

Am I breaking the law?

Course last update: 2020 04 22 11:39

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Who makes the law?

What is the law?

The law is the set of rules which members of a given society must abide by in order to live freely. If you break the rules, you can be removed from society (put in prison) or issued with some other form of punishment (banned from driving, community service, etc.)

Separation of powers

Everyone is supposed to be treated equally in the eyes of the law, no matter how powerful, rich or influential they are. In other words, nobody is above the law. The notion of separation of powers means that the executive arm of government (which includes politicians) is separate from the judiciary (the law courts), so even the government can be taken to court and face sanctions for breaking the law. You can read more about separation of powers in the course '[How are decisions made in my life?](#)'

Anarchy

If there was no legal system, we would be in a state of anarchy or lawlessness, where everyone could act without official consequences. In a state of anarchy, acceptable behaviour might differ within or between different community groups.

Most of the time, we are not aware of the rule of law. It's only when something goes wrong and jolts us out of the daily routine that we become aware of how the law affects us.

Anarchy (5 coins)

Answer the following questions on the '[Anarchy forum](#)', in at least two sentences each:

1. On balance, do you think the rule of law is a good thing? Or would you prefer to live in anarchy? Why?
2. Would you behave differently if there were no laws? If so, how?

Where does the law come from?

Statute

There are two sources of law. The first is statute, which is when the government passes an Act of Parliament that dictates how a situation should be treated in society. Statutes are long, wordy documents and can be open to interpretation in their application to a given situation. For an explanation of how this works, watch this video from the Parliament of Victoria:

Playing time: 2:38

[watch](#)

Watch this video for more insight into how the parliamentary system works and how candidates are selected:

Playing time: 6:29

[watch](#)

Proportional representation (5 coins)

The purpose of the Senate is to make sure the House of Representatives draws up sensible legislation, ensuring it doesn't put forward bills that could be seen as unbalanced. For this reason, members of the Senate

are elected by proportional representation. Do you think this is a good idea or does it limit the democratic power of the House of Representatives and the Prime Minister? This is an interesting discussion to have, although ultimately there's no right or wrong answer. Post your thoughts on the '[Senate forum](#)'. Be sure to write at least two sentences.

Precedent

The second source of law is precedent. This is when the law courts decide on how the statutes should be interpreted and applied to each individual situation brought before them. After a court gives a judgement, this sets a precedent for how the courts should judge such matters in the future. The next video explains how the courts work in New South Wales. The courts work similarly in most other states.

Playing time: 8:31

[watch](#)

Precedent (5 coins)

Do you think the circumstances of one case and the judges sitting on it should have the right to set precedent for every subsequent case? Again, there's no right or wrong answer here. When considering your answer, think about when you've been made to do something because that's how others did it before. Did it seem fair? Share your thoughts on the '[Precedent forum](#)', in at least two sentences.

Criminal versus civil law

There are two types of law:

- **Criminal law:** When the state prosecutes someone for breaking the law with regards to how individuals should behave generally. Examples include murder, theft, and fraud.
- **Civil law:** When a party (e.g. an individual or organisation) initiates legal action against another party. For example, a landlord might bring a tenant to court for breaching the terms of the lease and damaging their property.

Crimes are committed against society, whereas civil disputes occur between two parties. Some situations can be both civil and criminal. Driving while under the influence of alcohol is a criminal offence, for example, while crashing into someone's property could warrant a civil claim to cover the cost of repair. Watch this video for more information on the difference between criminal and civil law:

Playing time: 7:14

[watch](#)

Criminal versus civil law (5 coins)

Complete the '[Criminal versus civil law quiz](#)' by identifying which offences are civil and which are criminal.

