

**B O A R D O F S T U D I E S**  
NEW SOUTH WALES

# **Legal Studies**

## **Stage 6**

### **Draft Syllabus**

© 2008 copyright Board of Studies NSW for and on behalf of the Crown in right of the State of New South Wales.

This document contains Material prepared by the Board of Studies NSW for and on behalf of the State of New South Wales. The Material is protected by Crown copyright.

All rights reserved. No part of the Material may be reproduced in Australia or in any other country by any process, electronic or otherwise, in any material form or transmitted to any other person or stored electronically in any form without the prior written permission of the Board of Studies NSW, except as permitted by the Copyright Act. School students in NSW and teachers in schools in NSW may copy reasonable portions of the Material for the purposes of bona fide research or study.

When you access the Material you agree:

- to use the Material for information purposes only
- to reproduce a single copy for personal bona fide study use only and not to reproduce any major extract or the entire Material without the prior permission of the Board of Studies NSW
- to acknowledge that the Material is provided by the Board of Studies NSW
- not to make any charge for providing the Material or any part of the Material to another person or in any way make commercial use of the Material without the prior written consent of the Board of Studies NSW and payment of the appropriate copyright fee
- to include this copyright notice in any copy made
- not to modify the Material or any part of the Material without the express prior written permission of the Board of Studies NSW.

The Material may contain third party copyright materials such as photos, diagrams, quotations, cartoons and artworks. These materials are protected by Australian and international copyright laws and may not be reproduced or transmitted in any format without the copyright owner's specific permission. Unauthorised reproduction, transmission or commercial use of such copyright materials may result in prosecution.

The Board of Studies has made all reasonable attempts to locate owners of third party copyright material and invites anyone from whom permission has not been sought to contact the Copyright Officer, ph (02) 9367 8289, fax (02) 9279 1482.

Published by Board of Studies NSW  
GPO Box 5300  
Sydney NSW 2001  
Australia

Tel: (02) 9367 8111  
Fax: (02) 9367 8484  
Internet: [www.boardofstudies.nsw.edu.au](http://www.boardofstudies.nsw.edu.au)

August 2008

2008592

# Contents

<b>1</b>	<b>Background</b>	4
	The Higher School Certificate Program of Study	4
	Legal Studies in the K–12 Continuum of Learning	5
<b>2</b>	<b>Rationale for Legal Studies</b>	6
<b>3</b>	<b>Employability Skills Statement</b>	7
<b>4</b>	<b>Aim</b>	7
<b>5</b>	<b>Objectives</b>	7
	5.1 Objectives and Outcomes	8
<b>6</b>	<b>The Structure of Legal Studies</b>	9
<b>7</b>	<b>Preliminary Course</b>	10
	Part I: The Legal System	10
	Part II: The Individual and the Law	13
	Part III: Law in Practice	15
<b>8</b>	<b>HSC Course</b>	17
	Part I: Crime	17
	Part II: Human Rights	20
	Part III: Options	22
	1 : Consumers	22
	2 : Environmental Protection	24
	3 : Family	26
	4 : Indigenous Peoples	28
	5 : Shelter	30
	6 : Workplace	32
	7 : World Order	34
<b>9</b>	<b>Assessment and Reporting</b>	36
	Assessment Components and Weightings	39
	HSC External Examinations Specifications	40
	Reporting Student Performance against Standards	41

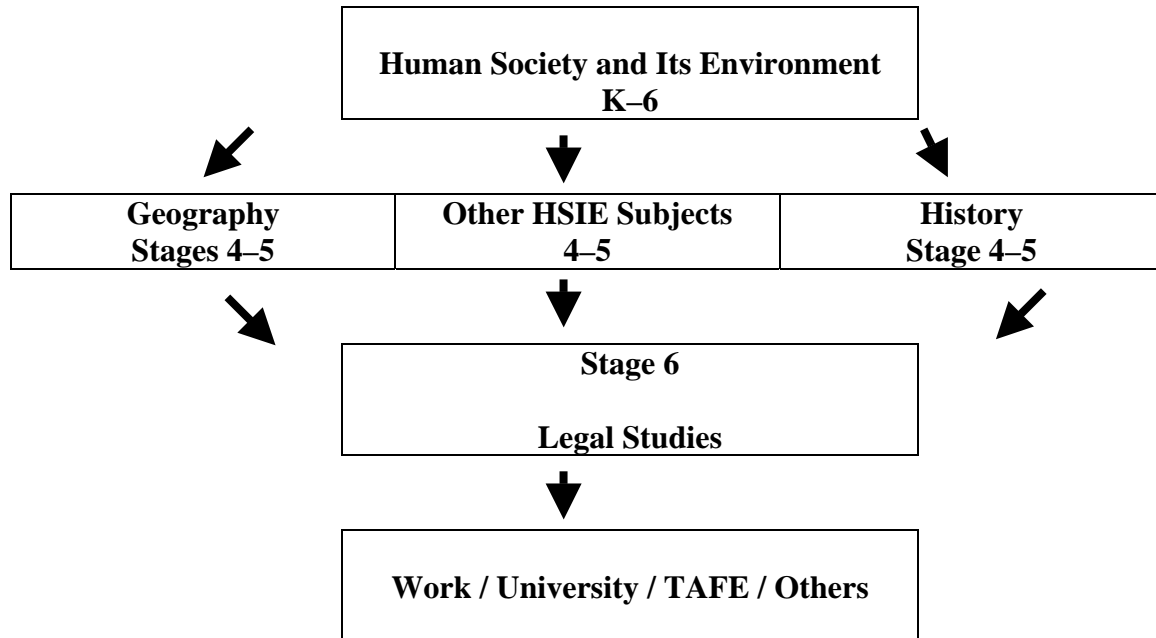
## **1 Background**

### **The Higher School Certificate Program of Study**

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 a flexible structure within which students can prepare for:
  - further education and training
  - employment
  - full and active participation as citizens
- provide formal assessment and certification of students' achievements
- provide a context within which schools have the opportunity to foster students' physical and spiritual development.

## Legal Studies in the K–12 Continuum of Learning



Legal Studies forms part of the Human Society and Its Environment continuum of learning from Kindergarten to Year 12. It complements other Stage 6 subjects in the area.

## **2 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 governed by a complex set of rules and regulations that protect the rights of individuals and communities and guide their responsibilities. Becoming an active and informed citizen involves being well informed about these rights and responsibilities and other legal issues. It also involves gaining a basic understanding of legal concepts and the function of the law.

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 to understand the influences that shape it. 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.

Legal Studies offers excellent preparation for life through an understanding of the legal system, its principles, structures, institutions and processes. Legal Studies fosters a respect and understanding for cultural diversity. It allows students to question and evaluate the legal institutional structures within the domestic and international environment and to undertake a comparative analysis of other political and institutional structures.

Legal Studies promotes students' 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 and thinkers.

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 critical analysis, independent research, collaboration, and effective communication.

### **3 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 also work towards other employability skills during 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* skills.

### **4 Aim**

Legal Studies develops students' knowledge, understanding and critical thinking 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 responsible citizens at the local, national and international level.

### **5 Objectives**

Through Legal Studies, students will develop:

**Knowledge and understanding** about:

- the nature and institutions of domestic and international law
- the operation of Australian and international legal systems and the significance of the rule of law
- the interrelationship between law, justice and society and the changing nature of the law

**skills** in:

- investigating, analysing and communicating relevant legal information and issues

and an interest in, and informed and responsible **values and attitudes** about, legal functions, practices and institutions.

