

Legal Studies

Victorian Certificate of Education Study Design

COVER ARTWORK WAS SELECTED FROM THE TOP ARTS EXHIBITION. COPYRIGHT REMAINS THE PROPERTY OF THE ARTIST.



Latoya BARTON
The sunset (detail)
from a series of twenty-four
9.0 x 9.0 cm each, oil on board



Tarkan ERTURK
Visage (detail)
201.0 x 170.0 cm
synthetic polymer paint, on cotton duck



Liana RASCHILLA
Teapot from the *Crazy Alice* set
19.0 x 22.0 x 22.0 cm
earthenware, clear glaze, lustres



Nigel BROWN
Untitled physics (detail)
90.0 x 440.0 x 70.0 cm
composition board, steel, loudspeakers,
CD player, amplifier, glass



Kate WOOLLEY
Sarah (detail)
76.0 x 101.5 cm, oil on canvas



Chris ELLIS
Tranquility (detail)
35.0 x 22.5 cm
gelatin silver photograph



Christian HART
Within without (detail)
digital film, 6 minutes



Kristian LUCAS
Me, myself, I and you (detail)
56.0 x 102.0 cm
oil on canvas



Merryn ALLEN
Japanese illusions (detail)
centre back: 74.0 cm, waist (flat): 42.0 cm
polyester cotton



Ping (Irene) VINCENT
Boxes (detail)
colour photograph



James ATKINS
Light cascades (detail)
three works, 32.0 x 32.0 x 5.0 cm each
glass, fluorescent light, metal



Tim JOINER
14 seconds (detail)
digital film, 1.30 minutes



Lucy McNAMARA
Precariously (detail)
156.0 x 61.0 x 61.0 cm
painted wood, oil paint, egg shells, glue, stainless steel wire

Accredited by the Victorian Qualifications Authority
41a St Andrews Place, East Melbourne, Victoria 3002

Developed and published by the Victorian Curriculum and Assessment Authority
41 St Andrews Place, East Melbourne, Victoria 3002

This completely revised and reaccredited edition published 2005.

© Victorian Curriculum and Assessment Authority 2005

This publication is copyright. Apart from any use permitted under the *Copyright Act 1968*, no part may be reproduced by any process without prior written permission from the Victorian Curriculum and Assessment Authority.

Edited by Ruth Learner
Cover designed by Chris Waldron of BrandHouse
Desktop published by Julie Coleman

Legal Studies
ISBN 1 74010 305 X

Contents

5	Important information
7	Introduction
	Rationale
	Aims
8	Structure
	Entry
	Duration
	Changes to the study design
	Monitoring for quality
	Safety
9	Use of information and communications technology
	Key competencies and employability skills
	Legislative compliance
10	Assessment and reporting
	Satisfactory completion
	Authentication
	Levels of achievement
12	Unit 1: Criminal law and justice
	Areas of study and Outcomes
14	Assessment
15	Unit 2: Civil law and the law in focus
	Areas of study and Outcomes
18	Assessment
19	Unit 3: Law-making
	Areas of study and Outcomes
22	Assessment
24	Unit 4: Dispute resolution
	Areas of study and Outcomes
26	Assessment
29	Advice for teachers
	Developing a course
31	Use of information and communications technology
32	Key competencies and employability skills
	Learning activities
45	School-assessed coursework
46	Suitable resources

IMPORTANT INFORMATION

Accreditation period

Units 1–4: 2006–2009

The accreditation period commences on 1 January 2006.

Other sources of information

The *VCAA Bulletin* is the only official source of changes to regulations and accredited studies. The *VCAA Bulletin*, including supplements, also regularly includes advice on VCE studies. It is the responsibility of each VCE teacher to refer to each issue of the *VCAA Bulletin*. The *VCAA Bulletin* is sent in hard copy to all VCE providers. It is available on the Victorian Curriculum and Assessment Authority's website at www.vcaa.vic.edu.au

To assist teachers in assessing school-assessed coursework in Units 3 and 4, the Victorian Curriculum and Assessment Authority publishes an assessment handbook that includes advice on the assessment tasks and performance descriptors for assessment.

The current year's *VCE and VCAL Administrative Handbook* contains essential information on assessment and other procedures.

VCE providers

Throughout this study design the term 'school' is intended to include both schools and other VCE providers.

Photocopying

VCE schools only may photocopy parts of this study design for use by teachers.

Introduction

RATIONALE

Legal Studies provides students with an analytical evaluation of the processes of law-making and the methods of dispute resolution. Students are able to develop an understanding of the impact our legal system has upon the lives of citizens and the implications of legal decisions on the Australian society. This study will also assist in the development of the students' knowledge of their basic legal rights and responsibilities.

The course provides an insight into the legal heritage which has shaped, and continues to shape, the development of Australian society. Students are encouraged to examine the dynamic nature of our law-making institutions and procedures, and explore how our legal system endeavours to be all inclusive, thus enabling our law to reflect the changing values of our society.

Students are encouraged to analyse the traditional and contemporary workings of the Australian legal system. By comparing elements of this system with international structures and procedures, students are able to gain an appreciation of the Australian system and its capacity to achieve and maintain social cohesion.

Skills, as well as knowledge, play an important part in the study of Legal Studies. In particular, students develop an ability to identify, collect and process data from a range of sources; use the inquiry process to develop legal reasoning; apply legal reasoning to real or hypothetical cases and develop informed opinions.

AIMS

This study is designed to enable students to:

- understand and use legal concepts, principles and terminology;
- analyse the processes and procedures involved in law-making and dispute resolution;
- understand how the Australian legal system operates and make comparisons with international processes and procedures;
- develop an understanding of the various factors which influence specific legal outcomes;
- explore the implications of legal decisions made during law-making and dispute resolution;

- investigate the complex nature of a changing society and the need for reform to create and maintain effective law;
- develop a critical perspective on current local, national and international legal issues;
- use effective methods of inquiry to evaluate law-making and dispute resolution procedures;
- develop a capacity to use information, knowledge and ideas to explore solutions to legal problems and issues which challenge the legal system.

STRUCTURE

The study is made up of four units. Each unit deals with specific content and is designed to enable students to achieve a set of outcomes. Each outcome is described in terms of key knowledge and skills.

ENTRY

There are no prerequisites for entry to Units 1, 2 and 3. Students must undertake Unit 3 prior to undertaking Unit 4. Units 1 to 4 are designed to a standard equivalent to the final two years of secondary education. All VCE studies are benchmarked against comparable national and international curriculum.

DURATION

Each unit involves at least 50 hours of scheduled classroom instruction.

CHANGES TO THE STUDY DESIGN

During its period of accreditation minor changes to the study will be notified in the *VCAA Bulletin*. The *VCAA Bulletin* is the only source of changes to regulations and accredited studies and it is the responsibility of each VCE teacher to monitor changes or advice about VCE studies published in the *VCAA Bulletin*.

MONITORING FOR QUALITY

As part of ongoing monitoring and quality assurance, the Victorian Curriculum and Assessment Authority will periodically undertake an audit of Legal Studies to ensure the study is being taught and assessed as accredited. The details of the audit procedures and requirements are published annually in the *VCE and VCAL Administrative Handbook*. Schools will be notified during the teaching year of schools and studies to be audited and the required material for submission.

SAFETY

It is the responsibility of the school to ensure that duty of care is exercised in relation to the health and safety of all students undertaking the study.

USE OF INFORMATION AND COMMUNICATIONS TECHNOLOGY

In designing courses for this study teachers should incorporate information and communications technology where appropriate and applicable to the teaching and learning activities. The Advice for Teachers section provides specific examples of how information and communications technology can be used in this study.

KEY COMPETENCIES AND EMPLOYABILITY SKILLS

This study offers a number of opportunities for students to develop key competencies and employability skills. The Advice for Teachers section provides specific examples of how students can demonstrate key competencies during learning activities and assessment tasks.

LEGISLATIVE COMPLIANCE

When collecting and using information, the provisions of privacy and copyright legislation, such as the Victorian *Information Privacy Act 2000* and *Health Records Act 2001*, and the federal *Privacy Act 1988* and *Copyright Act 1968* must be met.

Assessment and reporting

SATISFACTORY COMPLETION

The award of satisfactory completion for a unit is based on a decision that the student has demonstrated achievement of the set of outcomes specified for the unit. This decision will be based on the teacher's assessment of the student's performance on assessment tasks designated for the unit. Designated assessment tasks are provided in the details for each unit. The Victorian Curriculum and Assessment Authority publishes an assessment handbook that includes advice on the assessment tasks and performance descriptors for assessment for Units 3 and 4.

Teachers must develop courses that provide opportunities for students to demonstrate achievement of outcomes. Examples of learning activities are provided in the Advice for Teachers section.

Schools will report a result for each unit to the Victorian Curriculum and Assessment Authority as S (Satisfactory) or N (Not Satisfactory).

Completion of a unit will be reported on the Statement of Results issued by the Victorian Curriculum and Assessment Authority as S (Satisfactory) or N (Not Satisfactory). Schools may report additional information on levels of achievement.

