

Legal Studies 2019 v1.1

IA1 sample assessment instrument

October 2018

Examination — combination response (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 processes of Australian and Queensland governance
3. analyse a legal issue involving Australian and/or Queensland governance
4. evaluate a legal situation relevant to Australian and/or Queensland governance.

Note: Objectives 2 and 5 are not assessed in this instrument.

Subject	Legal Studies	Instrument no.	IA1
Technique	Examination — combination response		
Unit	3: Law, governance and change		
Topic	1: Governance in Australia		

Conditions			
Response type	Written response		
Time	2 hours	Planning time	15 minutes
Other	<ul style="list-style-type: none"> • Length: <ul style="list-style-type: none"> - six short-response items — 50–100 words per item - one extended-response item — 400–500 words - examination in its entirety — 800–1000 words • Documents provided: <ul style="list-style-type: none"> - examination paper - A3 stimulus sheet 		
Instructions			
Answer short-response and extended-response questions in the space provided on the test paper.			
Criterion	Marks allocated	Result	
Part A — Comprehending Assessment objective 1	10		
Part B — Analysing Assessment objective 3	8		
Part B — Evaluating Assessment objective 4	7		
Total	25		

Part A: Comprehending (short response)
Answer in the space provided.

Question 1 (50 words)

Both houses of federal parliament have decided to allow federally elected members to be dual citizens up to the date of swearing in as members of parliament. Explain the process required to change laws to enact this legal change.

Question 2 (50 words)

Identify a recent review that has considered the efficiency of the courts in Australia. Describe two ways a proposed new court process could improve legal outcomes for citizens.

Question 5 (100 words)

Queensland government has a unicameral legislature. Explain one advantage and one disadvantage of Australia moving to this type of legislature for the federal government.

Instrument-specific marking guide (ISMG)

Criterion: Part A — Comprehending

Assessment objective

1. comprehend legal concepts, principles and processes of Australian and Queensland governance

The student work has the following characteristics:	Marks
<ul style="list-style-type: none">• accurate and detailed identification of the essential features of Australian and Queensland governance• thorough explanation of legal concepts, principles and processes of Australian and Queensland governance• precise use of legal terminology.	9–10
<ul style="list-style-type: none">• effective identification of the essential features of Australian and Queensland governance• effective explanation of concepts, principles and processes of Australian and Queensland governance• effective use of legal terminology.	7–8
<ul style="list-style-type: none">• adequate identification of the features of Australian and Queensland governance• adequate explanation of legal concepts, principles and processes of Australian and Queensland governance• adequate use of legal terminology.	5–6
<ul style="list-style-type: none">• partial identification of features of Australian and Queensland governance• partial description of concepts, principles and processes of Australian and/or Queensland governance• narrow use of legal terminology.	3–4
<ul style="list-style-type: none">• identification of aspects of governance• identification of aspects of concepts, principles or processes of governance• inconsistent or unclear use of terminology.	1–2
<ul style="list-style-type: none">• does not satisfy any of the descriptors above.	0

Criterion: Part B — Analysing

Assessment objective

3. analyse a legal issue involving Australian and/or Queensland governance

The student work has the following characteristics:	Marks
<ul style="list-style-type: none">perceptive application of legal concepts, principles and/or processes to determine the nature and scope of a legal issue involving Australian and/or Queensland governanceinterpretation of legal information to perceptively examine different viewpoints and their consequencesdiscerning use of evidence to support the analysis.	7–8
<ul style="list-style-type: none">effective application of legal concepts, principles and/or processes to determine the nature and scope of a legal issue involving Australian and/or Queensland governanceinterpretation of legal information to effectively examine different viewpoints and their consequenceseffective use of evidence to support the analysis.	5–6
<ul style="list-style-type: none">adequate application of some legal concepts, principles and/or processes to determine the nature and scope of a legal issue involving Australian and/or Queensland governanceinterpretation of legal information to adequately examine viewpoints and their consequencessufficient use of evidence in the analysis.	3–4
<ul style="list-style-type: none">description of the nature and/or scope of the issueidentification of viewpoints and/or consequencesnarrow use of evidence.	1–2
<ul style="list-style-type: none">does not satisfy any of the descriptors above.	0

