



Legal Studies

Stage 6

Syllabus

2009

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Contents

1	Background	4
	The Higher School Certificate program of study	4
	Legal Studies in the K–12 continuum	5
2	Rationale	6
3	Employability skills statement	7
4	Aim	7
5	Objectives.....	7
	5.1 Objectives and outcomes.....	8
6	The structure of Legal Studies.....	9
7	Content: Preliminary course.....	10
	Part I: The legal system.....	10
	Part II: The individual and the law	13
	Part III: Law in practice	15
8	Content – HSC course	17
	Part I of the core – Crime	17
	Part II of the core: Human rights	20
	Part III: Options	22
	Option 1: Consumers	22
	Option 2 : Global environmental protection	24
	Option 3: Family.....	26
	Option 4 : Indigenous peoples	28
	Option 5: Shelter	30
	Option 6: Workplace.....	32
	Option 7: World order	34
9	Assessment and reporting	36
	Requirements and advice	36
	Internal assessment	37
	External examination	37
	Board requirements for the internal assessment mark.....	37
	Assessment components and weightings	39
	HSC external examination specifications	40
	Summary of external and internal HSC assessment.....	41
	Reporting student performance against standards.....	41
	Post-school opportunities.....	41

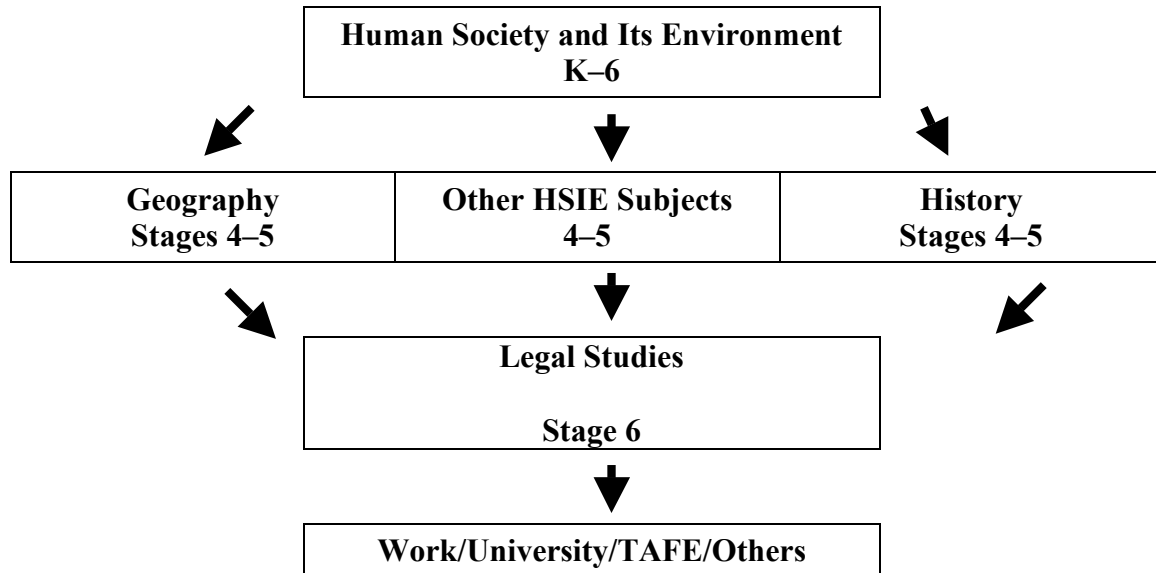
1 Background

The Higher School Certificate program of study

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

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

Legal Studies in the K–12 continuum



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

2 Rationale

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

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

Our society is regulated by a complex set of rules and regulations which both guide and protect individual and community rights. Being well informed about legal issues, including the rights and responsibilities integral to our society, is part of being an active and informed citizen. Students of Legal Studies Stage 6 will develop an understanding of legal concepts and the way the law functions in our society.