*Legal Studies Stage 6 Draft Syllabus*

## 5.1 Objectives and Outcomes

<b>Objectives</b>	<b>Preliminary Course Outcomes</b>	<b>HSC Course Outcomes</b>
<p><b>A student develops knowledge and understanding about:</b></p> <p>1. the nature and institutions of domestic and international law</p>	<p><b>A student:</b></p> <p>P1. identifies and applies legal concepts and terminology</p> <p>P2. describes the key features of Australian and international law</p>	<p><b>A student:</b></p> <p>H1. identifies and applies legal concepts and terminology</p> <p>H2. describes and explains key features and the relationship between Australian and international law</p>
<p>2. the operation of Australian and international legal systems and the significance of the rule of law</p>	<p>P3. describes the operation of domestic and international legal systems</p> <p>P4. discusses the effectiveness of the legal system in addressing issues</p>	<p>H3. analyses the operation of domestic and international legal systems</p> <p>H4. evaluates the effectiveness of the legal system in addressing issues</p>
<p>3. the interrelationship between law, justice and society and the changing nature of the law</p>	<p>P5. explains the nature of the interrelationship between the legal system and society</p> <p>P6. evaluates the effectiveness of the law in achieving justice</p> <p>P7. describes the role of law in encouraging cooperation and resolving conflict, as well as initiating and responding to change</p>	<p>H5. assesses the nature of the interrelationship between the legal system and society</p> <p>H6. evaluates the effectiveness of the law in achieving justice</p> <p>H7. explains the role of law in encouraging cooperation and resolving conflict, as well as initiating and responding to change</p>
<p><b>A student develops skills in:</b></p> <p>4. investigating, analysing and communicating relevant legal information and issues</p>	<p>P8. locates, selects and organises legal information from a variety of sources including legislation, cases, media reports, international instruments and documents</p> <p>P9. accounts for differing perspectives and interpretations of legal information and issues</p> <p>P10. communicates legal information using well-structured responses</p>	<p>H8. locates, selects, organises, synthesises and analyses legal information from a variety of sources including legislation, cases, media reports, international instruments and documents</p> <p>H9. analyses differing perspectives and interpretations of legal information and issues</p> <p>H10. communicates legal information using well-structured and logical arguments.</p>

**6 The Structure of Legal Studies**

<b>Preliminary</b>		<b>HSC</b>	
<p><b>Core Part I: The Legal System</b></p> <ul style="list-style-type: none"> <li>• Basic Legal Concepts</li> <li>• Sources of Contemporary Australian Law</li> <li>• Classification of Law</li> <li>• Law Reform</li> <li>• Law Reform in Action</li> </ul>	<p><b>Core</b> 40%</p>	<p><b>Core Part I: Crime</b></p> <ul style="list-style-type: none"> <li>• The Nature of Crime</li> <li>• Criminal Investigation Process</li> <li>• Criminal Trial Process</li> <li>• Sentencing and Punishment</li> <li>• Young Offenders</li> <li>• International Crime</li> </ul>	<p><b>Core</b> 30%</p>
<p><b>Core Part II: The Individual And The Law</b></p> <ul style="list-style-type: none"> <li>• Your Rights and Responsibilities</li> <li>• Enforcing Rights</li> <li>• Contemporary Issue: The Individual and Technology</li> </ul>	<p><b>Core</b> 30%</p>	<p><b>Core Part II: Human Rights</b></p> <ul style="list-style-type: none"> <li>• Nature and Development of Human Rights</li> <li>• Promoting and Enforcing Human Rights</li> <li>• Contemporary Issue</li> </ul>	<p><b>Core</b> 20%</p>
<p><b>Core Part III: Law in Practice</b></p> <p>The Law in Practice unit is designed to provide opportunities for students to deepen their understanding of the principles of law covered in the first sections of the course. <b>This section may be integrated with Part I and Part II.</b></p>	<p><b>Core</b> 30%</p>	<p><b>Part III: Options</b></p> <p><b>Choose Two</b></p> <ul style="list-style-type: none"> <li>• Consumers</li> <li>• Environmental Protection</li> <li>• Family</li> <li>• Indigenous Peoples</li> <li>• Shelter</li> <li>• Workplace</li> <li>• World Order</li> </ul>	<p><b>Option</b> 25% each</p>

**7 Preliminary Course**

**Part I: The Legal System**

**40% of course time**

**Principal focus:** Students develop an understanding of the nature and functions of law through the examination of the law-making processes and institutions.

**Themes and challenges to be incorporated throughout the topic:**

- need for law in the operation of society
- relationship between different legal institutions and jurisdictions
- development of law as a reflection of society
- influences on the Australian legal system
- importance of the rule of law for society

**Focus outcomes for this topic:**

P1 – identifies and applies legal concepts and terminology

P2 – describes the key features of Australian and international law

P3 – describes the operation of domestic and international legal systems

P4 – discusses the effectiveness of the legal system in addressing issues

P5 – explains the nature of the interrelationship between the legal system and society

P7 – describes the role of law in encouraging cooperation and resolving conflict, as well as initiating and responding to change

P8 – locates, selects and organises legal information from a variety of sources including legislation, cases, media reports, international instruments and documents

P10 – communicates legal information using well-structured responses

<b>Students learn about:</b>	<b>Students learn to:</b>
<p><b>1. Basic Legal Concepts</b></p> <ul style="list-style-type: none"><li>– meaning of law</li><li>– customs, rules and law</li><li>– values and ethics</li><li>– characteristics of just laws</li><li>– nature of justice: equality, fairness, access</li><li>– procedural fairness (principles of natural justice)</li><li>– rule of law</li><li>– anarchy and tyranny</li></ul>	<ul style="list-style-type: none"><li>• define <i>law</i></li><li>• distinguish between customs, rules and laws, values and ethics</li><li>• describe the characteristics of just laws and the nature of justice</li><li>• define and investigate procedural fairness and the rule of law</li><li>• define anarchy and tyranny</li></ul>

<p><b>2. Sources of Contemporary Australian Law</b></p> <p><b>Common Law</b></p> <ul style="list-style-type: none"> <li>- British origins (including development of equity, precedent, adversarial system of trial)</li> <li>- court hierarchy: jurisdiction of state and federal courts</li> </ul> <p><b>Statute Law</b></p> <ul style="list-style-type: none"> <li>- role and structure of parliament</li> <li>- legislative process</li> <li>- delegated legislation</li> </ul> <p><b>The Constitution</b></p> <ul style="list-style-type: none"> <li>- division of powers</li> <li>- separation of powers</li> <li>- role of High Court</li> </ul> <p><b>Aboriginal and Torres Strait Islander Customary Law</b></p> <ul style="list-style-type: none"> <li>- diverse nature of customary laws</li> <li>- spiritual basis, significance of land and water</li> <li>- ritual and oral traditions</li> <li>- mediation and sanctions</li> <li>- relevance to contemporary Australian law</li> </ul> <p><b>International Law</b></p> <ul style="list-style-type: none"> <li>- differences between domestic and international law</li> <li>- state sovereignty</li> <li>- sources, including international customary law, instruments (declarations and treaties), legal decisions, writings.</li> <li>- the role of:             <ul style="list-style-type: none"> <li>– the United Nations</li> <li>– courts and tribunals</li> <li>– intergovernmental organisations</li> <li>– non-government organisations</li> </ul> </li> <li>- relevance to contemporary Australian law</li> </ul> <p><b>3. Classification of Law</b></p> <p>characteristics of:</p> <ul style="list-style-type: none"> <li>- public law, eg criminal law, administrative law, constitutional law</li> <li>- private law / civil law, eg contract law, tort law, property law</li> </ul>	<ul style="list-style-type: none"> <li>• outline the origin of common law</li> <li>• examine the hierarchy and jurisdiction of state and federal courts</li> </ul> <ul style="list-style-type: none"> <li>• outline the role and structure of parliament and the legislative process</li> <li>• describe the function of delegated legislation</li> </ul> <ul style="list-style-type: none"> <li>• explain the importance of the constitutional division and separation of powers</li> <li>• examine the role of the High Court in the interpretation of the Constitution</li> </ul> <ul style="list-style-type: none"> <li>• examine the characteristics of Aboriginal and Torres Strait Islander customary law</li> <li>• describe how and why Aboriginal and Torres Strait Islander customary law has been integrated into Australian law</li> </ul> <ul style="list-style-type: none"> <li>• distinguish between domestic and international law and examine the impact of state sovereignty</li> <li>• examine the sources of international law</li> <li>• describe the role of the various organisations involved in international law</li> <li>• examine how international law impacts on and is incorporated into Australian law</li> </ul> <ul style="list-style-type: none"> <li>• outline the characteristics of the different types of law</li> <li>• compare the purpose of different types</li> </ul>
---	---