AUTHENTICATION

Work related to the outcomes will be accepted only if the teacher can attest that, to the best of their knowledge, all unacknowledged work is the student's own. Teachers need to refer to the current year's *VCE and VCAL Administrative Handbook* for authentication procedures.

LEVELS OF ACHIEVEMENT

Units 1 and 2

Procedures for the assessment of levels of achievement in Units 1 and 2 are a matter for school decision. Assessment of levels of achievement for these units will not be reported to the Victorian Curriculum and Assessment Authority. Schools may choose to report levels of achievement using grades, descriptive statements or other indicators.

Units 3 and 4

The Victorian Curriculum and Assessment Authority will supervise the assessment of all students undertaking Units 3 and 4.

In Legal Studies the student's level of achievement will be determined by school-assessed coursework and an end-of-year examination. The Victorian Curriculum and Assessment Authority will report the student's level of performance on each assessment component as a grade from A+ to E or UG (ungraded). To receive a study score, students must achieve two or more graded assessments and receive S for both Units 3 and 4. The study score is reported on a scale of 0–50. It is a measure of how well the student performed in relation to all others who took the study. Teachers should refer to the current year's *VCE and VCAL Administrative Handbook* for details on graded assessment and calculation of the study score. Percentage contributions to the study score in Legal Studies are as follows:

- Unit 3 school-assessed coursework: 25 per cent
- Unit 4 school-assessed coursework: 25 per cent
- End-of-year examination: 50 per cent

Details of the assessment program are described in the sections on Units 3 and 4 in this study design.

Unit 1: Criminal law and justice

This unit explores the distinction between legal and non-legal rules, the Victorian court hierarchy, and the process of making laws through Parliament. It focuses on the role of police, their powers of investigation, the procedures of a criminal trial and an examination of possible sanctions that are available to the criminal courts. In addition, students explore the concepts of fairness and justice within the criminal justice system.

AREA OF STUDY 1

Criminal law

This area of study focuses on an investigation of the importance of criminal law and the nature of criminal liability. Students examine the role of the police in a criminal investigation and explore the procedures of a criminal trial. Students will also explore the objectives of criminal sanctions, the effectiveness of such penalties and the fairness of the criminal justice system.

Outcome 1

On completion of this unit the student should be able to explain the principles of criminal law and apply them to one or more cases to justify a decision.

To achieve this outcome the student will draw on knowledge and related skills outlined in area of study 1.

Key knowledge

This knowledge includes

- the difference between legal and non-legal rules;
- the distinction between criminal and civil law;
- an introduction to law-making through Parliament and subordinate authorities;
- the need for criminal laws and the characteristics of an effective law;
- the general principles of criminal liability;
- types of crime and related defences;
- rights and responsibilities within the criminal investigation process;
- possible sanctions under criminal law and an evaluation of their effectiveness;
- the effects of criminal acts on individuals and the community.

Key skills

These skills include the ability to

- define key legal concepts and use them appropriately;
- describe aspects of current law-making processes and procedures;
- recognise and classify types of crime;
- apply legal theory to relevant criminal cases;
- discuss, interpret and analyse legal information and data;
- gather relevant data in relation to selected legal issues in Australia using a range of sources, including print and electronic materials to acquire legal information.

AREA OF STUDY 2

The courtroom

This area of study focuses on the Victorian court hierarchy, its personnel and the adversary system of trial. Students investigate the role of the jury in criminal trials as it operates in the criminal justice system. This area of study also explores some of the difficulties faced by people in gaining access to the legal system.

Outcome 2

On completion of this unit the student should be able to evaluate the processes for the resolution of criminal disputes and analyse the capacity of these processes to achieve justice.

To achieve this outcome the student will draw on knowledge and related skills outlined in area of study 2.

Key knowledge

This knowledge includes

- reasons for a formal court hierarchy;
- purpose and criminal jurisdiction of the courts in the Victorian court hierarchy;
- procedures of the criminal trial;
- features of the adversary system of trial;
- court personnel and their role;
- the role of the jury system in criminal cases;
- difficulties faced by individuals in gaining legal advice and representation.

Key skills

These skills include the ability to

- define key legal concepts and use them appropriately;
- discuss, interpret and analyse legal information and data;
- evaluate the effectiveness of courtroom procedures;
- gather relevant data in relation to selected legal issues in Australia using a range of sources, including print and electronic materials to acquire legal information.

ASSESSMENT

The award of satisfactory completion for a unit is based on a decision that the student has demonstrated achievement of the set of outcomes specified for the unit. This decision will be based on the teacher's assessment of the student's overall performance on assessment tasks designated for the unit.

The key knowledge and skills listed for each outcome should be used as a guide to course design and the development of learning activities. The key knowledge and skills do not constitute a checklist and such an approach is not necessary or desirable for determining the achievement of outcomes. The elements of key knowledge and skills should not be assessed separately.

Assessment tasks must be a part of the regular teaching and learning program and must not unduly add to the workload associated with that program. They must be completed mainly in class and within a limited timeframe. Teachers should select a variety of assessment tasks for their assessment program to reflect the key knowledge and skills being assessed and to provide for different learning styles.

For this unit students are required to demonstrate achievement of two outcomes. As a set these outcomes encompass both areas of study.

Demonstration of achievement of Outcomes 1 and 2 must be based on the student's performance on a selection of assessment tasks. Where teachers allow students to choose between tasks they must ensure that the tasks they set are of comparable scope and demand. Assessment tasks for this unit are:

- structured assignment;
- essay;
- mock court or role-play;
- folio and report;
- case study;
- test;
- annotated visual display;
- report (written, visual, oral and multimedia).

Unit 2: Civil law and the law in focus

This unit focuses on the effective resolution of civil disputes. It looks at the processes and procedures involved in civil litigation and the possible defences to civil claims within our legal system available to enforce the civil rights of our citizens. As well as the judicial procedure to resolve civil disputes, the unit also investigates the alternative avenues of dispute resolution and their effectiveness. This unit provides students with the opportunity to explore a specific areas of law and to analyse contemporary legal issues.

AREA OF STUDY 1

Civil disputes

This area of study focuses on an investigation of the enforcement of civil rights and a comparison with the criminal process of trial. A study of the basic principles of contract and tort law will enable students to effectively evaluate civil processes and the way in which they protect the rights of the individual.

Outcome 1

On completion of this unit the student should be able to explain the principles of civil law and be able to apply them to one or more real or hypothetical cases to justify a decision.

To achieve this outcome the student will draw on knowledge and related skills outlined in area of study 1.

Key knowledge

This knowledge includes

- the need for civil laws;
- differences between civil and criminal law;
- the role of a formal court hierarchy in civil disputes;
- law-making through the courts;
- the definition of civil law and the way it protects the rights of the individual;
- tort law and related defences;
- contract law and related defences.

Key skills

These skills include the ability to

- define key legal concepts and use them appropriately;
- describe aspects of current law-making processes and procedures;
- recognise and classify types of civil disputes;
- discuss, interpret and analyse legal information and data;
- apply legal theory to relevant cases;
- gather relevant data in relation to selected legal issues in Australia using a range of sources, including print and electronic materials to acquire legal information.

AREA OF STUDY 2

Civil law in action

This area of study focuses on civil procedures and the role of the jury in civil dispute resolution. It also compares alternative methods of dispute resolution with litigation as the means of enforcing civil rights.

Outcome 2

On completion of this unit the student should be able to evaluate the processes for the resolution of civil disputes and analyse the capacity of these processes to achieve justice.

To achieve this outcome the student will draw on knowledge and related skills outlined in area of study 2.

Key knowledge

This knowledge includes

- pretrial and trial procedures used in civil cases;
- role of the jury system in a civil case;
- alternative methods of dispute resolution: negotiation, mediation, conciliation, arbitration;
- the role of tribunals;
- civil remedies and their objectives;
- difficulties faced when attempting to exercise civil rights in the legal system.

Key skills

These skills include the ability to

- define key legal concepts and use them appropriately;
- describe aspects of current dispute resolution processes and procedures;
- recognise and classify types of legal institutions;
- discuss, interpret and analyse legal information and data;
- apply legal theory to relevant cases;
- gather relevant data in relation to selected legal issues in Australia using a range of sources, including print and electronic materials to acquire legal information.

AREA OF STUDY 3

The law in focus

This area of study focuses on an examination of one or more specific areas of law. This incorporates an investigation into the function of laws and the processes involved in changing these laws. Students will be able to effectively explore recent changes in the law and the implications for society.

Areas of law

One or more area/s of law should be selected from the following list:

- environmental and neighbourhood relationships;
- families and the law such as the law relating to marriage, divorce and domestic relationships;
- legal issues in technology such as surrogacy, reproductive or medical technologies, euthanasia, computer fraud or the Internet;
- human rights such as the law relating to equal opportunity, immigration and indigenous Australians;
- sports and the law;
- rights and responsibilities such as the law relating to consumers, road users or tenancy;
- wills and inheritance;
- young people and the law.

