

Legal Studies General Senior Syllabus 2019 v1.2

Subject report 2020

February 2021

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Introduction

The first summative year for the new Queensland Certificate of Education (QCE) system was unexpectedly challenging. The demands of delivering new assessment requirements and processes were amplified by disruptions to senior schooling arising from the COVID-19 pandemic. This meant the new system was forced to adapt before it had been introduced — the number of summative internal assessments was reduced from three to two in all General subjects. Schools and the QCAA worked together to implement the new assessment processes and the 2020 Year 12 cohort received accurate and reliable subject results.

Queensland's innovative new senior assessment system combines the flexibility and authenticity of school-based assessment, developed and marked by classroom teachers, with the rigour and consistency of external assessment set and marked by QCAA-trained assessment writers and markers. The system does not privilege one form of assessment over another, and both teachers and QCAA assessors share the role of making high-stakes judgments about the achievement of students. Our commitment to rigorous external quality assurance guarantees the reliability of both internal and external assessment outcomes.

Using evidence of student learning to make judgments on student achievement is just one purpose of assessment. In a sophisticated assessment system, it is also used by teachers to inform pedagogy and by students to monitor and reflect on their progress.

This post-cycle report on the summative assessment program is not simply being produced as a matter of record. It is intended that it will play an active role in future assessment cycles by providing observations and findings in a way that is meaningful and helpful to support the teaching and learning process, provide future students with guidance to support their preparations for summative assessment, and promote transparency and accountability in the broader education community. Reflection and research are necessary for the new system to achieve stability and to continue to evolve. The annual subject report is a key medium for making it accessible to schools and others.

Background

Purpose

The annual subject report is an analysis of the previous year's full summative assessment cycle. This includes endorsement of summative internal assessment instruments, confirmation of internal assessment marks and external assessment.

The report provides an overview of the key outcomes of one full teaching, learning and assessment cycle for each subject, including:

- information about the application of the syllabus objectives through the design and marking of internal and external assessments
- information about the patterns of student achievement in each subject for the assessment cycle.

It also provides advice to schools to promote continuous improvement, including:

- identification of effective practices in the design and marking of valid, accessible and reliable assessments
- identification of areas for improvement and recommendations to enhance the design and marking of valid, accessible and reliable assessment instruments
- provision of tangible examples of best practice where relevant, possible and appropriate.

Audience and use

This report should be read by school leaders, subject leaders and teachers to inform teaching and learning and assessment preparation. The report is to be used by schools and teachers to assist in assessment design practice, in making assessment decisions and in preparing students for external assessment.

The report is publicly available to promote transparency and accountability. Students, parents, community members and other education stakeholders can learn about the assessment practices and outcomes for General subjects (including alternative sequences and Senior External Examination subjects, where relevant) and General (Extension) subjects.

Report preparation

The report includes analyses of data and other information from the processes of endorsement, confirmation and external assessment, and advice from the chief confirmer, chief endorser and chief marker, developed in consultation with and support from QCAA subject matter experts.

Subject data summary

Subject enrolments

Number of schools offering the subject: 321.

Completion of units	Unit 1	Unit 2	Units 3 and 4
Number of students completed	4702	4874	4844

Units 1 and 2 results

Number of students	Satisfactory	Unsatisfactory	Not rated
Unit 1	4432	264	6
Unit 2	4531	333	10

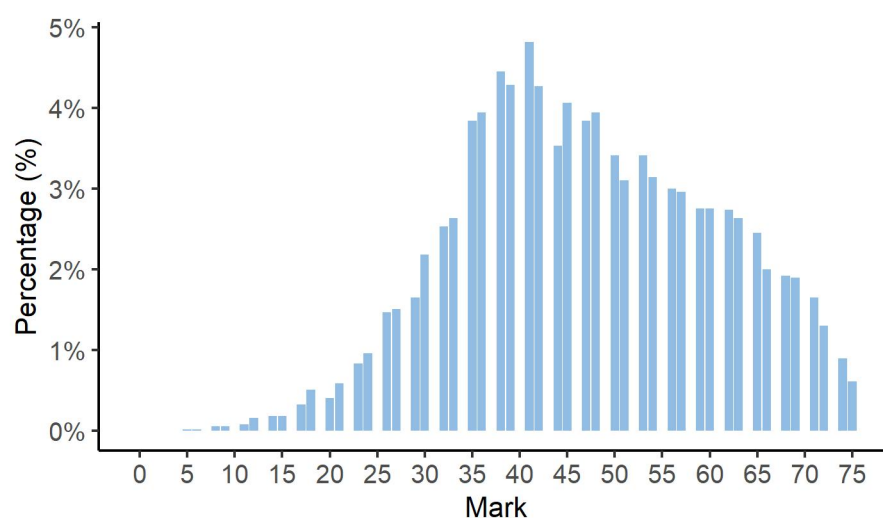
Units 3 and 4 internal assessment results