Punishments

If you break the law, you will be punished in one way or another. But how do we decide what punishment fits

which crime? This video looks at the different ways to choose a suitable punishment:

Playing time: 6:40

[watch](#)

Retributive justice versus restorative justice

When deciding on a punishment, there are two main approaches:

- **Retributivism:** The basic idea is that if someone causes suffering, they should be made to suffer in equal proportion. This is a traditional approach to punishment, dating back to the nearly 4000-year-old Code of Hammurabi. The code is a legal document from ancient Babylonia that features the notion of proportional punishment - 'an eye for an eye'.
- **Consequentialism:** Consequentialism is an approach to justice where punishments are decided with reference to their consequences i.e. their outcomes. Consequentialism involves attempting to reduce crime by reforming offenders in order to reduce recidivism and by deterring people from committing crime in the first place.

(<https://upload.wikimedia.org/wikipedia/commons/thumb/5/58/Code-de-Hammurabi-1.jpg/406px-Code-de-Hammurabi-1.jpg>)

The [Code of Hammurabi](#) (c. 1754 BC)

Punishment (5 coins)

Do you believe it's morally right to punish people? Why or why not? If you do, how should people decide on an appropriate punishment? Do you tend towards consequentialism (achieving a good end) or retributivism (criminals deserve to suffer)? Discuss your ideas in the '[Punishment forum](#)'. Be sure to write at least four sentences.

Capital punishment

Death is arguable the most extreme form of punishment. Australia does not have the death penalty, but some states in the US still do. In the next video, people who have worked on death row present arguments both for and against the death penalty:

Playing time: 8:05

[watch](#)

The death penalty in Australia (5 coins)

In the video above, Robert Blecker argues for the death penalty, while Stephen Greenwald argues against it. Who do you agree with and why? Do you think the death penalty should be brought back to Australia? Why or why not? If you support the death penalty, when should it be used and how? Post your views on the '[Death sentence forum](#)', in at least four sentences. Feel free to start a new thread or respond to someone else's.

As always, there is no right or wrong answer. You can counter other people's arguments, but you must be polite and focus on ideas rather than the people presenting them.

Corporal punishment at school

Corporal punishment involves physical violence. It's mostly banned in Australia, though some states technically still allow it. In some parts of the world, schoolchildren are regularly subject to canings, beatings, and other forms of physical violence. In this video, a professor discusses the impact of corporal punishment:

Playing time: 7:40

[watch](#)

Corporal punishment poster (5 coins)

According to the video above, corporal punishment fails to bring about the desired change in behaviour; so why does it continue?

1. Design a poster to stop violence against children that could be used in countries where corporal punishment is still allowed. You can design your poster on paper and scan it in, or you can design it using digital image editing software. You can read about how to do so [here](#).
2. Add your poster to the main page of the '[Poster Wiki](#)'.

Corporal punishment at home (5 coins)

Although corporal punishment is mostly banned in Australian schools, there is a separate debate about whether parents should have the right to smack their children. Do you think parents should have the right to smack their children? Why or why not? Can smacking be beneficial, or not? If you support corporal punishment, how and when do you think it should be used? Discuss this in the '[Corporal punishment at home forum](#)'. Your response should be at least three sentences long.

Damages (5 coins)

In a civil case, the party who has been wronged can be awarded 'damages' as a form of monetary compensation. If someone wrongs you and it costs you money in some way, do you think the damages should put you back to where you were before the wrong, or should you be better off than you were before? Why? Explain and justify your answer in the '[Damages forum](#)'. Be sure to write at least three sentences.

Resources and Activities

quiz

Quiz: [Criminal versus civil law quiz](#)

forum: Anarchy forum

1. On balance, do you think the rule of law is a good thing? Or would you prefer to live in anarchy? Why?
2. Would you behave differently if there were no laws? If so, how?

Link: [Anarchy forum](#)

forum: Senate forum

Members of the Senate are elected by proportional representation. Do you think this is a good idea or does it limit the democratic power of the House of Representatives and the Prime Minister?

Link: [Senate forum](#)

forum: Precedent forum

Do you think the circumstances of one case and the judges sitting on it should have the right to set precedent for every subsequent case? When considering your answer, think about when you've been made to do something because that's how others did it before. Did it seem fair?

Link: [Precedent forum](#)

forum: Punishment forum

Do you believe it's morally right to punish people? Why or why not? If you do, how should people decide on an appropriate punishment? Do you tend towards consequentialism (achieving a good end) or retributivism (criminals deserve to suffer)? Discuss your ideas below.

