

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?

One legal response, and probably the most well known, act to older Australians is the Age Discrimination Act 2004. This Act makes it unlawful to discriminate on the ground of age and states "It is unlawful to discriminate on the ground of age in relation to work and certain other areas." It also states that "It is unlawful for an employment agency to discriminate against a person on the ground of the person's age:

- Ⓐ by refusing to provide the person with any of its services; or
- Ⓑ in the terms or conditions on which it offers to provide the person with any of its services; or
- Ⓒ in the manner in which it provides the person with any of its services."

Another legal response ^{which proposed the Age Discrimination Act} was the HREOC's (Human Rights Equal Opportunities Commission) report called 'Age Matters' a report on age discrimination. This report recommended enactment of comprehensive federal age discrimination legislation and the review and amendment of a number of Commonwealth laws that contained age discriminatory provisions. HREOC, as a part of the core consultative group, was involved in the consultation process on the development of this paper and the federal Age Discrimination legislation. HREOC also put forward a response both to the information paper and to the senate inquiry considering the Age Discrimination Act 2004.

The first example of a legal response referring to age is relevant and clearly explained. The discussion responds to the question of how it mitigates disadvantage for a particular group

HREOC is, in part, a relevant example of a legal response that requires further justification

Issues related to age disadvantage are described. Links back to the question are required to enhance relevance

The non-legal ^{disadvantages} ~~responses~~ of Older Australians are that ~~As~~ they are less able to do things the same as younger people and this means that ^{some} ~~they~~ are unable to get everyday thing such as groceries and if they would to take action againsts their rights in court because they are unable to defend which makes their access to the law unreachable. ~~also~~ Also they cannot afford many things as they wouldn't be able to work maybe because they ~~had~~ ^{have} a slight disability ~~with~~ have a job that ~~for~~ the boss wants a younger person to do. Which means they have a low income and makes it hard to buy things especially if they live on a 144 dollar a week pension. But if they didn't have a pension they would rely on their superannuation and with some people it may not be very much.

The pension as a designed benefit is a relevant example of a non-legal response to age disadvantage

Grade Commentary

Terry's response demonstrates basic knowledge and understanding of the concepts of legal and non-legal responses to disadvantage, with inconsistencies across the two categories of responses required. The selection of examples and information demonstrates a basic approach to the question with more structure and focus required in the research and preparation phase. Communication was concise and explanatory around one to two examples, but tended to be overly descriptive in parts in areas not really adding to the strength of the argument.

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