# COURSE PLANNER

# VCE LEGAL STUDIES COURSE PLANNER 2018–2022

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OXFORD

## RATIONALE

- In contemporary Australian society, there is a range of complex laws that exist to protect the rights of individuals and to achieve social cohesion. These laws are made by bodies such as parliament and the courts and are upheld by a number of institutions and processes within the legal system. Members of society interact with the laws and the legal system in many aspects of their lives and can influence law makers.
- The study of VCE Legal Studies enables students to become active and informed citizens by providing them with valuable insights into their relationship with the law and the legal system. They develop knowledge and skills that enhance their confidence and ability to access and participate in the legal system. Students come to appreciate how legal systems and processes aim to achieve social cohesion, and how they themselves can create positive changes to laws and the legal system.
- VCE Legal Studies equips students with the ability to research and analyse legal information and apply legal reasoning and decision-making skills, and fosters critical thinking to solve legal problems. Further study in the legal field can lead to a broad range of career opportunities such as lawyer, paralegal, legal secretary and careers in the courtroom.

## AIMS

This study enables students to:

- understand and apply legal terminology, principles and concepts
- apply legal principles to actual and/or hypothetical scenarios, explore solutions to legal problems, and form reasoned conclusions
- analyse the institutions that make laws and understand the way in which individuals can engage in and influence law reform
- understand legal rights and responsibilities, and the effectiveness of the protection of rights in Australia
- analyse the methods and institutions that determine criminal cases and resolve civil disputes
- propose and analyse reforms to the legal system to enable the principles of justice to be achieved

## SCOPE OF STUDY

VCE Legal Studies examines the institutions and principles which are essential to Australia's legal system. Students develop an understanding of the rule of law, law-makers, key legal institutions, rights protection in Australia, and the justice system. Through applying knowledge of legal concepts and principles to a range of actual and/or hypothetical scenarios, students develop their ability to use legal reasoning to argue a case for or against a party in a civil or criminal matter. They consider and evaluate recent and recommended reforms to the criminal and civil justice systems, and engage in an analysis of the extent to which our legal institutions are effective and our justice system achieves the principles of justice. For the purposes of this study, the principles of justice are fairness (fair legal processes are in place, and all parties receive a fair hearing); equality (all people treated equally before the law, with an equal opportunity to present their case); and access (understanding of legal rights and ability to pursue their case).

## UNIT 1 – GUILT AND LIABILITY

Criminal law and civil law aim to achieve social cohesion and protect the rights of individuals. Criminal law is aimed at maintaining social order and infringing criminal law can result in charges. Civil law deals with the infringement of a person's or group's rights and breaching civil law can result in litigation. In this unit, students develop an understanding of legal foundations, such as the different types and sources of law and the existence of a court hierarchy in Victoria. Students investigate key concepts of criminal law and civil law and apply these to actual and/or hypothetical scenarios to determine whether an accused may be found guilty of a crime, or liable in a civil dispute. In doing so, students develop an appreciation of the way in which legal principles and information are used in making reasoned judgments and conclusions about the culpability of an accused and the liability of a party in a civil dispute.

### AREA OF STUDY 1 – Legal foundations

**Content focus**

This area of study provides students with foundational knowledge of laws and the Australian legal system. Students explore the role of individuals, laws and the legal system in achieving social cohesion and protecting the rights of individuals. Students consider the characteristics of an effective law, sources and types of law. They examine the relationship between parliament and the courts, and the reasons for a court hierarchy in Victoria, and develop an appreciation of the principles of justice.

**Outcome**

- On completion of this unit, the student should be able to describe the main sources and types of law, and assess the effectiveness of laws.
- To achieve this outcome, the student will draw on key knowledge and key skills outlined in Area of Study 1.

**Key knowledge**

- the role of individuals, laws and the legal system in achieving social cohesion and protecting the rights of individuals
- the principles of justice: fairness, equality and access
- characteristics of an effective law, such as it reflects society's values; is enforceable; is known; is clear and understood; and is stable
- sources of law such as common law and statute law
- an overview of the relationship between parliament and the courts
- types of law such as criminal law and civil law
- the distinction and relationship between criminal law and civil law
- an overview of, and reasons for, the Victorian court hierarchy.

**Key skills**

- define key legal terminology
- research and analyse relevant information about the sources and types of laws
- explain the role of individuals, laws and the legal system in achieving social cohesion and protecting the rights of individuals
- classify a law according to its source and type
- assess whether a law is effective
- explain the relationship between parliament and the courts, using examples
- justify the existence of the Victorian court hierarchy.