Link: [Punishment forum](#)

forum: Death sentence forum

In the video, Robert Blecker argues for the death penalty, while Stephen Greenwald argues against it. Who do you agree with and why? Do you think the death penalty should be brought back to Australia? Why or why not? If you support the death penalty, when should it be used and how?

Link: [Death sentence forum](#)

wiki: Poster Wiki

Add your corporal punishment poster to the main page of the Wiki below.

Link: [Poster Wiki](#)

forum: Corporal punishment at home forum

Do you think parents should have the right to smack their children? Why or why not? Can smacking be beneficial, or not? If you support corporal punishment, how and when do you think it should be used? Share your thoughts below.

Link: [Corporal punishment at home forum](#)

forum: Damages forum

If someone wrongs you and it costs you money in some way, do you think the damages should put you

back to where you were before the wrong, or should you be better off than you were before? Why? Explain and justify your answer below.

Link: [Damages forum](#)

Who enforces the law?

PARENTS AND GUARDIANS

You become a legal adult at the age of 18. Until then, you are legally required to have a 'responsible adult' act as your guardian. For most people, their parents serve as their legal guardians. Your guardians are legally responsible for you, and they are tasked with acting in your best interests. In some cases they can be prosecuted for your actions because they're not seen to be acting in your best interests. If you refuse to go to school, for example, they can be prosecuted for your non-attendance! In this video, a former judge argues that parents should also be responsible for acts of bullying committed by their children:

Playing time: 2:01

[watch](#)

If you cause damage to someone else's property, your parent or guardian may be held responsible for the cost of repair. If you hit a ball through your neighbour's window while playing street cricket, for example, they may have to pay to get it repaired! Because your guardians are legally responsible for you, they may choose to enforce lawful behaviour while you live with them. They may prevent you from consuming alcohol and insist you go to school to ensure you are operating within the law.

Modeling kindness (5 coins)

Recent research from the Commissioner for Children and Young People suggests that parents model bullying behaviour for their children. Children are more likely to bully others if they see their parents say nasty things about other people or post unkind comments on social media. The same research shows that young people want to have role models of kindness.

1. Think of a situation involving a parent or guardian where they could act kindly or unkindly.
2. Describe how a role model of kindness would act, in at least three sentences.
3. Post your description on the '[Kindness forum](#)'.

Teachers

You might be surprised to know that teachers have a legal responsibility to the children they teach, stemming both from Australian legislation and international declarations of human rights. The next video explains it in more detail:

Playing time: 7:01

[watch](#)

Educators' responsibilities (5 coins)

Whether you are homeschooled or learning in a school classroom, are you surprised at the responsibilities that teachers have for your education and development? How do you think these responsibilities impact on the way your teacher behaves? How do you think these responsibilities are included in the Inventorium programme? Evaluate the programme with reference to the responsibilities of educators and post your feedback in the '[Responsibility forum](#)'.

Citizen's arrest

Am I breaking the law?

v.1.0.0

A regular citizen can arrest someone for breaking the law if they hand the arrested person over to the police as soon as possible. The next video shows a citizen's arrest in Sydney:

Playing time: 5:29

[watch](#)

Note that the above arrest involved a group of people. It would be especially dangerous to attempt a citizen's arrest independently, and obviously it's not something we would recommend! This news report also refers to a citizen's arrest:

Playing time: 2:05

[watch](#)

Citizen's arrest (5 coins)

The above news report refers to citizens 'taking the law into their own hands'. That's normally a phrase used for vigilantes rather than those enforcing a citizen's arrest. Do you agree that a citizen's arrest involves 'taking the law into your own hands'? At what point would it be going too far to attempt a citizen's arrest? Discuss this in the '[Citizen's arrest forum](#)'. Aim to write at least two sentences.