2020 COVID-19 adjustments

To support Queensland schools, teachers and students to manage learning and assessment during the evolving COVID-19 pandemic in 2020, the QCAA Board approved the removal of one internal assessment for students completing Units 3 and 4 in General and Applied subjects.

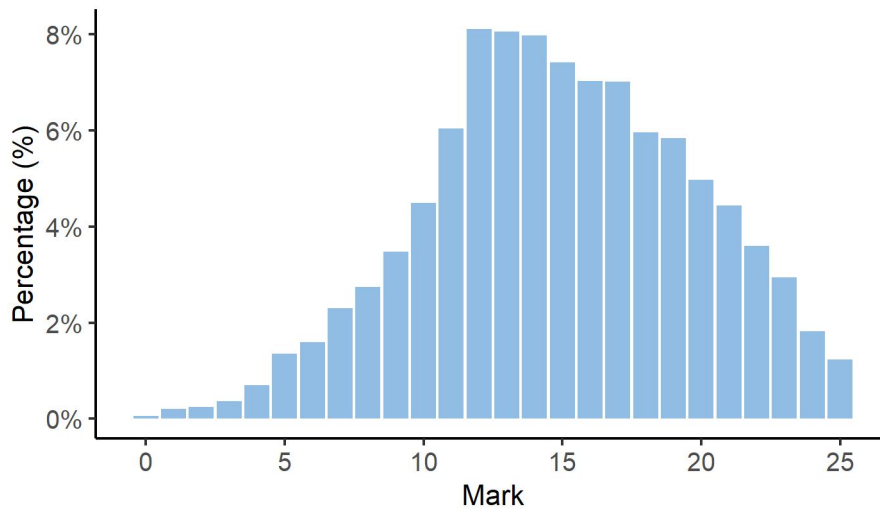
In General subjects, students completed two internal assessments and an external assessment. Schools made decisions based on QCAA advice and their school context. Therefore, across the state some instruments were completed by most schools, some completed by fewer schools and others completed by few or no schools. In the case of the latter, the data and information for these instruments has not been included.

