Study: Legal Studies

Rationale:

VCE Legal Studies investigates the ways in which the law and the legal system relate to and serve individuals and the community. This knowledge is central to understanding the workings of contemporary Australian society.

Legal Studies examines the processes of law-making, dispute resolution and the administration of justice in Australia. Students develop an understanding of the impact of the legal system on the lives of citizens, and the implications of legal decisions and outcomes on Australian society. The study provides students with an appreciation of how individuals can be involved in decision-making within the legal system, encouraging civic engagement and helping them to become more informed and active citizens.

Students develop an understanding of the complexity of the law and the legal system and the challenges faced by our law-makers and dispute resolution bodies. They investigate the workings of the Australian legal system and undertake comparisons with international structures and procedures. Students are encouraged to question these systems and develop informed judgments about their effectiveness, as well as consider reforms to the law and the legal system.

Legal Studies also focuses on the development of skills. Students develop an ability to identify, collect and process information from a range of sources and engage in its interpretation and analysis. Skills for independent inquiry, critical thinking and legal reasoning to solve legal problems are also fostered. Students are required to apply legal reasoning and decision-making to contemporary cases and issues. They engage in analysis and evaluation of existing legal processes and form opinions about the operation of the legal system.
Unit 3: Law-making

Unit Description:
In this unit students develop an understanding of the institutions that determine our laws, and their law-making powers and processes. They undertake an informed evaluation of the effectiveness of law-making bodies and examine the need for the law to keep up to date with changes in society.

Students develop an appreciation of the complex nature of law-making by investigating the key features and operation of parliament, and influences on law-making, with a focus on the role of the individual.

Central to the investigation of law-making is the role played by the Commonwealth Constitution. Students develop an understanding of the importance of the Constitution in their lives and on society as a whole, and undertake a comparative analysis with another country. They learn of the importance of the role played by the High Court of Australia in interpreting and enforcing the Constitution, and ensuring that parliaments do not act outside their areas of power nor infringe protected rights.

Students investigate the nature and importance of courts as law-makers and undertake an evaluation of their effectiveness as law-making bodies. They also investigate the relationships that exist between parliaments and courts. Throughout this unit, students examine relevant cases to support their learning and apply legal principles to these cases.

Area of Study / Outcome
Area of study 1
Parliament and the citizen

Parliaments are the supreme law-making bodies in the Australian legal system; their role is to make laws that reflect the views and values of Australian society. This area of study focuses on the principles that underpin the Australian parliamentary system as well as an investigation of parliament as a law-making body. Students explore the factors that may influence parliament in bringing about changes in the law by examining the role that individuals and groups may play. Through an investigation of the structure and role of parliament, and the processes it follows in passing legislation, students evaluate the overall effectiveness of parliament as a law-making body.

Outcome 1
Explain the structure and role of parliament, including its processes and effectiveness as a law-making body, describe why legal change is needed, and the means by which such change can be influenced.

Key knowledge
• principles of the Australian parliamentary system: representative government, responsible government, and the separation of powers
• the reasons why laws may need to change
• the role of the Victorian Law Reform Commission
• the means by which individuals and groups influence legislative change, including petitions, demonstrations and use of the media
• the legislative process for the progress of a bill through parliament
• strengths and weaknesses of parliament as a law-making body.
Key skills
• define key legal concepts and use them appropriately;
• discuss, interpret and analyse legal information and data;
• explain the principles and structures of the Australian parliamentary system
• use contemporary examples to explain the influences on legislative change
• evaluate the effectiveness of methods used by individuals and groups to influence change in the law
• critically evaluate the law-making processes of parliament.

AREA OF STUDY 2
The Constitution and the protection of rights

In this area of study students investigate the role of the Commonwealth Constitution in establishing and restricting the law-making powers of State and Commonwealth Parliaments. Students examine how these law-making powers can be changed and analyse the impact of these methods. They investigate the role of the High Court with respect to law-making powers and the protection of rights contained in the Constitution. Students explore the means by which the Commonwealth Constitution protects rights in Australia and develop an awareness of the rights and responsibilities of Australian citizens. They engage in a comparison of the constitutional approach used to protect their rights in Australia with that of another country, raising their awareness of an alternative model for the protection of rights.

Outcome 2
Explain the role of the Commonwealth Constitution in defining law-making powers within a federal structure, analyse the means by which lawmaking powers may change, and evaluate the effectiveness of the Commonwealth Constitution in protecting human rights.

To achieve this outcome the student will draw on key knowledge and key skills outlined in Area of Study 2.