Outcome 3

On completion of this unit the student should be able to analyse contemporary Australian law and assess its ability to reconcile and reflect conflicting attitudes in order to meet the needs of Australian society and contribute to social cohesion.

To achieve this outcome the student will draw on knowledge and related skills outlined in area of study 3.

Key knowledge

This knowledge includes

- the particular laws which govern the area/s to be explored;
- the purpose of particular laws and the extent to which these purposes are fulfilled;
- conflicting attitudes towards the law/s being explored;
- the roles of individuals and groups in influencing changes in the laws in these area/s;
- the capacity of the law to deal with change;
- recent changes in the law in these area/s.

Key skills

These skills include the ability to

- define key legal concepts and use them appropriately;
- develop a judgment by comparing data against criteria;
- analyse conflicting arguments relating to the same issue;
- discuss, interpret and analyse legal information and data;
- apply legal theory to relevant cases;
- gather relevant and current data in relation to selected legal issues in Australia using a range of sources, including print and electronic materials to acquire legal information.

ASSESSMENT

The award of satisfactory completion for a unit is based on a decision that the student has demonstrated achievement of the set of outcomes specified for the unit. This decision will be based on the teacher's assessment of the student's overall performance on assessment tasks designated for the unit.

The key knowledge and skills listed for each outcome should be used as a guide to course design and the development of learning activities. The key knowledge and skills do not constitute a checklist and such an approach is not necessary or desirable for determining the achievement of outcomes. The elements of key knowledge and skills should not be assessed separately.

Assessment tasks must be a part of the regular teaching and learning program and must not unduly add to the workload associated with that program. They must be completed mainly in class and within a limited timeframe. Teachers should select a variety of assessment tasks for their assessment program to reflect the key knowledge and skills being assessed and to provide for different learning styles.

For this unit students are required to demonstrate achievement of three outcomes. As a set these outcomes encompass all areas of study.

Demonstration of achievement of Outcomes 1, 2 and 3 must be based on the student's performance on a selection of assessment tasks. Where teachers allow students to choose between tasks they must ensure that the tasks they set are of comparable scope and demand. Assessment tasks for this unit are:

- structured assignment;
- essay;
- mock court or role-play;
- folio and report;
- case study;
- test;
- annotated visual display;
- report (written, visual, oral and multimedia).

Unit 3: Law-making

The purpose of this unit is to enable students to develop an understanding of the institutions that determine laws and the processes by which laws are made. It considers reasons why laws are necessary and the impact of the Commonwealth Constitution on the operation of the legal system. Students undertake an evaluation of the strengths and weaknesses of the law-making bodies and the processes used to influence change and reform.

AREA OF STUDY 1

Parliament and the citizen

This area of study focuses on the principles of the Australian parliamentary system and the passage of a bill through Parliament. Students evaluate the overall effectiveness of law-making by Parliament. An investigation of how and why laws change provides students with an insight into the flexibility of the Australian law-making institutions.

Outcome 1

On completion of this unit the student should be able to describe the role and effectiveness of Parliament as a law-making body, evaluate the need for change in the law and analyse the ways in which change can be influenced.

To achieve this outcome the student will draw on knowledge and related skills outlined in area of study 1.

Key knowledge

This knowledge includes

- the principles of the Australian parliamentary system: representative government, responsible government, the principle of separation of power, the structure of State and Commonwealth Parliaments and the roles played by the Crown and the Houses of Parliament;
- the legislative process outlining the progress of a bill through Parliament;
- reasons laws may need to change, using examples to illustrate;
- the role played by a formal law reform body in assessing the need for change; for example, the role of:
 - Australian Law Reform Commission
 - a parliamentary committee

- Victorian Law Reform Commission
- a government inquiry
- a Royal Commission;
- the means by which individuals and groups participate in influencing change in the law;
- the strengths and weaknesses of law-making through Parliament.

Key skills

These skills include the ability to

- define key legal concepts and use them appropriately;
- compare aspects of legal theory to current practices;
- discuss, interpret and analyse legal information and data;
- evaluate the strengths and weaknesses of relevant legal processes and procedures;
- gather relevant data in relation to selected legal issues in Australia using a range of sources, including print and electronic materials to acquire legal information.

AREA OF STUDY 2

Constitution and the protection of rights

This area of study enables students to investigate the role of the Commonwealth Constitution in establishing and restricting the jurisdiction of the law-making powers of Parliament. Students also analyse the methods used to change the Constitution and explain the significance of such changes. An exploration of the importance of the Constitution in protecting democratic and human rights will enable students to develop an awareness of the rights and responsibilities of Australian citizens.

Outcome 2

On completion of this unit the student should be able to explain the role of the Commonwealth Constitution in defining law-making powers within a federal structure, and evaluate the effectiveness of the Commonwealth Constitution in protecting democratic and human rights.

To achieve this outcome the student will draw on knowledge and related skills outlined in area of study 2.

Key knowledge

This knowledge includes

- the division of power between State and Commonwealth Parliaments under the Commonwealth Constitution: explanation and examples of specific, concurrent, exclusive, residual powers and the impact of Section 109;
- restrictions imposed by the Commonwealth Constitution on the law-making powers of the State and Commonwealth Parliaments;
- the process and impact of change by referendum under Section 128 of the Commonwealth Constitution;
- the significance of High Court cases that interpret the Commonwealth Constitution and their impact on the law-making powers of the State and Commonwealth Parliaments;
- the protection of democratic and human rights by the Commonwealth Constitution;
- a comparison with the approach adopted for the constitutional protection of democratic and human rights in one of the following countries: United Kingdom, United States of America, Canada, New Zealand or South Africa.

Key skills

These skills include the ability to

- define key legal concepts and use them appropriately;
- evaluate perspectives on relevant legal concepts and issues;
- interpret key legal documents and comment on their significance;
- discuss, interpret and analyse legal information and data;
- gather relevant data in relation to selected legal issues in Australia using a range of sources, including print and electronic materials to acquire legal information.

AREA OF STUDY 3

Role of the courts

This area of study focuses on developing an appreciation of the role played by the courts in law-making. By developing an awareness of the reasons for the interpretation of statutes by the courts and the effect of interpretation by judges, students will be able to evaluate the effectiveness of courts as a law-maker.

Outcome 3

On completion of this unit the student should be able to describe the role and evaluate the effectiveness of the courts in law-making and their relationship with Parliament.

To achieve this outcome the student will draw on knowledge and related skills outlined in area of study 3.

Key knowledge

This knowledge includes

- the operation of the doctrine of precedent and the ability of judges to make law;
- statutory interpretation and the reasons for the interpretation of statutes;
- the effect of interpretation by judges;
- the strengths and weaknesses of law-making through the courts;
- the relationship between the courts and Parliament in law-making.

Key skills

These skills include the ability to

- define key legal concepts and use them appropriately;
- discuss, interpret and analyse legal information and data;
- evaluate aspects of current law-making processes and procedures;
- gather relevant data in relation to selected legal issues in Australia using a range of sources, including print and electronic materials to acquire legal information.

ASSESSMENT

The award of satisfactory completion for a unit is based on a decision that the student has demonstrated achievement of the set of outcomes specified for the unit. This decision will be based on the teacher's assessment of the student's overall performance on assessment tasks designated for the unit. The Victorian Curriculum and Assessment Authority publishes an assessment handbook that includes advice on the assessment tasks and performance descriptors for assessment.

The key knowledge and skills listed for each outcome should be used as a guide to course design and the development of learning activities. The key knowledge and skills do not constitute a checklist and such an approach is not necessary or desirable for determining the achievement of outcomes. The elements of key knowledge and skills should not be assessed separately.

Assessment of levels of achievement

The student's level of achievement in Unit 3 will be determined by school-assessed coursework and an end-of-year examination.

Contribution to final assessment

School-assessed coursework for Unit 3 will contribute 25 per cent to the study score.

The level of achievement for Units 3 and 4 is also assessed by an end-of-year examination, which will contribute 50 per cent to the study score.

School-assessed coursework

Teachers will provide to the Victorian Curriculum and Assessment Authority a score representing an assessment of the student's level of achievement.

The score must be based on the teacher's rating of performance of each student on the tasks set out in the following table and in accordance with an assessment handbook published by the Victorian Curriculum and Assessment Authority. The assessment handbook also includes advice on the assessment tasks and performance descriptors for assessment.

Assessment tasks must be a part of the regular teaching and learning program and must not unduly add to the workload associated with that program. They must be completed mainly in class and within a limited timeframe. Where optional assessment tasks are used, teachers must ensure that they are comparable in scope and demand. Teachers should select a variety of assessment tasks for their program to reflect the key knowledge and skills being assessed and to provide for different learning styles.