Police

The police are the most obvious group of law enforcers. We call them when we need help, have an accident, or see something we think is wrong. There are a variety of career options in the police force, as explained by the next video:

Playing time: 4:08

[watch](#)

People interested in law enforcement may also want to consider becoming a sheriff's officer:

Playing time: 3:01

[watch](#)

Police jobs (5 coins)

Having watched both videos, which role do you think is more involved in law enforcement? The police constable or the sheriff's officer? Which appeals to you more and why? Discuss this in the '[Police jobs forum](#)'. Be sure to write at least two sentences.

Military police

The military have their own police force and their job is to enforce the law for all Australian forces across the world. The next video explains what it's like to be a military police officer, but they only hire people who are

already in the army!

Playing time: 2:14

[watch](#)

Military police (5 coins)

Do you the military should have their own police force? Why or why not? Discuss your ideas in the '[Military police forum](#)'. Write at least two sentences.

Other roles in law enforcement

Some jobs involve law enforcement even though it's not their main focus. Firefighters will sometimes do traffic duty, for example. The next video explains how park rangers help enforce the law:

Playing time: 4:33

[watch](#)

Australian law enforcement (5 coins)

Can you think of other jobs that might involve law enforcement? Create an infographic that represents law enforcement in Australia and what it means to you. You can read about how to create and edit images here. Post your infographic in the '[Australian law enforcement Wiki](#)'.

Resources and Activities

wiki: Australian law enforcement Wiki

Post your Australian law enforcement infographic on the main page of the Wiki below.

Link: [Australian law enforcement Wiki](#)

forum: Responsibility forum

Evaluate Inventorium with reference to the responsibilities of educators and post your feedback below.

Link: [Responsibility forum](#)

forum: Citizen's arrest forum

Do you agree that a citizen's arrest involves 'taking the law into your own hands'? At what point would it be going too far to attempt a citizen's arrest? Discuss this below.

Link: [Citizen's arrest forum](#)

forum: Kindness forum

Think of a situation involving a parent or guardian where they could act kindly or unkindly. Describe how a role model of kindness would act.

Link: [Kindness forum](#)

forum: Police jobs forum

Having watched both videos, which role do you think is more involved in law enforcement? The police constable or the sheriff's officer? Which appeals to you more and why? Discuss this below.

Link: [Police jobs forum](#)

forum: Military police forum

Do you the military should have their own police force? Why or why not? Discuss your ideas below.

Link: [Military police forum](#)

What crimes might I commit in error?

While most of us like to think we're law abiding citizens, sometimes we find we're breaking the law without realising it! This section discusses how people commit crimes in error, so you know what to look out for.

Trespass

Trespass is a 'tort', which is an infringement of someone's rights that can result in a civil liability. Trespass relates to the right of someone to keep their land private. Once someone has purchased land, they have an exclusive right to determine who accesses it. Anyone who goes on their land uninvited is technically trespassing. This video shows how people can accidentally get in trouble for trespassing:

Playing time: 5:16

[watch](#)

Protesting is another way in which you might find yourself trespassing without realising it. Protests sometimes take place on private land without the owner's permission. It can be difficult to get rid of trespassers, particularly if they're there as part of a protest. The farmer in the next video has a very interesting way of dealing with them!

Playing time: 1:17

[watch](#)

Public and private land (10 coins)

1. Visit [Google Maps](#) and find your home. Ensure you can see streets rather than satellite photographs.
2. Zoom in until you can see approximately 500 metres around your home. You can use the ruler in the bottom right-hand corner to judge this.
3. Take a screenshot of the map. You may need to Google how to do this on your device.
4. Paste the screenshot into a new file in a digital image editing program. You can read how to download a digital image editing program [here](#).
5. Crop the image so you can only see the map, including the ruler in the bottom right-hand corner.
6. Create a new layer above the map, and lock the map layer if possible.
7. Use the rectangle tool to draw a red 500-metre square around your home.
8. Within that 500 metre square, use the line tool to draw the boundaries of public and private land.
9. Use the brush tool or fill tool to fill in the boundaries - fill public land in one colour and use another tool for private land.
10. Calculate the total area of public land in metres squared, and do the same for private land. To do this, you will need to measure the perimeter of each lot of land. A rough approximation is sufficient.
11. Calculate the proportion of land that you are legally allowed to walk or drive on as a percentage of the 500 metre square, and do the same for land that would involve trespassing if you were to walk on it. You might be surprised by how many places are off-limits!
12. Use the text tool to add the total area of each type of land to the map and save your work.
13. Upload your map to the '[Public and private land submission](#)'.