*Legal Studies Stage 6 Draft Syllabus*

<ul style="list-style-type: none"> <li>- criminal and civil court procedures including legal personnel. <b>Students should where possible, have the opportunity to observe the operation of one or more courts in civil and criminal cases.</b></li> <li>- common and civil law systems</li> </ul> <p><b>4. Law Reform</b></p> <ul style="list-style-type: none"> <li>- conditions that give rise to law reform, eg changing social values, new concepts of justice, new technology</li> <li>- agencies of reform, eg law reform commissions, parliamentary committees, media</li> <li>- mechanisms of reform, eg courts, parliaments, United Nations, intergovernmental organisations</li> </ul> <p><b>5. Law Reform in Action</b>  <b>Two examples of law reform must be studied. Law reform in relation to Native Title is mandatory. Another example can be taken from list (b) or chosen from an area of current interest.</b></p> <p><b>a) Native Title:</b></p> <ul style="list-style-type: none"> <li>- Terra Nullius</li> <li>- role of the High Court and parliament</li> <li>- major native title decisions</li> <li>- legislation</li> </ul> <p><b>b) A contemporary law reform issue:</b>  <b>Examples of topics that may be studied:</b></p> <ul style="list-style-type: none"> <li>- young drivers and the law</li> <li>- reform of traffic laws</li> <li>- sport and the law</li> <li>- animal welfare</li> <li>- pet owners and the law</li> </ul>	<p>of law</p> <ul style="list-style-type: none"> <li>• distinguish between civil and criminal court procedures</li> <li>• identify the role of legal personnel involved in the court process</li> <li>• compare and contrast common and civil law systems</li> </ul> <ul style="list-style-type: none"> <li>• examine the conditions that give rise to law reform</li> <li>• describe the role of agencies involved in law reform</li> <li>• examine the operation of the different mechanisms of reform</li> </ul> <ul style="list-style-type: none"> <li>• explain the importance of <i>terra nullius</i> as an obstacle to achieving Native Title</li> <li>• examine the role of the High Court and Parliament in recognising Native Title</li> <li>• examine major Australian Native Title decisions</li> <li>• assess the effectiveness of the law reform process in achieving just outcomes in regard to Native Title</li> </ul> <ul style="list-style-type: none"> <li>• identify and investigate a contemporary law reform issue</li> <li>• examine the conditions that give rise to the need for law reform, the agencies of reform and mechanisms of reform</li> <li>• assess the effectiveness of law reform in achieving just outcomes in regard to a contemporary law reform issue</li> </ul>
---	---

**Part II: The Individual and the Law**

**30% of course time**

**Principal focus:** Students investigate the way 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.

**Themes and challenges to be incorporated throughout this unit:**

- relationship between justice, law and society
- relationship between rights and responsibilities
- balancing the rights of individuals with the needs of the state
- role of the law in regulating technology
- effectiveness of legal mechanisms for achieving justice for individuals and society

**Focus outcomes for this topic:**

P1 – identifies and applies legal concepts and terminology

P4 – discusses the effectiveness of the legal system in addressing issues

P5 – explains the nature of the interrelationship between the legal system and society

P7 – describes the role of law in encouraging cooperation and resolving conflict, as well as initiating and responding to change

P8 – locates, selects and organises legal information from a variety of sources including legislation, cases, media reports, international instruments and documents

P9 – accounts for differing perspectives and interpretations of legal information and issues

P10 – communicates legal information using well-structured responses

<b>Students learn about:</b>	<b>Students learn to:</b>
<p><b>1. Your Rights and Responsibilities</b></p> <ul style="list-style-type: none"> <li>- the nature of individual rights</li> <li>- relationship between rights and responsibilities</li> </ul> <p><b>2. Enforcing Rights</b></p> <ul style="list-style-type: none"> <li>• role of the federal and state police and other law enforcement agencies</li> <li>• disputes between individuals: <ul style="list-style-type: none"> <li>- alternative dispute resolution</li> <li>- negotiation</li> <li>- mediation</li> <li>- arbitration</li> <li>- courts</li> </ul> </li> <li>• disputes with the state: <ul style="list-style-type: none"> <li>- informal methods: <ul style="list-style-type: none"> <li>- media</li> <li>- members of parliament</li> <li>- trade unions</li> <li>- interest groups, including non-government organisations</li> </ul> </li> <li>- formal methods: <ul style="list-style-type: none"> <li>- internal review</li> <li>- external review: administrative, judicial, Ombudsman, statutory bodies including: Human Rights and Equal Opportunity Commission (HREOC), Independent Commission against Corruption (ICAC), Royal Commissions</li> </ul> </li> </ul> </li> </ul> <p><b>3. Contemporary Issue: The Individual and Technology</b></p> <ul style="list-style-type: none"> <li>- scope of technology</li> <li>- impacts of technology on the individual</li> <li>- legal implications</li> <li>- difficulties with enforcing rights</li> <li>- future directions – the role of law reform</li> </ul>	<ul style="list-style-type: none"> <li>• identify the types of rights to which individuals are entitled</li> <li>• outline the responsibilities of citizens within a society</li> <li>• explain the interrelationship between rights and responsibilities</li> </ul> <ul style="list-style-type: none"> <li>• outline the role of law enforcement agencies</li> </ul> <ul style="list-style-type: none"> <li>• compare and contrast disputes between individuals, and those between individuals and the state</li> <li>• identify and examine methods of resolving disputes between individuals</li> <li>• assess the effectiveness of methods of resolving disputes between individuals</li> </ul> <ul style="list-style-type: none"> <li>• distinguish between formal and informal methods of enforcing rights and resolving disputes</li> <li>• assess the effectiveness of dispute resolution processes in achieving justice for individuals</li> </ul> <ul style="list-style-type: none"> <li>• outline the scope of technology</li> <li>• discuss the impact and legal implications of the use of technology for an individual</li> <li>• explain the difficulties with enforcing rights</li> <li>• assess the role and responsibility of law reform as a mechanism for enforcing rights</li> </ul>

**Part III: Law in Practice**

**30% of course time**

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

**Themes and challenges to be incorporated throughout the topic:**

- relationship between justice, law and society
- the development and reform of law as a reflection of society
- importance of the rule of law
- responsiveness of the legal system in dealing with issues
- effectiveness of legal and non-legal mechanisms in achieving justice for individuals and society

**Focus outcomes for this topic:**

P1 – identifies and applies legal concepts and terminology

P2 – describes the key features of Australian and international law

P3 – describes the operation of domestic and international legal systems

P4 – discusses the effectiveness of the legal system in addressing issues

P6 – evaluates the effectiveness of the law in achieving justice

P7 – describes the role of law in encouraging cooperation and resolving conflict, as well as initiating and responding to change

P8 – locates, selects and organises legal information from a variety of sources including legislation, cases, media reports, international instruments and documents

P10 – communicates legal information using well-structured responses

**The Law in Practice unit can be integrated with Part I and/or Part II of the Preliminary course, or treated as a separate unit.**

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. Students will develop the relevant research, analytical and communication skills that underpin the process of investigation.

At least **TWO** contemporary issues should be studied. Students should synthesise information from a range of sources – including cases, legislation, media and reports – to support a legal argument. Topics should extend particular areas of individual or group interests.

