Legal Studies

Stage 6

Draft Syllabus Writing Brief
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Legal Studies Stage 6

Draft Writing Brief

1 Background

The Board of Studies gave its approval to amending the Stage 6 Legal Studies curriculum in October 2006. The *Legal Studies Stage 6 Syllabus* is being reviewed and amended as part of the Government’s commitment to providing a quality curriculum for NSW schools.

The review of the syllabus will follow the Board of Studies development process. The Legal Studies Board Curriculum Committee will monitor the project.

1.1 The K–12 Curriculum Framework

*Describes in a diagram and in text, the courses that are provided in the K–12 continuum.*

LEGAL STUDIES IN THE K–12 CONTINUUM

Legal Studies forms part of the Human Society and Its Environment continuum of study from Kindergarten to Year 12. It complements other Stage 6 subjects in the area.
The Board’s Syllabus Development Process

The Board’s syllabus development process uses a project management approach and involves four phases – syllabus review, writing brief development, syllabus development and implementation. It provides opportunities for wide consultation with teachers and other interest groups in order to receive the highest quality advice from across the education community.

The review of Legal Studies is now completed and at its meeting on 19 June 2007 the Board of Studies endorsed a set of Broad Directions to guide the development of this writing brief. The Broad Directions are included as Appendix 1.

The process and timelines for the development of the syllabus are provided below:

1.2 Timeline for the Development of the Syllabus Package for Legal Studies

<table>
<thead>
<tr>
<th>Phase</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Literature Review</td>
<td>December 2006 – January 2007</td>
</tr>
<tr>
<td>Consultation Forum</td>
<td>22 February 2007</td>
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<tr>
<td>Consultation on Draft Broad Directions</td>
<td>February – May 2007</td>
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<tr>
<td>Broad Directions to the Board</td>
<td>19 June 2007</td>
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<tr>
<td>Draft Writing Brief development</td>
<td>July – November 2007</td>
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<td>Draft Writing Brief consultation</td>
<td>February – April 2008</td>
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<tr>
<td>Writing Brief to Board</td>
<td>June 2008</td>
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<tr>
<td>Draft syllabus development</td>
<td>May – September 2008</td>
</tr>
<tr>
<td>Draft syllabus consultation</td>
<td>September – December 2008</td>
</tr>
<tr>
<td>Specimen examination paper development</td>
<td>May – September 2008</td>
</tr>
<tr>
<td>Specimen examination paper consultation</td>
<td>September – December 2008</td>
</tr>
<tr>
<td>Support material development</td>
<td>September – December 2008</td>
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<td>Syllabus to Board</td>
<td>May 2009</td>
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<tr>
<td>Specimen exam to Board</td>
<td>May 2009</td>
</tr>
<tr>
<td>Syllabus Package distribution</td>
<td>August – July 2009</td>
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</table>
2  Information on the Writing Brief

Preparation of a Writing Brief takes place in Phase 2 of the Board of Studies syllabus development process.

2.1  Purpose

The Writing Brief provides the proposed direction for the new syllabus. It provides the detailed blueprint for the development of a draft syllabus in Phase 3 of the syllabus development process.

2.2  Structure

The Writing Brief (outlined in Section 3) is structured according to the elements of a Stage 6 syllabus and each element includes proposed instructions to the writers in the writing of the draft syllabus. These elements are:

- The K–12 Curriculum
- Rationale for Legal Studies
- The place of Legal Studies in the K–12 curriculum
- Aim
- Objectives for Stage 6
- Outcomes for Stage 6
- Course structure
- Content (the Draft Writing Brief provides examples of content)
- Course requirements.

Each subsection of the Writing Brief addresses a syllabus element and includes an explanation of the element’s purpose.
3 The Writing Brief

3.1 Purpose of the Stage 6 Curriculum

The purpose of the Higher School Certificate program of study is to:

- provide a curriculum structure which encourages students to complete secondary education
- foster the intellectual, social and moral development of students, in particular developing their:
  - knowledge, skills, understanding, values and attitudes in the fields of study they choose
  - capacity to manage their own learning
  - desire to continue learning in formal or informal settings after school
  - capacity to work together with others
  - respect for cultural diversity in Australian society
- provide formal assessment and certification of students’ achievements
- provide a context within which schools have the opportunity to foster students’ physical and spiritual development.

3.2 Rationale for Legal Studies

The Rationale describes the nature of the subject in broad terms and conditions, its relationship to the contemporary world and current practice. It explains the place and purpose of the subject in the curriculum, particularly how it contributes to the K–12 Curriculum Framework purpose statement and broad learning outcomes.

Proposed Rationale:

There is a lot of loose talk in Australia about democracy, the rule of law and basic rights. Yet unless we educate future citizens concerning the broad outline of our laws, they may grow up feeling that law is alien to their experience. I want them to grow up insisting that the law must be just and modern and accepting the citizen’s responsibility to ensure that this is so.

Justice Michael Kirby AC CMG
Justice of the High Court of Australia

Our society is regulated by a complex set of rules and regulations which both guide and protect individual and community rights. By being well informed about legal issues including the rights and responsibilities which are integral to our society, we develop active and informed citizens. Students will develop an understanding of legal concepts in order to provide a basic understanding of the law and its function within our society. The syllabus focuses on developing an understanding of the way in which law is generated, structured and operates within Australian and international contexts. Learning about our legal system will allow students to investigate how our society operates and understand the influences that shape our society. Students are able to develop an understanding of the effects our legal system has on the lives of citizens and the implications of legal decisions on Australian society. By developing critical understanding of the processes of reform and change, students are better able to contribute to making our society more equitable for all. Cultures and values are reflected in our legal institutions and processes at both a domestic and international level.
Legal Studies offers excellent preparation for life through an understanding of the legal system, its principles, structures, institutions and processes. Legal Studies further fosters a respect for cultural diversity and promotes understanding. It allows students to question and evaluate the legal and democratic institutional structures within the domestic and international environment and to undertake a comparative analysis of other political and institutional structures. Legal Studies promotes student confidence in approaching and accessing the legal system and provides them with a better appreciation and understanding of the relationship between social and legal structures in society. Legal Studies will assist in the development of students’ knowledge of their basic legal rights and responsibilities in a broad selection of contexts which appeal to students’ particular interests in the legal community.

Legal Studies is situated in the key learning area (KLA) of Human Society and Its Environment. The skills developed in the HSIE KLA empower students to become critical learners.

Legal Studies provides learning that prepares students for further education and training, employment and full and active participation as citizens within Australia and in the global society. Students gain the skills of analysis, independent research, collaboration, and effective communication.

Matters for Consideration

- Does the proposed rationale adequately describe the nature of Legal Studies in broad terms?
- Does the proposed rationale adequately reflect why Legal Studies is part of the HSC program of study?
- Will the proposed rationale be appropriate if there are additions or deletions to the proposed syllabus?