Outcomes	Marks allocated*	Assessment tasks
<p>Outcome 1 Describe the role and effectiveness of Parliament as a law-making body, evaluate the need for change in the law and analyse the ways in which change can be influenced.</p>	30	<p>The student's performance on each outcome should be assessed using one or more of the following formats:</p> <ul style="list-style-type: none"> • a case study • structured questions • a test • an essay • a report in written format • a report in multimedia format • a folio of exercises.
<p>Outcome 2 Explain the role of the Commonwealth Constitution in defining law-making powers within a federal structure, and evaluate the effectiveness of the Commonwealth Constitution in protecting democratic and human rights.</p>	40	
<p>Outcome 3 Describe the role and evaluate the effectiveness of the courts in law-making and their relationship with Parliament.</p>	30	
Total marks	100	

*School-assessed coursework for Unit 3 contributes 25 per cent to the study score.

Unit 4: Dispute resolution

This unit explores the function and jurisdiction of the courts, tribunals and alternative avenues of dispute resolution with a view to comparing and evaluating the operation of the various dispute resolution methods. Students develop an understanding of criminal and civil pre-trial and trial processes and procedures which operate within the Victorian legal system. The current operation of the jury system in criminal and civil trials will be examined and students will also review the operation of the adversary system, giving consideration to its strengths and weaknesses. Students will compare features of the adversary and inquisitorial systems of dispute resolution. In this unit students evaluate the effective operation of the Victorian legal system and make recommendations for possible improvement and reform.

AREA OF STUDY 1

Criminal cases and civil disputes

This area of study focuses on the varying jurisdictions and functions of courts in the State and Federal court hierarchy. Students investigate the functions and jurisdiction of tribunals and alternative methods of dispute resolution. Students then compare and evaluate the operation of the various dispute resolution methods.

Outcome 1

On completion of this unit the student should be able to describe and evaluate the effectiveness of institutions for the resolution of civil disputes and the adjudication of criminal cases and of alternative dispute resolution methods.

To achieve this outcome the student will draw on knowledge and related skills outlined in area of study 1.

Key knowledge

This knowledge includes

- the reasons for the existence for the court hierarchy;
- the functions and original and appellate jurisdiction of the following courts: Magistrate's Court, County Court, Supreme Court, High Court, Children's Court, Coroner's Court, Family Court;
- alternative methods of dispute resolution: negotiation, mediation, conciliation, arbitration;
- the effectiveness of the alternative dispute resolution methods;

- the reasons for the existence of tribunals;
- the jurisdictions of the Victorian Civil and Administrative Tribunal (VCAT) lists dealing with the following areas: anti-discrimination, residential tenancies and disputes between consumers and traders in relation to small claims;
- the strengths and weaknesses of the operation of the courts, tribunals and alternative methods of dispute resolution.

Key skills

These skills include the ability to

- define key legal concepts and use them appropriately;
- discuss, interpret and analyse legal information and data;
- evaluate the strengths and weaknesses of legal processes and procedures;
- compare different dispute resolution practices.

AREA OF STUDY 2

Court processes and procedures

This area of study focuses on the elements of an effective legal system. An investigation into criminal and civil pre-trial and trial procedures further develops the students' understanding of dispute resolution. Students also evaluate the operation of the jury and explore reforms and alternatives to the jury system. They also study the strengths and weaknesses of criminal and civil procedures and possible solutions. Students examine and evaluate the major features of the adversary and inquisitorial systems of trial. A comparison between these two systems will enable students to propose improvements applicable to the current adversary method of trial.

Outcome 2

On completion of this unit the student should be able to explain the elements of an effective legal system, and evaluate the processes and procedures for the resolution of criminal cases and civil disputes and discuss their effectiveness.

To achieve this outcome the student will draw on knowledge and related skills outlined in area of study 2.

Key knowledge

This knowledge includes

- the elements of an effective legal system: entitlement to a fair and unbiased hearing, effective access to mechanisms for the resolution of disputes, timely resolution of disputes and the recognition of prevailing values and basic human rights;
- criminal pre-trial procedures, including examples of police powers and the rights of individuals, bail and remand, committal and directions hearings;
- criminal trial procedures including burden of proof and the purpose of sanctions (including examples of sanctions);
- Supreme Court civil pre-trial procedures including letter of demand, writ, pleadings, discovery and directions hearings;
- civil trial procedures including burden of proof and the purpose of remedies (including examples);

- the problems in criminal and civil procedures and the purpose of possible solutions;
- major features of the adversary system of trial including the role of the parties, the role of the judge, the need for the rules of evidence and procedure, standard and burden of proof and the need for legal representation;
- strengths and weaknesses of the adversary system of trial;
- features of the inquisitorial system of trial and a comparison with the adversary system of trial;
- possible improvements to the adversary trial;
- the operation of the jury system;
- advantages and disadvantages of the jury system;
- reforms and alternatives to the jury system;
- problems and difficulties faced by individuals in gaining access to the law;
- recent changes in the operation of the legal system to enhance the effective operation of the legal system;
- recommendations for further change in the operation of the legal system to enhance the effective operation of the legal system.

Key skills

These skills include the ability to

- define key legal concepts and use them appropriately;
- discuss, interpret and analyse legal information and data;
- evaluate the strengths and weaknesses of relevant legal processes and procedures;
- identify the relationship between relevant legal processes;
- evaluate the contribution of aspects of current dispute resolution processes and procedures to the effectiveness of the legal system;
- gather relevant data in relation to selected legal issues using a range of sources, including print and electronic materials to acquire legal information.

ASSESSMENT

The award of satisfactory completion for a unit is based on a decision that the student has demonstrated achievement of the set of outcomes specified for the unit. This decision will be based on the teacher's assessment of the student's overall performance on assessment tasks designated for the unit. The Victorian Curriculum and Assessment Authority publishes an assessment handbook that includes advice on the assessment tasks and performance descriptors for assessment.

The key knowledge and skills listed for each outcome should be used as a guide to course design and the development of learning activities. The key knowledge and skills do not constitute a checklist and such an approach is not necessary or desirable for determining the achievement of outcomes. The elements of key knowledge and skills should not be assessed separately.

Assessment of levels of achievement

The student's level of achievement for Unit 4 will be determined by school-assessed coursework and an end-of-year examination.

Contribution to final assessment

School-assessed coursework for Unit 4 will contribute 25 per cent to the study score.

The level of achievement for Units 3 and 4 is also assessed by an end-of-year examination, which will contribute 50 per cent to the study score.

School-assessed coursework

Teachers will provide to the Victorian Curriculum and Assessment Authority a score representing an assessment of the student's level of achievement.

The score must be based on the teacher's rating of performance of each student on the tasks set out in the following table and in accordance with an assessment handbook published by the Victorian Curriculum and Assessment Authority. The assessment handbook also includes advice on the assessment tasks and performance descriptors for assessment.

Assessment tasks must be a part of the regular teaching and learning program and must not unduly add to the workload associated with that program. They must be completed mainly in class and within a limited timeframe. Where optional assessment tasks are used, teachers must ensure that they are comparable in scope and demand. Teachers should select a variety of assessment tasks for their program to reflect the key knowledge and skills being assessed and to provide for different learning styles.

Outcomes	Marks allocated*	Assessment tasks
<p>Outcome 1 Describe and evaluate the effectiveness of institutions for the resolution of civil disputes and the adjudication of criminal cases and of alternative dispute resolution methods.</p>	40	<p>The student's performance on each outcome should be assessed using one or more of the following formats:</p> <ul style="list-style-type: none"> • a case study • structured questions
<p>Outcome 2 Explain the elements of an effective legal system, and evaluate the processes and procedures for the resolution of criminal cases and civil disputes and discuss their effectiveness.</p>	60	<ul style="list-style-type: none"> • a test • an essay • a report in written format • a report in multimedia format • a folio of exercises.
Total marks	100	

*School-assessed coursework for Unit 4 contributes 25 per cent to the study score.

End-of-year examination**Description**

All outcomes in Units 3 and 4 will be examined.

All of the key knowledge and skills that underpin the outcomes in Units 3 and 4 are examinable.

The examination will be set by a panel appointed by the Victorian Curriculum and Assessment Authority.

Conditions

The examination will be completed under the following conditions:

- Duration: two hours.
- Date: end-of-year, on a date to be published annually by the Victorian Curriculum and Assessment Authority.
- Victorian Curriculum and Assessment Authority examination rules will apply. Details of these rules are published annually in the *VCE and VCAL Administrative Handbook*.
- The examination will be marked by a panel appointed by the Victorian Curriculum and Assessment Authority.

Contribution to final assessment

The examination will contribute 50 per cent to the study score.

Advice for teachers

DEVELOPING A COURSE

A course outlines the nature and sequence of teaching and learning necessary for students to demonstrate achievement of the set of outcomes for a unit. The areas of study broadly describe the learning context and the knowledge required for the demonstration of each outcome. Outcomes are introduced by summary statements and are followed by the key knowledge and skills which relate to the outcomes.

Teachers must develop courses that include appropriate learning activities to enable students to develop the knowledge and skills identified in the outcome statements in each unit.

For Units 1 and 2, teachers must select assessment tasks from the list provided. Tasks should provide a variety and the mix of tasks should reflect the fact that different types of tasks suit different knowledge and skills and different learning styles. Tasks do not have to be lengthy to make a decision about student demonstration of achievement of an outcome.