*Legal Studies Stage 6 Draft Syllabus*

<p><b>Students learn about:</b></p> <ul style="list-style-type: none"><li>– issues that involve an Australian in a domestic jurisdiction, or Australian citizen(s) in another jurisdiction, focusing on the mechanisms for achieving justice and the responsiveness of the legal system in attempting to achieve justice.</li></ul> <p>Topics that may be studied include:</p> <ul style="list-style-type: none"><li>- groups or individuals suffering disadvantage (for example, women, migrants, Aboriginal and Torres Strait Islanders)</li><li>- events which highlight legal issues</li><li>- individuals or groups in conflict with the state</li><li>- criminal or civil cases that raise issues of interest to students.</li></ul>	<p><b>Students learn to:</b></p> <ul style="list-style-type: none"><li>• examine at least <b>two</b> contemporary issues that involve Australian(s) in either a domestic or another jurisdiction</li><li>• describe the legal and non-legal responses to this issue</li><li>• evaluate the effectiveness of the legal and non-legal responses to this issue.</li></ul>
--	--

## **8 HSC COURSE**

### **Part I: Crime**

**30% of course time**

**Principal focus:** Through the use of current examples, students investigate criminal law, processes and institutions and the tension between community interests and individual rights and freedoms.

#### **Themes and challenges to be incorporated throughout this topic:**

- role of discretion in the criminal justice system
- extent to which the law balances the rights of victims and offenders
- role of law reform in the criminal justice system
- extent to which law reflects moral and ethical standards
- issues of compliance and non-compliance
- effectiveness of legal and non-legal measures in achieving justice

#### **Focus outcomes for this topic:**

H1 – identifies and applies legal concepts and terminology

H2 – describes and explains key features and the relationship between Australian and international law

H3 – analyses the operation of domestic and international legal systems

H4 – evaluates the effectiveness of the legal system in addressing issues

H5 – assesses the nature of the interrelationship between the legal system and society

H6 – evaluates the effectiveness of the law in achieving justice

H7 – explains the role of law in encouraging cooperation and resolving conflict, as well as initiating and responding to change

H8 – locates, selects, organises, analyses and synthesises legal information from a variety of sources including legislation, cases, media reports, international instruments and documents

H9 – analyses differing perspectives and interpretations of legal information and issues

H10 – communicates legal information using well-structured and logical arguments

<b>Students learn about:</b>	<b>Students learn to:</b>
<p><b>1. Nature of Crime</b></p> <ul style="list-style-type: none"> <li>– meaning of crime</li> <li>– elements of crime: <i>actus reus</i>, <i>mens rea</i></li> <li>– strict liability offences</li> <li>– role of causation</li> </ul> <p>Ways of categorising crime: including offences against the person, offences against the sovereign, economic offences (property/white collar/computer), drug offences, driving offences, public order offences, preliminary crimes (attempts/conspiracy)</p> <ul style="list-style-type: none"> <li>– summary and indictable offences</li> <li>– parties to a crime</li> <li>– factors affecting criminal behaviour</li> <li>– crime prevention: situational and social</li> </ul> <p><b>2. Criminal Investigation Process</b></p> <ul style="list-style-type: none"> <li>– police powers</li> <li>– reporting crime</li> <li>– investigating crime: gathering evidence, use of technology, search and seizure, use of warrants</li> <li>– arrest and charge, summons, warrants</li> <li>– bail or remand</li> </ul> <p><b>3. Criminal Trial Process</b></p> <ul style="list-style-type: none"> <li>– court jurisdiction</li> <li>– the adversary system</li> <li>– legal personnel: magistrate, judge, police prosecutor, role of Director of Public Prosecution</li> <li>– legal representation, including legal aid</li> <li>– burden and standard of proof</li> <li>– use of evidence, including witnesses</li> <li>– defences to criminal charges: complete defences, partial defences to murder</li> <li>– role of juries, including verdicts</li> </ul>	<ul style="list-style-type: none"> <li>• describe the nature of crime</li> <li>• examine a range of factors that may lead to criminal behaviour</li> <li>• investigate a range of situational and social crime prevention techniques</li> <li>• discuss the powers of police in the criminal process</li> <li>• examine the reporting and investigating of crime</li> <li>• assess the criminal process</li> <li>• describe the role of courts in the criminal justice process</li> <li>• discuss the use of the adversary system as a means of achieving justice</li> <li>• examine the importance of legal representation in the criminal trial</li> <li>• assess the use of defences to criminal charges in achieving justice</li> <li>• evaluate the effectiveness of juries in the criminal trial</li> <li>• assess the effectiveness of the criminal trial process as a means of achieving justice</li> </ul>

Students learn about:	Students learn to:
<p><b>4. Sentencing and Punishment</b></p> <ul style="list-style-type: none"> <li>– statutory and judicial guidelines</li> <li>– purposes of punishment: deterrence (specific and general), retribution, rehabilitation, incapacitation</li> <li>– factors affecting a sentencing decision: aggravating and mitigating</li> <li>– role of victim in sentencing</li> <li>– appeals</li> <li>– types of penalties including ‘no conviction recorded’, caution, fine, bond, suspended sentence, probation, community service order, home detention, periodic detention, forfeiture of assets, imprisonment</li> <li>– diversionary programs</li> <li>– alternative methods of sentencing including circle sentencing, restorative justice</li> <li>– post-sentencing considerations, including security classification, protective custody, parole, preventative detention</li> </ul> <p><b>5. Young Offenders</b></p> <ul style="list-style-type: none"> <li>– age of criminal responsibility</li> <li>– rights of children when questioned or arrested</li> <li>– children’s court – procedures and operation</li> <li>– penalties for children</li> <li>– alternatives to court</li> </ul> <p><b>6. International Crime</b></p> <p>Categories:</p> <ul style="list-style-type: none"> <li>– crimes against the international community</li> <li>– transnational</li> </ul> <p>Dealing with international crime:</p> <ul style="list-style-type: none"> <li>- domestic and international measures</li> <li>- limitations</li> </ul>	<ul style="list-style-type: none"> <li>• discuss factors that affect sentencing decisions, including the purposes of punishment and the role of the victim</li> <li>• evaluate the effectiveness of different types of penalties, including diversionary programs</li> <li>• assess the role of alternative methods of sentencing</li> <li>• evaluate the effectiveness of sentencing and punishment as a means of achieving justice</li> <li>• discuss the issues surrounding the age of criminal responsibility</li> <li>• explain why young offenders are treated differently in the criminal justice system</li> <li>• assess the effectiveness of the criminal justice system when dealing with young offenders</li> <li>• define international crime</li> <li>• describe the various measures used when dealing with international crime</li> <li>• evaluate the effectiveness of the domestic and international legal system in dealing with international crime</li> </ul>

**Part II: Human Rights**

**20% of course time**

**Principal focus:** Through the use of current examples, students investigate the notion of human rights and assess the extent to which legal systems embody such human rights and promote them in practice.

**Themes and challenges to be incorporated throughout topic:**

- the changing understanding of the relationship between state sovereignty and human rights
- development of human rights as a reflection of changing values and ethical standards
- role of law reform in protecting human rights
- issues of compliance and non-compliance
- effectiveness of legal and non-legal measures in protecting human rights

**Focus outcomes for this topic:**

- H1 – identifies and applies legal concepts and terminology
- H2 – describes and explains key features and the relationship between Australian and international law
- H3 – analyses the operation of domestic and international legal systems
- H4 – evaluates the effectiveness of the legal system in addressing issues
- H6 – evaluates the effectiveness of the law in achieving justice
- H7 – explains the role of law in encouraging cooperation and resolving conflict, as well as initiating and responding to change
- H8 – locates, selects, organises, analyses and synthesises legal information from a variety of sources including legislation, cases, media, reports, international instruments and documents
- H9 – analyses differing perspectives and interpretations of legal information and issues
- H10 – communicates legal information using well-structured and logical arguments