Proposed Instructions to Writers

- Ensure the rationale truly reflects the theoretical underpinnings of Legal Studies, what makes the subject distinctive and what students will gain from studying this subject.

3.3 Employability Skills Statement

Proposed Employability Skills Statement:

Legal Studies provides a context to develop employability skills considered essential for the development of effective, higher-order thinking necessary for further education, work and everyday life.

Employability skills are embedded in the Legal Studies syllabus to enhance student learning. The employability skills of planning and organising, learning and communication are explicit in the objectives, outcomes and content of the Preliminary and HSC courses. The development of these skills results from the nature of Legal Studies and the investigation and analysis of legal issues. The Employability Skill of self-management is explicit in the outcomes for the HSC course. Students will also work towards other Employability Skills throughout the Legal Studies Stage 6 course. During investigations they will need to use appropriate information technologies and so develop the appropriate employability skill of technology. The Law in Practice unit in the Preliminary Course supports students to demonstrate initiative and enterprise as they investigate areas of the law in which they have an interest. Finally, as students investigate and propose resolutions to legal problems, they are developing problem solving.
Matters For Consideration

- The statement in the previous syllabus identified Key Competencies incorporated in the syllabus. This has been replaced by the Employability Skills students will achieve during a study of Legal Studies.

Proposed Instructions to Writers

- Ensure the Employability Skills Statement accurately reflects what a student can achieve through a study of Legal Studies.

4 Aim

The Aim provides a succinct statement of the overall purpose of the syllabus by indicating the general educational benefits that are to accrue for students from programs based on that syllabus.

Proposed Aim:

Legal Studies develops students’ knowledge, understanding and skills in relation to the legal system and its effectiveness in promoting a just and fair society, with a view to empowering students to participate effectively as citizens at the local, national and international level.

Matters For Consideration

- The Aim is unchanged from the current syllabus as it describes the educational benefits students will achieve from programs based on this syllabus.

- Does this aim adequately describe the overall purpose of the Legal Studies course?

Proposed Instructions to Writers

- Consider any appropriate modifications to this Aim raised in the consultation survey.

5 Objectives and Outcomes

Objectives provide specific statements of the intentions of the syllabus. They amplify the aim by indicating in broad terms the knowledge and understanding, skills and values and attitudes fundamental to the subject. They act as organisers of the intended outcomes.

Syllabus outcomes express the specific intended student learning that results from the teaching of the syllabus. They are derived from the objectives and content of the syllabus. Outcomes provide clear statements of the knowledge, skills and understanding expected to be gained by most students as a result of effective teaching and learning of a subject by the end of a stage.
### Table of Objectives and Outcomes

Outcomes should inform teaching, learning and assessment processes.

<table>
<thead>
<tr>
<th>Objectives</th>
<th>Preliminary Course Outcomes</th>
<th>HSC Course Outcomes</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>A student develops knowledge and understanding about:</strong></td>
<td><strong>A student:</strong></td>
<td><strong>A student:</strong></td>
</tr>
<tr>
<td>1. the nature, processes and institutions of domestic and international law</td>
<td>P1. identifies legal concepts and terminology in appropriate legal contexts</td>
<td>H1. applies legal concepts and terminology in appropriate legal contexts</td>
</tr>
<tr>
<td></td>
<td>P2. describes the operation of domestic and international legal systems</td>
<td>H2. evaluates the operation of domestic and international legal systems</td>
</tr>
<tr>
<td>2. the operation of Australian and international legal systems and the significance of the rule of law</td>
<td>P3. describes the key features of Australian and international law</td>
<td>H3. describes and explains key features and the relationship between Australian and international law</td>
</tr>
<tr>
<td></td>
<td>P4. discusses the effectiveness of the legal system in addressing issues</td>
<td>H4. evaluates the effectiveness of the legal system in addressing issues</td>
</tr>
<tr>
<td>3. the interrelationship between law, justice and society and the changing nature of the law</td>
<td>P5. explains the impact of the legal system on society</td>
<td>H5. assesses the impact of the legal system on society</td>
</tr>
<tr>
<td></td>
<td>P6. describes the factors that shape the law in achieving justice</td>
<td>H6. evaluates the factors that shape the law in achieving justice</td>
</tr>
<tr>
<td></td>
<td>P7. describes the role of legal rights and responsibilities in encouraging cooperation and resolving conflict</td>
<td>H7. explains the role of legal rights and responsibilities encouraging cooperation and resolving conflict</td>
</tr>
<tr>
<td><strong>A student develops skills in:</strong></td>
<td><strong>P8. locates, selects, synthesises and organises legal information from a variety of sources including legislation, cases, media reports, treaties and documents</strong></td>
<td><strong>H8. locates, selects, synthesises and organises legal information from a variety of sources including legislation, cases, media reports, treaties and documents</strong></td>
</tr>
<tr>
<td>4. investigating, analysing, synthesising and communicating legal information and issues</td>
<td><strong>P9. identifies and accounts for differing perspectives and interpretations of legal information and issues</strong></td>
<td><strong>H9. evaluates differing perspectives and interpretations of legal information and issues</strong></td>
</tr>
<tr>
<td></td>
<td><strong>P10. communicates legal information using appropriate and well-structured oral and written forms based on relevant legal evidence</strong></td>
<td><strong>H10. presents well-structured and logical legal arguments based on relevant legal evidence</strong></td>
</tr>
</tbody>
</table>
Matters For Consideration – Objectives

• The objectives have been written to ensure they clearly describe the intentions of the syllabus. The number of objectives has been reduced from five to four.

• Do the objectives adequately describe the intention of the Legal Studies course?

• Do the objectives adequately define knowledge and understanding and skills essential for the Legal Studies course?

Proposed Instructions to Writers – Objectives

• Consider any appropriate modifications to the objectives raised in the consultation survey.

Matters For Consideration – Outcomes

• The outcomes have been written to address Broad Direction 3:

  3 Clarify and reduce the number of course outcomes

• The outcomes have been written to ensure they express the specific student learning that will result from the teaching of the syllabus. The number of outcomes has been reduced to ten for both the Preliminary and HSC Courses.

• Do the outcomes express the specific student learning for the Preliminary course and HSC course?

Proposed Instructions to Writer – Outcomes

• Consider any appropriate modifications to the outcomes raised in the consultation survey.
## 6 The Structure of Legal Studies

### Preliminary

**Part I: The Legal System**
- Basic Legal Notions
- The Nature of Law
- Purposes of Different Types of Law
- Sources of Law
- The Constitutional System in Australia
- The Operation of the Legal System

**Part II: The Individual And The Law**
- You and Your Rights
- Resolving Disputes
- Relationships and the Law
- The Individual in Cyberspace
- Protecting Children and Young People

**Part III: Law in Practice**
Students investigate topics that examine how the law operates in practice. They deepen their understanding of the principles of law covered in the first sections of the course. This section can be integrated with Part I and Part II.