In Units 3 and 4, assessment is more structured. For some outcomes, or aspects of an outcome, the assessment tasks are prescribed. The contribution that each outcome makes to the total score for school-assessed coursework is also stipulated.

Unit 1

In Unit 1, the study could be divided up into approximately 10 weeks for Outcome 1 Criminal law and 8 weeks for Outcome 2 The courtroom. This unit provides students with an introduction to what constitutes a law, the key differences between criminal and civil law and how laws are made through Parliament and subordinate authorities. Students are also introduced to the role and jurisdictions of the various courts.

The content of this unit can be supported through the use of various excursions, including field trips to Parliament, the courts and prisons. These institutions have school liaison programs which are available to support teachers in the organisation of such excursions. For further details see Websites and Organisations in the Resources section.

The use of news articles and other media is also a valuable way for students to relate to legal theory. Comparisons of court procedure and television/film dramatisations can be engaging for students. The study of hypothetical and real cases may help the students understand the topics covered in this unit. Applying these cases in a mock trial is an excellent way for the students to develop a practical understanding of legal procedures. Providing students with the opportunity to follow a case from the commission of the crime, through the pre-trial and trial procedures may aid some students in their ability to understand the processes and procedures of criminal law as they build on pre-established knowledge.

Unit 2

In Unit 2, the study could be divided up into approximately 7 weeks for Outcome 1 Civil disputes, 6 weeks for Outcome 2 Civil law in action and 5 weeks for Outcome 3 The law in focus. This unit focuses on the study of civil law and also provides the opportunity to focus on one other areas of law as selected from the list provided.

The use of news articles and other media is a valuable way of helping students understand the legal theory related to the topic of civil law. Timelines and annotated visual displays may help students to grasp the concept of precedent and court made law as well as understanding relevant cases. Again comparisons of real court procedure and television/film drama can be enlightening and supportive for students as they work through the unit.

The use of mock trials prepared and executed by the students can also be an excellent way of engaging the students in this topic. The use of group work, class presentations, and student made handouts may also provide the students with an opportunity to focus on a smaller part of the unit in more detail and learn of related areas of civil law through peer-to-peer communication.

For Outcome 3 teachers should select one of the options from the list provided, which reflect the interests and abilities of the students as well as the resources available. The topic selected needs to be taught in relation to the key knowledge and skills as listed in the study design. The topic selected may lend itself to the study of a current legal issue which could be followed or traced back through the media, providing students the opportunity to conduct independent research.

Unit 3 and Unit 4

In Unit 3, the study could be divided up into approximately 4 weeks for Outcome 1 Parliament and the individual, 6 weeks for Outcome 2 Constitution and the protection of rights and 5 weeks for Outcome 3 Role of the courts. This unit focuses on the processes of law-making through Parliament and the courts.

In Unit 4, the study could be divided up into approximately 5 weeks for Outcome 1 Criminal cases and civil disputes and 10 weeks for Outcome 2 Court processes and procedures. This unit focuses on the function and jurisdiction of the courts and tribunals and the processes and procedures involved in dispute resolution.

Throughout Units 3 and 4, teachers need to ensure students are developing their ability to explain, and analyse the content covered. The use of lists and dot points in the revision process is a valuable learning tool; however, students need to develop these points further into coherent and substantiated explanations. Access to news articles and related media can help to support the students understanding of a variety of issues related to these units and provide examples which demonstrate a clear understanding of the concepts.

The use of visual displays relating to the areas covered in these units may also be helpful for some students. The use of flowcharts and concept maps may assist students in learning relevant processes and in understanding the relationship between legal concepts. Again, the ability of students to further develop ordered and substantiated explanations is very important.

The use of glossaries and tables are a way in which students can organise the content covered throughout the units. Easy reference to key information and terminology may help students follow class discussion and revise fundamental elements of the course.

The use of relevant cases, bills and acts may assist students in their understanding of the theory by providing practical examples. Hypothetical and real cases may help students relate to the content being covered and further engage them with the material. This may encourage students to ask questions and contribute in class. Participation in class discussion is a valuable way for students to consolidate their understanding.

The use of film, documentaries and television are also valuable ways of engaging students and helping them further develop their understanding.

Suggested duration covering areas of study

Unit	Area of study	Duration
Unit 1	• Criminal law	10 weeks
	• The courtroom	8 weeks
Unit 2	• Civil disputes	7 weeks
	• Civil law in action	6 weeks
	• The law in focus	5 weeks
Unit 3	• Parliament and the individual	4 weeks
	• Constitution and the protection of rights	6 weeks
	• Role of the courts	5 weeks
Unit 4	• Criminal cases and civil disputes	5 weeks
	• Court processes and procedures	10 weeks

USE OF INFORMATION AND COMMUNICATIONS TECHNOLOGY

In designing courses and developing learning activities for Legal Studies, teachers should make use of applications of information and communications technology and new learning technologies, such as computer-based learning, multimedia and the World Wide Web, where appropriate and applicable to teaching and learning activities.

Information and communications technology can be integrated into the teaching and learning activities of Legal Studies in the following ways:

- The use of PowerPoint and other presentation software. Students should be encouraged to compile individual and group reports using such software. The presentation skills required to effectively deliver such presentations can be investigated throughout the course.
- Creating web pages. Students could design a web page as an assessment task. Software such as FrontPage can assist students with this task. Students could create interlinked web pages based on a given topic, incorporating text, graphics, photographs, sound and video clips. This work could be displayed on the school's intranet.
- Using Microsoft Word. Teachers and students could design hyperlinked worksheets. These sheets could be completed by other students online. Students could submit word processed reports and other projects.
- Using Publisher or similar software. Students could create pamphlets or brochures on a given topic that could be distributed to the class. Students could also create a set of topic cards which could be used for revision of work undertaken.
- Using email. Students could submit their work to their teacher through email. Students could link with other Legal Studies students via email and establish study support groups.
- Using the Internet. The opportunities that the Internet provides for research into Legal Studies topics are vast and continually developing. It is important the students are encouraged to process any information found on the Internet by checking sources for authenticity. Students should also be encouraged to use different search engines to research and cross check information gathered. Students should also be instructed on how to compile an appropriate bibliography for material found on the Internet. Teachers can design web quest investigations to focus students on the correct area

of research. A web quest is an inquiry orientated activity in which most or all of the information that learners interact with is drawn from the Internet. Web quests are designed to ensure learners use their time well, to focus on using information rather than looking for it, and to support them in their analysis, synthesis and evaluation of information.

- Using CD-ROMs. Students can access a range of CD-ROMs for research.

KEY COMPETENCIES AND EMPLOYABILITY SKILLS

Students undertaking the following types of assessment, in addition to demonstrating their understanding and mastery of the content of the study, typically demonstrate the following key competencies and employability skills.

Assessment task	Key competencies and employability skills
Structured assignment/questions	Planning and organising, (written) communication
Essay	Planning and organising, (written) communication
Mock court/role-play	Planning and organising and (oral) communication, initiatives and enterprise
Folio of exercises	Planning and organising, (written) communication, self-management
Report (written, visual, oral)	Planning and organising, (written and oral) communication
Report (multimedia)	Use of information and communications technology, self-management, planning and organising
Applied case study exercises	Problem-solving
Test	Problem-solving, planning and organising, (written) communication
Annotated visual display	Planning and organising, (written) communication

In completing work for this study, students may also demonstrate other key competencies and employability skills, such as working with others and in teams.

LEARNING ACTIVITIES

Examples of learning activities for each unit are provided in the following sections. Examples highlighted by a shaded box are explained in detail in accompanying boxes. The examples that make use of information and communications technology are identified by this icon .

Unit 1: Criminal law and justice

AREA OF STUDY 1: Criminal law

Outcome 1

Explain the principles of criminal law and apply them to one or more cases to justify a decision.

Examples of learning activities



create and justify a variety of laws to be implemented into a new community, identifying characteristics of an effective law using a PowerPoint presentation and structured questions (detailed example 1)

identify features of criminal and civil law as well as relevant terminology in a folio of current news articles

visit Parliament and produce a written report on the law-making process

invite a politician to speak and then prepare a report about the presentation



undertake individual research online and using a range of resources in order to complete a written report on types of crimes and related defences (detailed example 2)

undertake individual research and complete an analysis of cases in order to recognise and classify types of crimes and related defences write a series of short creative case scenarios which demonstrate an understanding of the different types of crimes and related defences

complete a structured assignment outlining the rights and responsibilities of individuals within the criminal investigation process

prepare a role-play and written report on police powers from two perspectives: a young person aged 15 and an adult

create and participate in a mock trial/role-play demonstrating an understanding of the procedures of a criminal trial

research the topic of home detention and conduct a debate on the introduction of home detention as an alternative to imprisonment



using web research, review a case judgment and analyse the factors applied by the judge in determining an appropriate sanction



create a multimedia presentation analysing the effects of criminal acts on individuals and the community

investigate and evaluate the effectiveness of possible sanctions; present results in a talk or a written report

Detailed example 1**MAKING LAWS FOR A NEW COMMUNITY****Scenario**

A plane carrying fifty people has drifted many miles off course in a storm. Eventually the plane crashes into a deserted island. It is not expected that a rescue crew will ever find it.