The syllabus focuses on the way in which law is generated, how it is structured and how it operates in Australian and international contexts. Learning about our legal system will allow students to investigate the way our society operates and the influences that shape it.

Students will develop an understanding of the implications that legal decisions can have for Australian society and the ways in which the legal system can affect the lives of Australian citizens. A critical understanding of the processes of reform and change will help students to contribute to making our society more equitable for all.

The Legal Studies Stage 6 course offers excellent preparation for life through a study of the legal system, its principles, structures, institutions and processes. The course fosters respect for cultural diversity. It allows students to question and evaluate legal institutional structures in the domestic and international environments and to undertake a comparative analysis of other political and institutional structures.

Legal Studies enables students to have confidence in approaching and accessing the legal system and provides them with a better appreciation of the relationship between social and legal structures. The course will assist in the development of students' knowledge of their basic legal rights and responsibilities in a broad selection of contexts which appeal to their interests.

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

The Legal Studies Stage 6 course also provides learning that prepares students for further education and training, employment and full and active participation as citizens in Australia and in the global society. Students gain the skills of critical analysis, independent research, collaboration, and effective communication.

3 Employability skills statement

Legal Studies provides a context for the development of higher-order thinking skills necessary for further education, work and everyday life, and a range of other employability skills.

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

4 Aim

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

5 Objectives

Through Legal Studies, students will develop:

knowledge and understanding about:

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

skills in:

- investigating, analysing and communicating relevant legal information and issues

interest in, and informed and responsible **values and attitudes** in regard to:

- legal functions, practices and institutions.

5.1 Objectives and outcomes

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

Outcomes are applicable to all topics. Some may be more relevant to a particular topic than others. Outcomes may be examined.

6 The structure of Legal Studies

	Preliminary		HSC	
Core 40%	Core Part I: The legal system • Basic legal concepts • Sources of contemporary Australian law • Classification of law • Law reform • Law reform in action		Core Part I: Crime • The nature of crime • The criminal investigation process • The criminal trial process • Sentencing and punishment • Young offenders • International crime	Core 30%
Core 30%	Core Part II: The individual and the law • Your rights and responsibilities • Resolving disputes • Contemporary issue: the individual and technology		Core Part II: Human rights • The nature and development of human rights • Promoting and enforcing human rights • Contemporary issue	Core 20%
Core 30%	Core Part III: Law in practice The Law in practice unit is designed to provide opportunities for students to deepen their understanding of the principles of law covered in the first sections of the course. This section may be integrated with Part I and/or Part II.		Part III: Options Choose Two • Consumers • Global environmental protection • Family • Indigenous peoples • Shelter • Workplace • World order	Option 25% each

Please note:

Outcomes are applicable to all topics. Some may be more relevant to a particular topic than others. Outcomes may be examined.

The **principal focus** for each topic may be examined.

Each topic's **themes and challenges** should be integrated into the study of the topic, and they may be examined.

7 Content: Preliminary course

Part I: The legal system

40% of course time

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

Themes and challenges to be incorporated throughout this topic:

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

Students learn about:	Students learn to:
1. Basic legal concepts • meaning of law • customs, rules and law • values and ethics • characteristics of just laws • nature of justice: – equality – fairness – access • procedural fairness (principles of natural justice) • rule of law • anarchy • tyranny	• define law • distinguish between customs, rules, laws, values and ethics • describe the characteristics of just laws and the nature of justice • define and investigate procedural fairness and the rule of law • define anarchy and tyranny
2. Sources of contemporary Australian law common law • British origins, including: – development of common law – equity, precedent – adversarial system of trial • court hierarchy: – jurisdiction of state and federal courts statute law • role and structure of parliament • legislative process • delegated legislation	• outline the origin of common law • examine the hierarchy and jurisdiction of state and federal courts • outline the role and structure of parliament and the legislative process • describe the function of delegated legislation