Topics that may be studied include:
- Groups or an individual suffering disadvantage
- Criminal or civil cases of interest to students
- Legal issues
- Individuals or groups in conflict with the state
- Events which highlight legal issues
- Reform of the legal system
- Thematic studies including the way laws reflect culture and values of groups within society, the importance of ethics in the functioning of society or the place of the law in resolving conflict and encouraging cooperation.

### HSC

**Part I: Human Rights**
- The Nature and Development of Concepts of Human Rights
- Types of Human Rights
- Recognition of Human Rights under Australian Law
- Promoting and enforcing Human Rights in the international community
- Indigenous Peoples and the Law
- Case studies which illustrate the promotion and enforcement of Human Rights using domestic and international examples

**Part II: Crime**
- The nature of crime
- Criminal investigations
- Criminal trials
- Sentencing and punishments
- International Law
- Researching a current Criminal Justice Issue

**Part III: Options**
Choose Two
- Consumers
- Family
- Global Environment
- Shelter
- Workplace
- World Order
Matters For Consideration – Course Structure

• Broad Directions 1, 2, 5 and 6 are considered in the proposed structure:

1  evaluate and consider a simpler structure for the Legal Studies course
2  review the content of the Preliminary course to engage students and logically sequence the course to ensure a sound basis for the HSC course
5  review the content of the HSC Part I – Law and Society and Part II – Crime
6  review the content and parity of the HSC Part III – Additional Focus Studies and consider reducing the number of options

• In meeting Broad Direction 6, the following revision was made:
The options which attracted the smallest number of candidates were removed. These were Indigenous Peoples and Technological Change. Some of the content from these options has been incorporated into the Preliminary and HSC courses.

Does the proposed structure assist understanding of the way the Legal Studies course is taught?

Proposed Instructions to Writers

• Ensure Broad Directions have been incorporated into the structure of the Draft Syllabus.
7  Outline of Preliminary Course

7.1  Part I: The Legal System  40% of course time

**Principal Focus:** Students develop an understanding of the nature and social functions of the law and examine law-making processes and the institutions that administer and enforce law in modern society.

**Issues and Challenges:**

- need for law in the operation of society
- relationship between different legal institutions and jurisdictions
- development of law as a reflection of social values
- change in the legal system over time
- influences on the Australian legal system
- importance of the rule of law for a democratic society
- differing perceptions of law and law making
- effectiveness of the law in achieving just outcomes for individuals and society

**Students learn about:**

1. **Basic Legal Notions**
   - need for law
   - origins of law
   - customs, rules and laws
   - equality and justice
   - values and ethics
   - law and lawmaking
   - anarchy and tyranny
   - rule of law
   - principles of natural justice
   - separation of powers.

2. **The Nature of Law**
   - law as a reflection of past and present societies
   - common law and civil law systems
   - characteristics of just laws
   - the extent to which law is influenced by the society in which it operates.

3. **Purposes of Different Types of Laws**
   - domestic and international law
   - domestic public and private law and international public and private law
   - civil and criminal law
   - administrative law
   - contract law
   - tort law
   - property law
   - customary law.
4. **Sources of Law**
   - **Aboriginal and Torres Strait Islander Customary Law**
     - spiritual nature, diversity, ritual and oral traditions,conciliation and mediation, enforcement and sanction, significance of land and bodies of water
   - **Common law** - British origins, system of precedent, adversary system
   - **Statute law** – constitutions and parliament, passage of bills through parliament, delegated legislation
   - **International Law** – origins and sources of international law, treaties customs, legal decisions, legal writings, courts and tribunals, United Nations, International Court of Justice and international organisations.

5. **The Constitutional System in Australia**
   - gradual transfer of power from the imperial government to the colonies/states and the Commonwealth
   - division of power between the Commonwealth and the States (and territories)
   - role of the High Court in constitutional interpretation and the system of judicial review
   - separation of powers – the role of the legislature, executive and judiciary providing checks and balances to the operation of the legal system.

6. **The Operation of the Legal System**
   - **Enforcement Agencies**
     - the role of NSW Police, Australian Federal police and other enforcement agencies in the operation of our legal system.
   - **The Court System**
     - structure of state and federal courts
     - the adversary system and the legal profession
     - court procedures in criminal and civil proceedings
     - role of specialist courts – Coroner’s Court, Drug Court.
   - **Legal Aid**
     - role of legal aid in achieving just outcomes.
   - **Alternative Methods of Dispute Resolution**
     - administrative and other tribunals
     - alternative dispute resolution processes, self-help remedies, political processes, community justice centres.
   - **Law Reform**
     - agencies of reform and the conditions that give rise to the need for reform
     - law reform commissions
     - Parliament
     - Courts
     - changing social values and composition of society
     - new concepts of justice
     - failure of existing law
     - new technology.
**The Reform of the Legal System in Relation to Native Title**
- removal of terra nullius in Australia
- recognition of native title as a collective right
- major High Court decisions on native title in Australia
- Native Title Act and Native Title Tribunal
- practical operation of native title in Australia.

**The Reform of the Legal System for Young Drivers**
- conditions leading to reform of laws for young drivers
- laws which apply to young drivers
- process of reform to drivers licences
- practical operation of licensing laws for young drivers.

**The Nature of Justice**
- concepts of access, equity, fairness, equality and human rights.

**Note:** Students should have the opportunity to observe the operation of one or more courts in civil and criminal cases.
7.2 Part II: The Individual and the Law 40% of course time

Principal Focus: Students investigate the many ways in which the law impacts on individuals by referring to legal and non-legal institutions, laws and media reports that relate to each of the areas covered.

Issues and Challenges:

- relationship between justice, law and society
- relationship between rights and duties
- relationship between traditions, moral values, beliefs and the law
- dispute resolution between individuals and against the State
- protection for children and young people
- effectiveness of legal mechanisms for achieving justice for individuals and society.

Students learn about:

1 You and Your Rights
   - our rights as citizens, individual and collective rights
   - gaining of rights through increasing legal autonomy for young people
   - different types of legal rights – common law and statutory rights
   - protection of rights in Australian law
   - our duties as citizens, individual and collective duties
   - different types of duties
   - domestic and international duties
   - enforcement of differently types of duties in Australian law
   - relationship between rights and duties.

2 Resolving Disputes

Disputes between Individuals
   - discussion and negotiation between individuals
   - mediation
   - conciliation
   - arbitration
   - youth justice conferencing
   - circle sentencing
   - support services.

Disputes with the State

Informal Methods
   - media
   - members of parliament
   - trade unions
   - interest groups including non-government organisations.

Formal methods
- internal and external review including general merit review tribunals
- privacy bodies
- courts
- Ombudsman
- Commissions of Inquiry
- Independent Commission Against Corruption.

3 Relationships and the Law
- rights and obligations of parents and children
- wills and inheritance
- domestic violence.

4 The Individual in Cyberspace
- privacy of personal information
- personal safety
- cybercrime and law enforcement
- intellectual property law
- government responsibility for internet safety.