Breach of the peace

Behaviour that causes a public disturbance or that's likely to lead to violence is referred to as a 'breach of the

peace'. Breach of the peace can be combined with other public order offences such as an illegal gathering or riot, or it can be used on its own. Peaceful demonstrations sometimes become violent, resulting in a breach of the peace. This video explores some 2016 Black Lives Matter protests in the US, some of which became violent:

Playing time: 3:06

[watch](#)

Peaceful protest (5 coins)

Protests occur all around the world, some peaceful and some violent. Protests that become violent usually begin peacefully. Violent protests can result in arrests for breach of the peace and a range of other offences, including assault.

1. Choose one of the following famous activists:

- Rosa Parks, who campaigned for racial equality in the US.
- Mahatma Gandhi, who campaigned for national independence in India.
- Nelson Mandela, who campaigned against apartheid in South Africa.
- Another activist of your choice who campaigned for peace using non-violent methods.

2. Research your chosen activist and take notes on how they promoted peaceful demonstration rather than violence.

3. Write an obituary for them, paying particular attention to their message for peaceful protest. You should aim to write between 300 and 500 words.

4. Add your work to the page for that activist on the '[Obituary Wiki](#)'. If they don't have a page yet, create one.

Theft

Have you ever borrowed something without permission? That's technically theft! The person borrowing the item usually assumes that its owner would let them use it, but that can be a mistaken assumption. The next video outlines five cases where children have been reported for stealing their parents' car!:

Playing time: 10:25

[watch](#)

Hopefully you haven't 'borrowed' your parents' car, but are there other things you've taken without permission? We won't ask you to post about this as we don't want to get you in trouble, but you should be aware that each time you borrow something from a parent, guardian, sibling or friend without their permission, you're technically committing theft! Theft occurs any time someone takes the property of someone else without their consent. 'I was going to let them know later' is therefore an admission of guilt!

Alcohol and drug-related offences

The legal drinking age

Most young people will try alcohol and/or drugs at some point, regardless of the advice or guidance of their parents, guardians, teachers and so on. This sort of experimentation is arguably a part of growing up, for many people. In Australia, it's illegal for anyone under the age of 18 to buy alcohol or drink alcohol in a public venue. It's nevertheless legal for children to consume alcohol at home under the supervision of a parent or guardian. It's also illegal to consume alcohol in many public places, referred to as 'dry zones'.

So where might you fall foul of the law? If you are intoxicated, your judgement is impaired, so it's easy to commit other offences without intending to. As an example, someone might breach the peace by merrily singing their way home after getting drunk at a mate's house!

This video explains how alcohol impairs judgement by affecting the brain:

Playing time: 7:43

[watch](#)

The legal drinking age in Australia (5 coins)

The legal age to purchase and consume alcohol in Australia used to be higher in some states, but it's now 18 across the country. In other countries like the US, the legal drinking age is 21. Do you think 18 is a good legal drinking age, or do you think it should be changed? Why? As usual, there's no right or wrong answer. Respond in at least three sentences and post your thoughts in the '[Legal drinking age forum](#)'. Feel free to start a new discussion or respond to someone else's post, either agreeing or disagreeing.

Other drugs

The laws surrounding other drugs are a little more complex, and they differ by state. Cannabis can be especially complex, because state and federal laws differ in some places. In general, drugs are prohibited without a medical prescription. Because they can alter your perceptions, you are more likely to commit other crimes while under the influence. Some recreational drugs can cause people to experience a physical and mental low after use, often accompanied by a feeling of regret. Driving under the influence is particularly risky, having the potential to damage your future career or lose your job, especially if you may have to drive in the course of your work.