Total results for internal assessment

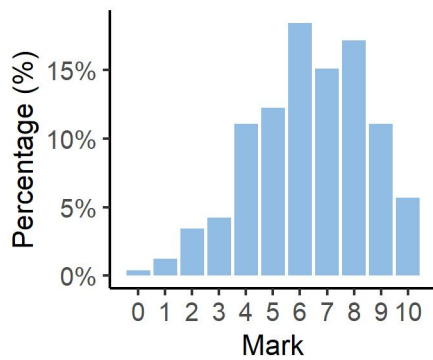


IA1 results

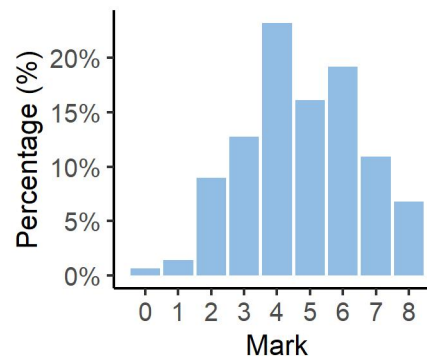
IA1 total



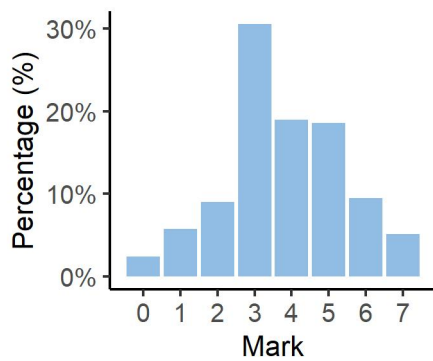
IA1 Criterion 1



IA1 Criterion 2

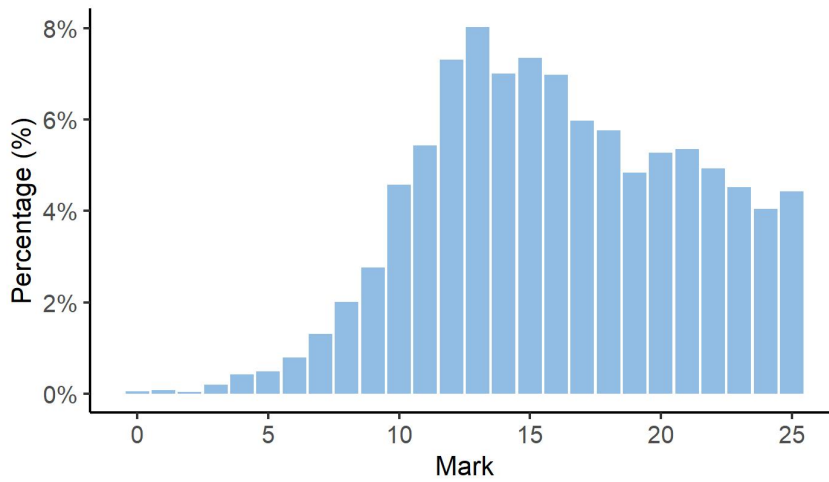


IA1 Criterion 3

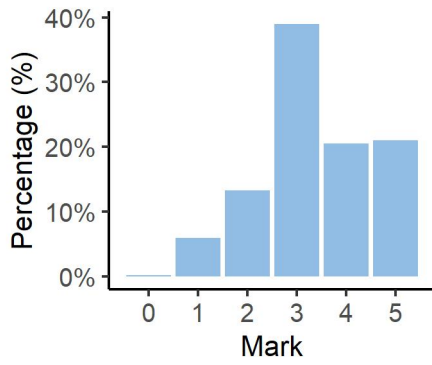


IA2 results

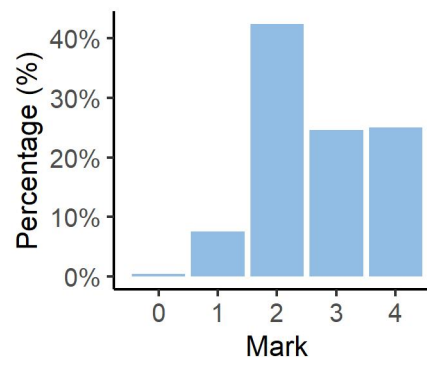
IA2 total



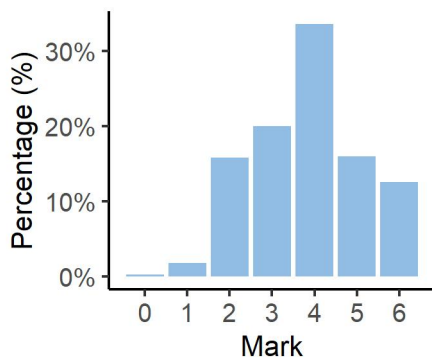
IA2 Criterion 1



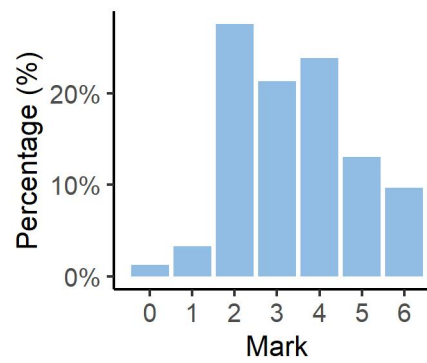
IA2 Criterion 2



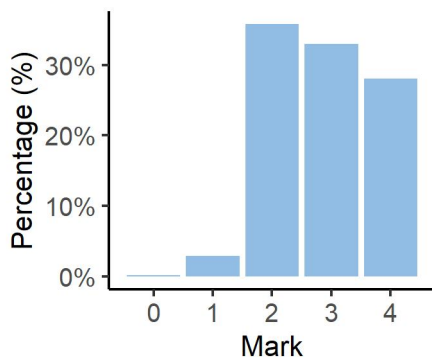
IA2 Criterion 3



IA2 Criterion 4



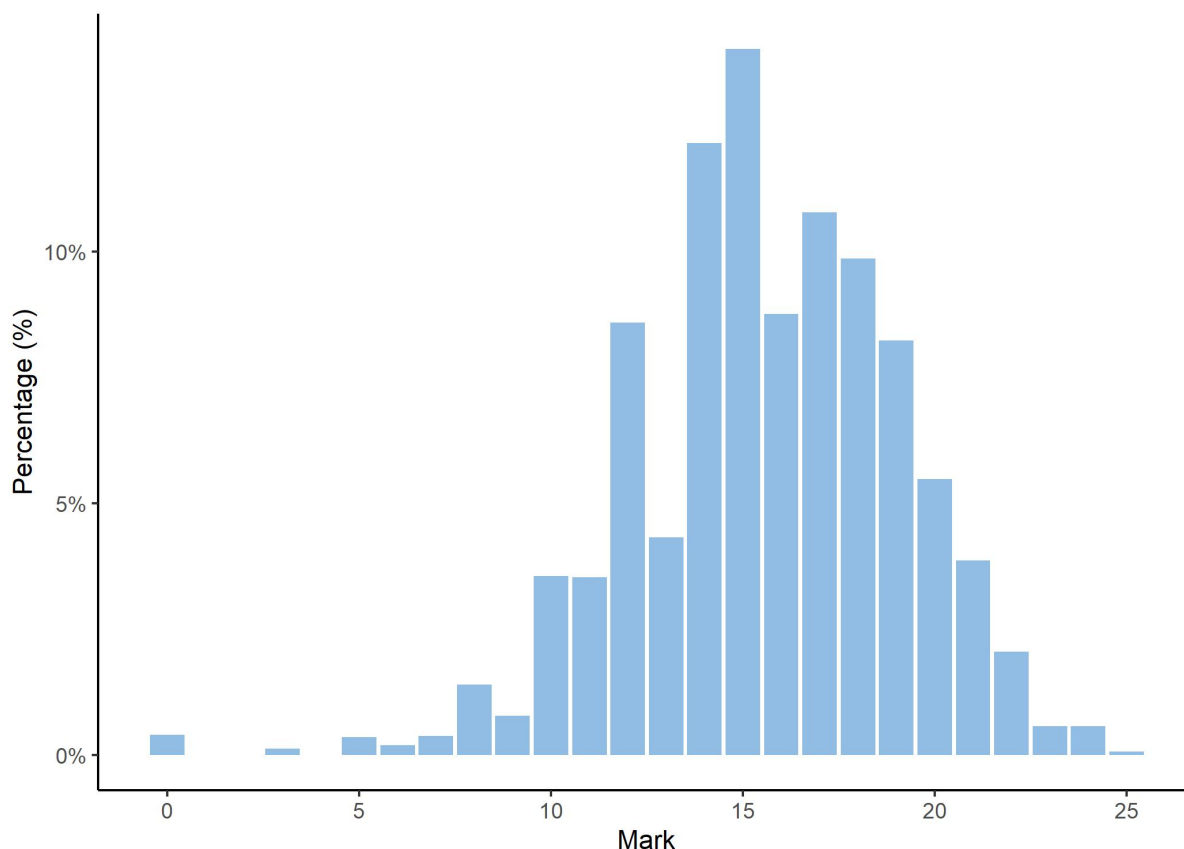
IA2 Criterion 5



IA3 results

Due to COVID-19 pandemic adjustments, there were insufficient student responses to this instrument to provide useful analytics.

External assessment results



Final standards allocation

The number of students awarded each standard across the state are as follows.

Standard	A	B	C	D	E
Number of students	687	1998	1718	365	8

Grade boundaries

The grade boundaries are determined using a process to compare results on a numeric scale to the reporting standards.

Standard	A	B	C	D	E
Marks achieved	100–82	81–60	59–42	41–18	17–0

Internal assessment

The following information and advice pertain to the assessment design and assessment decisions for each IA in Units 3 and 4. These instruments have undergone quality assurance processes informed by the attributes of quality assessment (validity, accessibility and reliability).

Endorsement

Endorsement is the quality assurance process based on the attributes of validity and accessibility. These attributes are categorised further as priorities for assessment and each priority can be further broken down into assessment practices. Data presented in the assessment design sections identifies the reasons why IA instruments were not endorsed at Application 1, by the priority for assessments. An IA may have been identified more than once for a priority for assessment, e.g. it may have demonstrated a misalignment to both subject matter and to the assessment objective. Refer to the quality assurance tools for detailed information about the assessment practices for each assessment instrument.