5 Protecting Children and Young People
- why children and young people need special protection.

Children and young people at risk of harm
- Meaning of ‘risk of harm’
- Mandatory reporting agencies
- Care of children at ‘risk of harm’

Children and young people and criminal law
- age of criminal responsibility
- rights of young people when questioned by police or arrested
- alternatives to court for young offenders
- Young Offenders Act
- Children’s Court – procedures and operation
- penalties for children.

Employment of children
- protection of children and young people in the workplace
- protection of employment provisions.

Legal rights and obligations between parents and children
- education
- discipline
- medical treatment
- autonomy of children
- inheritance.
Contracts and young people
- age when contracts can be legally signed
- responsibilities of parties to be aware of their obligations when signing contracts
- resolving disputes when contracts are breached.

Housing and young people
- age when young people can leave home
- rights to sign a lease
- rental assistance
- supporting young people to study and seek employment.
7.3 Part III: Law in Practice  

Principal Focus: Students investigate topics that examine how the law operates in practice.

The Law in Practice unit is designed to provide opportunities for students to deepen their understanding of the principles of law covered in Part I and Part II of the Preliminary Course. They will undertake investigations which engage the Preliminary Stage 6 outcomes at different levels depending on their previous experiences and abilities. Students will develop research, analysis and presentation skills that are the core of the process of investigation.

A range of topics must be studied, varying in depth and methodology. Investigations will assist students to engage with cases, laws and issues. The topics should extend particular areas of individual or group interests. Topics should focus on mechanisms for achieving justice and the responsiveness of the legal system in attempting to achieve justice.

The topics chosen must involve an Australian jurisdiction or an Australian citizen in another jurisdiction. This unit can be integrated with Parts I and II of the Preliminary Course. Investigations may be undertaken by the class as a whole or by individual research.

Students learn to:
- use legal terms appropriately
- locate, select and organise information about relevant laws, cases, reports and organisations
- locate and select media reports from a variety of sources
- comprehend and analyse sources effectively
- identify different legal perspectives and interpretations evident in sources
- develop skills such as problem-solving, critical thinking and communicating legal information and issues
- recognise and analyse diverse opinions
- engage in open rational debate
- synthesise information from a range of sources to support a legal argument
- gain awareness of the ways in which groups can be disadvantaged
- appreciate the importance of the rule of law for a just and fair legal system
- encourage students to develop an awareness and interest in social justice
- evaluate the effectiveness of aspects of the legal system.

Topics that may be studied:
1. Groups or an individual suffering disadvantage
2. Legal issues
3. Criminal or civil cases of interest to students
4. Individuals or groups in conflict with the state
5. Events which highlights legal issues
6. Reform of the legal system
7. Thematic studies including the way laws reflect culture and values of groups within society, the importance of ethics in the functioning of society and the place of the law in resolving conflict and encouraging cooperation.
Matters for Consideration – Preliminary Course

• The Preliminary Course has been written to meet the following Broad Directions

  1. evaluate and consider a simpler structure for the Legal Studies course
  2. review the content of the Preliminary course to engage students and logically sequence the course to ensure a sound basis for the HSC course.

• Each topic has a Principal Focus identified at the beginning of the topic.

• Part III: Law In Practice investigates a range of topics that considers how the law operates in practice. The suggested time allocation is 20% of course time and this can be integrated with Part I and II.

• Is the structure of the units appropriate to the content of Legal Studies?

• Are the Principal Focus and Issues and Challenges an appropriate way to structure the content of each unit?

• Is Part III: Law in Practice an effective way to structure learning in the Preliminary Course?

• Is the time allocation identified in the Writing Brief appropriate?

Proposed Instructions to Writers

• Ensure the Principal Focus of each topic provides clear direction for the content of the topic

• Ensure the content is appropriate for the level of student ability and sequenced appropriately.

• Ensure the content of the Preliminary Course links clearly to the HSC Course following Broad Direction 2:

  Review the content of the Preliminary course to engage students and logically sequence the course to ensure a sound basis for the HSC course.

• Ensure the Issues and Challenges reflect the appropriate content for each unit, are sufficiently broad and cover appropriate levels of achievement for students.

• Ensure the Issues and Challenges provide the opportunity for the content of the unit to be relevant in the future as laws and society develop in the future.

• Ensure the Law in Practice unit gives clear direction to achieve outcomes by appropriate choice of learning activities and topics of study.
8 OUTLINE OF HSC COURSE

8.1 Part I: Human Rights  
30% of course time

Principal Focus: Students investigate the notion of human rights and assess the extent to which legal systems embody such human rights and promote them in practice.

Issues and Challenges:

- nature and development of universally accepted concepts of human rights
- effectiveness of legal and non-legal measures in protecting human rights
- changing understanding of the relationship between human rights and state sovereignty
- place of collective rights in promoting human rights of Indigenous peoples
- effectiveness of human rights in protecting individuals and groups, both domestically and internationally.

Students learn about:

1 The Nature and Development of Concepts of Human Rights
   - state sovereignty
   - natural law and positive law
   - historic constitutional documents
   - movement for the abolition of slavery
   - trade unionism and labour rights
   - the development of international humanitarian law
   - universal suffrage and universal education
   - development of Indigenous rights

2 Types of Human Rights
   - civil and political rights
   - economic, social and cultural rights
   - collective rights
   - relationship between domestic and international rights
3 **Recognition of Human Rights Law under Australian Law**
- common law
- statute law
- constitution
- administrative law
- incorporation of human rights into domestic law
- arguments for a Bill of Rights
- recognition and enforcement of human rights

4 **Promoting and Enforcing Human Rights in the International Community**
- role of the United Nations and its associated bodies
- regional and other groups
- role of nation states and political leadership
- International Criminal Court
- role of the media, non-government organisations and international civil society
- role of independent statutory authorities and individuals
- collective right to self-determination
- effectiveness of legal measures both domestically and internationally in addressing human rights issues

5 **Indigenous Peoples and the Law**
- the identity and location of Indigenous Peoples
- common concerns – cultural and linguistic preservation, land rights, ownership and exploitation of natural resources, political determination and autonomy, environmental degradation and incursions, poverty, health
- organisations, treaties, agreements and declarations about Indigenous Peoples
- the role of the United Nations and intergovernmental organisations in promoting and protecting the rights of Indigenous Peoples
- Australia’s response to the concerns of Indigenous Peoples

6 **Case studies which illustrate the promotion and enforcement of human rights using domestic or international examples. At least one example must be studied in depth. Case studies can include:**
- genocide
- refugees, asylum seekers and internally displaced peoples
- child soldiers
- abuse of children
- torture, summary execution and death penalty
- arbitrary detention and forced disappearances
- religious discrimination
- racial discrimination
- discrimination against women
- exploitation of workers
- human trafficking and slavery
8.2 Part II: Crime  

Principal Focus: Students investigate criminal law, processes and institution and the tension between community interests and individual rights and freedoms.

