

# Legal Studies 2019 v1.1

## IA3 sample assessment instrument

September 2018

### Investigation — argumentative essay (25%)

This sample has been compiled by the QCAA to assist and support teachers in planning and developing assessment instruments for individual school settings.

### Assessment objectives

This assessment instrument is used to determine student achievement in the following objectives:

1. comprehend legal concepts, principles and/or processes of Australian laws and international obligations of a current international human rights issue where Australia has a legal interest
2. select legal information from sources relevant to current international human rights where Australia has a legal interest
3. analyse a legal issue involving international human rights where Australia has a legal interest
4. evaluate a legal situation relevant to international human rights where Australia has a legal interest
5. create a response that communicates meaning to suit the intended purpose in an argumentative essay.

<b>Subject</b>	Legal Studies	<b>Instrument no.</b>	IA3
<b>Technique</b>	Investigation — argumentative essay		
<b>Unit</b>	4: Human rights in legal contexts		
<b>Topic</b>	1: Human rights 2: The effectiveness of international law		

<b>Conditions</b>			
<b>Duration</b>	4 weeks, including 10 hours of the time allocated for Unit 4 Students may use class time and their own time to develop an individual response.		
<b>Mode</b>	Written response	<b>Length</b>	1500–2000 words
<b>Individual/group</b>	Individual	<b>Other</b>	—
<b>Resources available</b>	A variety of extracts from case law, legal databases, legislation, government and other institutional websites, published reports, media and expert commentaries, and lobbyist statements.		
<b>Context</b>			
<p>'We are all going to have slavery in our supply chains no matter how good we think our corporate social responsibility is.'</p> <p>Andrew Forrest, Chairman of Fortescue Mining Group and the Walk Free Foundation, cited from <a href="http://www.supplychainschool.org.au/documents/Newsletter/Modern%20Slavery%20report%202018%20FINAL.pdf">http://www.supplychainschool.org.au/documents/Newsletter/Modern%20Slavery%20report%202018%20FINAL.pdf</a></p>			
<b>Task</b>			
<p>Create an argumentative essay in response to the question 'to what extent will the proposed <i>Commonwealth Modern Slavery Act 2018</i> be effective in addressing human rights issues found in international supply chains?'</p> <p>Discuss one recommendation to further improve the human right outcomes for international workers.</p>			
<b>To complete this task, you must:</b>			
<ul style="list-style-type: none"> <li>• select legal information from sources on one aspect of modern slavery evident in the international supply chains of Australian businesses <ul style="list-style-type: none"> <li>– e.g. wages, conditions, power to negotiate, reporting requirements for certain large business and other entities, capacity to address modern slavery risks in operations and supply chains, debt bondage or deceptive recruiting</li> <li>– include international legal obligations, and provide a reference list and citations</li> </ul> </li> <li>• analyse one case study where Australian businesses have workers in their supply chains overseas <ul style="list-style-type: none"> <li>– e.g. raw materials products (cocoa, coffee, tea, fish) or finished goods (mobile phones, garments)</li> </ul> </li> <li>• identify applicable legal concepts within Article 4 of the Human Rights Declaration, and determine the nature and scope of modern slavery in your case study</li> <li>• evaluate alternatives and justify your recommendation with appropriate legal criteria.</li> </ul>			
<b>Stimulus</b>			
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<b>Checkpoints</b>		
<input type="checkbox"/> Week 1: Planning — formed an inquiry methodology and collated a list of possible sources.		
<input type="checkbox"/> Week 2: Progress check — intended main points for analysing and evaluating elements of the essay.		
<input type="checkbox"/> Week 3: Progress check — draft response.		
<input type="checkbox"/> Week 4: Final response.		
<b>Criterion</b>	<b>Marks allocated</b>	<b>Result</b>
<b>Comprehending</b> Assessment objective 1	5	
<b>Selecting</b> Assessment objective 2	4	
<b>Analysing</b> Assessment objective 3	6	
<b>Evaluating</b> Assessment objective 4	6	
<b>Creating a response</b> Assessment objectives 5	4	
<b>Total</b>	<b>25</b>	
<b>Authentication strategies</b>		
• The teacher will provide class time for task completion.		
• The teacher will collect copies of the student response and monitor at key junctures.		
• The teacher will collect and annotate drafts.		
• Students must submit a declaration of authenticity.		
• The teacher will ensure class cross-marking occurs.		
<b>Scaffolding</b>		
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# Instrument-specific marking guide

## Criterion: Comprehending

### Assessment objective

1. comprehend legal concepts, principles and/or processes of Australian laws and international obligations of a current international human rights issue where Australia has a legal interest