The next video shows how easy it is to get caught as some US police officers stumble on a whole range of crimes after seeing a teenager throw up on the side of the road.

Playing time: 4:32

[watch](#)

The video above shows how drugs and alcohol can trigger suspicion and investigation, leading to a whole lot of unanticipated trouble.

In 2018, Canada legalised the use of cannabis for recreational purposes. While it's a popular recreational drug, there are concerns about its possible effects on the brain, including long-term memory impairment and increased risk of psychosis. These effects are more pronounced in people who start to consume the drug at a younger age. Watch this video for more information:

Playing time: 2:55

[watch](#)

There may also be a link between smoking cannabis and lung cancer, but there hasn't been a lot of research in the area because the drug is illegal in most places around the world.

Cannabis legislation (5 coins)

Some experts suggest that cannabis should be restricted to people over the age of 25, because the brain is especially susceptible to external influence until around that age. Do you think there should be an age limit on cannabis consumption? Given its downsides, do you think it should be legalised for recreational purposes in Australia? Vote in the '[Cannabis choice](#)' and post your reasoning on the '[Legalisation forum](#)'. Be sure to explain your point of view in at least three sentences.

Bullying

Be aware that the following section deals with potentially upsetting topics, including bullying, self-harm, and suicide.

Bullying has been linked to an increase in suicide amongst young people. The following video reflects on a teenager's suicide, and considers the role of bullying in bringing him to that point. It brings home the point that anyone can be bullied, and anyone can be a bully. It also highlights the fact that we need to think hard about how we treat others, because we can't know what they might be going through behind closed doors.

Playing time: 3:31

[watch](#)

Laws against bullying (5 coins)

Do you think we should have laws to protect kids from bullying? Why or why not? If you think we should have laws against bullying, what should they be? Discuss your thoughts in the '[Bullying law forum](#)'. Be sure to write at least three sentences.

Resources and Activities

wiki: Obituary Wiki

Add your activist obituary to the page for your chosen activist below. If they don't have a page yet, create one.

Link: [Obituary Wiki](#)

forum: Legal drinking age forum

The legal age to purchase and consume alcohol in Australia used to be higher in some states, but it's now 18 across the country. In other countries like the US, the legal drinking age is 21. Do you think 18 is a good legal drinking age, or do you think it should be changed? Why?

Link: [Legal drinking age forum](#)

choice: Cannabis choice

Should cannabis be legalised for recreational purposes in Australia?

forum: Legalisation forum

Do you think there should be an age limit on cannabis consumption? Given its downsides, do you think it should be legalised for recreational purposes in Australia? Share your reasoning here.

Link: [Legalisation forum](#)

forum: Bullying law forum

Do you think we should have laws to protect kids from bullying? Why or why not? If you think we should have laws against bullying, what should they be? Discuss your thoughts below.

Link: [Bullying law forum](#)

assign: Public and private land submission

Link: [Public and private land submission](#)

What civil claims could I be involved in?

Civil claims

Civil claims can be made both by and against you. They're usually a means of gaining compensation for damage, whether physical, emotional, reputational, or financial. If someone crashes into your car, for example, they are liable to pay for the repairs if you were not at fault. Civil cases are usually settled without going to court. If people are unwilling to settle, however, the courts may have to review the facts and give a judgement.

Accidental property damage

The types of damage you might incur are probably accidental, and you'll most likely end up settling the matter out of court. The classic example involves causing damage to property while playing with a ball - a cricket ball going through someone's window, a baseball smashing a headlight, or a football denting a bonnet.

Most of the time, cases of accidental damage require you to admit your error and offer to pay for repairs. Sometimes an apology is enough, and the person who has suffered the damage will cover the cost of the repair themselves, but owning up to the fact that you caused the damage is very important. This isn't always easy, though. It can be especially difficult when the damage wasn't accidental, and your intentional behaviour has caused others harm. The next video explores why it can be so difficult to admit we're in the wrong:

Playing time: 5:12

[watch](#)

Admitting you're wrong (5 coins)

The video above claims that being unable to admit you're wrong is a 'mental sickness'. Do you agree? Why or why not? When do you find it difficult to admit you're wrong, and when do you find it easy? Write at least three sentences and post your response in the '[I am wrong forum](#)'.