Total number of items endorsed in Application 1

Number of items submitted each event	IA1	IA2	IA3
Total number of instruments	325	325	325
Percentage endorsed in Application 1	17	52	44

Confirmation

Confirmation is the quality assurance process based on the attribute of reliability. Teachers make judgments about the evidence in students' responses using the instrument-specific marking guide (ISMG) to indicate the alignment of students' work with performance-level descriptors and determine a mark for each criterion. These are provisional criterion marks. The QCAA makes the final decision about student results through the confirmation processes. Data presented in the assessment decisions section identifies the level of agreement between provisional and final results.

Number of samples reviewed at initial, supplementary and extraordinary review

IA	Number of schools	Number of samples requested	Supplementary samples requested	Extraordinary review	School review	Percentage agreement with provisional
1	320	1689	279	137	40	96.16
2	318	1836	337	0	44	97.35

Internal assessment 1 (IA1)

Examination — combination response (25%)

The IA1 examination — combination response assesses Unit 3 Topic 1. It assesses how well students understand key concepts, principles and processes of Australian and Queensland governance through the application of knowledge to a range of short response questions. It assesses students' skills of analysing and evaluating in an extended response item in response to unseen stimulus. This item requires students to make and justify a decision related to a legal situation relevant to Australian and/or Queensland governance (Syllabus section 4.5.1).

In the Alternative Sequence (AS), the AS unit 3 IA1 examination — combination response assesses AS unit 3, Topics 1 and 2. This examination assesses how well students understand key concepts, principles and processes of the Australian and Queensland legal systems, with a focus on the criminal legal system and criminal investigation processes. It requires students to demonstrate their skills of analysing and evaluating in an extended response item in response to unseen stimulus. This item requires students to make and justify a decision related to a legal situation relevant to an Australian and/or Queensland criminal investigation process (Alternative Sequence section 4.7.1).

Assessment design

Validity

Validity in assessment design considers the extent to which an assessment item accurately measures what it is intended to measure and that the evidence of student learning collected from an assessment can be legitimately used for the purpose specified in the syllabus.

Reasons for non-endorsement by priority of assessment — validity practices

Validity priority	Number of times priority was identified in decisions*
Alignment	189
Authentication	36
Authenticity	70
Item construction	68
Scope and scale	92

*Total number of submissions: 325. Each priority might contain up to four assessment practices.

Effective practices

Validity priorities were effectively demonstrated in assessment instruments that featured:

- short response questions that assessed the use of legal concepts, principles and processes of Australian *and* Queensland governance (or, for the Alternative Sequence, Australian *and* Queensland legal systems, with a focus on the criminal legal system *and* criminal investigation processes) that provided opportunity for students to demonstrate the full range of performance-level descriptors in the Comprehending criterion
- clear and concise questions and statements that aligned with, and did not overcomplicate, the subject matter of Unit 3 Topic 1 (or AS unit 3, Topics 1 and 2)
- cognitions that aligned with the assessment objectives and clearly supported students to respond appropriately to items

- correct and accurate references to legislation and case citations, including the use of italics when citing the full reference of an Act, case, convention or declaration.

Practices to strengthen

It is recommended that assessment instruments:

- include a range of short response questions that focus on both Australian and Queensland governance (or, for the AS, Australian and Queensland legal systems, with a focus on the criminal legal system and criminal investigation processes)
- consider the relationship between concepts, principles and processes, and provision of opportunity to demonstrate depth of knowledge
- contain a variety of stimulus items in Part B (extended response), i.e. not using one or two sources divided into different pieces of stimulus
- have a Part B item that aligns with syllabus specifications by
 - aligning to Unit 3 Topic 1: Governance in Australia (not human rights), or AS unit 3 Topic 2: Criminal investigation process
 - being of a suitable scope and scale to ensure students are able to demonstrate their skills of analysis and evaluation
 - asking for an evaluation of the legal situation and a decision to be made (not a recommendation/s)
- include stimulus that enables students to examine at least two different viewpoints
- contain unseen stimulus of a suitable scope and scale that is accessible within the assessment conditions.

Accessibility

Accessibility in assessment design ensures that no student or group of students is disadvantaged in their capacity to access an assessment.

Reasons for non-endorsement by priority of assessment — accessibility practices

Accessibility priority	Number of times priority was identified in decisions*
Transparency	33
Language	36
Layout	114
Bias avoidance	30

*Total number of submissions: 325. Each priority might contain up to four assessment practices.