### AREA OF STUDY 2 – The presumption of innocence

**Content focus**

The presumption of innocence is the fundamental principle of criminal law and provides a guarantee that an accused is presumed innocent until proven guilty beyond reasonable doubt. In this area of study, students develop an understanding of key concepts in criminal law and types of crime, and investigate two criminal offences in detail. For each offence, students consider actual and/or hypothetical scenarios in which an accused has been charged with the offence, use legal reasoning to determine possible culpability and explain the impact of the offence on individuals and society.

**Outcome**

- On completion of this unit, the student should be able to explain the purposes and key concepts of criminal law, and use legal reasoning to argue the criminal culpability of an accused based on actual and/or hypothetical scenarios.
- To achieve this outcome, the student will draw on key knowledge and key skills outlined in Area of Study 2.

**Key knowledge**

- the purposes of criminal law
- the presumption of innocence
- key concepts of criminal law, including:
  – the elements of a crime: actus reus and mens rea
  – strict liability
  – the age of criminal responsibility
  – the burden of proof
  – the standard of proof
- types of crime such as crimes against the person and crimes against property
- the distinction between summary offences and indictable offences
- possible participants in a crime such as principal offenders and accessories
- two criminal offences and for each offence:
  – the elements of the offence
  – possible defences
  – the role of statute law and common law in developing the elements of the offence and the defences
  – trends and statistics in relation to the offence in Victoria and in one other jurisdiction
  – the possible impact of the offence on individuals and society

**Key skills**

- define and use legal terminology
- research and analyse relevant information about criminal law and offences
- explain the purposes and key concepts of criminal law
- distinguish between types of crime, and indictable offences and summary offences, using examples
- synthesise and apply legal information to actual and/or hypothetical scenarios in relation to two offences
- use legal reasoning and principles to identify and argue the elements of an offence, possible defences and culpability in relation to two actual and/or hypothetical scenarios.

### AREA OF STUDY 3 – Civil liability

**Content focus**

Civil law aims to protect the rights of individuals, groups and organisations, and provides opportunities for a wronged party to seek redress for a breach of civil law. In this area of study, students develop an understanding of key concepts in civil law and investigate two areas of civil law in detail. Possible areas of civil law could include negligence, defamation, nuisance, trespass and contracts. For each area of civil law, students consider actual and/or hypothetical scenarios giving rise to a civil claim, apply legal reasoning to determine possible liability for a breach of civil law and explain the impact of a breach of civil law on the parties.

**Outcome**

- On completion of this unit, the student should be able to explain the purposes and key concepts of civil law, and apply legal reasoning to argue the liability of a party in civil law based on actual and/or hypothetical scenarios.
- To achieve this outcome, the student will draw on key knowledge and key skills outlined in Area of Study 3.

**Key knowledge**

- the purposes and types of civil law
- key concepts of civil law, including:
  – breach
  – causation
  – loss
  – limitation of actions
  – the burden of proof
  – the standard of proof
- possible plaintiffs and defendants to a civil dispute
- two areas of civil law and for each area of law:
  – the rights protected by the law
  – the elements required to establish liability
  – the limitation of actions
  – possible defences
  – the role of statute law and common law in developing the elements and defences
  – the impact of the breach on the parties.

**Key skills**

- define and use legal terminology
- research and analyse relevant information about civil law
- explain the purposes and key concepts of civil law
- classify civil law according to its type
- synthesise and apply legal information to actual and/or hypothetical scenarios in relation to two areas of civil law
- apply legal reasoning and principles to identify and argue the elements, possible defences and civil liability in relation to two actual and/or hypothetical scenarios.

## UNIT 2 – SANCTIONS, REMEDIES AND RIGHTS

Criminal law and civil law aim to protect the rights of individuals. When rights are infringed, a case or dispute may arise which needs to be determined or resolved, and sanctions or remedies may be imposed. This unit focuses on the enforcement of criminal law and civil law, the methods and institutions that may be used to determine a criminal case or resolve a civil dispute, and the purposes and types of sanctions and remedies and their effectiveness. Students undertake a detailed investigation of two criminal cases and two civil cases from the past four years to form a judgment about the ability of sanctions and remedies to achieve the principles of justice. Students develop their understanding of the way rights are protected in Australia and in another country, and possible reforms to the protection of rights. They examine a significant case in relation to the protection of rights in Australia.