<b>Students learn about:</b>	<b>Students learn to:</b>
<p><b>1. Nature and Development of Human Rights</b></p> <ul style="list-style-type: none"> <li>• the definition of human rights</li> <li>• changing recognition of human rights                             <ul style="list-style-type: none"> <li>– abolition of slavery</li> <li>– trade unionism and labour rights</li> <li>– universal suffrage</li> <li>– universal education</li> <li>– collective rights of indigenous peoples</li> </ul> </li> <li>• recognition of universal right                             <ul style="list-style-type: none"> <li>– importance of the Universal Declaration of Human Rights</li> <li>– International Covenant on Civil and Political Rights</li> <li>– International Covenant on Economic, Social and Cultural Rights</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• define human rights</li> <li>• outline how human rights have changed and developed over time</li> <li>• investigate the evolving recognition of universal human rights</li> <li>• examine major human rights documents and explain their contribution to the development of human rights</li> </ul>

<p><b>2. Promoting and Enforcing Human Rights</b></p> <ul style="list-style-type: none"><li>• in the international community<ul style="list-style-type: none"><li>– state sovereignty</li><li>– role of :<ul style="list-style-type: none"><li>– the United Nations</li><li>– intergovernmental organisations</li><li>– courts, tribunals and independent statutory authorities</li><li>– non-government organisations</li><li>– media</li></ul></li></ul></li><li>• in Australia<ul style="list-style-type: none"><li>– incorporation of human rights into domestic law</li><li>– role of:<ul style="list-style-type: none"><li>– the Constitution, including division of powers and separation of powers</li><li>– statute law</li><li>– common law</li><li>– courts and tribunals</li><li>– non-government organisations</li><li>– media</li><li>– Charter of Rights (arguments for and against)</li></ul></li></ul></li></ul> <p><b>3. Investigate a contemporary issue which illustrates the promotion and/or enforcement of human rights.</b></p> <p><b>Issues could include:</b></p> <ul style="list-style-type: none"><li>– genocide</li><li>– treatment of refugees</li><li>– asylum seekers</li><li>– child soldiers</li><li>– abuse of children</li><li>– torture</li><li>– capital punishment</li><li>– arbitrary detention</li><li>– religious discrimination</li><li>– discrimination against women</li><li>– exploitation of workers</li><li>– human trafficking and slavery</li><li>– limitations on free speech</li></ul>	<ul style="list-style-type: none"><li>• assess the role of state sovereignty in promoting and enforcing human rights</li><li>• evaluate the effectiveness of international responses in promoting and enforcing human rights</li><li>• outline how human rights are incorporated into Australian domestic law</li><li>• evaluate the effectiveness of Australian responses in promoting and enforcing human rights</li><li>• discuss the arguments for and against a Charter of Rights for Australia</li><li>• investigate a domestic or international contemporary human rights issue and evaluate the effectiveness of legal and non-legal responses to the issue</li></ul>
--	---

### **Part III: Options**

Students must study two of the following options.

#### **Option 1: Consumers**

**25% of course time**

**Principal focus:** Through the use of current examples, students investigate the legal rights of consumers and the effectiveness of the law in achieving justice for consumers.

#### **Themes and challenges to be incorporated throughout this topic:**

- role of law reform in recognising the rights of consumers
- the role of the law in encouraging cooperation and resolving conflict in regards to consumers
- issues of compliance and non-compliance
- laws relating to consumers as a reflection of changing values and ethical standards
- effectiveness of legal and non-legal responses in achieving justice for consumers

#### **Focus outcomes for this topic:**

H1 – identifies and applies legal concepts and terminology

H4 – evaluates the effectiveness of the legal system in addressing issues

H5 – assesses the nature of the interrelationship between the legal system and society

H6 – evaluates the effectiveness of the law in achieving justice

H7 – explains the role of law in encouraging cooperation and resolving conflict, as well as initiating and responding to change

H8 – locates, selects, organises, analyses and synthesizes legal information from a variety of sources including legislation, cases, media reports, international instruments and documents

H10 – communicates legal information using well-structured and logical arguments

<b>Students learn about:</b>	<b>Students learn to:</b>
<p><b>1. Nature of Consumer Law</b></p> <ul style="list-style-type: none"> <li>• the developing need for consumer protection</li> <li>• the definition of <i>consumer</i></li> <li>• contracts – types, elements, terms, exclusion clauses</li> <li>• standards implied by statutes</li> <li>• unjust contracts: common law and statutory protection</li> <li>• the role of negligence in consumer protection</li> <li>• regulation of marketing and advertising: statutory protection, non-statutory controls on advertising</li> <li>• occupational licensing</li> </ul> <p><b>2. Consumer Redress and Remedies</b></p> <ul style="list-style-type: none"> <li>• awareness and self-help</li> <li>• state government organisations</li> <li>• commonwealth government organisations</li> <li>• industry organisations</li> <li>• the role of tribunals and courts</li> <li>• the role of non-government organisations</li> <li>• the role of media</li> <li>• consumer remedies                             <ul style="list-style-type: none"> <li>– individual</li> <li>– society</li> </ul> </li> </ul> <p><b>3. Contemporary Issues concerning consumers</b></p> <p><b>Issues that must be studied:</b></p> <ul style="list-style-type: none"> <li>• credit: rights and responsibilities</li> <li>• product standards</li> <li>• marketing innovations</li> <li>• technology</li> </ul>	<ul style="list-style-type: none"> <li>• outline the developing need for consumer protection</li> <li>• define <i>consumer</i></li> <li>• examine the nature, function and regulation of contracts</li> <li>• evaluate the effectiveness of the regulation of marketing and advertising in achieving consumer protection</li> <li>• examine the role of occupational licensing in achieving consumer protection</li> </ul> <ul style="list-style-type: none"> <li>• recognise the importance of awareness and self-help</li> <li>• examine the range of different remedies available to consumers</li> <li>• evaluate the effectiveness of non-legal and legal measures in achieving justice for consumers</li> </ul> <ul style="list-style-type: none"> <li>• identify and investigate a contemporary issue involving the protection of consumers and evaluate the effectiveness of legal and non-legal responses to this issue</li> </ul>

**Option 2 Environmental Protection**

**25% of course time**

**Principal focus:** Through the use of current examples, students investigate the effectiveness of legal and non-legal processes in promoting and achieving environmental protection.

**Themes and challenges to be incorporated throughout this topic:**

- role of law reform in protecting the global environment
- impact of state sovereignty in encouraging cooperation and resolving conflict in regard to environmental protection
- issues of compliance and non-compliance
- impact of changing values and ethical standards on environmental protection
- effectiveness of legal and non-legal responses in protecting the environment

**Focus outcomes for this topic:**

H1 – identifies and applies legal concepts and terminology

H2 – describes and explains key features and the relationship between Australian and international law

H3 – analyses the operation of domestic and international legal systems

H4 – evaluates the effectiveness of the legal system in addressing issues

H5 – assesses the nature of the interrelationship between the legal system and society

H8 – locates, selects, organises, analyses and synthesises legal information from a variety of sources including legislation, cases, media reports, international instruments and documents

H10 – communicates legal information using well-structured and logical arguments



**Option 3: Family**

**25% of course time**

**Principal focus:** Through the use of current examples, students investigate the legal nature of family relationships and the effectiveness of the law in achieving justice.

**Themes and challenges to be incorporated throughout the topic:**

- the role of law reform in achieving just outcomes for family members and society
- the role of the law in encouraging cooperation and resolving conflict in regard to family
- issues of compliance and non-compliance
- changes to family law as a response to changing values and ethics
- the effectiveness of legal and non-legal responses in achieving just outcomes for family members.

