

# Legal Studies 2019 v1.1

## Unit 2 sample assessment instrument

September 2018

### Investigation — argumentative essay

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

Schools develop internal assessments for each senior subject, based on the learning described in Units 1 and 2 of the subject syllabus. Each unit objective must be assessed at least once.

### Assessment objectives

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

1. comprehend legal concepts, principles and processes of the Australian and/or Queensland civil justice systems, and in legal interactions that are unplanned (the concept of negligence)
2. select legal information from sources relevant to Australian and/or Queensland negligence and the duty of care
3. analyse a legal issue involving Australian and/or Queensland negligence and the duty of care
4. evaluate a legal situation relevant to Australian and/or Queensland negligence and the duty of care
5. create a response that communicates meaning to suit the intended purpose in an argumentative essay.

<b>Subject</b>	Legal Studies
<b>Technique</b>	Investigation — argumentative essay
<b>Unit</b>	2: Balance of probabilities
<b>Topic</b>	3: Negligence and the duty of care

<b>Conditions</b>			
<b>Duration</b>	4 weeks, including 10 hours of the time allocated for Unit 2. Students may use class time and their own time to develop a 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>			
Consider the following statement: <i>The elements required to bring a successful negligence claim in Queensland ensure just and equitable outcomes for stakeholders.</i>			
<b>Task</b>			
Create an argumentative essay response analysing a legal issue arising from the one of the scenarios below. Evaluate the current legal situation in Queensland, and consider two legal alternatives before making a recommendation for just and equitable civil justice outcomes.			
<b>Note:</b> The scenarios are purposefully brief so you can discuss the principles of negligence that need to be taken into account in establishing duty of care.			
<ul style="list-style-type: none"> <li>• A 20-year-old male who has had a driver's licence for two months causes a car accident. His 20-year-old passenger, who was not wearing a seatbelt, suffered extensive injuries and lost the use of both legs.</li> <li>• A 40-year-old female keen to grow her superannuation sees a financial advisor recommended by a colleague. A year later, she discovers her superannuation balance is a quarter of what it had been.</li> <li>• A 19-year-old female is taken to hospital unconscious with excessive bleeding from a head wound. A doctor administers medication to stop the bleeding, which triggers a severe allergic reaction, causing the patient to fall into a coma.</li> <li>• A 15-year-old boy hits his head on the ground when tackled during a club football game. Reports indicate that while dizzy and disoriented, he stays for a couple of plays before taking himself off. He returns later and plays to the end. He suffers severe concussion and spends two days in hospital.</li> <li>• A 12-year-old girl studying dance in Physical Education does a ballet routine as part of her assessment. During her performance she falls and twists her ankle, resulting in a severe sprain and torn ligaments.</li> </ul>			
<b>To complete this task, you must:</b>			
<ul style="list-style-type: none"> <li>• select legal information including legislation and provide a reference list and citations</li> <li>• demonstrate comprehension of relevant legal concepts, principles and/or processes within the report</li> <li>• analyse and examine viewpoints of two significant stakeholder groups regarding the scenario chosen</li> <li>• evaluate using legal criteria and discuss the implications of your recommendation</li> <li>• create your essay in an argumentative form that takes a position on your chosen topic.</li> </ul>			

<b>Stimulus</b>
—
<b>Checkpoints</b>
<input type="checkbox"/> Week 1: Progress check — A list of possible sources that contain legal information.
<input type="checkbox"/> Week 2: Progress check — Analysing and evaluating main points.
<input type="checkbox"/> Week 3: Progress check — Draft response.
<input type="checkbox"/> Week 4: Final response.
<b>Feedback</b>
<b>Authentication strategies</b>
<ul style="list-style-type: none"> <li>• The teacher will provide class time for task completion.</li> <li>• The teacher will collect copies of the student response and monitor at key junctures.</li> <li>• The teacher will collect and annotate one complete draft.</li> <li>• Students must submit a declaration of authenticity.</li> <li>• The teacher will ensure class cross-marking occurs.</li> </ul>
<b>Scaffolding</b>
Present arguments that support the position: the essay can be structured either by presenting the opposing view first, then countering this with stronger evidence, or vice versa. (Refer <i>Legal Studies 2019 Senior Syllabus</i> glossary).