the constitution • division of powers • separation of powers • role of the High Court Aboriginal and Torres Strait Islander Peoples' customary laws • diverse nature of customary laws • spiritual basis, significance of land and water • family and kinship • ritual and oral traditions • mediation and sanctions • relevance to contemporary Australian law international law • differences between domestic and international law • state sovereignty • sources, including: – international customary law – instruments (declarations and treaties) – legal decisions, writings • role of: – United Nations – courts and tribunals – intergovernmental organisations – non-government organisations • relevance to contemporary Australian law 3. Classification of law • public law – criminal law – administrative law – constitutional law • private law (civil law) – contract law – tort law – property law • criminal and civil court procedures including legal personnel • common and civil law systems It is strongly recommended that if possible students should have the opportunity to observe the operation of one or more courts or tribunals in civil and criminal cases.	• explain the difference between division and separation of powers • examine the role of the High Court in the interpretation of the constitution • examine the characteristics of Aboriginal and Torres Strait Islander Peoples' customary laws • outline the extent to which Aboriginal and Torres Strait Islander Peoples' customary laws have been integrated into Australian law • distinguish between domestic and international law and examine the impact of state sovereignty • examine the sources of international law • describe the role of the various organisations involved in international law • examine how international law impacts on and is incorporated into Australian law • outline different types of law • compare the purpose of different types of law • distinguish between civil and criminal court procedures • identify the role of legal personnel involved in the court process • compare and contrast common and civil law systems
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4. Law reform • conditions that give rise to law reform including: changing social values, new concepts of justice, new technology • agencies of reform including law reform commissions, parliamentary committees, the media, non-government organisations • mechanisms of reform including courts, parliaments, United Nations intergovernmental organizations 5. Law reform in action Two examples of law reform must be studied. Law reform in relation to native title is mandatory. Another example may be taken from list B or may be a topic of the student's choice. A) native title – terra nullius – the roles of the High Court and federal parliament – major native title decisions – legislation B) a contemporary law reform issue (examples of topics that may be studied): – young drivers and the law – sport and the law – animal welfare – drug use and the law.	• examine the conditions that give rise to law reform • describe the role of agencies involved in law reform • examine the operation of the different mechanisms of reform • explain why terra nullius was an obstacle to achieving native title • examine the roles of the High Court and federal parliament in recognising native title • examine major Australian native title decisions • assess the effectiveness of the law reform process in achieving just outcomes in regard to native title • identify and investigate a contemporary law reform issue • examine the conditions that give rise to the need for law reform, the agencies of reform and mechanisms of reform • assess the effectiveness of law reform in achieving just outcomes with regard to a contemporary law reform issue.
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Part II: The individual and the law

30% of course time

Principal focus: Students investigate the way in which the law impacts on individuals by referring to legal and non-legal institutions, laws and media reports.

Themes and challenges to be incorporated throughout this topic:

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

Students learn about:	Students learn to:
1. Your rights and responsibilities • the nature of individual rights • relationship between rights and responsibilities 2. Resolving disputes • the roles of the federal and state police and other law enforcement agencies • resolving disputes between individuals: – alternative dispute resolution – tribunals – courts • resolving disputes with the state: – non-legal methods: - media - members of parliament - trade unions - interest groups, including non-government organisations – legal methods: - internal review - external review: administrative, judicial, ombudsman, statutory bodies including Australian Human Rights Commission, Independent Commission against Corruption (ICAC), Royal Commissions	Students learn to: • identify the types of rights to which individuals are entitled • outline the responsibilities of citizens within a society • explain the interrelationship between rights and responsibilities • outline the roles of law enforcement agencies • identify and examine methods of resolving disputes between individuals • compare and contrast disputes between individuals and those between individuals and the state • assess the effectiveness of methods of resolving disputes • distinguish between non-legal and legal methods of enforcing rights and resolving disputes • assess the effectiveness of dispute resolution processes in achieving justice for and between individuals

