

Year 11 Legal Studies student work sample – Grade D

Question: How significant are the legal and non-legal responses to mitigating disadvantage of a specific group in Australia?

Aboriginal and Torres Strait Islander People (ATSI) have had disadvantages since the first Europeans landed on the shores of Australia. Over the years Aboriginal people have ^{not} been treated as equals to Anglo-saxon people and only counted in censuses and gained the right to vote in the late 1900's. Aboriginal people have had their traditional land and land rights ~~of~~ taken off them. In the late 1900's the Mabo case arose. It was the case to give land rights and traditional/sacred grounds back to the Aboriginal people and in 1993 the native title was passed. ~~It was the case~~. The act ~~was~~ ~~the~~ ~~act~~ recognises and protects native title and gives land rights back to the Aboriginal people. In 1974 the commonwealth Government established Aboriginal Land Commission.

Legal #1

Non-legal #1

A general overview defining Indigenous disadvantage demonstrates a limited knowledge of the selected group. Historical context including the census are valid for the explanation. Specificity and accuracy of dates are required

The legal example of Mabo and the Native Title Act is highly relevant. The details provide a general summary. More explicit links to how this mitigates disadvantage would strengthen the response

The aim of the commission was to buy back land that traditionally belonged to ~~the~~ people so that they could be given back to the traditional indigenous Australian owners. Aboriginal Land trust was ^{also} set up by the government. ~~It~~ ~~is~~ They gave them the right to manage and control traditional indigenous lands.

Aboriginal #1

Non-legal #1

The 1973–74 Aboriginal Land Rights Commission is an example of a response to ATSI disadvantage. Discussion of the Commission's role is simple and descriptive

egal #2

Circle Sentencing was established for Aboriginal people. It is for young repeat offending Indigenous people. It consists of a magistrate, the offender, the victim and their family, local elders and possibly a police officer. Everyone sits in a circle so that everyone is equal and they can all speak face to face. The victim shows/~~the~~ expresses the hurt the ~~prisoner~~^{offender} has caused and the ~~accused~~^{accuser} sits and listens quietly. The ~~prisoner~~^{offender} will have an opportunity to apologise. The elders will also speak and try to show the offender their wrong doing. A punishment that is most fitted will be put in place and the elders will oversee it. In 2008 the prime minister of Australia Kevin Rudd formally apologised to the Indigenous Australians for the suffering they have faced over the years at the hands of Anglo-saxon people. He apologised for the wrong that they had caused. The speech was highly regarded ~~with~~^{with} the people from the stolen generation.

Non-legal #2

Basic knowledge and understanding are demonstrated with the selection of Circle Sentencing as a valid example of a legal response to Indigenous disadvantage

The Apology as the non-legal response selected demonstrates critical thinking linking this to the disadvantage of the stolen generation

Grade Commentary

Lou demonstrates basic knowledge and understanding in the appropriate selection of legal and non-legal responses to Indigenous disadvantage. Conceptual understanding that draws links to pertinent issues (for example, possession, terra nullius, Aboriginal and Torres Strait Islander justice, self-determination and protection of traditions, customs and tribal lore, etc) needed to be addressed specifically to enhance the explanation of the role of legal and non-legal agents. Examples were relevant and demonstrated some research. Communication was mostly descriptive, and accurate detail was provided inconsistently destabilising the nature of the explanation. Written expression required a more deliberate structure and organisation.

Lou's response demonstrates characteristics of work typically produced by a student performing at a grade D standard.