### AREA OF STUDY 1 – Sanctions

**Content focus**

The criminal justice system determines the guilt or otherwise of an accused, and imposes sanctions on a guilty person. In this area of study, students investigate key concepts in the determination of a criminal case, including the institutions that enforce criminal law, and the purposes and types of sanctions and approaches to sentencing. Through an investigation of two criminal cases from the past four years, either decided or still being decided, students explore the extent to which the principles of justice were or could be achieved.

**Outcome**

- On completion of this unit, the student should be able to explain key concepts in the determination of a criminal case, and discuss the principles of justice in relation to the determination of criminal cases, sanctions and sentencing approaches.
- To achieve this outcome, the student will draw on key knowledge and key skills outlined in Area of Study 1.

**Key knowledge**

- the principles of justice: fairness, equality and access
- institutions that enforce criminal law, such as the police and delegated bodies
- the balance between institutional powers and individual rights
- an overview of the role and criminal jurisdictions of the Victorian courts
- the role of the jury in a criminal trial
- the purposes of sanctions: punishment, deterrence, denunciation, protection and rehabilitation
- types of sanctions such as fines, community correction orders and imprisonment
- factors considered by judges in sentencing
- aspects of sentencing practices in Victoria and in one other jurisdiction
- alternative approaches to sentencing, such as the use of the Drug Court, the Koori Courts and diversion programs
- two recent criminal cases and for each case:
  – an overview of the charges and the central facts of the case
  – courts that may be or were involved sanctions that could be or were imposed and their appropriateness
  – factors that may be or were taken into consideration in sentencing
  – possible avenues of appeal
  – the extent to which the principles of justice could be or were achieved.

**Key skills**

- define and use legal terminology
- research, analyse and apply information in relation to criminal law and two recent criminal cases
- describe the institutions that enforce criminal law
- explain the role of the Victorian courts and juries in criminal cases
- discuss the principles of justice in relation to the enforcement of criminal law and sanctions
- discuss the ability of sanctions to achieve their purposes
- discuss approaches to sentencing
- analyse the extent to which the principles of justice could be or were achieved in two recent criminal cases.

### AREA OF STUDY 2 – Remedies

**Content focus**

Remedies may be available to a wronged party where there has been a breach of civil law. In this area of study, students develop an appreciation of key concepts in the resolution of a civil case, including the methods used and institutions available to resolve disputes, and the purposes and types of remedies. Through an investigation of two civil cases from the past four years, either decided or still being decided, students explore the extent to which the principles of justice were or could be achieved.

**Outcome**

- On completion of this unit, the student should be able to explain key concepts in the resolution of a civil dispute, and discuss the principles of justice in relation to the resolution of civil disputes and remedies.
- To achieve this outcome, the student will draw on key knowledge and key skills outlined in Area of Study 2.

**Key knowledge**

- the principles of justice: fairness, equality and access
- methods used to resolve a civil dispute such as mediation, conciliation and arbitration
- institutions that resolve civil disputes such as tribunals, ombudsmen and complaints bodies
- an overview of the role and civil jurisdictions of the Victorian courts
- the role of the jury in a civil trial
- the purposes of remedies
- types of remedies, such as damages and injunctions
- two recent civil cases and for each case:
  – an overview of the claim and the central facts of the case
  – dispute resolution bodies that may be or were involved
  – methods of dispute resolution and their appropriateness
  – remedies that could be or were awarded and their appropriateness
  – possible avenues of appeal
  – the extent to which the principles of justice were or could be achieved.

**Key skills**

- define and use legal terminology
- research, analyse and apply information in relation to civil law and two recent civil cases
- describe the institutions that resolve civil disputes
- explain the role of the Victorian courts and juries in civil cases
- discuss the principles of justice in relation to the resolution of civil disputes and remedies
- discuss the ability of remedies to achieve their purposes
- analyse the extent to which the principles of justice were or could be achieved in two recent civil cases.

### AREA OF STUDY 3 – Rights

**Content focus**

The protection of rights is fundamental to a democratic society. Rights are protected in Australia through the Australian Constitution, the Victorian Charter of Human Rights and Responsibilities and through common law and statute law such as through statutes relating to racial discrimination, sex discrimination and equal opportunity. In this area of study, students examine the ways in which rights are protected in Australia and compare this approach with that of another country. Based on this comparison, they consider possible reforms to the ways rights are protected in Australia. Students investigate an Australian case that had an impact on the protection of rights in Australia and develop their understanding of the role of an individual in taking a case to court.