3. Contemporary issue: The individual and technology • impacts of technology on the individual • legal implications • difficulties with enforcing rights • future directions – the role of law reform Examples that may be studied could include: • misuse of interactive technologies • cyber-bullying • genetic profiling • cyberspace • privacy issues • security and surveillance • mobile phones • copyright.	• explain the difficulties with enforcing rights • assess the role of law reform in addressing emerging technological issues and enforcing rights • discuss the legal implications of the use of technology and its impact on the individual.
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Part III: Law in practice

30% of course time

Principal focus: students investigate contemporary issues that illustrate how the law operates in practice.

Themes and challenges to be incorporated throughout this topic:

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

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

The Law in Practice unit is designed to provide opportunities for students to deepen their understanding of the principles of law covered in Part I and Part II of the Preliminary course. Students will develop the research, analytical and communication skills that underpin the process of investigation.

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

Students learn about: Issues that involve an Australian in a domestic jurisdiction, or Australian citizen(s) in another jurisdiction, focusing on the mechanisms for achieving justice and the responsiveness of the legal system when attempts are made to achieve justice. Topics that may be studied include: - groups or individuals suffering disadvantage: - Aboriginal and Torres Strait Islander Peoples - people who have a mental illness or an intellectual or physical disability - migrants - people who are socioeconomically disadvantaged - members of other groups covered by human rights legislation, including anti-discrimination legislation - women - events which highlight legal issues - individuals or groups in conflict with the state - criminal or civil cases that raise issues of interest to students.	Students learn to: - examine at least two contemporary issues that involve Australian citizen(s) in either a domestic or another jurisdiction - describe the legal and non-legal responses to this issue - evaluate the effectiveness of the legal and non-legal responses to this issue. Criteria to evaluate effectiveness could include: - resource efficiency - accessibility - enforceability - responsiveness - protection of individual rights - meeting society's needs - application of the rule of law - has justice been achieved?
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8 Content – HSC course

Part I of the core – Crime

30% of course time

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

Themes and challenges to be incorporated throughout this topic:

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

Students learn about:	Students learn to:
1. The nature of crime • the meaning of crime • the elements of crime: actus reus, mens rea • strict liability offences • causation • categories of crime including offences against the person, offences against the sovereign, economic offences (property/white collar/computer), drug offences, driving offences, public order offences, preliminary crimes (attempts and conspiracy) • summary and indictable offences • parties to a crime including principal in the first degree, principal in the second degree, accessory before the fact, accessory after the fact • factors affecting criminal behaviour • crime prevention: situational and social	• describe the nature of crime • recognise the different categories of crime • define summary and indictable offences • examine a range of factors that may lead to criminal behaviour • investigate a range of situational and social crime prevention techniques

