domestic violence orders (DVO), which in theory is meant to prevent and/or restrict the movements and behavior of perpetrators. In reality, however, all this accomplishes is the signing of a piece of paper to perpetrators. No real protection is given as the risk of these types of offenders is high. It is also evident that the DFVPA is lacking in any definitive preventative measures, there is cause for concern on that the legislation does not meet its intention.

Studies have shown that, worldwide, police receive a domestic violence related call every minute. Often, been forced to base decisions on priority, subjective interpretation of urgency. This is an issue the Queensland Government needs to address. Increased funding across all police departments is an idealistic solution, one that has proven prevents. Instead, focus should be placed on education, training programs.
Part/Section | A/1 | Question | 3

Specifically targeted at educating police in dealing more effectively with domestic violence situations. Education should not solely be for police... either, raising community awareness through media campaigns, it has the potential to change the rate of this social issue severely. In 2010, the government recognised the need for legislative change and called upon victims of abuse to answer a survey based upon their personal experience. The results of this survey gave an indication to what victims believed to need immediate attention. Of all the results, appeared most frequently was the need for increased offender accountability, harsher penalties for offenses and increased police powers when addressing potential domestic violence calls.

The Queensland Government has taken these results seriously and recently, the Police Commissioner unveiled changes to the DFVPA. In response, inclinations to the amendments will see the penalty for domestic violence raised from two to three years. Some victims still see this as insufficient but, many are happy in progression is occurring. Also, included in the amendment, will involve much of the red tape associated with police powers being removed. At present, police need both court and supervisor approval to intervene, the changes will see this replaced by authority to intervene at any point (provided reasonable circumstances allow). Further improvements will require any officer that takes a domestic violence call and makes no action in response to provide a detailed explanation as to why. These changes to police powers will bring with them inevitable complaints of police brutality and corruption but the benefits they will have on the community are worth this.

At present, domestic violence legislation does not meet adequate standards.
Government acknowledgement and response in recent times has seen a change to this. The amendments (which are yet to become effective) have, power that Government is making a conscious effort to rectify its past shortcomings. Only time will tell the extent these changes have upon domestic violence statistics. However, even now, before they are implemented, it is apparent the drastic impact this will have on helping victims. By keeping its focus on protecting victims and soon having a joint focus on preventing its occurrence, perhaps those victims who continue to live in fear will be able to rest very soon enough.
The introduction of an Australian Bill of Rights (BOR) has been a topic that has seen heated debate amongst the legal and political communities of Australia. Supporters and detractors have both brought forward numerous arguments. A BOR, however, is of detriment to Australia for if were to be introduced, a dramatic change in both our political and legal landscapes would be seen.

A BOR can be generally defined as a document declaring individual freedoms and liberties that the citizens of a nation are entitled to. Australia is the only country without one definitive piece of legislation protecting rights. Countries that have chosen to include a BOR into their laws have incorporated it in two different ways. An entrenched BOR becomes a part of a country's Constitution, and therefore can only be changed by means of a referendum. An entrenched BOR is simply part of standard statute law and is subject to change by the legislature. Perhaps the most notorious BOR is that of the United States of America. Effective since 25 September, 1789, this Bill is entrenched and protects civil liberties such as freedom of speech, religion, press, association and also the right to bear arms. Rights have a strong correlation to the values and beliefs that underpin a society and as a result the central purpose of a BOR is to uphold and maintain individual dignity against government transgression. When implemented effectively, it does this by restricting government control. If a BOR is in place, the government must always consider those expressed rights before introducing new legislation.

Advocates for the introduction of a BOR into our legal system have brought forward a number of largely unsubstantiated arguments. The most severely claimed that neither the Australian Constitution, nor current legislation provides...
sufficient protection for citizens. Repeatedly used as the segue for such claims by activists are minority groups, for instance, socially culturally varying communities and the disabled/elderly. It is important to note that the rights of these groups are, in fact, protected through legislation, including the Racial Discrimination Act 1975, Disability Discrimination Act 1992, and Age Discrimination Act 2004. Further, arguments from supporters have included allegations that our current system centres for politics over rights. Their faith in a BOR to rectify this is to such a degree that they wish to see authority vested in Parliament to the High Court and judges. The very notion denounces the democratic foundations of our system of government. Former Prime Minister John Howard said it “transfers decision-making authority to unelected judges, accountable to nobody, not in the least theoretical sense.” (cited, “Rights will be power abused,” Howard,” Sunday Morning Herald, 2009). To what extent, according to, say that judges need more power to make law? As previously stated, this undermines the principles of democracy, being that the elected government be conscience. Having allied the separation of power becomes blurred and the rights of the people are silenced, effectively proving a BOR is corrupt at its core.

A majority of arguments for a BOR centre on the Australian Constitution’s inadequate protection of even the most basic of rights. Taking examples of rights espoused by the American BOR, it is clear that this argument is invalid. Freedom of religion is protected by our BOR, this right is also currently protected under section 116 of the Australian Constitution. Americans have a right to marry, as do Australians, see section 88 of the Constitution. Protection is even apparent in legislation, for example, the American BOR provides that there will be no unreasonable searches or seizures; this same right is also protected under the Police Powers and Responsibilities Act 2000.
There is insufficient protection. Furthermore, human rights policies in Australia are founded in rights established in the seven key international treaties, notably the Universal Declaration of Human Rights, International Covenant on Civil and Political Rights, International Covenant on Economic, Social and Cultural Rights, and the Convention Against Torture. Having signed all seven key treaties, the Australian Government is duty-bound to respect, protect and fulfill these rights enshrined. Further problems that arise with a BOR is the limitation of expressed rights, their effectiveness is restricted to their wording. Additionally, while the rights defined in a BOR may have relevance when introduced, they will quickly become outdated as society’s values, attitudes and beliefs change, especially future generations to previous beliefs systems. A renowned example is the right to bear arms in America. Initially, a protection strategy has its meaning has been lost in translation and has caused a gun culture to emerge.