Issues and Challenges:

- nature of crime and the criminal investigation process
- role of criminal law in the regulation of social behaviour
- extent to which the law reflects moral and ethical standards of the community
- reforms to laws responding to changing values and attitudes
- achieving justice for victims of crime
- role of international cooperation in transnational crimes
- extent to which the law responds to international crimes
- effectiveness of the criminal law system in achieving just outcomes for society

Students learn about:

7 Nature of Crime
- the meaning of criminal behaviour
- crime and society
- origins of criminal law
- sources of contemporary criminal law – customary, statute, common, international
- jurisdictions – state, federal, international
- basic principles of criminal law
- types of criminal behaviour – offences against persons, economic offences including property and white collar crime, offences against the State, drug offences, public order offences, traffic offences, ‘victimless crimes’, preliminary crimes including attempts and conspiracy
- factors affecting criminal behaviour – social, economic, political, self-interest
- preventing crime, situational and social theories

8 Criminal Investigation
- reporting a crime
- responsibilities of the media when reporting on crimes and court cases
- the use or physical and forensic evidence in the investigation of crime
- warrants, search and seizure
- charge
- arrest
- types of charges – summary, indictable
- bail or remand
- pleas and charge negotiation
- parties to a crime
- processes to monitor and oversee police investigations and police behaviour
9 Criminal Trials
- role of police and Director of Public Prosecutions in deciding when charges will be laid
- legal aid
- court proceedings
- personnel (magistrate or judge, prosecutors, defence solicitor or barrister)
- admissibility of evidence
- role of witnesses
- burden of proof
- elements of crime – mens rea, actus reus
- causation
- defences to criminal charges
- support for victims and perpetrators in court
- role of juries – hung jury, mistrials
- verdicts – majority and unanimous

10 Sentencing and Punishment
- sentencing process – roles of the prosecutor, defence, victim
- factors affecting a sentencing decision – circumstances of the offence, circumstances of the offender, aggravating or mitigating factors, judicial discretion and directions
- the role of the victim in sentencing
- purposes of punishment – deterrence (specific and general), retribution, rehabilitation, incapacitation, reintegrative shaming, restorative justice
- types of penalties – no conviction recorded, no further penalty, rising of the court, fine, bond, probation, community service order, home detention, periodic detention, suspended sentence, imprisonment,
- punishments no longer used in Australia
- appeals
- post-sentencing decisions – security classification, protective custody, parole, preventative detention
- recidivism
- sentencing of Aboriginal and Torres Strait Islander offenders

11 International Crime
- crimes committed in other jurisdictions, transnational crime, genocide, crimes against humanity, war crimes, aggression
- instruments and regimes developed with respect to international crime
- instruments and regimes developed with respect to extradition

12 Current Criminal Justice Issue
- investigate a current criminal justice issue to assess the efficiency and the effectiveness of a legal measure of criminal law
Matters For Consideration – HSC Core Topics, Human Rights and Crime

• The HSC Core topics have been written to meet the following Broad Direction:
  5  Review the content of HSC Part I Law and Society and Part II Crime.

• Each topic has a Principal Focus identified at the beginning of the topic.

• Each topic has been developed with Issues and Challenges identified as an introduction to the topic.

• In developing these units the Framework used in the current syllabus has been removed

• Is the structure of the units appropriate to the content of Legal Studies?

• Are the Principal Focus and Issues and Challenges an appropriate way to introduce and structure the content of each unit?

• Is the time allocation identified in the Writing Brief appropriate?

Proposed Instructions to Writers

• Ensure the Principal Focus of each topic provides clear direction for the content of the topic.

• Ensure the Issues and Challenges reflect the appropriate content for each unit, are sufficiently broad and cover appropriate levels of achievement for students.

• Ensure the Issues and Challenges will provide the opportunity for the content of the unit to be relevant in the future as laws and society develop in the future.

• Ensure the content is appropriate for the level of student ability and sequenced appropriately.

• Ensure the content of the HSC course links clearly to the Preliminary Course, when appropriate following Broad Direction:

  5  Review the content of the HSC Part I: Law and Society and Part II: Crime.
8.3 Part III: Options

8.3.1 Option 1: Consumers  20% of course time

Principal Focus: Students investigate the legal rights of consumers and the effectiveness of the law in achieving justice for consumers.

Issues and Challenges:

- changing nature of consumer laws over time
- changing role of the State in providing protection for consumers and business
- regulation of marketing, advertising and business practices
- impact of modern technology and global business practices on consumer law
- role of the law in encouraging cooperation and resolving conflict between consumers and business
- effectiveness of the legal system in achieving just outcomes for consumers and business.

Students learn about:

1 Nature of Consumer Law
   - definition of consumer law
   - origins of consumer society
   - origins of consumer law
   - the increasing use of credit
   - nature of contracts – binding nature, written and oral, implied terms, parties to a contract, privity of contract
   - impact of globalisation on commerce

2 Mechanisms of Consumer Redress
   - remedies for breach of contract
   - legislation designed to remedy injustice
   - role of statutory controls – rights against suppliers, rights against manufacturers, rights against finance companies, quality goods and services, compliance with description and promotional material, legislation governing spare parts and repair facilities
   - regulation of marketing and advertising
   - occupational licensing
   - financing a purchase
   - regulation of credit providers
   - processes for redress
3 Organisations
- Government agencies – Office of Fair Trading, Australian Competition and Consumer Commission, Australia Securities and Investment Commission
- Non-government organisations – Choice, NRMA, Ombudsman offices (telecommunication, banking, insurance)
- agencies of reform – law reform commissions, parliament, courts
- role of the media

4 Consumer Remedies
- damages
- recession
- modification of contract
- special orders
- injunctions
- specific orders.
8.3.2 Option 2: Family

Principal Focus: Students investigate the legal nature of family relationships and the effectiveness of the law in achieving justice.

Issues and Challenges:

- changing nature of family law over time
- changes to family law as a response to social values and attitudes
- balancing individual rights and community rights and values
- role of the law in encouraging cooperation and resolving conflict between family members
- varying access to the legal system for family members
- enforceability of legal decisions concerning family relationships
- effectiveness of the legal system in achieving just outcomes for family members.

Students learn about:

1 Nature of Family Law
   - definition of family
   - types of families
   - sources and development of family law
   - scope of family law

2 Marriage and Alternative Relationships
   - the institution of marriage
   - pre-marriage agreements
   - requirements for a legal marriage
   - legal responsibilities of husband and wife
   - other types of marriage eg polygamous
   - de facto relationships
   - Aboriginal and Torres Strait Islander peoples’ customary marriages
   - same-sex relationships

3 Relationship Breakdown
   - causes
   - development of divorce legislation
   - dissolution
   - parenting plans
   - parental orders regarding children (residence, contact, special orders)
   - property allocation
   - child support
   - counselling
   - alternative methods of resolving disputes
   - dissolution of relationships
   - violence between spouses
4 Parents and Children
- legal rights and obligations between parents and children
- ex-nuptial children
- adoption and guardianship
- surrogacy
- birth technology
- wills and inheritance
- causes of problems in family relationships
- neglect and abuse of children
- children in trouble.
8.3.3 Option 3: Global Environment 20% of course time

Principal Focus: Students investigate the effectiveness of legal processes, both Global and Australian, in protecting the environment.