**Outcome**

- On completion of this unit, the student should be able to evaluate the ways in which rights are protected in Australia, compare this approach with that adopted by another country and discuss the impact of an Australian case on the rights of individuals and the legal system.
- To achieve this outcome, the student will draw on key knowledge and key skills outlined in Area of Study 3.

**Key knowledge**

- define and use legal terminology
- research and analyse relevant information about the protection of rights
- compare Australia's approach to the protection of rights with the approach of another country
- evaluate the ways in which rights are protected in Australia
- discuss possible reforms to the protection of rights in Australia
- describe the role of individuals in bringing about changes in the protection of rights through cases
- analyse the impact of a case on the rights of individuals and on the legal system
- apply legal principles to actual cases.

**Key skills**

- define and use legal terminology
- research and analyse relevant information about the protection of rights
- compare Australia's approach to the protection of rights with the approach of another country
- evaluate the ways in which rights are protected in Australia
- discuss possible reforms to the protection of rights in Australia
- describe the role of individuals in bringing about changes in the protection of rights through cases
- analyse the impact of a case on the rights of individuals and on th e legal system
- apply legal principles to actual cases.

## UNIT 3 – RIGHTS AND JUSTICE

The Victorian justice system, which includes the criminal and civil justice systems, aims to protect the rights of individuals and uphold the principles of justice: fairness, equality and access. In this unit, students examine the methods and institutions in the justice system and consider their appropriateness in determining criminal cases and resolving civil disputes. Students consider the Magistrates' Court, County Court and Supreme Court within the Victorian court hierarchy, as well as other Victorian legal institutions and bodies available to assist with cases. Students explore matters such as the rights available to an accused and to victims in the criminal justice system, the roles of the judge, jury, legal practitioners and the parties, and the ability of sanctions and remedies to achieve their purposes. Students investigate the extent to which the principles of justice are upheld in the justice system. They discuss recent reforms from the past four years and recommended reforms to enhance the ability of the justice system to achieve the principles of justice. Throughout this unit, students apply legal reasoning and information to actual and/or hypothetical scenarios.

### AREA OF STUDY 1 – The Victorian criminal justice system

**Content focus**

The Victorian criminal justice system is used to determine whether an accused person is guilty beyond reasonable doubt of an offence for which they are charged, and to impose sanctions where guilt has been found or pleaded. The system involves a range of institutions including courts (the Magistrates' Court, County Court and Supreme Court) and others available to assist an accused. In this area of study, students explore the criminal justice system, its range of personnel and institutions and the various means it uses to determine a criminal case. Students investigate the rights of the accused and of victims, and explore the purposes and types of sanctions and sentencing considerations. Students consider factors that affect the ability of the criminal justice system to achieve the principles of justice. They examine recent reforms from the past four years and recommended reforms to enhance the ability of the criminal justice system to achieve the principles of justice. Students synthesise and apply legal principles and information relevant to the criminal justice system to actual and/or hypothetical scenarios.

**Outcome**

- On completion of this unit, the student should be able to explain the rights of the accused and of victims in the criminal justice system, discuss the means used to determine criminal cases and evaluate the ability of the criminal justice system to achieve the principles of justice.
- To achieve this outcome, the student will draw on key knowledge and key skills outlined in Area of Study 1.

**Key knowledge**

**Key concepts:**

- the principles of justice: fairness, equality and access
- key concepts in the Victorian criminal justice system, including:
  – the distinction between summary offences and indictable offences
  – the burden of proof
  – the standard of proof
  – the presumption of innocence
- the rights of an accused, including the right to be tried without unreasonable delay, the right to a fair hearing, and the right to trial by jury
- the rights of victims, including the right to give evidence as a vulnerable witness, the right to be informed about the proceedings, and the right to be informed of the likely release date of the accused

**Determining a criminal case:**

- the role of institutions available to assist an accused, including Victoria Legal Aid and Victorian community legal centres
- the purposes of committal proceedings
- the purposes and appropriateness of plea negotiations and sentence indications in determining criminal cases
- the reasons for a Victorian court hierarchy in determining criminal cases, including specialisation and appeals
- the responsibilities of key personnel in a criminal trial, including the judge, jury, parties and legal practitioners
- the purposes of sanctions: rehabilitation, punishment, deterrence, denunciation and protection
- fines, community corrections orders and imprisonment, and their specific purposes
- factors considered in sentencing, including aggravating factors, mitigating factors, guilty pleas and victim impact statements

**Reforms:**

- factors that affect the ability of the criminal justice system to achieve the principles of justice including in relation to costs, time and cultural differences
- recent reforms and recommended reforms to enhance the ability of the criminal justice system to achieve the principles of justice.