Effective practices

Accessibility priorities were effectively demonstrated in assessment instruments that featured:

- questions with clear instructions that aligned to the relevant assessment objectives and allowed for a range of responses
- stimulus and questions that were proofread and free from errors
- an appropriate word limit and number of lines for the complexity and expected response length for each question

- the use of the print preview function to check the layout before uploading to ensure a question was not unnecessarily split over a page.

Practices to strengthen

It is recommended that assessment instruments:

- include clear, logical numbering and layout of stimulus to ensure ease of access for students
- contain language that is clear and accessible to students and make correct use of legal terminology
- make use of the correct formatting conventions for legislation and case citations, including correct years and sections, e.g. *Mabo v. Queensland (No. 2)* (1992) 175 CLR 1; [1992] HCA 23; *Major Events Act 2014* (Qld)
- avoid overusing bold, italics and other formatting features that may be distracting.

Assessment decisions

Reliability

Reliability is a judgment about the measurements of assessment. It refers to the extent to which the results of assessments are consistent, replicable and free from error.

Agreement trends between provisional and final results

Criterion number	Criterion name	Percentage agreement with provisional	Percentage less than provisional	Percentage greater than provisional
1	Comprehending	96.2	3.26	0.54
3	Analysing	97.3	2.57	0.12
4	Evaluating	94.97	4.77	0.26

Effective practices

Accuracy and consistency of the application of the ISMG for this IA was most effective when:

- responses matched to the upper performance-level descriptors for the Comprehending criterion contained all the information required and used legal terminology that was exact and relevant
- for the Analysing criterion, the requirement of the 'application of legal concepts, principles and/or processes to determine the nature and scope of the legal issue' was recognised as being a necessary requirement at the upper and mid performance levels
- for the Evaluating criterion, the presentation of at least two legal alternatives leading to the decision was recognised as a required element of the upper and mid performance levels.

Samples of effective practices

The following is an excerpt from a response that illustrates one of the characteristics for the criterion at the performance level indicated. The sample may provide evidence of more than one criterion. The characteristics highlighted may not be the only time the characteristics have occurred throughout the response.

This excerpt has been included to:

- demonstrate *perceptive application of legal concepts, principles and/or processes to determine the nature and scope of a legal issue involving Australian and/or Queensland governance*. It does this through clear explanation and alignment of concepts, including

'bicameral system' and 'representative democracy', as well as of the legal issue being analysed, to explain the nature of the issue. This is linked to the scope of the issue, which is elaborated in the final sentence.

<p>Analysing (7–8 marks) The response demonstrates perceptive application of legal concepts, principles and/or processes to determine the nature and scope of a legal issue involving Australian and/or Queensland governance.</p>	<p>The parliamentary Commonwealth Parliament is a bicameral system with both a House of Representatives and a Senate. Australia is a representative democracy, demonstrated in voters' ability to elect individual people into the House of Representatives. A key issue of this process of parliament formation is the the existence of two major political parties with "their own agendas", potentially compromising the representative nature of the the Commonwealth Parliament. This has a wide-reaching scope as the federal government Commonwealth Parliament is elected by all eligible voters and has the power to makes laws which impacts the entire nation.</p>
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Practices to strengthen

To further ensure accuracy and consistency of the application of the ISMG in this IA, it is recommended that:

- teachers clarify understanding of the requirements of key characteristics of each criterion, e.g. in the Evaluating criterion, characteristics include
 - the presentation of legal alternatives leading to a decision
 - justification of the decision through the use of legal criteria
 - discussion of implications of the decision
- for the Analysing criterion, teachers note that this criterion requires examination of 'different' (not 'opposing') 'viewpoints' (not 'stakeholders') and their consequences
- for the Evaluating criterion, teachers ensure they understand the difference between *discerning* and *effective* use of legal criteria to justify the decision being made. *Discerning*, *effective* and *use* are defined in the syllabus glossary
- teachers familiarise themselves with ISMG characteristics, including
 - terms in each descriptor
 - *legal criteria*: e.g. 'examples can be drawn from the following: elements of the rule of law; common law and/or statutory law; just and equitable outcomes'
 - *implications*: 'effects, result or consequences that may happen in the future'
 - qualifiers at each performance level, e.g. in Comprehending, at the top performance level, the qualifiers are *accurate*, *detailed*, *thorough* and *precise*.

Internal assessment 2 (IA2)

Investigation — inquiry report (25%)

This task focuses on Unit 3 Topic 2: Law reform within a dynamic society. It requires students to research a current legal issue needing reform, change or a new legislative instrument. The issue must refer to the Australian and/or Queensland jurisdiction. The inquiry report uses research practices to assess a range of cognitions in a particular context. Research practices include locating and using information beyond students' own knowledge and the information they have been given. (Syllabus section 4.5.2).

