



## Final Exam Paper (T1 2021)

Global Business Environments (University of New South Wales)

**UNSW Sydney**  
**Term 1 2021 EXAMINATIONS**  
**LAWS1052**  
**INTRODUCING LAW AND JUSTICE**

1. **TIME ALLOWED** This exam commences from **Monday 10 May at 9 am**. You have been given 72 hours to complete this paper. It is up to you how you schedule your time. Make sure that you have read, carefully, the information on the ILJ Moodle page about the format and expectations relating to 'online' exams in T1 2021.

Your exam answers must be numbered clearly, typed and uploaded as a Word document to the Turnitin link on the 2021 T1 ILJ Moodle Page by **9 am Thursday 13 May 2021**. The file name for your response must include your NAME and SID and the Course Code (LAWS1052)

2. Make sure that you have read, carefully, the information about what to do if you experience any significant technical issues. Note that interrupted access to the internet during the 72-hour period from 9 am, 10 May 2021 that does not affect upload is not a valid reason for missing the deadline or being granted additional time.
3. TOTAL NUMBER OF QUESTIONS – 2
4. TOTAL MARKS AVAILABLE – 30 (QUESTION 1: 20 MARKS AND QUESTION 2: 10 MARKS)
5. WORD LIMIT - 2000 WORDS.
6. SUBMIT VIA MOODLE **BY 9am on Thursday 13 May 2021**
7. THIS EXAMINATION IS OPEN BOOK
8. FOLLOW INSTRUCTIONS PROVIDED IN THE DOCUMENT 'Important information for online assessments in ILJ' AVAILABLE ON MOODLE
9. NOTE THAT THE UNIVERSITY'S RULES ON PLAGIARISM APPLY TO EXAMINATION ANSWERS. THIS MEANS THAT:
  - a. YOU MUST NOT COPY OR CLOSELY PARAPHRASE ANY SOURCE OR SET OF NOTES THAT IS NOT YOUR OWN WORK WITHOUT APPROPRIATE ATTRIBUTION.
  - b. QUOTATIONS MUST BE PLACED IN QUOTATION MARKS AND THE SOURCE ACKNOWLEDGED, TYPICALLY THE CASE OR AUTHOR'S NAME IS SUFFICIENT (eg Smith; D. McBarnet).
  - c. IN ADDITION YOU MUST ACKNOWLEDGE THE AUTHOR OR JUDGMENT WHEN USING THEIR ARGUMENTS OR IDEAS, eg 'McBarnet argues that there are two tiers of justice'.

### QUESTION 1 (20 marks)

In 2023, the Minister for Leisure addresses Parliament in her Second Reading speech on the (fictitious) Dangerous Sports Bill 2023 (NSW), saying: 'Boxing, martial arts and other such belligerent activities are only acceptable in controlled environments. Our public spaces must be kept safe.'

The NSW Parliament then passes the *Dangerous Sports Act 2023* (NSW) ('DSA') which, in section 5, provides that 'Any person taking part in a dangerous sport in a public place shall be liable on conviction to a fine of \$2000.'

Section 6 in the DSA defines 'public place' as 'a space freely available to members of the public, including parks, beaches, pools and malls'.

Having decided to take up archery, Talik buys a bow and several arrows. He is keen to see how high an arrow can go. In the back yard of his house in Randwick, New South Wales, he fires an arrow vertically into the air. He expects it to return to earth in his yard. However, he misjudges the breeze which makes the arrow's descent veer towards the Randwick Council Botanical Garden next to his house. Entry to the Botanical Garden is by donation through an unmanned gate that is closed at night. A sign above the gate states: 'Enter at own risk'. Lee and Min are relaxing among the flower beds in the Botanical Garden.

Seeing the arrow's flight affected by the breeze, Talik shouts an urgent warning. Lee is terrified but manages to jump out of the way. Min is not so lucky and the arrow hits her in the arm.

Irate, Lee jumps over the fence and chases Talik, shouting 'If I catch you, I'll punch your head in'. Talik runs into a shed in his yard. Lee chases him, but Talik manages to escape via a side door and to lock both doors of the shed from the outside, confining Lee. Talik yells through the door 'Just calm down, then I'll let you out and apologise.' After half an hour, Lee does calm down and Talik releases him.

Lee has devised a plan, so he tells Talik "Instead of an apology, you can give me some archery practice. Let's go into the Botanical Garden. You stand against a tree and put an apple on your head. I'll try to hit it with an arrow." Scared that if he does not comply Lee will attack him, Talik agrees. Talik places an apple on his head and stands as still as he can. Lee fires an arrow but misses the apple and instead pierces Talik's ear.

- A. Discuss whether any person named in this scenario has committed an offence under s5 of the DSA, and advise the prosecutor on the likelihood of a successful prosecution;
- B. Discuss whether any intentional torts have been committed in this scenario. Your answer should include reference to potential plaintiffs, defendants and defences as well as an indication of the chance of success. In your answer, refer only to the common law, not to any legislation about civil disputes.

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**QUESTION 2 (10 marks)**

***Critically evaluate ONE of the following quotations with reference to cases and materials from LAWS1052.***

***EITHER***

- A.** ““Judicial activism” has no jurisprudential meaning. A judge is either active or asleep.’  
(Stephen Sedley J)

***OR***

- B.** ‘The so-called “rule of law” is the rule of the powerful in fancy dress.’

***OR***

- C.** ‘...(T)he conflagration of oppression and conflict ... was ... to spread across the continent to dispossess, degrade and devastate the Aboriginal peoples and leave a national legacy of unutterable shame. ... (T)he full facts of that dispossession are of critical importance to the assessment of the legitimacy of the propositions that the continent was unoccupied for legal purposes.’

(Justices Deane and Gaudron in *Mabo v Queensland [No 2]* (1992) 175 CLR 1.)

**END**