The survivors begin to set up a small village. It becomes apparent that some rules will need to be established in order for their new community to operate efficiently.

1. Students draw the island using a legend outlining its different physical features.
2. Students create six rules which island survivors will need to follow.
3. Students justify how each of their laws can be effective by relating each rule to at least two characteristics of an effective law.

A PowerPoint presentation is prepared outlining the laws and the reasons for them.

Detailed example 2**TYPES OF CRIME**

Students select a type of crime which is of particular interest to them. They then research this crime and prepare either a written report or a PowerPoint presentation incorporating the following points.

1. Relevant legislation
2. Legal definition of the crime
3. Types of evidence which may be found when dealing with these crimes
4. Defence options available
5. The court in which the case will be heard
6. Summary of a relevant case
7. Appendix material
8. Bibliography

Possible crimes:

- Murder
- Attempted murder
- Manslaughter
- Culpable driving
- Assault
- Rape
- Theft
- Robbery
- Burglary
- other as approved by the teacher

AREA OF STUDY 2: The courtroom

Outcome 2

Evaluate the processes for the resolution of criminal disputes and analyse the capacity of these processes to achieve justice.

Examples of learning activities



in groups using a range of resources, research a selected court from the Victorian Court hierarchy; individually present findings in a PowerPoint presentation and a handout

plan and write an essay outlining the features of the adversary system

describe the operation of the Magistrates, County or Supreme Courts from observations made during a court visit

watch and review a video outlining the role of the jury system in criminal cases

interpret and analyse a case to illustrate difficulties faced by individuals in gaining legal advice and representation

discuss issues raised by a guest speaker from a community support group that aims to improve access to legal advice and representation for individuals



research through the Internet and library databases and prepare a report on the current issues in legal aid availability and funding

Detailed example

COURT HIERARCHY

1. The class is divided into small groups. Each group is allocated a court from the Victorian Court hierarchy.
2. The groups investigate the different jurisdictions, personnel and other key features.
3. Students then prepare an individual PowerPoint presentation and a written handout outlining their findings.
4. These handouts can then be copied and distributed to the other class members so that all students have a complete set of notes on all Victorian courts.

Unit 2: Civil law and the law in focus

AREA OF STUDY 1: Civil disputes

Outcome 1

Explain the principles of civil law and be able to apply them to one or more real or hypothetical cases to justify a decision.

Examples of learning activities



create a word puzzle or game worksheet and answer sheet by using a given list of civil and criminal terminology

review the formal court hierarchy in relation to civil disputes, using cases (either real or hypothetical) to identify the appropriate court

complete a structured assignment on the operation of the doctrine of precedent

using cases (either real or hypothetical), apply the principles of precedent to demonstrate an understanding of law-making through the courts



through the Internet and databases, collect current articles and media documents relating to areas of tort law; outline the relevant legal concepts and possible defences in a written report

in pairs, create a poster focusing on a selected area of tort law

undertake problem-solving exercises using cases (either real or hypothetical) to explore the legal principles and defences relating to contract law

collect and analyse an example of a contract used in the community; prepare an annotated visual display highlighting key legal aspects of the contract (detailed example 1)



collect a folio of articles that include a variety of civil law infringements; summarise these articles, outlining the key elements of the different areas of law (detailed example 2)

Detailed example 1

CONTRACT ANALYSIS

1. Collect an example of a contract from the local community for homework. This can be completed using online resources or by physically collecting samples from stores. Some examples could include video store membership contracts, gym memberships and credit card/store card memberships.
2. Paste the contract onto a piece of cardboard/poster paper.
3. Annotate the contract's key legal features and/or language. These features could include signatures, dates, witnesses, fees, definitions, length of the contract, cooling off periods.
4. Complete a flowchart outlining the elements of a valid contract.

Detailed example 2

CIVIL LAW FOLIO

For this activity students will need to collect four news articles relating to different Australian civil law cases. Students must be given an appropriate amount of time, either in class or as a homework task, within which to do this. Alternatively, the teacher could provide a variety of case studies that the students could use. Use the following points to analyse each article/case study:

- a. Title of the article.
- b. Source of the article.
- c. Area of civil law relating to the article.
- d. Which court or tribunal is the case being heard in? (If it is not stated, use your knowledge of the hierarchy to suggest which court/tribunal it would be heard in.)
- e. Summarise case facts, including parties involved and facts of dispute. (75 words)
- f. Explain the relevant law and the breach that is being alleged. (100 words)
- g. Remedy granted (if applicable). (If no remedy is discussed, the student should be the judge and decide an appropriate remedy.)

AREA OF STUDY 2: Civil law in action**Outcome 2**

Evaluate the processes for the resolution of civil disputes and analyse the capacity of these processes to achieve justice.

Examples of learning activities

prepare and present a mock trial of a civil case

 using the website www.justice.vic.gov.au, work through a given case to determine a possible appropriate course of action; provide an oral report of findings

produce a fact sheet outlining the advantages and disadvantages of different alternative dispute resolution methods

investigate, through the use of cases, the range of remedies available in civil claims and evaluate their objectives

create a folio of civil cases and discuss the facts taken into consideration when determining the remedy

in small groups, brainstorm a list of possible difficulties individuals may encounter when attempting to exercise their civil rights in the legal system

 working individually, select one difficulty which may arise when attempting to exercise civil rights in the legal system; conduct further research online in order to develop a possible course of action which the individual could undertake

prepare a plan of action and report on how to solve a common legal problem;
produce the appropriate correspondence towards resolution

Detailed example**CIVIL LAW ACTION PLAN**

1. In pairs students prepare a common civil law problem in the form of a hypothetical case.
 - the two parties
 - one party and their solicitors
 - one party and any other relevant witnesses and/or experts
 - one party and any relevant support services
 - one party and any relevant adjudicating bodies.
2. Students then prepare individual summaries of the law relating to their legal problem.
3. The students take on the roles of the plaintiff and the defendant. Individually, they prepare an action plan in the form of a flow chart, relating to how they could go about resolving their dispute. They must include a variety of options depending on the response of the other party.
4. Students prepare an appropriate remedy for the civil dispute.
3. Students then put their plan into action. Each student prepares two of the following forms of correspondence between:
 - the two parties
 - one party and their solicitors
 - one party and any other relevant witnesses and/or experts
 - one party and any relevant support services
 - one party and any relevant adjudicating bodies.

AREA OF STUDY 3: The law in focus**Outcome 3**

Analyse contemporary Australian law and assess its ability to reconcile and reflect conflicting attitudes in order to meet the needs of Australian society and contribute to social cohesion.

Examples of learning activities

in groups, investigate different areas of law from the list in the study design; construct a presentation using video, multimedia or overhead projector slides and construct a test for their area of law; in turns, peer teach their area to the rest of the class, before an overall test on all of the areas is conducted, which includes the students' pre-designed questions

construct a structured assignment on the particular laws governing the area of law explored

write an article to be submitted to the local newspaper describing the role of the law in a particular area and comment on its effectiveness

prepare a report on the dilemmas for the laws in a particular area; demonstrate how the law must accommodate a range of views and differing values of contemporary society

undertake an investigation on a current issue relating to an area of law; outline the issue, function, purpose and main provisions of the law

write an essay evaluating the effectiveness of particular laws in fulfilling their purpose

undertake a class survey on a particular area of law to determine the views of students; based on these results, create a proposal for a new law or a letter in support of an existing law



create a website for your area of law that has a broad target audience

Detailed example

AREA OF LAW WEBSITE

Students prepare a plan for a website on a chosen area of law. They address the following:

1. What questions about this area of law would an individual using this website want answered?
2. Explain why the Internet would be an effective means to communicate this information.
3. Design a website to inform individuals in the community about the area of law selected.

The design should include;

- a. A colour diagram illustrating drafts of each web page and showing links between the pages.
- b. Text to be included for each page.
- c. Identify email contacts and hyperlinks that provide further information.

Unit 3: Law-making

AREA OF STUDY 1: Parliament and the citizen

Outcome 1

Describe the role and effectiveness of Parliament as a law-making body, evaluate the need for change in the law and analyse the ways in which change can be influenced.

Examples of learning activities

begin a glossary of key terms to be used throughout the unit

 collect examples online and in news media of circumstances where it is claimed that Members of Parliament did or did not act representatively and/or responsibly

visit Victorian Parliament and complete a written report on the law-making process

 use the Parliament homepages on the Internet to prepare a report on the role of Parliament

identify laws at a Commonwealth and State level, illustrating the legislative process with diagrams

present a role-play of the passing of a bill

explore the characteristics of effective laws with reference to changes in law over time and the differences in laws in other cultures

collect news articles discussing proposed or recent changes to the law and suggest reasons why the law needs/needed to be changed

 research online and consider the role of a formal law reform body in changing the law

examine the action of individuals and pressure groups to bring about a change in the law (this may include a brief case scenario)

examine examples of courts acting to bring about a change in the law; cases could include the Daniel Valerio case and the introduction of mandatory reporting

identify and explain the strengths and weaknesses of law-making through Parliament

Detailed example**CHANGING THE LAW**

Students need to select an area of law which is in need of change or which has undergone recent change.