Sale of goods

Australian consumer law

Lots of people sell goods and services on eBay, Facebook or Gumtree without thinking twice about it. Sellers are often unaware that they have legal responsibilities under Australian consumer law. Watch this video to find out more:

Playing time: 1:57

[watch](#)

Consumer law can protect you as a buyer, but as a seller you also need to make sure anything you sell is correctly described, whether it's in good working order or not. Any form of misrepresentation could end with you paying for a refund or replacement, including return postage.

This can be particularly risky if you drop ship goods from overseas, which some teenagers have found to be an effective income source. Drop shipping involves buying and selling goods over the internet without ever handling them. Drop shippers effectively act as a broker, buying from a supplier after the item has been purchased and getting it shipped directly to the consumer. While consumer law protects you from your

supplier, it may be difficult to recover funds from them because they're overseas . If anything goes wrong, therefore, you are likely to be held accountable.

Every time you buy or sell something, you are effectively creating a contract. The contract exists under the area of consumer law, and it's summarised in the next video:

Playing time: 2:59

[watch](#)

Online shopping (5 coins)

Do you buy or sell online? How does it compare to shopping in person? Vote in the '[Consumer choice](#)' and then discuss your preference on the '[Consumer choice forum](#)'. Factors you might want to consider include:

- Price
 - Range
 - Convenience
 - Shipping
 - The shopping experience
-
- Consumer protection

Breach of employment contract

Many teenagers get a part-time job to earn money while at school. There are a lot of legal responsibilities associated with being employed, both for you and your employer. You have a duty of care in your work, and your employer has a duty of care to keep you safe. Most people are employed on a casual basis to start with. The next video was made for employers of casual staff, and it provides useful information about your employer's responsibilities:

Playing time: 2:09

[watch](#)

Watch the next video for a more complete overview of the legal relationship between employee and employer:

Playing time: 4:59

[watch](#)

Ten rules (5 coins)

Discussions tend to focus on the legal responsibilities of the employer, while there's often less of a focus on the responsibilities of the employee. This is partly because when an employee breaches the terms of their contract, they usually get fired!

1. Use Google to research your legal responsibilities as an employee, and come up with a list of at least three.
2. Write at least seven other things you think a good employee should do.
3. Use your findings from steps 1 and 2 to develop a set of ten rules about how to be a good employee.
4. Arrange your rules in order of importance, from most to least important.
5. Create an infographic outlining your rules. Be sure to differentiate between rules that are based on employment law, and those that are just good professional practice. You can read how to create and

edit images [here](#).

6. Post your infographic in the '[Ten rules Wiki](#)'. Take a look at others' work - is there consensus, or do you feel differently about your rights and responsibilities?

Defamation

Defamation involves saying something untrue about someone that might harm their reputation. If a newspaper falsely claims someone is guilty of a crime, for example, they may have to pay damages for harm caused to that person's career. Written defamation used to come under libel law, and spoken defamation was considered slander. This distinction is no longer in use in Australia, however. The next video explores a case of defamation on social media in the US:

Playing time: 2:38

[watch](#)

You can read about an Australian case [here](#), where a young man's Tweets and Facebook posts about his former teacher ended up costing him \$105,000!

Defamation law online (5 coins)

'Social media' is a broad term encompassing Facebook, Instagram, YouTube, Twitter, and more. Do you have any social media accounts of your own? If so, log in and take a look at the posts on your feed. Can you find any that could be considered defamatory? Remember, defamation is anything that's untrue and could damage someone's reputation. Often YouTubers post salacious 'drama' about one another, for example. Find something that could be considered defamatory and post it on the '[Social media defamation forum](#)', along with an explanation of why it could be illegal. Also answer the following questions:

1. Do you think it's fair that people pay such large damages for defamation? Why or why not?
2. At what point do you think something should be considered defamation? Why?
3. What would you do if someone posted damaging lies about you online?
4. Have you ever done anything that could be considered defamatory? Is there anything you could do to prevent yourself from getting in trouble? Note that if you have done something that could be considered defamatory, you should not be specific about what you said, or who you said it about!