**Key skills**

- define and use legal terminology
- discuss, interpret and analyse legal principles and information
- explain the rights of an accused and of victims in the criminal justice system
- explain the purposes of committal proceedings and the roles of institutions available to assist an accused
- explain the reasons for the Victorian court hierarchy in determining criminal cases
- discuss and justify the appropriateness of the means used to determine a criminal case
- discuss the responsibilities of key personnel in a criminal trial
- discuss the ability of sanctions to achieve their purposes
- discuss recent reforms and recommended reforms to the criminal justice system
- evaluate the ability of the criminal justice system to achieve the principles of justice
- synthesise and apply legal principles and information to actual and/or hypothetical scenarios.

### AREA OF STUDY 2 – The Victorian civil justice system

**Content focus**

The Victorian civil justice system aims to restore a wronged party to the position they were originally in before the breach of civil law occurred. The system involves a range of institutions to resolve a civil dispute, including courts (the Magistrates' Court, County Court and Supreme Court), complaints bodies and tribunals. In this area of study, students consider the factors relevant to commencing a civil claim, examine the institutions and methods used to resolve a civil dispute and explore the purposes and types of remedies. Students consider factors that affect the ability of the civil justice system to achieve the principles of justice. They examine recent reforms from the past four years and recommended reforms to enhance the ability of the civil justice system to achieve the principles of justice. Students synthesise and apply legal principles and information relevant to the civil justice system to actual and/or hypothetical scenarios.

**Outcome**

- On completion of this unit, the student should be able to analyse the factors to consider when initiating a civil claim, discuss the institutions and methods used to resolve civil disputes and evaluate the ability of the civil justice system to achieve the principles of justice.
- To achieve this outcome, the student will draw on key knowledge and key skills outlined in Area of Study 2.

**Key knowledge**

**Key concepts:**

- the principles of justice: fairness, equality and access
- key concepts in the Victorian civil justice system, including:
  – the burden of proof
  – the standard of proof
  – representative proceedings

**Resolving a civil dispute:**

- factors to consider when initiating a civil claim, including negotiation options, costs, limitation of actions, the scope of liability and enforcement issues
- the purposes and appropriateness of Consumer Affairs Victoria (CAV) and the Victorian Civil and Administrative Tribunal (VCAT) in resolving civil disputes
- the purposes of civil pre-trial procedures
- the reasons for a Victorian court hierarchy in determining civil cases, including administrative convenience and appeals
- the responsibilities of key personnel in a civil trial, including the judge, jury, the parties and legal practitioners
- judicial powers of case management, including the power to order mediation and give directions
- the methods used to resolve civil disputes, including mediation, conciliation and arbitration, and their appropriateness
- the purposes of remedies
- damages and injunctions, and their specific purposes

**Reforms:**

- factors that affect the ability of the civil justice system to achieve the principles of justice, including in relation to costs, time and accessibility
- recent and recommended reforms to enhance the ability of the civil justice system to achieve the principles of justice.

**Key skills**

- define and use legal terminology
- discuss, interpret and analyse legal principles and information
- analyse factors to consider when initiating a civil claim
- explain the purposes of pre-trial procedures using examples
- explain the reasons for the Victorian court hierarchy in determining civil cases
- discuss and justify the appropriateness of institutions and methods used to resolve a civil dispute
- discuss the responsibilities of key personnel in a civil trial
- discuss the ability of remedies to achieve their purposes
- discuss recent reforms and recommended reforms to the civil justice system
- evaluate the ability of the civil justice system to achieve the principles of justice
- synthesise and apply legal principles and information to actual and/or hypothetical scenarios.

## UNIT 4 – THE PEOPLE AND THE LAW

The study of Australia's laws and legal system involves an understanding of institutions that make and reform our laws, and the relationship between the Australian people, the Australian Constitution and law-making bodies. In this unit, students explore how the Australian Constitution establishes the law-making powers of the Commonwealth and state parliaments, and protects the Australian people through structures that act as a check on parliament in law-making. Students develop an understanding of the significance of the High Court in protecting and interpreting the Australian Constitution. They investigate parliament and the courts, and the relationship between the two in law-making, and consider the roles of the individual, the media and law reform bodies in influencing law reform. Throughout this unit, students apply legal reasoning and information to actual scenarios.