In April 2012 the Attorney General’s Department (AGD) released what it called the Human Rights Framework (HRF). It contained intentions to encroach people’s knowledge, understanding and interest in human rights and also the establishment of the Parliamentary Joint Committee on Human Rights. The AGD described the Committee’s purpose as an outlet to scrutinise newly implemented legislation to ensure compliance to international treaties. Also tasked to explore alternate options to a BOR (Federal Government rejected the proposed BOR), such as the Corporations Act's current legislation. Under the Act, although the Committee no longer exists, former Attorney-General Robert McClelland said, “The government believes that the enhancement of human rights should be done in a way that is fair and, as far as possible, unites rather than divides our community.” (Cited in “Attorney-General spurns, as human rights group,” The Australian 2012). Despite its short duration, the HRF and
similar committees provide a far more effective solution to ongoing human rights debates within Australia than a BOR. It can be seen that claims "personal freedoms are not safeguarded and rights threatened", Australia already has 'safeguards' in place to combat this. Activists will always argue that they are not fair and ethical, the bottom line is that a BOR, while excellent in theory, is so absolute in its definition that it becomes restricting, therefore rendering it useless.
An area of legal reform that holds significant relevance to the statement is that, which the gambling industry is currently going through. In 2008, the Federal Government released a report giving detailed insight into the gambling industry. According to the report, the net revenue of the industry reached an all-time high of $14 billion, of which $4 billion was represented. It only proves just how entrenched gambling is in Australian society and in turn highlights the necessity of the law in dealing with problem gamblers. While the call for reform, exclusively with policies, a force political debate has followed. Analysis of the proposed changes, reasons for the change and impact these changes will have upon the stakeholders will provide evidence that previous laws are outdated to today's society.

Queensland, gambling laws are governed by the Gambling Amendment Act 2008. Under the proposed reform, state law would be removed and instead replaced by Commonwealth law in an effort to promote consistency. If this were to occur, three major reforms will be introduced. Firstly, what has been called a mandatory pre-commitment scheme (PCS) will be implemented. In an effort to reduce the impulsive nature of problem addiction, this reform will see players forced to pre-purchase 'credit' in order to play on poker machines. It will raise meritable questions of user privacy and data storage when officially brought in in 2014. As a further effort to reduce the impulse of gambling, the Commonwealth has expressed a desire to remove all quiz rooms from inside venues with gambling machines (an initiative already adopted by the Victorian Government). If unsuccessful, a secondary proposal will see a daily withdrawal limit of $200 enforced and the relaxation of AML/ATF scrutiny from gaming rooms and/or facilities. The final change is a call for a reduction of the maximum bet per play from $10 to $1. Effectively forcing players to spend ten times as long as a $1 machine to lose a equal amount.
Part/Section | B | Question | 3

on a $10 machine. Current lack of preventative safeguards in Queensland...growing law suit alarming, and the proposed changes pose significant benefits to problem gamblers.

The reforms can be largely attributed to one man, Mr. Andrew Wilkie. In the 2010 federal election, Wilkie held one of the number of seats in the Liberal...and Labor parties required to hold a majority of seats in Parliament. Wilkie used this to his advantage by offering his support to the party...that agreed to make changes to policy. Labor, generally agreed. This decision highlighted the influence of politics over law-making, which until now had not been seen. What may have begun with good intentions...gradually evolved into a political power play. For if...Labor do not truly about the changes...they will lose...Wilkie's seat...Liberal...no longer. Harm...government. Media influence is also profound...with advertisements...media articles...and TV campaigns...seeing daily coverage...only...highlighted...the controversy surrounding this issue.

This controversy appears to be justified...stakeholders may potentially lose billions of their...industry. Key stakeholders, who are vehemently against the reform, include the sporting industry (in particular the AFL) and the hospitality industry (hotels and casinos). Clubs Australia reported... AFL...“stands to lose...millions...dollars” (The Age)...a result...of the changes. They continued to give estimates of the cost to clubs in regards to the AFL...claiming...clubs...under...machines...can expect...pay...just...over...31 million...larger clubs...estimates soared as high as...14 million. Dramatic loss of revenue will see...invaluable jobs...cut (10,000 are...in their industry)...and according to some...more...extreme...opinion...we...lose...of many...smaller...clubs. It is...not...just...that...these...industries that...stand to lose because of the changes...
State and Federal Governments stand to lose revenue. In fact, governments alone earn $1 billion annually from gambling taxes. Any loss to this will see taxes in other areas occur.

The value of the changes to problem gambling are significant, however the impact on the economy is negative. It leaves the government at a moral crossroads. Legally, the amendment should be passed as it meets all the criteria for a good law, yet this is not why they will be passed. Instead this is a social issue that will be decided by politicians and in the economy. It is a perfect example of law in a changing society. For now, the government must not only pass laws that meet legal standards, but also those imposed by the bureaucratic nature of democracy.