Issues and Challenges:

- changing nature of environmental law over time
- role of state sovereignty and interdependence in environmental protection
- Australia’s role in fulfilling our international obligations about the environment
- environmental law as a reflection of moral and ethical standards with and between nations
- international negotiations between nations to achieve agreement about the environment
- effectiveness of legal institutions and organisations in maintaining and promoting the global environment.

Students learn about:

1 Nature of environment Law
   - the need for protection of the environment
   - overview of the development of global environment law
   - principles of environmental law – sustainable development, precautionary principle, intergenerational and intragenerational equity, biological diversity, ecological sustainability and renewable resources
   - legal mechanisms of environment law – summits, treaties, cases

2 Environmental concerns
   - contemporary environmental concerns
   - interdependence within ecosystems and across nations
   - marine environment
   - atmosphere
   - natural resources
   - biodiversity

3 Global responses to environmental protection
   - the role of global organisations including the United Nations and its organs, courts and tribunals and regional organisations
   - role of world environmental conferences and resulting declarations
   - conventions and treaties
   - non-government organisations
   - role of the media
4 Australia’s responses to environmental protection
- common law and statute law
- signing international agreements
- implementing policies and strategies
- complying with international obligations
- environment courts
- key environmental cases
- legal remedies and criminal sanctions
- processes for the reform of environmental laws.
8.3.4 Option 4: Shelter

Principal Focus: Students investigate the legal means of securing shelter and the effectiveness of the law in achieving justice.

Issues and Challenges:

- changing nature of laws to protect the right to shelter
- roles of councils, government, the private sector and non-government organisations in providing shelter
- effectiveness of government planning for the housing needs of the population
- range of accommodation for different groups within our community
- role of the legal system in encouraging cooperation and resolving disputes about shelter
- effectiveness of the legal system in achieving just outcomes for the provision of shelter.

Students learn about:

1 Nature of Shelter
   - definitions
   - types of shelter
   - right to shelter from international law
   - housing for the poor
   - obligations to provide shelter
   - legal methods of securing shelter – real property, ownership, possession, freehold, tenancy
   - system of registration – freehold, leasehold, company, strata, community, old system, Torrens
   - mechanisms for settling disputes between neighbours – Consumer, Trader and Tenancy Tribunal, community justice centres, local government, courts, mediation and conciliation, tenant’s advice services

2 Purchase and sale of private housing
   - private housing
   - separate dwellings
   - shared space
   - contracts
   - auctions
   - role of estate agents and licensed conveyancers
   - mortgages
   - personal loans
   - credit reporting agencies
   - insurance
   - common property
   - transfer and lease
   - protection for buyers
3 **Landlords and Tenants**
- rights and obligations of landlords and tenants
- public housing and the role of authorities
- accommodation for Aboriginal and Torres Strait Islanders in urban and rural settings
- leasing
- security of tenure
- default and eviction
- protection for landlords and tenants
- repairs and damage
- residential tenancy databases

4 **Other Types of Shelter**
- aged accommodation and retirement villages
- residential parks and holiday parks
- boarding houses
- group homes
- share housing
- squatting
- advantages and disadvantages of special types of shelter
- homeless people – reasons for homelessness and options for care and protection.
8.3.5 Option 5: Workplace 20% of course time

Principal Focus: Students investigate the relationship between employer and employee and the effectiveness of the law in achieving justice.

Issues and Challenges:

- balancing rights of employees, employers and society
- role of government regulation in the workplace
- morality and ethics of actions affecting the workplace
- role of the law in encouraging cooperation and resolving conflict in the workplace
- reforming of workplace laws
- effectiveness of the legal system in achieving just outcomes in the workplace.

Students learn about:

1 Nature of Workplace Law
   - definition – workplace, employer, employee
   - the impact of modern industrial society on the workplace
   - origin of laws covering the workplace
   - laissez faire and government intervention
   - the development of workers as a political force
   - industrial relations
   - role of industrial courts and tribunals
   - methods of negotiation
   - conciliation and arbitration
   - international treaties regarding the workplace
   - role of organisations – trade unions, Fair Pay Commission, Workplace Authority, Workplace Ombudsman, Workcover, Employers First

2 The Changing Workplace
   - guest workers
   - ageing workforce
   - job mobility
   - technological change
   - structural changes in the economy
   - increasing importance of safety in the workplace
   - increasing casual employment
   - workplace bullying
   - workplace stress
   - youth unemployment
   - policies towards families – maternity and paternity leave, family leave, provision of childcare
   - independent contractors
3 Conditions of Employment
- vicarious liability of employers
- rights and duties of employers and employees
- long service leave
- sick pay
- holiday pay
- penalty rates
- advantages and disadvantages of legal and non-legal methods of regulating the workplace

4 Termination of Employment
- dismissal – remedies of individual employees against dismissal
- redundancy
- retirement
- retraining
8.3.6 Option 6: World Order

20% of course time

Principal Focus: Students investigate the effectiveness of the different components and legal instruments in achieving world order.

Issues and Challenges:

- the need for world order
- the changing nature of world order over time
- the role of changing values and attitudes in the development of world order
- the role of democracy and the rule of law in promoting and maintaining world order
- the role of global institutions and international cooperation in maintaining world order
- the effectiveness of legal institutions and organisations in promoting and maintaining world order.

Students learn about:

1 Nature of World Order
   - definitions – international law, supranational law, world order and global governance
   - the need for world order and the development of international law
   - the role of state sovereignty and the nation-state in global governance
   - forms of conflict, expansionism, growth of interest in limiting war
   - interdependence of the global community
   - accepted norms of the post-1945 world order

2 The United Nations System
   - United Nations Charter
   - the structure and function of the organs of the United Nations
   - the role of the Security Council
   - courts and tribunals – International Court of Justice, International Criminal Court, Ad Hoc tribunals, WTO Appellate Body, European Court

3 Other contributors to World Order
   - regional organisations, alliances, groupings and coalitions
   - inter-government organisations
   - civil society and non-government organisations
   - transnational organisations
   - organised crime
   - global terrorist organisations

4 The main means of global governance
   - the role of political leadership, diplomacy and power
   - multilateral cooperation for mutual benefit
   - international customary law
   - treaties, conventions and declarations
- cases in courts and tribunals
- UN General Assembly resolutions
- Security Council resolutions
- peace enforcement, peacekeeping and peacebuilding
- humanitarian intervention
- the role of the media and public opinion
- Australia’s role in global governance.