The student work has the following characteristics:	Marks
<ul style="list-style-type: none"><li>• comprehensive identification of the essential legal features of a current international human rights issue where Australia has a legal interest</li><li>• perceptive description of legal concepts, principles and/or processes of Australian human rights laws and international obligations</li><li>• precise use of legal terminology.</li></ul>	4–5
<ul style="list-style-type: none"><li>• effective identification of the legal features of a current international human rights issue where Australia has a legal interest</li><li>• effective descriptions of concepts, principles and/or processes of Australian human rights laws and international obligations</li><li>• adequate use of legal terminology.</li></ul>	2–3
<ul style="list-style-type: none"><li>• identification of some concepts, principles or processes of Australian human rights laws and/or international obligations.</li></ul>	1
<ul style="list-style-type: none"><li>• does not satisfy any of the descriptors above.</li></ul>	0

## Criterion: Selecting

### Assessment objective

2. select legal information from sources relevant to current international human right/s where Australia has a legal interest

The student work has the following characteristics:	Marks
<ul style="list-style-type: none"><li>• discerning choice of current and relevant legal information from primary and/or secondary sources relevant to current international human right/s where Australia has a legal interest</li><li>• perceptive use of legal information</li><li>• consistent and accurate documentation of legal information in the form of a reference list and citations.</li></ul>	3–4
<ul style="list-style-type: none"><li>• adequate choice of current or relevant legal information from primary and/or secondary sources relevant to current international human rights where Australia has a legal interest</li><li>• adequate use of legal information</li><li>• some documentation of legal information in the form of a reference list and/or citations.</li></ul>	2
<ul style="list-style-type: none"><li>• limited choice of legal information from primary and/or secondary sources relevant to international human rights where Australia has a legal interest</li><li>• use of some legal information</li><li>• limited documentation of sources.</li></ul>	1
<ul style="list-style-type: none"><li>• does not satisfy any of the descriptors above.</li></ul>	0

## Criterion: Analysing

### Assessment objective

3. analyse a legal issue involving international human rights where Australia has a legal interest

The student work has the following characteristics:	Marks
<ul style="list-style-type: none"><li>perceptive application of relevant legal concepts, principles and/or processes to determine the nature and scope of an international human rights issue where Australia has a legal interest</li><li>interpretation of legal information to perceptively examine different viewpoints and their consequences</li><li>discerning use of evidence to support the analysis.</li></ul>	5–6
<ul style="list-style-type: none"><li>effective application of relevant legal concepts, principles and/or processes to determine the nature and scope of an international human rights issue where Australia has a legal interest</li><li>interpretation of legal information to effectively examine different viewpoints and their consequences</li><li>sufficient use of evidence within the analysis.</li></ul>	3–4
<ul style="list-style-type: none"><li>superficial description of legal concepts, principles and/or processes that link to the nature and/or scope of an international human rights issue</li><li>description or identification of superficial viewpoints and/or consequences</li><li>narrow use of evidence.</li></ul>	1–2
<ul style="list-style-type: none"><li>does not satisfy any of the descriptors above.</li></ul>	0

## Criterion: Evaluating

### Assessment objective

4. evaluate a legal situation relevant to international human rights where Australia has a legal interest

The student work has the following characteristics:	Marks
<ul style="list-style-type: none"><li>relevant legal alternatives presented from the analysis and insightful recommendation/s proposed</li><li>synthesis of information that justifies the recommendation/s through the discerning use of legal criteria</li><li>fluent discussion of the implications of the recommendation/s.</li></ul>	5–6
<ul style="list-style-type: none"><li>relevant legal alternatives presented from the analysis and effective recommendation/s proposed</li><li>synthesis of information that justifies the recommendation/s through the effective use of legal criteria</li><li>adequate discussion of the implications of the recommendation/s.</li></ul>	3–4
<ul style="list-style-type: none"><li>legal alternatives presented and/or recommendation/s proposed</li><li>some justification of the recommendation/s</li><li>discussion identifies some implications.</li></ul>	1–2
<ul style="list-style-type: none"><li>does not satisfy any of the descriptors above.</li></ul>	0

## Criterion: Creating a response

### Assessment objective

5. create a response that communicates meaning to suit the intended purpose in an argumentative essay

The student work has the following characteristics:	Marks
<ul style="list-style-type: none"><li>• concise expression and logical development of relevant ideas that enhance legal meaning</li><li>• features of an argumentative essay genre are consistently demonstrated</li><li>• minimal errors in spelling, grammar and punctuation.</li></ul>	3–4
<ul style="list-style-type: none"><li>• adequate expression and development of ideas that convey legal meaning</li><li>• features of an argumentative essay genre are demonstrated</li><li>• some errors in spelling, grammar and punctuation.</li></ul>	2
<ul style="list-style-type: none"><li>• some elements of essay formatting and inconsistent use of language conventions.</li></ul>	1
<ul style="list-style-type: none"><li>• does not satisfy any of the descriptors above.</li></ul>	0