**Focus outcomes for this topic:**

H1 – identifies and applies legal concepts and terminology

H2 – describes and explains key features and the relationship between Australian and international law

H3 – analyses the operation of domestic and international legal systems

H4 – evaluates the effectiveness of the legal system in addressing issues

H5 – assesses the nature of the interrelationship between the legal system and society

H7 – explains the role of law in encouraging cooperation and resolving conflict, as well as initiating and responding to change

H8 – locates, selects, organises, analyses and synthesises legal information from a variety of sources including legislation, cases, media, reports, international instruments and documents

H10 – communicates legal information using well-structured and logical arguments

<b>Students learn about:</b>	<b>Students learn to:</b>
<p><b>1. Nature of Family Law</b></p> <ul style="list-style-type: none"><li>• scope of family law</li><li>• legal requirements of marriage</li><li>• alternative family relationships</li><li>• legal rights and obligations of parents and children</li><li>• abuse and neglect of children</li></ul> <p><b>2. Responses to Relationship Breakdown</b></p> <ul style="list-style-type: none"><li>• role of courts and dispute resolution methods</li><li>• divorce</li><li>• alternative family relationships</li><li>• consequences of breakdown<ul style="list-style-type: none"><li>– children</li><li>– property</li></ul></li><li>• dealing with domestic violence</li></ul> <p><b>3. Contemporary Issues in Family Law</b></p> <p><b>Issues that must be studied:</b></p> <ul style="list-style-type: none"><li>• recognition of same-sex relationships</li><li>• changing nature of parental responsibility</li><li>• birth technology – surrogacy, IVF</li><li>• the role of law in the intervention of the family unit</li></ul>	<ul style="list-style-type: none"><li>• define <i>family</i> and outline the extent of family law</li><li>• distinguish between state and federal jurisdiction in family law</li><li>• outline the legal requirements of a valid marriage</li><li>• describe the types of family arrangements in Australia</li><li>• examine the legal rights and obligations of parents and children, including those derived from international law</li><li>• assess the effectiveness of the law in protecting children</li></ul> <ul style="list-style-type: none"><li>• outline the aims of the legal system when dealing with relationship breakdowns</li><li>• examine the legal processes involved in resolving breakdowns in relationships</li><li>• evaluate the effectiveness of the law in protecting victims of domestic violence</li><li>• evaluate the effectiveness of the law in achieving justice for parties involved in relationship breakdowns</li></ul> <ul style="list-style-type: none"><li>• identify and investigate a contemporary issue relating to family law and evaluate the effectiveness of legal and non-legal responses to this issue</li></ul>

**Option 4 : Indigenous Peoples**

**25% of course time**

**Principal focus:** Through the use of current examples, students investigate the effectiveness of legal and non-legal processes in achieving justice for indigenous peoples globally.

**Themes and challenges to be incorporated throughout this topic:**

- the role of law reform in recognising the rights of indigenous peoples
- the impact of state sovereignty in encouraging cooperation and resolving conflict in regard to indigenous peoples
- issues of compliance and non-compliance
- laws relating to indigenous peoples as a reflection of changing values and ethical standards
- effectiveness of legal and non-legal responses in achieving justice for indigenous peoples

**Focus outcomes for this topic:**

H1 – identifies and applies legal concepts and terminology

H2 – describes and explains key features and the relationship between Australian and international law

H3 – analyses the operation of domestic and international legal systems

H4 – evaluates the effectiveness of the legal system in addressing issues

H5 – assesses the nature of the interrelationship between the legal system and society

H8 – locates, selects, organises, analyses and synthesises legal information from a variety of sources including legislation, cases, media, reports, international instruments and documents

H10 – communicates legal information using well-structured and logical arguments

*Legal Studies Stage 6 Draft Syllabus*

<b>Students learn about:</b>	<b>Students learn to:</b>
<p><b>1. Nature of Indigenous Peoples</b></p> <ul style="list-style-type: none"><li>• definition of indigenous peoples</li><li>• the loss of rights of indigenous people over time</li><li>• demand for the recognition of indigenous peoples</li><li>• importance of the right to self-determination</li></ul> <p><b>2. Responses to Indigenous Peoples:</b> The role of:</p> <ul style="list-style-type: none"><li>• the nation state and state sovereignty</li><li>• the United Nations</li><li>• international instruments (declarations and treaties)</li><li>• courts, including the International Court of Justice and the International Criminal Court</li><li>• intergovernmental organisations</li><li>• non-government organisations</li><li>• media</li><li>• Australia’s federal structure</li></ul> <p><b>3. Contemporary Issues Concerning Indigenous Peoples</b></p> <p><b>Issues that must be studied:</b></p> <ul style="list-style-type: none"><li>• loss of cultural rights such as language</li><li>• land rights</li><li>• ownership of natural resources</li><li>• intellectual property rights</li></ul>	<ul style="list-style-type: none"><li>• define <i>indigenous peoples</i></li><li>• outline the loss of rights of indigenous peoples globally</li><li>• outline the demand for recognising indigenous peoples over time</li><li>• examine the ability of indigenous peoples to determine their own future</li></ul> <ul style="list-style-type: none"><li>• examine sovereignty as a vehicle to assist, and impede the recognition of the rights of indigenous peoples</li><li>• evaluate the effectiveness of legal and non-legal measures in achieving justice for indigenous peoples</li><li>• explain the effect of Australia’s federal structure in responding to international initiatives</li></ul> <ul style="list-style-type: none"><li>• identify and investigate a contemporary issue involving the rights of indigenous peoples and evaluate the effectiveness of legal and non-legal responses</li></ul>

**Option 5: Shelter**

**25% of course time**

**Principal focus:** Through the use of current examples, students investigate the legal means of securing shelter and the effectiveness of the law in achieving justice in this regard.

**Themes and challenges to be incorporated throughout the topic:**

- the role of law reform in protecting the rights of those seeking shelter
- the role of the legal system in encouraging cooperation and resolving disputes about shelter
- issues of compliance and non-compliance
- laws relating to those seeking and providing shelter as a reflection of changing values and ethical standards
- effectiveness of the legal and non-legal responses in achieving just outcomes in regard to the provision of shelter.

**Focus outcomes for this topic:**

H1 – identifies and applies legal concepts and terminology

H2 – describes and explains key features and the relationship between Australian and international law

H3 – analyses the operation of domestic and international legal systems

H4 – evaluates the effectiveness of the legal system in addressing issues

H5 – assesses the nature of the interrelationship between the legal system and society

H7 – explains the role of law in encouraging cooperation and resolving conflict, as well as initiating and responding to change

H8 – locates, selects, organises, analyses and synthesises legal information from a variety of sources including legislation, cases, media, reports, international instruments and documents

H10 – communicates legal information using well-structured and logical arguments

<b>Students learn about:</b>	<b>Students learn to:</b>
<p><b>1. Nature of Shelter:</b></p> <ul style="list-style-type: none"> <li>• the meaning of shelter</li> <li>• right to shelter</li> <li>• obligation to provide shelter</li> <li>• types of shelter</li> </ul> <p><b>2. Legal Protection and Remedies in Regard to Acquiring Shelter</b></p> <ul style="list-style-type: none"> <li>• purchasing, including: <ul style="list-style-type: none"> <li>– separate dwelling or shared space</li> <li>– private treaty or auction</li> <li>– systems of registration</li> <li>– sources of finance</li> <li>– protection for buyers</li> </ul> </li> <li>• leasing, including: <ul style="list-style-type: none"> <li>– rights and obligations of landlords and tenants</li> <li>– protection for tenants</li> </ul> </li> <li>• securing other types of shelter such as <ul style="list-style-type: none"> <li>– aged care and caravan parks</li> </ul> </li> <li>• dispute resolution mechanisms <ul style="list-style-type: none"> <li>The role of: <ul style="list-style-type: none"> <li>– courts and tribunals</li> <li>– alternative dispute resolution</li> <li>– government organisations</li> <li>– non-government organisations</li> <li>– the media</li> </ul> </li> </ul> </li> </ul> <p><b>3. Contemporary Issues Concerning Shelter</b></p> <p><b>Issues that must be studied:</b></p> <ul style="list-style-type: none"> <li>• affordability</li> <li>• discrimination</li> <li>• homelessness</li> <li>• public housing</li> </ul>	<ul style="list-style-type: none"> <li>• define shelter and outline the extent of shelter law</li> <li>• discuss the right to shelter according to international law</li> <li>• examine the obligation of state and federal governments to provide shelter</li> <li>• describe the types of shelter</li> </ul> <ul style="list-style-type: none"> <li>• outline the process of acquiring shelter including the role of key personnel</li> </ul> <ul style="list-style-type: none"> <li>• assess the role of the legal system in protecting those securing shelter</li> </ul> <ul style="list-style-type: none"> <li>• evaluate the effectiveness of legal and non-legal measures in achieving justice for people seeking shelter</li> </ul> <ul style="list-style-type: none"> <li>• identify and investigate a contemporary issue involving the provision of shelter and evaluate the effectiveness of legal and non-legal responses to this issue</li> </ul>

**Option 6 : Workplace**

**25% of course time**

**Principal Focus:** Through the use of current examples, students investigate legal rights and responsibilities in the workplace and the effectiveness of the law in achieving justice in the workplace.