2. The criminal investigation process • police powers • reporting crime • investigating crime: gathering evidence, use of technology, search and seizure, use of warrants • arrest and charge, summons, warrants • bail or remand • detention and interrogation, rights of suspects 3. Criminal trial process • court jurisdiction • the adversary system • legal personnel: magistrate, judge, police prosecutor, Director of Public Prosecution, Public Defenders • pleas, charge negotiation • legal representation, including legal aid • burden and standard of proof • use of evidence, including witnesses • defences to criminal charges: – complete defences – partial defences to murder • the role of juries, including verdicts 4. Sentencing and punishment • statutory and judicial guidelines • the purposes of punishment: deterrence (specific and general), retribution, rehabilitation, incapacitation • factors affecting a sentencing decision: aggravating and mitigating circumstances • the role of the victim in sentencing • appeals • types of penalties including: no conviction recorded, caution, fine, bond, suspended sentence, probation, criminal infringement notice, penalty units, community service order, home detention, periodic detention, forfeiture of assets, imprisonment, diversionary programs • alternative methods of sentencing including circle sentencing, restorative justice	• discuss the powers of police in the criminal process • examine the reporting and investigating of crime • assess the effectiveness of the criminal investigation process as a means of achieving justice • describe the role of courts in the criminal justice process • discuss the use of the adversary system as a means of achieving justice • examine the role of legal representation in the criminal trial • assess the use of defences to criminal charges in achieving justice • evaluate the effectiveness of the jury system in the criminal trial • assess the effectiveness of the criminal trial process as a means of achieving justice • discuss factors that affect sentencing decisions, including the purposes of punishment and the role of the victim • evaluate the effectiveness of different types of penalties, including diversionary programs • assess the roles of alternative methods of sentencing
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• post-sentencing considerations, including security classification, protective custody, parole, preventative detention, continued detention, sexual offenders registration, deportation 5. Young offenders • age of criminal responsibility • the rights of children when questioned or arrested • Children’s Court – procedures and operation • penalties for children • alternatives to court 6. International crime • categories of international crime, including: – crimes against the international community – transnational crimes • dealing with international crime: – domestic and international measures – limitations.	• examine the implications of post-sentencing considerations in achieving justice • evaluate the effectiveness of sentencing and punishment as a means of achieving justice • discuss the issues surrounding the age of criminal responsibility • explain why young offenders are treated differently in the criminal justice system • assess the effectiveness of the criminal justice system when dealing with young offenders • define international crime • describe the various measures used to deal with international crime • evaluate the effectiveness of the domestic and international legal systems in dealing with international crime.
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Part II of the core: Human rights

20% of course time

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

Themes and challenges to be incorporated throughout this topic:

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

Students learn about:	Students learn to:
1. The nature and development of human rights • the definition of human rights • developing recognition of human rights – the abolition of slavery – trade unionism and labour rights – universal suffrage – universal education – self-determination – environmental rights – peace rights • formal statements of human rights – Universal Declaration of Human Rights – International Covenant on Civil and Political Rights – International Covenant on Economic, Social and Cultural Rights 2. Promoting and enforcing human rights In the international community: • state sovereignty • the roles of : – the United Nations – intergovernmental organisations – courts, tribunals and independent – statutory authorities – non-government organisations – the media	• define human rights • outline how human rights have changed and developed over time • investigate the evolving recognition and importance of universal human rights • examine major human rights documents and explain their contribution to the development of human rights • assess the role of state sovereignty in promoting and enforcing human rights • evaluate the effectiveness of international responses in promoting and enforcing human rights

Part III: Options

Students must study **TWO** of the following Options.

Option 1: Consumers

25% of course time

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

Themes and challenges to be incorporated throughout this topic:

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

Students learn about:	Students learn to:
1. The nature of consumer law • the developing need for consumer protection • the definition of consumer • objectives of consumer laws • contracts – types, elements, terms, exclusion clauses • standards implied by statutes • unjust contracts – common law and statutory protection • the role of negligence in consumer protection • regulation of marketing and advertising: statutory protection, non-statutory controls on advertising • occupational licensing	• outline the developing need for consumer protection • outline the objectives of consumer law • examine the nature, function and regulation of contracts • evaluate the effectiveness of the regulation of marketing, advertising and product certification in achieving consumer protection • examine the role of occupational licensing in achieving consumer protection
2. Consumer redress and remedies • awareness and self-help • state government organisations • federal government organisations	• recognise the importance of awareness and self-help

• industry organisations • the role of tribunals and courts • the role of non-government organisations • the role of the media • consumer remedies: individual, society 3. Contemporary issues concerning consumers Issues that must be studied: • credit • product certification • marketing innovations • technology.	• examine the range of different remedies available to consumers • evaluate the effectiveness of non-legal and legal measures in achieving justice for consumers • identify and investigate these contemporary issues involving the protection of consumers and evaluate the effectiveness of legal and non-legal responses to these issues.
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Option 2 : Global environmental protection