### AREA OF STUDY 1 – The people and the Australian Constitution

**Content focus**

The Australian Constitution establishes Australia's parliamentary system and provides mechanisms to ensure that parliament does not make laws beyond its powers. In this area of study, students examine the relationship between the Australian people and the Australian Constitution and the ways in which the Australian Constitution acts as a check on parliament in law-making. Students investigate the involvement of the Australian people in the referendum process and the role of the High Court in acting as the guardian of the Australian Constitution.

**Outcome**

- On completion of this unit, the student should be able to discuss the significance of High Court cases involving the interpretation of the Australian Constitution and evaluate the ways in which the Australian Constitution acts as a check on parliament in law-making.
- To achieve this outcome, the student will draw on key knowledge and key skills outlined in Area of Study 1.

**Key knowledge:**

- the roles of the Crown and the Houses of Parliament (Victorian and Commonwealth) in law-making
- the division of constitutional law-making powers of the state and Commonwealth parliaments, including exclusive, concurrent and residual powers
- the significance of section 109 of the Australian Constitution
- the means by which the Australian Constitution acts as a check on parliament in law-making, including:
  – the bicameral structure of the Commonwealth parliament
  – the separation of the legislative, executive and judicial powers
  – the express protection of rights
  – the role of the High Court in interpreting the Australian Constitution
  – the requirement for a double majority in a referendum
- the significance of one High Court case interpreting sections 7 and 24 of the Australian Constitution
- the significance of one referendum in which the Australian people have protected or changed the Australian Constitution
- the significance of one High Court case which has had an impact on the division of constitutional law-making powers
- the impact of international declarations and treaties on the interpretation of the external affairs power.

**Key skills**

- define and use legal terminology
- discuss, interpret and analyse legal principles and information
- compare the constitutional law-making powers of the state and Commonwealth parliaments using examples
- discuss the significance of section 109 of the Australian Constitution
- evaluate the ways in which the Australian Constitution acts as a check on parliament in law-making
- analyse the ability of the Australian people to protect or change the Australian Constitution
- discuss the significance of High Court cases involving the interpretation of the Australian Constitution
- discuss the impact of international declarations and treaties on the interpretation of the external affairs power
- synthesise and apply legal principles to actual scenarios.

### AREA OF STUDY 2 – The people, the parliament and the courts

**Content focus**

Parliament is the supreme law-making body, and courts have a complementary role to parliament in making laws. Courts can make laws through the doctrine of precedent and through statutory interpretation when determining cases. In this area of study, students investigate factors that affect the ability of parliament and courts to make law. They examine the relationship between parliament and courts in law-making and consider the capacity of both institutions to respond to the need for law reform. In exploring the influences on law reform, students draw on examples of individuals and the media, as well as examples from the past four years of law reform bodies recommending legislative change.

**Outcome**

- On completion of this unit, the student should be able to discuss the factors that affect the ability of parliament and courts to make law, evaluate the ability of these law-makers to respond to the need for law reform, and analyse how individuals, the media and law reform bodies can influence a change in the law.
- To achieve this outcome, the student will draw on key knowledge and key skills outlined in Area of Study 2.

**Parliament and courts:**

- factors that affect the ability of parliament to make law, including:
  – the roles of the houses of parliament
  – the representative nature of parliament
  – political pressures
  – restrictions on the law-making powers of parliament
- the roles of the Victorian courts and the High Court in law-making
- the reasons for, and effects of, statutory interpretation
- factors that affect the ability of courts to make law, including:
  – the doctrine of precedent
  – judicial conservatism
  – judicial activism
  – costs and time in bringing a case to court
  – the requirement for standing
- features of the relationship between courts and parliament in law-making, including:
  – the supremacy of parliament
  – the ability of courts to influence parliament
  – the interpretation of statutes by courts
  – the codification of common law
  – the abrogation of common law

**Law reform:**

- reasons for law reform
- the ability and means by which individuals can influence law reform including through petitions, demonstrations and the use of the courts
- the role of the media, including social media, in law reform
- the role of the Victorian Law Reform Commission and its ability to influence law reform
- one recent example of the Victorian Law Reform Commission recommending law reform
- the role of one parliamentary committee or one Royal Commission, and its ability to influence law reform
- one recent example of a recommendation for law reform by one parliamentary committee or one Royal Commission
- the ability of parliament and the courts to respond to the need for law reform.

**Key skills**

- define and use legal terminology
- discuss, interpret and analyse legal principles and information
- discuss the factors that affect the ability of parliament and courts to make laws
- analyse the features of the relationship between parliament and courts
- explain the reasons for law reform, using examples
- analyse the influence of the media, including social media, in law reform, using examples
- discuss the means by which individuals can influence law reform, using examples
- evaluate the ability of law reform bodies to influence a change in the law, using recent examples
- evaluate the ability of parliament and the courts to respond to the need for law reform
- synthesise and apply legal principles to actual scenarios.