In the Alternative Sequence, the task focuses on AS unit 3 Topic 3: Criminal trial process and Topic 4: Punishment and sentencing. It requires students to research a current legal issue relating to criminal trials and/or criminal punishment and sentencing in the Australian or Queensland jurisdiction. The inquiry report uses research practices to assess a range of cognitions in a particular context. Research practices include locating and using information beyond students' own knowledge and the information they have been given. (Alternative Sequence section 4.7.2).

Assessment design

Validity

Validity in assessment design considers the extent to which an assessment item accurately measures what it is intended to measure and that the evidence of student learning collected from an assessment can be legitimately used for the purpose specified in the syllabus.

Reasons for non-endorsement by priority of assessment — validity practices

Validity priority	Number of times priority was identified in decisions*
Alignment	86
Authentication	7
Authenticity	44
Item construction	44
Scope and scale	7

*Total number of submissions: 325. Each priority might contain up to four assessment practices.

Effective practices

Validity priorities were effectively demonstrated in assessment instruments that featured:

- a context statement that framed the topic but did not compromise students' ability to meet the descriptors of the Selecting criterion
- an open topic that allowed for a variety of legal issues to be drawn from it, e.g. technology or family law.
- a clear, logically ordered outline of each component of the task in the 'To complete this task' section that referred to all key ISMG elements, e.g. the importance of determining the nature and scope of the legal issue as part of the Analysing criterion
- appropriate scaffolding that did not restrict students' ability to conduct their own investigation.

Practices to strengthen

It is recommended that assessment instruments:

- contain a task description that directs students to research a legal issue that requires reform to Australian and/or Queensland legislation (or, for the AS, criminal trials and/or criminal punishment and sentencing) to align with the syllabus specifications
- provide students with the opportunity to select their own primary and secondary sources and information in an investigation that is not limited by specific legislation, cases or sources
- include requirements that match the syllabus specifications, e.g. reference to 'legislation and/or case law'. There is no requirement for students to include analysis of a particular number of cases in their response
- are of suitable scope and scale to ensure the task is manageable within the assessment conditions.

Accessibility

Accessibility in assessment design ensures that no student or group of students is disadvantaged in their capacity to access an assessment.

Reasons for non-endorsement by priority of assessment — accessibility practices

Accessibility priority	Number of times priority was identified in decisions*
Transparency	6
Language	7
Layout	0
Bias avoidance	5

*Total number of submissions: 325. Each priority might contain up to four assessment practices.

Effective practices

Accessibility priorities were effectively demonstrated in assessment instruments that featured:

- a brief, neutral context statement that did not inadvertently bias students towards a particular perspective or conclusion about the topic
- clear, logical item construction presented in a way that made it clear what students were required to do.

Practices to strengthen

It is recommended that assessment instruments:

- avoid repeating information that is available elsewhere in the instrument
- use correct references to cases, legislation and conventions, e.g. *Domestic Violence and Family Protection Act 2012 (Qld)*.

Assessment decisions

Reliability

Reliability is a judgment about the measurements of assessment. It refers to the extent to which the results of assessments are consistent, replicable and free from error.

Agreement trends between provisional and final results

Criterion number	Criterion name	Percentage agreement with provisional	Percentage less than provisional	Percentage greater than provisional
1	Comprehending	98.09	1.46	0.45
2	Selecting	98.54	1.05	0.41
3	Analysing	97.26	2.35	0.39
4	Evaluating	95.06	4.36	0.58
5	Creating a response	97.78	1.75	0.47

Effective practices

Accuracy and consistency of the application of the ISMG for this IA was most effective when:

- the difference between the top two performance-level descriptors of the Selecting criterion was clearly understood. The first descriptor refers to the *choice* of legal information and the second descriptor refers to the *use* of legal information
- the examination of different viewpoints and their consequences was based on the interpretation of legal information at the top two performance levels of the Analysing criterion
- in making judgments for the Evaluating criterion, it was recognised that
 - to be *relevant*, legal alternatives must be aligned to the analysis of the legal issue
 - *discerning* use of legal criteria includes more than mention in the report conclusion
- in making judgments for the Creating a response criterion, the expression and development of ideas were related to the enhancement of legal meaning, as relevant to the report's intended purpose.