Key knowledge
• the division of law-making power between state and Commonwealth parliaments under the Commonwealth Constitution, including specific (concurrent and exclusive) and 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 of change by referendum under Section 128 of the Commonwealth Constitution and factors affecting its likely success
• the way in which one successful referendum changed the division of law-making powers
• the role of the High Court in interpreting the Commonwealth Constitution
• the significance of two High Court cases involving the interpretation of the Commonwealth Constitution in terms of their impact on the law-making power of the state and Commonwealth parliaments
• the capacity of the states to refer law-making power to the Commonwealth Parliament
• the means by which the Commonwealth Constitution protects rights, including structural protection, express rights, and implied rights
• the significance of one High Court case relating to the constitutional protection of rights in Australia
• Australia’s constitutional approach to the protection of rights and the approach adopted in one of the following countries: Canada, New Zealand...

Key skills
• define key legal terminology and use it appropriately
• discuss, interpret and analyse legal information and data
• apply legal principles to relevant cases and issues
• explain the role of the Commonwealth Constitution with respect to law-making powers and the protection of rights
• identify the types of law-making powers
• explain the methods and processes of changing constitutional power
• analyse the impact of referendums, High Court interpretation of the Constitution, and the referral of powers on the division of law-making powers
• evaluate the means by which rights of Australians are protected by the Commonwealth Constitution, and the extent of this protection
• compare the approach used to protect rights in a selected country with the approach used in Australia.

AREA OF STUDY 3
Role of the courts in law-making
In this area of study students develop an understanding of the role that courts play in developing the law. Students investigate the doctrine of precedent and statutory interpretation and consider their operation and effect. They evaluate the effectiveness of courts as a law-making body. Using relevant cases, students explore the relationships between courts and parliament in law-making.

Outcome 3
Describe the role and operation of courts in law-making, evaluate their effectiveness as law-making bodies and discuss their relationship with parliament.

To achieve this outcome the student will draw on key knowledge and key skills outlined in Area of Study

Key knowledge
• the ability of judges and courts to make law
• the operation of the doctrine of precedent and
• reasons for the interpretation of statutes by judges
• effects of statutory interpretation by judges
• strengths and weaknesses of law-making through the courts
• the relationship between the courts and Parliament in law-making

Key skills
• define key legal concepts and use them appropriately
• discuss, interpret and analyse legal information
• apply legal principles to relevant cases and issues
• describe the nature, importance and operation of courts as law-makers
• analyse the impact of courts in law-making
• critically evaluate the law-making processes of courts
• discuss the relationships between law-making bodies.

School Assessed Coursework:
To satisfactorily complete this unit of Legal Studies students need to:
• complete the Graded Assessment Tasks and
• expected to have a work book with notes on Outcomes 1-3. This Student Workbook should include chapter study guide notes, class notes/activities, case study exercises, media reports, SAC revision, practice examinations and homework. (Refer to LS Organisation document)

The subject teacher must be able to authenticate School Assessed Coursework. The teacher will monitor ‘the development of student work during class time’. (CRC Sydenham Satisfactory Completion Policy 1.7)
The award of satisfactory completion for the unit is based on the decision that the student has demonstrated the achievement of three Outcomes. The student must achieve 40% on a graded task to have satisfied the Outcome. (CRC Sydenham Satisfactory Completion Policy)

Graded Assessment Tasks:
Unit 3 School-assessed Coursework will contribute to 25 per cent to the study score. Achievement of Outcomes 1, 2 and 3 will be based on the student’s performance on one or combination of the following assessment tasks: case study, structured questions, a test, an essay, a report in written format, a report in multimedia format, a folio of exercises.

Note: if notes are authorised for a SAC, students who make use of notes are expected to give a more thorough response to set questions.

Outcome 1 Assessment Task = A Folio of Exercises
- Outcome 1 Assessment Task = Exercise 1
  Duration of task: 45 minutes + 5 minutes reading time under test conditions
  Resources: closed book ie. no notes or text
  Marks: = 10 marks

- Outcome 1 Assessment Task = Exercise 2
  Duration of task: 50 minutes + 5 minutes reading time under test conditions
  Resources: closed book ie. no notes or text
  Marks: = 15 marks
  This Outcome will contribute 25 marks out of 100 marks

- Outcome 2 Assessment Task = Structured Questions (part 1)
  Duration of task: 60 minutes + 10 minutes reading time under test conditions
  Resources: closed book ie. no notes or text
  Marks: = 30 marks
    = Structured Questions (part 2)

  Duration of task: 50 minutes + 5 minutes reading time under test conditions
  Resources: closed book ie. no notes or text
  Marks: = 20 marks
  This Outcome will contribute 50 marks out of 100 marks

Outcome 3 Assessment Task = Test
- Outcome 3 Assessment Task = Test
  Duration of task: 50 minutes + 8 minutes reading time under test conditions
  Resources: closed book ie. no notes or text
  This Outcome will contribute 25 marks out of 100 marks

- End-of-year examination: The end-of-year examination will cover both units 3 & 4 and will contribute to 50 per cent to the study score.