25% of course time

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

Themes and challenges to be incorporated throughout this topic:

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

Students learn about:	Students learn to:
1. The nature of global environmental protection • the definition of global environmental protection • the development of global environmental law • the need for global environmental protection • the importance of ecologically sustainable development: biodiversity, intergenerational equity, intragenerational equity, the precautionary principle 2. Responses to global environmental protection The roles of: • nation state and state sovereignty • the United Nations • international instruments • courts and conferences • intergovernmental organisations • non-government organisations • the media • Australia's federal structure	Students learn to: • define global environmental protection • outline the development of global environmental law • outline the need for laws to protect the global environment • examine the role of sovereignty in assisting and impeding the resolution of global environmental protection issues • outline the structure and function of the United Nations in relation to environmental protection • explain the effects of Australia's federal structure in responding to global environmental protection • evaluate the effectiveness of legal and non-legal measures in protecting the global environment

3. Contemporary issues concerning global environmental protection Issues that must be studied: • the role of the law in relation to global threats to the environment • legal responses to conflict between the demand for resources and global environmental protection • Australia's responses to international initiatives for global environmental protection • barriers to achieving an international response to global environmental protection.	• identify and investigate these contemporary issues involving the protection of the global environment and evaluate the effectiveness of legal and non-legal responses to these issues.
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Option 3: Family

25% of course time

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

Themes and challenges to be incorporated throughout this topic:

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

Students learn about:	Students learn to:
1. The nature of family law • the concept of family law • legal requirements of marriage • alternative family relationships • legal rights and obligations of parents and children • adoption 2. Responses to problems in family relationships • divorce • legal consequences of separation – children – property • dealing with domestic violence • the roles of: – courts and dispute resolution – methods – non-government organisations – the media	Students learn to: • discuss the difficulty of defining ‘family’ and the changing concepts of family • distinguish between state and federal jurisdiction in family law • outline the legal requirements of a valid marriage • explain the legal rights and obligations of parents and children, including those derived from international law • outline the legal processes involved in dealing with problems in family relationships • evaluate the effectiveness of the law in protecting victims of domestic violence • examine the role of non-government organisations and the media in relation to family law • evaluate the effectiveness of the law in achieving justice for parties involved in relationship breakdowns

3. Contemporary issues concerning family law Issues that must be studied: • recognition of same-sex relationships • the changing nature of parental responsibility • surrogacy and birth technologies • care and protection of children.	• identify and investigate these contemporary issues relating to family law and evaluate the effectiveness of legal and non-legal responses to these issues.
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Option 4 : Indigenous peoples

25% of course time

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

Themes and challenges to be incorporated throughout this topic:

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

Students learn about:	Students learn to:
1. Nature of the law and indigenous peoples • definition of ‘indigenous peoples’ • loss of rights of indigenous peoples over time • legal recognition of indigenous peoples • importance of the right to self-determination	• define ‘indigenous peoples’ • outline the loss of rights of indigenous peoples globally • outline the need for legal recognition of indigenous peoples • explain the difficulties faced by indigenous peoples in determining their own future
2. Responses to indigenous peoples • The roles of: – the nation state and state sovereignty – the United Nations – international instruments – courts – intergovernmental organisations – non-government organisations – the media • Australia’s federal structure	• examine the role of sovereignty in assisting and impeding the recognition of the rights of indigenous peoples • evaluate the effectiveness of legal and non-legal measures in achieving justice for indigenous peoples • explain the role of Australia’s federal structure in responding to the needs of indigenous peoples

3. Contemporary issues concerning indigenous peoples Issues that must be studied: • loss of cultural rights including language • land rights • legal rights to natural resources • intellectual property rights.	• identify and investigate these contemporary issues involving the rights of indigenous peoples and evaluate the effectiveness of legal and non-legal responses to these issues.
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Option 5: Shelter

25% of course time

Principal focus: Through the use of contemporary examples, students investigate the legal means of securing shelter and the effectiveness of the law in achieving justice for people seeking and providing shelter.