**Themes and challenges to be incorporated throughout this topic:**

- role of law reform in recognising rights and enforcing responsibilities in the workplace
- the role of the law in encouraging cooperation and resolving conflict in the workplace
- issues of compliance and non-compliance in workplace law
- laws relating to the workplace as a reflection of changing values and ethical standards
- effectiveness of legal and non-legal responses in achieving justice in the workplace

**Focus outcomes for this topic:**

H1 – identifies and applies legal concepts and terminology

H4 – evaluates the effectiveness of the legal system in addressing issues

H5 – assesses the nature of the interrelationship between the legal system and society

H6 – evaluates the effectiveness of the law in achieving justice

H7 – explains the role of law in encouraging cooperation and resolving conflict, as well as initiating and responding to change

H8 – locates, selects, organises, analyses and synthesises legal information from a variety of sources including legislation, cases, media reports, international instruments and documents

H10 – communicates legal information using well-structured and logical arguments

<b>Students learn about:</b>	<b>Students learn to:</b>
<p><b>1. Nature of Workplace Law</b></p> <p>The development of workplace law</p> <ul style="list-style-type: none"> <li>• the contract of employment: contracts of service, contracts for service, express and implied terms</li> <li>• rights and responsibilities of employers and employees under employment contracts</li> </ul> <p><b>2. Responses to Workplace Law</b></p> <ul style="list-style-type: none"> <li>• industrial relations and workplace regulation – the state and federal framework</li> <li>• negotiations between employers and employees</li> <li>• dispute resolution mechanisms</li> <li>• the role of institutional forces including government organisations, trade unions and employer groups</li> <li>• termination of employment: dismissal, redundancy, unfair and unlawful dismissal</li> <li>• safety in the workplace</li> <li>• the role of non-government organisations and the media</li> </ul> <p><b>3. Contemporary Issues</b></p> <p><b>Issues that must be studied:</b></p> <ul style="list-style-type: none"> <li>• change in the workplace due to technology, the changing job market and economic restructuring.</li> <li>• flexible working conditions and workers rights</li> <li>• discrimination in the workplace and equality of opportunity</li> <li>• the protection of children and young people in the workplace</li> </ul>	<ul style="list-style-type: none"> <li>• outline the developing need for workplace law</li> <li>• examine the nature, function and regulation of employment contracts</li> <li>• describe the rights and responsibilities of employers and employees in the workplace</li> </ul> <ul style="list-style-type: none"> <li>• examine the legal framework for workplace law</li> </ul> <ul style="list-style-type: none"> <li>• evaluate the effectiveness of dispute resolution processes in the workplace</li> </ul> <ul style="list-style-type: none"> <li>• examine the changing responsibilities in relation to workplace safety</li> <li>• evaluate the effectiveness of legal and non-legal measures in protecting and recognising workplace rights</li> </ul> <ul style="list-style-type: none"> <li>• identify and investigate a contemporary issue involving workplace law and evaluate the effectiveness of legal and non-legal responses to this issue</li> </ul>

**Option 7 : World Order**

**25% of course time**

**Principal focus:** Through the use of current examples, students investigate the effectiveness of legal and non-legal remedies in promoting peace and resolving conflict between nation states.

**Themes and challenges to be incorporated throughout this topic:**

- the role of law reform in promoting and maintaining world order
- laws relating to world order as a reflection of changing values and ethical standards
- issues of compliance and non-compliance
- impact of changing values and ethical standards on world order
- effectiveness of legal and non-legal responses in promoting and maintaining world order

**Focus outcomes for this topic:**

H1 – identifies and applies legal concepts and terminology in legal contexts

H2 – analyses the operation of domestic and international legal systems

H3 – describes and explains key features and the relationship between Australian and international law

H4 – evaluates the effectiveness of the legal system in addressing issues

H8 – locates, selects, organises and synthesises legal information from a variety of sources (including legislation, cases, media reports, international instruments and documents)

H9 – analyses differing perspectives and interpretations of legal information and issues

H10– communicates well structured and logical arguments based on relevant legal evidence

<p><b>Students learn about:</b></p> <p><b>1. Nature of World Order</b></p> <ul style="list-style-type: none"> <li>• the meaning of <i>world order</i></li> <li>• the development of world order over time</li> <li>• the need for world order</li> <li>• the nature of conflict: inter-state and intra-state</li> </ul> <p><b>2. Responses to world order</b> The role of:</p> <ul style="list-style-type: none"> <li>• the nation state and state sovereignty</li> <li>• the United Nations, including the Security Council, Peace Building Commission</li> <li>• international instruments (declarations and treaties)</li> <li>• courts and tribunals, including International Court of Justice, International Criminal Court, ad hoc tribunals</li> <li>• intergovernmental organisations</li> <li>• non-government organisations</li> <li>• Australia’s federal structure</li> </ul> <p><b>3. Contemporary Issues Concerning World Order in an Australian and Global Context</b></p> <p><b>Issues that must be studied:</b></p> <ul style="list-style-type: none"> <li>• scarcity of resources as a potential threat to world order</li> <li>• regional and global situations that threaten peace and security</li> <li>• intra-state conflict as a crime against the international community</li> <li>• rules regarding the conduct of hostilities</li> </ul>	<p><b>Students learn to:</b></p> <ul style="list-style-type: none"> <li>• define <i>world order</i></li> <li>• outline the evolving nature of world order</li> <li>• describe the need for world order</li> <li>• explain the implications of the nature of conflict on achieving world order</li> <li>• examine sovereignty as a vehicle to assist and impede the resolution of world order issues</li> <li>• explain the role of Australia’s federal structure in responding to world order</li> <li>• evaluate the effectiveness of legal and non-legal measures in resolving conflict and working towards world order</li> <li>• identify and investigate a contemporary issue involving world order and evaluate the effectiveness of legal and non-legal responses to this issue</li> </ul>
---	---

## **9 Assessment and Reporting**

### **Requirements and Advice**

The information in this section of the syllabus relates to the Board of Studies' requirements for assessing and reporting achievements in the Preliminary and HSC courses for the Higher School Certificate.

*Note: The HSC Examination Specifications and Assessment Requirements consultation papers are available on the Board of Studies website at [www.boardofstudies.nsw.edu.au](http://www.boardofstudies.nsw.edu.au). The Examinations and Assessments consultation is separate from, but takes into account, the Legal Studies syllabus review.*

Assessment is the process of gathering information and making judgements about student achievement for a variety of purposes.

In the Preliminary and HSC courses those purposes include:

- assisting student learning
- evaluating and improving teaching and learning programs
- providing evidence of satisfactory achievement and completion in the Preliminary course
- providing the Higher School certificate results.

Reporting refers to the Higher School Certificate documents received by students that are used by the Board to report both the internal and external measures of achievement.

Higher School Certificate results comprise:

- an assessment mark derived from the mark submitted by the school and produced in accordance with the Board's requirements for the internal assessment program
- an examination mark derived from the HSC external examination
- an HSC mark, which is the average of the assessment mark and the examination mark
- a performance band, determined by the HSC mark.

Results are reported using a course report containing a performance scale with bands describing standards of achievement in the course.