Students then conduct research and collect news articles discussing the proposed or recent change to the law.

Using this research, students answer the following questions:

1. What is/was the law prior to the change?
2. What is the proposed/new law?
3. Who supported the change and why?
4. Who opposed the change and why?
5. Would the new law be more effective than the current/previous law according to the characteristics of an effective law?

AREA OF STUDY 2: Constitution and the protection of rights**Outcome 2**

Explain the role of the Commonwealth Constitution in defining law-making powers within a federal structure, and evaluate the effectiveness of the Commonwealth Constitution in protecting democratic and human rights.

Examples of learning activities

create a handout explaining to other students the division of powers between State and Commonwealth Parliaments

use case studies to investigate the impact of Section 109 of the Commonwealth Constitution

create a poster identifying the restrictions imposed by the Commonwealth Constitution

examine specific sections of the Commonwealth Constitution and prepare a brief presentation of the findings to the class



develop a PowerPoint explaining to Australian citizens the process of a referendum

identify and explain, using an example, the impact of Section 128 of the Commonwealth Constitution on the law-making powers of the State and Commonwealth Parliaments

review the history of referendums and suggest reasons why some referendums do not succeed

examine examples of High Court interpretation of the Commonwealth Constitution; explain the impact these cases have had on the law-making powers of State and Commonwealth Parliaments

prepare a poster identifying a list of democratic and human rights of Australian citizens



using online research, investigate the protection of democratic and human rights by the Commonwealth Constitution



investigate the democratic and human rights of one of the following countries: United Kingdom, United States of America, Canada, New Zealand, South Africa; research online their Bill of Rights, Constitution, declarations and/or relevant legislation

Detailed example**DEMOCRATIC AND HUMAN RIGHTS**

Students select a country from the list provided on page 20 of the study design.

Students conduct research using print and online resources in order to investigate how the country protects their democratic and human rights.

Students present their findings in a brief report with a detailed bibliography.

The investigation should establish whether the chosen country has:

1. A Bill of Rights.
2. A Constitution which protects their rights.
3. Any treaties or declarations which protect their rights.
4. Any specific legislation in order to protect their rights.

Students outline the protection provided by one of these documents. A copy of the selected document is to be included in the appendix of the report.

AREA OF STUDY 3: Role of the courts**Outcome 3**

Describe the role and evaluate the effectiveness of the courts in law-making and their relationship with Parliament.

Examples of learning activities

briefly discuss the background of the origins of common law

create a case scenario which sets a precedent; create a subsequent case which may or may not be bound by the precedent; explain why the precedent may be binding or persuasive



research online and write a news article outlining the facts and outcome of a common law case which created precedent

use cases (either real or hypothetical) to explain the tools used by judges to interpret legislation

use hypothetical cases to develop an understanding of statutory interpretation

analyse the strengths and weaknesses of courts as law-makers

use a case (such as the Trigwell case) to explore the relationship between the law-making bodies

Detailed example

CREATING PRECEDENT

Case 1

Students create a case study that sets a precedent. They include:

1. Date of the case.
2. Court, country and state the case is heard in.
3. Participants in the case.
4. Material facts.
5. Ratio decidendi.

Case 2

Students create a second case including the same categories of information as for the first case.

Task

Students explain why Case 1 may be persuasive or binding on Case 2.

Alternatively, an explanation as to why the cases may be distinguished could be provided.

Unit 4: Dispute resolution**AREA OF STUDY 1: Criminal cases and civil disputes****Outcome 1**

Describe and evaluate the effectiveness of institutions for the resolution of civil disputes and the adjudication of criminal cases and of alternative dispute resolution methods.

Examples of learning activities

research and debate the existence of a court hierarchy over a single tiered system

prepare a poster/s illustrating the jurisdiction of the courts

create a set of note cards which detail the jurisdiction of each court on an individual card

visit a court and note aspects of the jurisdiction and personnel

visit more than one court and compare the jurisdictions, personnel, level of formality, layout and structure

 use the Internet to research the role and function of the Victorian Civil and Administrative Tribunal

 prepare a PowerPoint presentation on the operation of the tribunal in relation to anti-discrimination, residential tenancy and disputes between consumers and traders in relation to small claims; print the presentation as handouts and swap papers so that all students have notes on the three lists

identify and explain the strengths and weaknesses of the various dispute resolution methods; conduct in groups of three where the work is divided and each student prepares notes on either courts, tribunals and alternative dispute resolution methods, and results are distributed among all members

Detailed example

COURT JURISDICTION

1. Students divide a page or note card as shown below.

Magistrate's court	
Original	Appellate
Civil	
Criminal	

2. Students title each card with a different court and make one completed card for each court in the hierarchy.
3. Different coloured card could be used for the State and Commonwealth hierarchies.
4. Some changes to the format may be required for the specialised courts – Children's court and Coroner's court.
5. These cards can be used for coursework revision as well as revision for the end-of-year examination.

AREA OF STUDY 2: Court processes and procedures**Outcome 2**

Explain the elements of an effective legal system, and evaluate the processes and procedures for the resolution of criminal cases and civil disputes and discuss their effectiveness.

Examples of learning activities

create four handouts each outlining one element of an effective legal system and explaining how this element is achieved

discuss investigation and arrest procedures with a guest speaker from the police

prepare and present diagrams to illustrate pre-trial procedures for summary offences and indictable offences

prepare a set of civil pre-trial documents for a mock civil dispute

observe either a criminal or civil case in court or mock court to demonstrate procedures

 investigate one type of criminal sanction and prepare a multimedia presentation; notes to be copied and distributed to the class

use recent cases to identify problems in pre-trial/pre-hearing stages, trial procedures and remedies or sanctions

identify possible problems in court procedures and propose possible solutions to these problems

 online, investigate legal systems based on the inquisitorial system of trial

prepare charts identifying the advantages and disadvantages of both the inquisitorial and adversary system of trial

 examine the roles of the jury system through viewing a video such as *Twelve Angry Men* or *Secrets of the Jury Room*; a study guide is available at www.secretsofthejuryroom.com

review the jury selection process, completing sample jury questionnaires

investigate problems and difficulties faced by individuals in gaining access to the law

consider aspects of the definition of an effective legal system and provide examples of how these are achieved within the legal system

 collect newspaper articles online criticising aspects of the operation of the legal system; identify changes which could enhance the effectiveness of the legal system

Detailed example

JURY ROOM VIDEO

Students watch a video based on the use of a jury in a criminal or civil trial. Examples of possible videos include *Secrets of the Jury Room* and *Twelve Angry Men*.

Students address the following issues:

1. Briefly outline the facts of the case. (50 words)
2. How many jurors were there?
3. What was the role of the jury?
4. What strengths were shown in using the jury as the decision maker in this case?
5. What weaknesses were shown in using the jury as the decision maker in this case?
6. How could these weaknesses be overcome?
7. Do you believe any of the jurors should have been excused? Why/why not?

SCHOOL-ASSESSED COURSEWORK

In Units 3 and 4 teachers must select appropriate tasks from the assessment table provided for each unit. Advice on the assessment tasks and performance descriptors to assist teachers in designing and marking assessment tasks will be published by the Victorian Curriculum and Assessment Authority in an assessment handbook. The following is an example of a teacher's assessment program using a selection of the tasks from the Units 3 and 4 assessment tables.

Outcomes	Marks allocated	Assessment tasks
Unit 3		
Outcome 1 Describe the role and effectiveness of Parliament as a law-making body, evaluate the need for change in the law and analyse the ways in which change can be influenced.	30	Structured questions Evaluate the need for change in the law and analyse the ways in which change can be influenced.
Outcome 2 Explain the role of the Commonwealth Constitution in defining law-making powers within a federal structure, and evaluate the effectiveness of the Commonwealth Constitution in protecting democratic and human rights.	40	Test Questions focusing on the role of the Commonwealth Constitution in providing effective democratic government and the effectiveness of the Commonwealth Constitution in protecting human rights.
Outcome 3 Describe the role and evaluate the effectiveness of the courts in law-making and their relationship with Parliament.	30	Written report Explanation of the role of the courts in law-making, the effectiveness of courts as law-makers and the relationship of courts with Parliament.
Total marks for Unit 3	100	
Unit 4		
Outcome 1 Describe and evaluate the effectiveness of institutions for the resolution of civil disputes and the adjudication of criminal cases and of alternative dispute resolution methods.	40	Essay Evaluate the effectiveness of institutions established to resolve civil disputes and adjudicate criminal cases, as well as alternative dispute resolution methods.
Outcome 2 Explain the elements of an effective legal system, and evaluate the processes and procedures for the resolution of criminal cases and civil disputes and discuss their effectiveness.	60	Folio of exercises The exercises focus on: <ul style="list-style-type: none"> the elements of an effective legal system an evaluation of the processes and procedures for the resolution of criminal cases and civil disputes the effectiveness of the procedures used in criminal and civil disputes.
Total marks for Unit 4	100	

SUITABLE RESOURCES

Courses must be developed within the framework of the study design: the areas of study, outcome statements, and key knowledge and skills.