Themes and challenges to be incorporated throughout this topic:

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

Students learn about:	Students learn to:
1. The nature of shelter • definition of ‘shelter’ • right to shelter • obligation to provide shelter • types of shelter 2. Legal protection and remedies associated with securing shelter • purchasing including: – separate dwelling or shared space – private treaty or auction – systems of registration – sources of finance – protection for buyers • leasing including: – rights and obligations of landlords and tenants – protection for tenants, landlords, boarders and lodgers • securing other types of shelter such as: aged care, residential parks and squats • dispute resolution mechanisms	Students learn to: • define ‘shelter’ and outline the extent of laws concerning shelter • discuss the right to shelter according to international law • examine the obligation of state and federal governments to provide shelter • describe the types of shelter • outline the process of securing shelter • assess the role of the legal system in protecting those securing and providing shelter

- the roles of: - courts and tribunals - alternative dispute resolution - government organisations - non-governmental organisations - the media 3. Contemporary issues concerning shelter Issues that must be studied: - affordability - discrimination - homelessness - social housing including public housing, cooperative housing and community housing.	- evaluate the effectiveness of legal and non-legal measures in achieving justice for people seeking shelter - identify and investigate these contemporary issues involving the provision of shelter and evaluate the effectiveness of legal and non-legal responses to these issues.
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Option 6: Workplace

25% of course time

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

Themes and challenges to be incorporated throughout this topic:

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

Students learn about:	Students learn to:
1. The nature of workplace law • the changing nature of workplace law over time • contracts: – of service – for services – express and implied terms • awards and agreements • statutory conditions 2. Regulation of the workplace • industrial relations – the state and federal framework • negotiations between employers and employees • dispute resolution mechanisms • the roles of: – courts and tribunals – governmental organisations – trade unions – employer associations – non-government organisations – the media • remuneration	• outline the developing need for workplace law • outline the sources of workplace regulations • describe the rights and responsibilities of employers and employees in the workplace • examine the legal framework for workplace law • evaluate the effectiveness of dispute resolution processes • assess the role of the legal system in regulating the workplace • outline how remuneration is determined • evaluate the effectiveness of legal and non-legal measures in protecting and recognising workplace rights

3. Contemporary issues concerning the workplace Issues that must be studied: • discrimination • safety • termination of employment • leave.	• identify and investigate these contemporary issues involving workplace law and evaluate the effectiveness of legal and non-legal responses to these issues.
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Option 7: World order

25% of course time

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

Themes and challenges to be incorporated throughout this topic:

- the role of law in encouraging cooperation and resolving conflict in regard to world order
- issues of compliance and non-compliance
- the impact of changing values and ethical standards on world order
- the role of law reform in promoting and maintaining world order
- the effectiveness of legal and non-legal responses in promoting and maintaining world order.

Students learn about:	Students learn to:
1. The nature of world order • the meaning of ‘world order’ • the need for world order • the development of world order over time • the nature of conflict: inter-state and intra-state • access to resources as a source of conflict 2. Responses to world order • the roles of: – the nation state and state sovereignty – the United Nations – international instruments – courts and tribunals – intergovernmental organisations – non-government organisations – Australia’s federal government – the media • political negotiation, persuasion and the use of force	• discuss the concept of ‘world order’ • outline the evolving nature of world order • describe the need for world order • explain the implications of the nature of conflict on achieving world order • examine the role of sovereignty in assisting and impeding the resolution of world order issues • explain the role of Australia’s federal government in responding to world order • evaluate the effectiveness of legal and non-legal measures in resolving conflict and working towards world order

3. Contemporary issues concerning world order Issues that must be studied: • the principle of ‘responsibility to protect’ • regional and global situations that threaten peace and security • the success of global cooperation in achieving world order • rules regarding the conduct of hostilities.	• identify and investigate these contemporary issues involving world order and evaluate the effectiveness of legal and non-legal responses to these issues.
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9 Assessment and reporting