Matters For Consideration – HSC Options

- The HSC course has been written to meet the following Broad Direction:

  6 Review the content and parity of the HSC Part III Additional Focus Studies and consider reducing the number of options.

- The Additional Focus Studies, Indigenous Peoples and Technological Change have not been included in the proposed syllabus as they attracted 4% or less of the candidature. Some of the content of Indigenous Peoples has been included in the HSC topic Human Rights. Some of the content of Technological Change has been updated and included in the Preliminary Unit The Individual and the Law.

- Each option has a Principal Focus identified at the beginning of the topic.

- Each option has been developed with Issues and Challenges identified.

- In developing these units the Framework used in the current syllabus has not been used.

- Is the structure of the units appropriate to the content of Legal Studies?

- Are the Principal Focus and Issues and Challenges an appropriate way to introduce the structure the content of each unit?

- Is the time allocation identified in the Writing Brief appropriate?

- Will the structure of the units facilitate achieving content of parity to achieve the following Broad Direction?

  6 Review the content and parity of the HSC Part III Additional Focus Studies and consider reducing the number of options.
Proposed Instructions to Writers

• Ensure the Principal Focus of each topic provides clear direction for the content of the topic.

• Ensure the content is appropriate for the level of student ability and sequenced appropriately.

• Ensure the content of the HSC course links clearly to the Preliminary Course when appropriate to achieve Broad Direction 2:

  Review the content of the Preliminary course to engage students and logically sequence the course to ensure a sound basis for the HSC course.

• Ensure the Issues and Challenges reflect the appropriate content for each unit, are sufficiently broad and cover appropriate levels of achievement for students.

• Ensure the Issues and Challenges provide the opportunity for the content of the unit to be relevant in the future as laws and society develop in the future.

• Ensure parity of content in the options.
9 Samples of Learn About and Learn To Statements

Included in the Writing Brief are two examples of Learn About and Learn To statements. Both examples are based on the Preliminary Topic The Legal System.

Example 1

The Legal System

Issues and Challenges:

- need for law in the operation of society
- relationship between different legal institutions and jurisdictions
- development of law as a reflection of social values
- change in the legal system over time
- influences on the Australian legal system
- importance of the rule of law for a democratic society
- differing perceptions of law and law making
- effectiveness of the law in achieving just outcomes for individuals and society.

Students learn to:

- define and use legal terms appropriately
- identify examples of legal concepts in different societies
- outline the characteristics and purposes of different law and different jurisdictions
- describe the sources of and main features of domestic and international law
- describe the role of Constitution in Australia’s legal system
- describe the structure of the Australian court system and the role of legal personnel
- describe the role of legal aid in achieving just outcomes
- describe the impact on the Australian legal system of changes to native title
- explain the interactions between the legal system and society
- outline the processes involved in law reform and the role of institutions of reform
- develop an appreciation of the importance of the rule of law for a just and fair legal system
- locate and select cases, statutes, treaties, documents and media reports that have significance for the operation of the legal system
- synthesise information from a range of sources to support a legal argument
- communicate an understanding of relevant legal concepts and features of the legal system using appropriate and well-structured oral and/or written forms.

Students learn about:

1 Basic Legal Notions
   - need for law
   - origins of law
   - customs, rules and laws
   - equality and justice
   - values and ethics
   - law and law-making
   - anarchy and tyranny
- rule of law
- principles of natural justice
- separation of powers

2 The Nature of Law
- law as a reflection of past and present societies
- common law and civil law systems
- characteristics of just laws
- the extent to which law is influenced by the society in which it operates

3 Purposes of Different Types of Laws
- domestic and international law
- domestic public and private law and international public and private law
- civil and criminal law
- administrative law
- contract law
- tort law
- property law
- customary law

4 Sources of Law
- Aboriginal and Torres Strait Islander custom law
  - spiritual nature, diversity, ritual and oral traditions, conciliation and mediation, enforcement and sanction, significance of land and bodies of water
- common law – British origins, system of precedent, adversary system
- statute law – constitutions and parliament, passage of bills through parliament, delegated legislation
- international Law – origins and sources of international law, treaties customs, legal decisions, legal writings, courts and tribunals, United Nations, International Court of Justice and international organisations

5 The Constitutional System in Australia
- gradual transfer of power from the imperial government to the colonies/states and the Commonwealth
- division of power between the Commonwealth and the States (and territories)
- role of the High Court in constitutional interpretation and the system of judicial review
- separation of powers – the role of the legislature, executive and judiciary providing checks and balances to the operation of the legal system

6 The Operation of the Legal System

Enforcement Agencies
- the role of NSW Police, Australian Federal police and other enforcement agencies in the operation of our legal system

The Court System
- structure of state and federal courts
- the adversary system and the legal profession
- court procedures in criminal and civil proceedings
- role of specialist courts – Coroner’s Court, Drug Court
- students should observe the operation of one or more courts in civil and criminal cases

**Legal Aid**
- role of legal aid in achieving just outcomes

**Alternative Methods of Dispute Resolution**
- administrative and other tribunals
- alternative dispute resolution processes, self-help remedies, political processes, community justice centres

**Law Reform**
- agencies of reform and the conditions that give rise to the need for reform, law reform commissions, parliament, courts, changing social values and composition of society, new concepts of justice, failure of existing law and new technology

**The Reform of the Legal System in Relation to Native Title**
- removal of terra nullius in Australia
- recognition of native title as a collective right
- major High Court decisions on native title in Australia
- Native Title Act and Native Title Tribunal
- practical operation of native title in Australia

**The Reform of the Legal System for Young Drivers**
- conditions leading to reform of laws for young drivers
- laws which apply to young drivers
- process of reform to drivers licences
- practical operation of licensing laws for young drivers

**The Nature of Justice**
- concepts of access, equity, fairness, equality and human rights.
Example 2

_learn about and learn to statements_

**The Legal System**

**Issues and Challenges:**

- need for law in the operation of society
- relationship between different legal institutions and jurisdictions
- development of law as a reflection of social values
- change in the legal system over time
- influences on the Australian legal system
- importance of the rule of law for a democratic society
- differing perceptions of law and law-making
- effectiveness of the law in achieving just outcomes for individuals and society

<table>
<thead>
<tr>
<th>Students learn about:</th>
<th>Students learn to:</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>1 Basic Legal Notions</strong></td>
<td>• outline the reasons for the need for law</td>
</tr>
<tr>
<td>- need for law</td>
<td>• describe the relationship between customs, rules and laws</td>
</tr>
<tr>
<td>- origins of law</td>
<td>• identify features of societies characterised by anarchy, tyranny and democracy</td>
</tr>
<tr>
<td>- customs, rules and laws</td>
<td>• explain the principles of natural justice</td>
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<tr>
<td>- equality and justice</td>
<td>• explain the importance of the rule of law for democratic societies</td>
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<tr>
<td>- values and ethics</td>
<td>• describe the concept of the separation of powers</td>
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<tr>
<td>- law and law-making</td>
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<td>- anarchy and tyranny</td>
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<td>- principles of natural justice</td>
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<td>- separation of powers</td>
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</tbody>
</table>

| **2 The Nature of Law** | |
| - law as a reflection of past and present societies | • explain how law is a reflection of past and present societies |
| - common law and civil law systems | • identify examples of countries with civil law and common law systems |
| - characteristics of just laws | • outline the characteristics of just laws |
| - the extent to which law is influenced by the society in which it operates | • examine the extent to which law is influenced by the society in which it operates |