Some of the print resources listed in this section may be out of print. They have been included because they may still be available from libraries, bookshops and private collections.

At the time of publication the URLs (website addresses) cited were checked for accuracy and appropriateness of content. However, due to the transient nature of material placed on the web, their continuing accuracy cannot be verified. Teachers are strongly advised to prepare their own indexes of sites that are suitable and applicable to the courses they teach, and to check these addresses prior to allowing student access.

BOOKS

Units 1 and 2

Alderson, P 1999, *The Legal Studies Dictionary*, revised edition, McGraw-Hill, Sydney.

Alderson, P & Strong J 1990, *Legal Studies Unit 1 and 2*, 1st edition, McGraw-Hill, Sydney.

Aldous, J 1996, *Aborigines and Just Outcomes*, MacMillan, Melbourne.

Aldous, J & Newson, 2005, *The Legal Maze*, 5th edition, MacMillan, Melbourne.

Beazer, M 2004, *Access and Justice*, 6th edition, Beazer Publishing, Sale, Victoria.

Beazer, M 2004, *Access and Justice Teacher Support Material*, Beazer Publishing, Sale, Victoria.

Essential VCE Legal Studies Unit 1 & 2, 2005, Cambridge University Press, Melbourne.

Fitzroy Legal Service (published annually) *The Law Handbook*, Nelson Wadsworth, Melbourne.

Harding, R, Broadhurst, A & Loh, N 1995, *Aboriginal Contact with the Justice System*, Hawkins Press.

Laster, K, Breckweg, K & King, J 2000, *The Drama of the Courtroom*, Federation Press, NSW.

Marantelli, S, *The Australian Legal Dictionary*, 2nd edition, Edward Arnold, Sydney.

Omaji, P 2003, *Responding to Youth Crime*, Hawkins Press.

Prichard, S (ed.) 1998, *Indigenous Peoples*, The United Nations and Human rights Federation Press, NSW.

Units 3 and 4

Aldous, J 2004, *Macquarie Study Guides: VCE Legal Studies Units 3 and 4*, Melbourne.

Aldous, J 2005, *Making and Breaking the Law*, 7th edition, Macmillan, Melbourne.

Aldous, J 2004, *A+ Practice Exams, Legal Studies*, 3rd edition, A+ Publishing, Melbourne.

Bailey, P 1993, *Bringing Human Rights to Life*, Federation Press, NSW.

Beazer, M 2004, *Justice and Outcomes*, 7th edition, Beazer Publishing, Sydney.

Essential VCE Legal Studies Unit 3 & 4, 2005, Cambridge University Press, Melbourne.

Fleiner, T & Saunders, C 1999, *What are Human Rights?* Federation Press, NSW.

Kinley, D 1998, *Human rights in Australian Law: Principles, Practice and Potential*, Federation Press, NSW.

Legal Studies Checkpoints VCE, 2005, Cambridge University Press, Melbourne.

Millane, V 2002, *Revise in a month VCE Legal Studies Units 3 & 4*, Pascal Press, NSW.

Newson, 2005, *Legal Studies Units 3 and 4 VCE Study Packs*, Jacaranda, Melbourne.

Orr, G, Mercurio, B & Williams, G 2003, *Realising Democracy: Electoral Law in Australia*, Federation Press, NSW.

Saunders, C 2003 *Its Your Constitution: Governing Australia Today*, 2nd edition, Federation Press, NSW.

JOURNALS

Compak, Victorian Commercial Teachers Association

E Law

www.murdoch.edu.au/elaw

Federal Law Review

www.anu.edu.au/publications/flr/welcome.html

National Law Review

www.nlr.com.au

VIDEOS

Twelve Angry Men (director: Sydney Lumet, 1957)

Criminal Justice, Marcom, 30 minutes

Is Justice for all?, Marcom, 52 minutes

Secrets of the Jury Room, SBS TV

WEBSITES AND ORGANISATIONS*The Age*

250 Spencer Street
Melbourne Vic 3000
Tel: (03) 9600 4211
Website: www.theage.com.au

Attorney-General's Department (Commonwealth)
Robert Garran Offices
National Circuit
Barton ACT 2600
Tel: (02) 6250 666
Fax: (02) 6250 5900
Website: www.law.gov.au

Australian Bureau of Statistics
Level 6
CU Tower
485 LaTrobe Street
Melbourne Vic 3000
Information Enquires
Tel: 1300 135 070
Fax: 1300 135 211
Website: www.abs.gov.au
Email: client.services@abs.gov.au

Australian Law Reform Commission
PO Box 3708
Sydney NSW 2001
Tel: (02) 8238 6333
Fax: (02) 8238 6363
Website: www.alrc.gov.au

Barwon Prison
Schools Program
Locked Bag 7
Lara Vic 3212
Tel: 52 82 3406

Department of Human Services
555 Collins Street
Melbourne Vic 3000
Tel: (03) 9616 7777
Fax: (03) 9616 8329
Website: www.dhs.vic.gov.au

Department of Justice
Victorian Government
Website: www.justice.vic.gov.au

Environmental Protection Authority
HWT Building
Podium Level, 40 City Road
Southbank Vic
Tel: (03) 9695 2722
Fax: (03) 9628 5391
Website: www.epa.vic.gov.au

Equal Opportunity Commission
Level 3
380 Lonsdale Street
Melbourne Vic 3000
Tel: (03) 9281 7000 or toll free 1800 123 123
Website: www.standuptoracism.com.au/index.asp

Family Court of Australia
GPO Box 9991
Melbourne Vic 3001
Tel: (03) 8600 3777
Fax: (03) 8600 3750
Website: www.familycourt.gov.au

Law Institute of Victoria
470 Bourke Street
Melbourne 3000
Tel: (03) 9607 9311
Fax: (03) 9602 5270
Website: www.liv.asn.au

Loddon Prison
Schools Program
Locked Bag 3
Castlemaine Vic 3450
Tel: 54 71 1211

Old Melbourne Gaol
Russell Street
Melbourne Vic 3000
Tel: (03) 9663 7228
Fax: (03) 9639 0119
Website: www.nattrust.com.au
or www.nattrust.com.au/properties.asp
Email: omg@nattrust.com.au

Ombudsman – Commonwealth (for Commonwealth departments, defence and tax)
Level 10
Casselden Place
2 Lonsdale Street
Melbourne Vic 3000
Tel: (03) 9654 7355 or 1300 362 072
Fax: (03) 9654 7949
Website: www.comb.gov.au
Email: ombudsman@ombudsman.gov.au

Ombudsman – Legal
Level 10
461 Bourke Street
Melbourne Vic 3000
Tel: (03) 9642 0655 or 1800 357 772
Fax: (03) 9642 2146
Website: www.legalombudsman.vic.gov.au
Email: legalomb@vicnet.au

Ombudsman – State (for State Government departments and authorities, local government and police complaints)
Level 22
459 Collins Street
Melbourne Vic 3000
Tel: (03) 9613 6222
Fax: (03) 9614 0246
Website: www.ombudsman.vic.gov.au

Royal Automobile Club of Victoria (RACV)
Website: www.racv.com.au
Email: care@racv.com.au

Secrets of the Jury Room – video
www.secretsofthejuryroom.com.au

Tenants' Union of Victoria
PO Box 324
Fitzroy Vic 3065
Tel: (03) 9416 2577
Fax: (03) 9416 0513
Website: www.tuv.org.au
Email: advice@tuv.org.au

Transport Accident Commission – Customer Service Centre
Level 7
222 Exhibition Street
Melbourne Vic 3000
Tel: 1300 654 329
Website: www.tac.vic.gov.au

Vic Roads
60 Denmark Street
Kew Vic 3101
Tel: 13 11 74
Website: www.vicroads.vic.gov.au

Victorian Civil and Administrative Tribunal
Website: www.vcat.gov.au

Victorian Commercial Teachers' Association
33–37 Hotham Street
Collingwood Vic 3066
Tel: (03) 9419 9622
Website: www.vcta.asn.au

Victorian Legal Aid
Website: www.legalaid.vic.gov.au

Victorian Parliament
Website: www.legalonline.vic.gov.au

Victoria Police
637 Flinders Street
Melbourne Vic 3000
Tel: (03) 9247 6666
Website: www.police.vic.gov.au

Victorian Workcover Authority
Level 24
222 Exhibition Street
Melbourne Vic 3000
Tel: (03) 9641 1555
Fax: (03) 9641 1222
Website: www.workcover.vic.gov.au