Requirements and advice

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

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

In the Preliminary and HSC courses, those purposes include:

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

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

Higher School Certificate results comprise:

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

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

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

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

The standards in the HSC are:

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

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

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

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

Internal assessment

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

Internal assessment provides a measure of a student's achievement based on a wider range of syllabus content and outcomes than may be covered by the external examination alone. The assessment components and weightings to be applied are identified on page 39. They ensure a common focus for internal assessment in the course across schools, while allowing for flexibility in the design of tasks. A variety of tasks should be used to give students the opportunity to demonstrate outcomes in different ways and to improve the validity and reliability of the assessment.

External examination

In Stage 6 Legal Studies the external examination consists of a written paper. The specifications of the HSC examination in Legal Studies are on page 40.

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

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

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

Board requirements for the internal assessment mark

The Board requires schools to submit an assessment mark for each candidate in the HSC Legal Studies course. The Board requires that the assessment tasks used to determine the internal assessment mark must comply with the components and weightings specified in the tables on page 39.

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

Schools are required to develop an internal assessment program that:

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

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

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

In feedback and reporting:

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

Note that:

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

Assessment components and weightings

Preliminary course

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

Component	Weighting
Knowledge and understanding	60%
Research	20%
Communication	20%

HSC course

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

Component	Weighting
Knowledge and understanding	60%
Research	20%
Communication	20%

Teachers may use their discretion in determining the manner in which they allocate tasks within the course content. There will be three to five assessment tasks.

HSC external examination specifications

The examination will consist of a written paper worth 100 marks.
Time allowed: 3 hours plus 5 minutes reading time.

The paper will consist of three sections.

SECTION I: CORE – Crime and human rights

20 marks

There will be objective response questions to the value of 20 marks.
Questions to the value of 15 marks will be drawn from Crime.
Questions to the value of 5 marks will be drawn from Human Rights.
Questions may refer to stimulus.

SECTION II: CORE – Crime and human rights

30 marks

Part A: Human Rights 15 marks

There will be short-answer questions to the value of 15 marks.
The questions may be in parts. There will be 3–4 items in total.
Questions may refer to stimulus.

Part B: Crime 15 marks

There will be one extended response question to the value of 15 marks.
The question may refer to stimulus.
The expected length of response is around four examination writing booklet pages (approximately 600 words).

SECTION III: OPTIONS

50 marks

There will be seven extended response questions, one for each Option.
Each question is worth 25 marks.
Each question has two alternatives.
Candidates answer two questions, each from a different Option.
The expected length of response is around eight examination writing booklet pages (approximately 1000 words).

Summary of external and internal HSC assessment

External examination	Weighting	Internal assessment	Weighting
Section I: Core			
Crime and Human Rights Objective response questions	20	Knowledge and Understanding	60
Section II: Core			
Part A Human Rights Short-answer questions	15	Research	20
Part B Crime One extended response question	15		
Section III: Options		Communication	20
Two extended response questions, each from a different Option	50		
	100		100

Reporting student performance against standards

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

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

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

Post-school opportunities

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

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

Recognition of student achievement

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

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

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

Recognition by TAFE NSW

TAFE NSW conducts courses in a wide range of industry areas, as outlined each year in the TAFE NSW Handbook. Under current arrangements, the recognition available to students of Legal Studies in relevant courses conducted by TAFE is described in the HSC/TAFE Credit Transfer Guide. This guide is produced by the Board of Studies and TAFE NSW and is distributed annually to all schools and colleges. Teachers should refer to this guide and be aware of the recognition available to their students through the study of Stage 6 Legal Studies. This information can be found on the TAFE NSW website. (www.tafensw.edu.au/mchoice).

Recognition by other Registered Training Organisations

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