The use of both internal assessment and external examination of student achievement allows measurements and observations to be made at several points and in different ways throughout the HSC Legal Studies course. Taken together, the external examination and the internal assessment marks provide a valid and reliable assessment of the achievement of the knowledge, understanding and skills described for the course.

The Board of Studies uses a standards-referenced approach to assessing and reporting student achievement in the Higher School Certificate.

The standards in the HSC are:

- the knowledge, skills and understanding expected to be learnt by students – the syllabus standards
- the levels of achievement of the knowledge, skills and understanding – the performance standards.

## *Legal Studies Stage 6 Draft Syllabus*

Both syllabus standards and performance standards are based on the aim, objectives, outcomes and content of the course. Together they specify what is to be learnt and how well it is to be achieved.

Teacher understanding of standards comes from the set of aims, objectives, outcomes and content in each syllabus together with:

- the performance descriptions that summarise the different levels of performance of the course outcomes
- HSC examination papers and marking guidelines
- samples of students' achievement, collected in the Standards Packages.

### **Internal Assessment**

The internal assessment mark submitted by the school provides a summation of each student's achievements measured at points throughout the course. The marks for each group at a school should reflect the rank order of students and relative differences between students' achievements.

Internal assessment provides a measure of a student's achievement based on a wider range of syllabus content and outcomes than may be covered by the external examination alone. The assessment components and weightings to be applied are identified on page 37. They ensure a common focus for internal assessment in the course across schools, while allowing for flexibility in the design of tasks. A variety of tasks should be used to give students the opportunity to demonstrate outcomes in different ways and to improve the validity and reliability of the assessment.

### **External Examination**

In Stage 6 Legal Studies the external examination consists of a written paper. The specifications of the HSC examination in Legal Studies are on page 38.

The external examination provides a measure of student achievement in a range of syllabus outcomes that can be reliably measured in an examination setting.

The external examination and its marking and reporting relates to syllabus standards by:

- providing clear links to syllabus outcomes
- enabling students to demonstrate the levels of achievement outlined in the course performance scale
- applying marking guidelines based on established criteria.

### **Board Requirements for the Internal Assessment Mark**

The Board requires schools to submit an assessment mark for each candidate in the HSC Legal Studies course. The Board requires that the assessment tasks used to determine the internal assessment mark must comply with the components and weightings specified in the tables on page 37.

The collection of information for the HSC assessment mark must not begin before the completion of the Preliminary course.

## *Legal Studies Stage 6 Draft Syllabus*

Schools are required to develop an internal assessment program that:

- specifies the various assessment tasks and the weightings allocated to each task
- provides a schedule of the tasks designed for the whole course.

The standards-referenced approach to assessment for the HSC involves schools ensuring that in the design and marking of tasks:

- assessment tasks are designed to focus on outcomes
- the types of assessment tasks are appropriate for the outcomes being assessed
- students are given the opportunity to demonstrate the level of their achievement of the outcomes in a range of different task types
- tasks reflect the weightings and components specified in the relevant syllabus
- students know the assessment criteria before they begin the task
- marking guidelines for each task are linked to the standards by including the wording of all or parts of the syllabus outcomes and relevant performance descriptions
- marks earned on individual tasks are expressed on a scale sufficiently wide to reflect adequately the relative differences in student performances.

In feedback and reporting:

- students receive meaningful feedback about what they are able to do and what they need to do in order to improve their level of performance
- the ranking and relative difference between students result from different levels of achievement of the specified standards
- marks submitted to the Board for each course are on a scale sufficiently wide to reflect adequately the relative differences in student performances.

Note that:

- measures of objectives that address values and attitudes should not be included in school-based assessments of students' achievements. As these objectives are important elements of any course, schools may decide to report on them separately to students and parents, perhaps using some form of descriptive statements
- measures that reflect student conduct should not be included.

## *Legal Studies Stage 6 Draft Syllabus*

### **Assessment Components and Weightings**

#### **Preliminary course**

The suggested components and weightings for the Preliminary course are set out below. There should be a balance between the assessment of knowledge and understanding outcomes, skills outcomes and course content.

<b>Component</b>	<b>Weighting</b>
Knowledge and understanding of course content	40%
Skills of information analysis	20%
Research	20%
Communication	20%

#### **HSC course**

The mandatory components and weightings for the HSC course are set out below. The internal assessment mark for Legal Studies Stage 6 is to be based on the HSC course only. There must be a balance between the assessment of knowledge and understanding outcomes, skills outcomes and course content.

<b>Component</b>	<b>Weighting</b>
Knowledge and understanding of course content	40%
Skills of information analysis	20%
Research	20%
Communication	20%

Teachers may use their discretion in determining the manner in which they allocate tasks within course content. It is suggested that four tasks are sufficient to assess the HSC course outcomes.

## *Legal Studies Stage 6 Draft Syllabus*

### **Draft HSC External Examination Specifications**

**Time Allowed:** Three hours

The written paper is divided into THREE sections:

#### **SECTION I : CORE**

**20 marks**

There will be objective-response items on the Core to the value of 20 marks  
Questions may refer to stimulus material.

#### **SECTION II : CORE**

**30 marks**

This section comprises 4–6 questions.  
These questions may be divided into parts.  
There will be a question on Crime worth 10 marks.  
Questions may refer to stimulus material.

#### **SECTION III Options**

**50 marks**

There will be 14 extended-response questions, two alternatives for each Option.  
All questions will be of equal value (25 marks).  
Candidates will answer two questions, each from a different Option.

## **Reporting Student Performance against Standards**

Student performance in an HSC course will be reported against standards on a course report. The course report includes a performance scale for the course describing levels (bands) of achievement, an HSC mark located on the performance scale, an internal assessment mark and an examination mark. It will also show, graphically, the statewide distribution of examination marks of all students in the course.

Each band on the performance scale (except for Band 1), includes descriptions that summarise the attainments typically demonstrated in that band.

The distribution of marks will be determined by students' performances against the standards and not scaled to a predetermined pattern of marks.

## **Post-school Opportunities**

The study of Stage 6 Legal Studies provides students with knowledge, understanding and skills that form a valuable foundation for a range of courses at university and other tertiary institutions.

In addition, the study of Stage 6 Legal Studies assists students to prepare for employment and full and active participation as citizens. In particular, there are opportunities for students to gain recognition in vocational education and training. Teachers and students should be aware of these opportunities.

## **Recognition of Student Achievement**

Wherever appropriate, the skills and knowledge acquired by students in their study of HSC courses should be recognised by industry and training organisations. Recognition of student achievement means that students who have satisfactorily completed HSC courses will not be required to repeat their learning in courses in TAFE NSW or other Registered Training Organisations (RTOs).

Registered Training Organisations, such as TAFE NSW, provide industry training and issue qualifications within the Australian Qualifications Framework (AQF).

The degree of recognition available to students in each subject is based on the similarity of outcomes between HSC courses and industry training packages endorsed within the Australian Qualifications Framework. Training packages are documents that link an industry's competency standards to AQF qualifications. More information about industry training packages can be found on the National Training Information Service (NTIS) website ([www.ntis.gov.au](http://www.ntis.gov.au)).

## **Recognition by TAFE NSW**

TAFE NSW conducts courses in a wide range of industry areas, as outlined each year in the TAFE NSW Handbook. Under current arrangements, the recognition available to students of Legal Studies in relevant courses conducted by TAFE is described in the HSC/TAFE Credit

## *Legal Studies Stage 6 Draft Syllabus*

Transfer Guide. This guide is produced by the Board of Studies and TAFE NSW and is distributed annually to all schools and colleges. Teachers should refer to this guide and be aware of the recognition available to their students through the study of Stage 6 Legal Studies. This information can be found on the TAFE NSW website ([www.tafensw.edu.au/mchoice](http://www.tafensw.edu.au/mchoice)).

### **Recognition by other Registered Training Organisations**

Students may also negotiate recognition into a training package qualification with another Registered Training Organisation. Each student will need to provide the RTO with evidence of satisfactory achievement in Stage 6 Legal Studies so that the degree of recognition available can be determined.