**Purposes of Different Types of Laws**

- domestic and international law
- domestic public and private law and international public and private law
- civil and criminal law

- compare the main features of domestic and international law
- outline the purposes of different types of laws
- administrative law
- contract law
- tort law
- property law
- customary law

3 Sources of Law
- Aboriginal and Torres Strait Islander customary law prior to 1788 – spiritual nature, diversity, ritual and oral traditions, conciliation and mediation, enforcement and sanction, significance of land and bodies of water
- common law – British origins, system of precedent, adversary system
- statute law – constitutions and parliament, passage of bills through parliament, delegated legislation
- international Law – origins and sources of international law, treaties customs, legal decisions, legal writings, courts and tribunals, United Nations, International Court of Justice and international organisations

- describe the main features of Aboriginal and Torres Strait Islander customary law
- describe the extent to which customary law has become part of the Australian legal system
- outline the British origins of Australia’s common law system
- explain the importance of the adversary system for Australia’s legal system
- explain how the constitution determines how statute law is made in Australia
- identify the sources of international law
- identify examples of international treaties and courts

4 The Constitutional System In Australia
- gradual transfer of power from the imperial government to the colonies/states and the Commonwealth
- division of power between the Commonwealth and the States (and territories)
- role of the High Court in constitutional interpretation and the system of judicial review
- separation of powers – the role of the legislature, executive and judiciary providing checks and balances to the operation of the legal system

- outline the gradual transfer of power from the imperial government to the colonies/states and the commonwealth
- identify how the constitution outlines the division of power between the commonwealth and the states
- identify landmark cases in which the high court’s decision has set a precedent for Australia’s legal system
- explains the extent to which the constitution’s incorporation of the separation of powers guarantees the rule of law in Australia

42
<table>
<thead>
<tr>
<th>5</th>
<th>The Operation of the Legal System</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Enforcement agencies</strong></td>
<td>- the role of NSW Police, Australian Federal police and other enforcement agencies in the operation of our legal system</td>
</tr>
<tr>
<td></td>
<td>- explain the roles and functions of Australia’s enforcement agencies and compare their roles and functions</td>
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<tr>
<td><strong>The court system</strong></td>
<td>- structure of state and federal courts</td>
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<td>- the adversary system and the legal profession</td>
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<td>- court procedures in criminal and civil proceedings</td>
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<td>- role of specialist courts – Coroner’s Court, Drug Court</td>
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<td>- students should observe the operation of one or more courts in civil and criminal cases</td>
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<td>- identify the structure and hierarchy of the federal and state court systems</td>
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<td>- identify the roles of the personnel in the legal profession</td>
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<td>- compare and contrast the criminal and civil court proceedings</td>
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<td>- outline the role of the coroner’s court and the drug court</td>
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<td>- observe criminal and civil courtrooms</td>
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<td>- explain the role of legal aid in achieving just outcomes and recognise the situations in which it can be used</td>
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<td>- describe the functions of administrative and other tribunals</td>
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<td>- compare the various alternative methods of resolving disputes</td>
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<td><strong>Legal aid</strong></td>
<td>- role of legal aid in achieving just outcomes</td>
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<tr>
<td><strong>Alternative methods of dispute resolution</strong></td>
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<td><strong>Law reform</strong></td>
<td>- agencies of reform and the conditions that give rise to the need for reform, law reform commissions, parliament, courts, changing social values and composition of society, new concepts of justice, failure of existing law and new technology</td>
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<td>- describe the functions of the various agencies of reform</td>
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<td>- explain how changing social values can lead to reform of laws</td>
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<td>- identify new concepts of justice</td>
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<td>Topic</td>
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<tr>
<td>The reform of the legal system in relation to Native Title</td>
<td>• assess the significance for the Australian system of the removal of the concept of terra nullius</td>
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<td>• explain why native title is a collective right</td>
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<td>• identify major High Court decisions on native title</td>
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<td>• describe the operations of the Native Title Tribunal works in practice</td>
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<tr>
<td>The reform of the legal system for young drivers</td>
<td>• identify community concerns about young drivers</td>
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<tr>
<td></td>
<td>• describe the laws which apply for young drivers</td>
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<td></td>
<td>• outline reforms in the area of licencing young drivers</td>
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<td></td>
<td>• discuss the effectiveness of reforms to licencing laws for young drivers</td>
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<tr>
<td>The nature of justice</td>
<td>• explain how the concepts of access, equity, fairness, equality and human rights are integral to achieving justice for individuals</td>
</tr>
</tbody>
</table>
Matters for Consideration – Learn To and Learn About Statements

• Included in the Draft Writing Brief are two examples of how Learn About and Learn To statements can be included in the Legal Studies Stage 6 syllabus.

Example 1 identifies the Learn To statements and places them at the beginning of the content.

Example 2 places the Learn To statements next to the Learn About statements.

The inclusion of Learn About and Learn To statements is Broad Direction 4: Include clear, relevant and accessible learn about and learn to statements, consistent with recently amended HSIE syllabuses.

• Which one of the proposed layouts for Learn About and Learn To statements best achieves the Broad Direction above?

• Is there a better way to lay out the Learn To and Learn About statements?

Proposed Instructions to Writers

• Include clear, relevant and accessible Learn about and Learn to statements, consistent with recently amended HSIE syllabuses using the layout approved by the BCC.

• Ensure that they are consistent with the course objectives and outcomes.

10 Course Requirements

Course Requirements outline any prerequisites for Legal Studies in Stage 6.

There are no prerequisites for the study of Legal Studies in Stage 6.

It is anticipated a glossary will be developed during the writing of the Draft Syllabus.
Appendix – Broad Directions

Stage 6 Legal Studies

Broad Directions

The revision of the Stage 6 Legal Studies syllabus will consider the existing syllabus and the following broad directions:

1. Evaluate and consider a simpler structure for the Legal Studies course.
2. Review the content of the Preliminary course to engage students and logically sequence the course to ensure a sound basis for the HSC course.
3. Clarify and reduce the number of course outcomes.
4. Include clear, relevant and accessible learn about and learn to statements, consistent with recently amended HSIE syllabuses.
5. Review the content of the HSC Part I Law and Society and Part II Crime.
6. Review the content and parity of the HSC Part III Additional Focus Studies and consider reducing the number of options.
7. Review assessment components, weightings and tasks for the Preliminary and HSC courses.
8. Review the HSC External Examination Specifications.