## ASSESSMENT AND REPORTING

### SATISFACTORY COMPLETION

**Unit 1**

- The award of satisfactory completion for a unit is based on the teacher's decision that the student has demonstrated achievement of the set of outcomes specified for the unit.
- Demonstration of achievement of outcomes and satisfactory completion of a unit are determined by evidence gained through the assessment of a range of learning activities and tasks.
- Teachers must develop courses that provide appropriate opportunities for students to demonstrate satisfactory achievement of outcomes.
- The decision about satisfactory completion of a unit is distinct from the assessment of levels of achievement. Schools will report a student's result for each unit to the VCAA as S (Satisfactory) or N (Not Satisfactory).

**Unit 2**

- The award of satisfactory completion for a unit is based on the teacher's decision that the student has demonstrated achievement of the set of outcomes specified for the unit.
- Demonstration of achievement of outcomes and satisfactory completion of a unit are determined by evidence gained through the assessment of a range of learning activities and tasks.
- Teachers must develop courses that provide appropriate opportunities for students to demonstrate satisfactory achievement of outcomes.
- The decision about satisfactory completion of a unit is distinct from the assessment of levels of achievement. Schools will report a student's result for each unit to the VCAA as S (Satisfactory) or N (Not Satisfactory).

**Unit 3**

- The award of satisfactory completion for a unit is based on whether the student has demonstrated the set of outcomes specified for the unit. Teachers should use a variety of learning activities and assessment tasks to provide a range of opportunities for students to demonstrate the key knowledge and key skills in the outcomes.
- The areas of study and key knowledge and key skills listed for the outcomes should be used for course design and the development of learning activities and assessment tasks.

**Unit 4**

- The award of satisfactory completion for a unit is based on whether the student has demonstrated the set of outcomes specified for the unit. Teachers should use a variety of learning activities and assessment tasks to provide a range of opportunities for students to demonstrate the key knowledge and key skills in the outcomes.
- The areas of study and key knowledge and key skills listed for the outcomes should be used for course design and the development of learning activities and assessment tasks.

### LEVELS OF ACHIEVEMENT

**Unit 1**

- 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 VCAA. Schools may choose to report levels of achievement using grades, descriptive statements or other indicators.

**Unit 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 VCAA. Schools may choose to report levels of achievement using grades, descriptive statements or other indicators.

**Unit 3**

- The VCAA specifies the assessment procedures for students undertaking scored assessment in Units 3 and 4. Designated assessment tasks are provided in the details for each unit in VCE study designs.
- The student's level of achievement in Units 3 and 4 VCE Legal Studies will be determined by School-assessed Coursework (SACs) as specified in the study design, and external assessment.
- The VCAA will report the student's level of achievement on each assessment component as a grade from A+ to E or UG (ungraded). To receive a study score the student 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 VCE and VCAL Administrative Handbook for details on graded assessment and calculation of the study score.
- Percentage contributions to the study score in VCE 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 4**

- The VCAA specifies the assessment procedures for students undertaking scored assessment in Units 3 and 4. Designated assessment tasks are provided in the details for each unit in VCE study designs.
- The student's level of achievement in Units 3 and 4 VCE Legal Studies will be determined by School-assessed Coursework (SACs) as specified in the study design, and external assessment.
- The VCAA will report the student's level of achievement on each assessment component as a grade from A+ to E or UG (ungraded). To receive a study score, the student 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 VCE and VCAL Administrative Handbook for details on graded assessment and calculation of the study score.
- Percentage contributions to the study score in VCE 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.

### ASSESSMENT PROCEDURES

**Unit 1**

- Teachers should use a variety of learning activities and assessment tasks that provide a range of opportunities for students to demonstrate the key knowledge and key skills in the outcomes.
- The areas of study, including the key knowledge and key skills listed for the outcomes, should be used for course design and the development of learning activities and assessment tasks. Assessment must be a part of the regular teaching and learning program and should be completed mainly in class and within a limited timeframe.
- All assessments at Units 1 and 2 are school-based. Procedures for assessment of levels of achievement in Units 1 and 2 are a matter for school decision.
- For this unit students are required to demonstrate three outcomes. As a set, these outcomes encompass the areas of study in the unit.
- Suitable tasks for assessment in this unit may be selected from the following: a folio of exercises, structured questions, a classroom presentation, a role-play, a debate, a report, a question-and-answer session.
- Tasks can be presented orally, in writing or using presentation technology.
- Where teachers allow students to choose between tasks they must ensure that the tasks they set are of comparable scope and demand.