Criterion: Part B — Evaluating

Assessment objective

4. evaluate a legal situation relevant to Australian and/or Queensland governance

The student work has the following characteristics:	Marks
<ul style="list-style-type: none">relevant legal alternatives presented leading to an insightful decisionjustification of the decision through the discerning use of legal criteriafluent discussion of relevant implications of the decision.	6–7
<ul style="list-style-type: none">relevant legal alternatives presented leading to an effective decisionjustification of the decision through the effective use of legal criteriadiscussion of relevant implications of the decision.	4–5
<ul style="list-style-type: none">alternatives presented and/or decisionsome justification of the decisiondiscussion identifies some implications.	2–3
<ul style="list-style-type: none">superficial alternatives and/or a decision or narrow discussion based on personal opinions.	1
<ul style="list-style-type: none">does not satisfy any of the descriptors above.	0

Stimulus for Part B

Avoid a voting fine!




Source 1

Australian Electoral Commission 2016, *2016 Australian Election – Voting booths*, Wikimedia, [Creative Commons Attribution 3.0 Australia](https://commons.wikimedia.org/wiki/File:2016_Australian_Election_-_Voting_booths.jpg), https://commons.wikimedia.org/wiki/File:2016_Australian_Election_-_Voting_booths.jpg accessed 11 October, 2018.

Source 2

Australia's Constitution requires them [Members of Parliament and Senators] only to take an oath of allegiance to the Queen.

Fitzgerald, T 2017, 'The only hope for democracy is for politicians to stand up to political parties', *ABC News*, www.abc.net.au/news/2017-07-13/democracys-only-hope-is-for-politicians-to-stand-up/8701118

Source 3

An extract from an article in *The Advertiser*, including the headline and the first paragraph (31 words).

Note: QCAA does not have permission to reproduce this material. Please refer to the online article, which is referenced below. This placeholder is provided as a guide to layout only.

Gothe-Snape, J 2014, 'Australian politicians prefer party loyalties over public interest', *The Advertiser*, www.adelaidenow.com.au/news/south-australia/australian-politicians-prefer-party-loyalties-over-public-interest/news-story/3d211cb872ecb878f59ac6beb011812f

Source 4

45th Parliament of the Commonwealth of Australia party representation, 2016		
	Lower House	Upper House
COALITION	76	30
Liberal Party of Australia	60	24
The Nationals	16	5
Country Liberal Party	–	1
Australian Labor Party	69	26
Australian Greens	1	9
Palmer United Party	–	–
Australian Motoring Enthusiast Party	–	–
Liberal Democratic Party	–	1
Family First	–	1
Nick Xenophon Team	1	3
Pauline Hanson's One Nation	–	4
Jacqui Lambie Network	–	1
Glenn Lazarus Team	–	–
Derryn Hinch's Justice Party	–	1
Katter's Australian Party	1	–
Independent	2	–
TOTAL	150	76

Gobbet, H 2016, 'Composition of the 45th Parliament: A quick guide', *Parliament of Australia*, [Creative Commons Attribution-NonCommercial-NoDerivs 3.0 Australia](http://www.aph.gov.au/About_Parliament/Parliamentary_Departments/Parliamentary_Library/pubs/rp/rp1617/Quick_Guides/45th_Parliament_Composition), www.aph.gov.au/About_Parliament/Parliamentary_Departments/Parliamentary_Library/pubs/rp/rp1617/Quick_Guides/45th_Parliament_Composition

Source 5

Geralt 2017, *Untitled*, Pixabay, CC0 1.0 Universal (CC0 1.0) Public Domain Dedication, <https://pixabay.com/en/business-staff-2584721/> accessed 11 October, 2018.



Source 6

A graphic comparing the parliament to the rest of Australia.

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Evershed, N, Liu, R & Livsey, A 2016, 'Are you reflected in the new parliament?', *The Guardian*, www.theguardian.com/australia-news/datablog/ng-interactive/2016/aug/31/are-you-reflected-in-the-new-parliament-diversity-survey-of-australian-politics