Resources and Activities

forum: I am wrong forum

The video claims that being unable to admit you're wrong is a 'mental sickness'. Do you agree? Why or why not? When do you find it difficult to admit you're wrong, and when do you find it easy?

Link: [I am wrong forum](#)

forum: Consumer choice forum

Do you buy or sell online? How does it compare to shopping in person? Discuss your preferences below.

Link: [Consumer choice forum](#)

wiki: Ten rules Wiki

Post your 'ten rules' infographic on the main page of the Wiki below.

Link: [Ten rules Wiki](#)

forum: Social media defamation forum

Find something that could be considered defamatory and post it below, along with an explanation of why it could be illegal. Also include answers to the four questions about defamation.

Link: [Social media defamation forum](#)

choice: Consumer choice

Do you prefer to shop online or offline?

What defence might I have?

Ignorantia juris non excusat

This is a Latin phrase which translates to 'ignorance of the law excuses not'. It means you can't claim you're innocent because you didn't know your actions were illegal. You can be found guilty even if you commit a crime unknowingly. So what defences might you have?

Acceptable defences in criminal cases

If you are taken to court, there are a variety of defences at your disposal, including:

- **Justification:** your actions were justified in the circumstances (e.g. self defence)
- **Excuse:** your actions should be excused for specific reasons (e.g. insanity)
- **Mitigation:** your actions should be mitigated given the circumstances (e.g. you were misled by someone)

Specific defences differ by state and crime. This video refers to the US penal code, but it provides a good outline of the sorts of defences you might see in an Australian court:

Playing time: 9:41

[watch](#)

Legal defence (5 coins)

[This](#) page explains the most popular legal defences in New South Wales, most of which are shared with other states.

1. Choose one of the following criminal offences: theft, robbery.
2. Use your creative writing skills to produce a short police report about the offence. Write it in first person, taking the perspective of the police officer who first came across the incident. Use professional language and note down what time of day each event happened. You should aim to write between 100 and 300 words.
3. Imagine you are the perpetrator's lawyer, and write an argument in their defence. You should aim to write between 100 and 300 words, and refer to at least three of the criminal defences listed [here](#).
4. Save your police report and legal defence in the same Word document and upload it to the '[Legal defence submission](#)'.

Mens rea and actus reus

Intoxication is a defence in many places, but in order for it to be used, the defendant has to show that they had no intent. Intent is known as 'mens rea', or 'guilty mind'. The other element of a crime is 'actus reus', which means 'guilty act'. The next video explains how these concepts apply to criminal charges:

Playing time: 3:11

[watch](#)

Affirmative defences in civil cases

Some of the above defences, like self-defence and mental illness, are affirmative defences. In civil cases, they attempt to excuse or justify what you did in an attempt to reduce the amount of damages you could be held liable for. This video explains the concept a bit more:

Playing time: 1:48

[watch](#)

Affirmative defences (5 coins)

Most people use affirmative defences in everyday life, to justify or explain their behaviour. Can you think of an incident where you or someone you know used an affirmative defence to justify their behaviour? Explain what happened on the '[Affirmative defence forum](#)', then explain whether you think the defence is valid and why. You should write at least four sentences in total. Try to avoid including personal details which others might not want mentioned in a public forum.

Unusual defences

Now that you've learned about the most common defences, watch this video and take a look at some seriously unusual ones:

Playing time: 9:19

[watch](#)

Resources and Activities

forum: Affirmative defence forum

Most people use affirmative defences in everyday life, to justify or explain their behaviour. Can you think of an incident where you or someone you know used an affirmative defence to justify their behaviour? Explain what happened below, then explain whether you think the defence is valid and why.

Link: [Affirmative defence forum](#)

assign: Legal defence submission

Link: [Legal defence submission](#)