**Unit 2**

- Teachers should use a variety of learning activities and assessment tasks that provide a range of opportunities for students to demonstrate the key knowledge and key skills in the outcomes.
- The areas of study, including the key knowledge and key skills listed for the outcomes, should be used for course design and the development of learning activities and assessment tasks. Assessment must be a part of the regular teaching and learning program and should be completed mainly in class and within a limited timeframe.
- All assessments at Units 1 and 2 are school-based. Procedures for assessment of levels of achievement in Units 1 and 2 are a matter for school decision.
- For this unit students are required to demonstrate three outcomes. As a set, these outcomes encompass the areas of study in the unit.
- Suitable tasks for assessment in this unit may be selected from the following: a folio of exercises, structured questions, a classroom presentation, a role-play, a debate, a report, a question-and-answer session.
- Tasks can be presented orally, in writing or using presentation technology.
- Where teachers allow students to choose between tasks they must ensure that the tasks they set are of comparable scope and demand.

**Unit 3**

- The student's level of achievement in Unit 3 will be determined by School-assessed Coursework. School-assessed Coursework 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 teachers provide a range of options for the same School-assessed Coursework task, they should ensure that the options are of comparable scope and demand.
- The types and range of forms of School-assessed Coursework for the outcomes are prescribed within the study design. The VCAA publishes Advice for teachers for this study, which includes advice on the design of assessment tasks and the assessment of student work for a level of achievement.
- Teachers will provide to the VCAA a numerical score representing an assessment of the student's level of achievement. The score must be based on the teacher's assessment of the performance of each student.

**Unit 4**

- The student's level of achievement in Unit 4 will be determined by School-assessed Coursework. School-assessed Coursework 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 teachers provide a range of options for the same School-assessed Coursework task, they should ensure that the options are of comparable scope and demand.
- The types and range of forms of School-assessed Coursework for the outcomes are prescribed within the study design. The VCAA publishes Advice for teachers for this study, which includes advice on the design of assessment tasks and the assessment of student work for a level of achievement.
- Teachers will provide to the VCAA a numerical score representing an assessment of the student's level of achievement. The score must be based on the teacher's assessment of the performance of each student.

### CONTRIBUTION TO FINAL ASSESSMENT

**Unit 3**

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

**Outcome 1 (50 marks):**

- Explain the rights of the accused and of victims in the criminal justice system, discuss the means used to determine criminal cases and evaluate the ability of the criminal justice system to achieve the principles of justice.

**Outcome 2 (50 marks):**

- Analyse the factors to consider when initiating a civil claim, discuss the institutions and methods used to resolve civil disputes and evaluate the ability of the civil justice system to achieve the principles of justice.

**Unit 4**

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

**Outcome 1 (40 marks):**

- Discuss the significance of High Court cases involving the interpretation of the Australian Constitution and evaluate the ways in which the Australian Constitution acts as a check on parliament in law-making.

**Outcome 2 (60 marks):**

- Discuss the factors that affect the ability of parliament and courts to make law, evaluate the ability of these law-makers to respond to the need for law reform, and analyse how individuals, the media and law reform bodies can influence a change in the law.

### ASSESSMENT TASKS

**Unit 3**

The student's performance on each outcome will be assessed using one or more of the following:

- a case study
- structured questions
- an essay
- a report in written format
- a report in multimedia format
- a folio of exercises.

**Unit 4**

The student's performance on each outcome will be assessed using one or more of the following:

- a case study
- structured questions
- an essay
- a report in written format
- a report in multimedia format
- a folio of exercises.

### EXTERNAL ASSESSMENTS

**Unit 3**

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

**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 VCAA.
- VCAA examination rules will apply. Details of these rules are published annually in the VCE and VCAL Administrative Handbook.
- The examination will be marked by assessors appointed by the VCAA.

**Unit 4**

**Description**
The examination will be set by a panel appointed by the VCAA. All the key knowledge and key skills that underpin the outcomes in Units 3 and 4 are examinable.

**Further advice**
The VCAA publishes specifications for all VCE examinations on the VCAA website. Examination specifications include details about the sections of the examination, their weighting, the question format/s and any other essential information. The specifications are published in the first year of implementation of the revised Unit 3 and 4 sequence together with any sample material.