Samples of effective practices

The following excerpts are from responses that illustrate characteristics for the Evaluating criterion at the performance level indicated. The samples may provide evidence of more than one criterion. The characteristics highlighted may not be the only time the characteristics have occurred throughout the response.

The following excerpt shows *relevant legal alternatives presented from the analysis and insightful recommendation/s proposed*. The alternatives are *relevant*, *legal* and *presented from the analysis* as they are:

- applicable and pertinent to the topic of the investigation
- legal in nature
- linked explicitly to the analysis (Section 3.0).

The recommendation these alternatives lead to is *insightful* as it is informed by understanding and deduction. This is evident through the detailed discussion of the recommendation in Section 5.0.

<p>Evaluating (5–6 marks)</p> <p>This response demonstrates:</p> <ul style="list-style-type: none"> relevant legal alternatives presented from the analysis and insightful recommendation/s proposed 	<p>change to the current law.) One alternative proposed is to criminalise conspiracy rather than consorting law (Justice Action, n.d). This alternative fails to address issues of freedom of association, presumption of innocence and enforceability presented in Section 3.0 (Judicial Commission of New South Wales, 2019; Morrison, 2013). The other libertarian and somewhat populist alternative, supported by the Australian Human Rights Commission, is to totally remove habitual consorting law, remedying human rights violations, issues of proportionality and a number of other negative consequences found in Section 3.0 (Australian Human Rights Commission, n.d.).</p> <p style="color: red; font-style: italic;">Relevant alternatives presented.</p> <p>5.0 Recommendation</p> <p>Through analysis of different legal issues, consequences and stakeholder viewpoints, the current law regarding habitual consorting has been found to be ineffective and should be amended to remedy issues with the law presented in section 3.0. The strongest alternative to strengthen rule of law principles and improve just and equitable outcomes is to remove habitual consorting law in Queensland (Australian Human Rights Commission, n.d.). This amendment would require the repeal of Chapter 9A of the <i>Criminal Code</i> and Part 6A of the <i>Police Powers Act</i>, eliminating any element of habitual consorting law in Queensland. Other law would be relied upon by police such as the <i>Criminal Code</i> of Queensland and division 400 of the <i>Criminal Code Act 1995 (Cth)</i> (Money Laundering), to disestablish organised crime groups. Additional policing squads dedicated to gangs and organised crime would be established to achieve key legislative goals and political goals of being “tough on crime” (Baker, 2013).</p>
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The following excerpt shows *synthesis of information that justifies the recommendation/s through the effective use of legal criteria*. The justification synthesises information related to three aspects of the recommendation *effectively* using the legal criterion of *just outcomes* to provide reasons to support it.

<p>Evaluating (3–4 marks)</p> <p>This response demonstrates:</p> <ul style="list-style-type: none"> synthesis of information that justifies the recommendation/s through the effective use of legal criteria 	<p>5.1 JUSTIFICATION OF RECOMMENDATION</p> <p>The patient requesting VAD must have a terminal medical condition to prohibit individuals accessing VAD with unjustified reasons beyond the removal of pain. For those with a physical condition, a mental health examination and given consent would ensure patients are able to consider the consequences of VAD. Including vegetative mental conditions will encourage Queenslanders to have an AHD as it will provide just results by making individuals eligible to access VAD if their mental health deteriorates. Furthermore, only medical practitioners would be allowed to access and administer the medication to ensure equitable outcomes by restricting patients sourcing and managing the drugs without meeting eligibility criteria. The patient can request to access VAD provisions at their home to provide a comfortable, safe, respectful, fair experience. By providing terminally ill patients with the option of VAD, the number of assisted suicides is expected to reduce significantly, resulting in less inconsistencies between judges and justified sentencing. Finally, providing palliative care services to all Queenslanders is just as it ensures all members of society can access regulated end-of-life care.</p> <p style="text-align: right;">✓ ✓ ✓</p>
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Practices to strengthen

To further ensure accuracy and consistency of the application of the ISMG in this IA, it is recommended that:

- for the Analysing criterion, it is recognised that
 - the focus of the second descriptor is the examination of viewpoints rather than stakeholders. This helps to ensure the legal issue is analysed rather than the nature of the stakeholder group
 - the viewpoints examined must be different, but do not have to be opposing, and are examined through the ‘interpretation of legal information’ at the mid and upper performance levels

- for the Evaluating criterion, it is recognised that
 - there must be alignment between the viewpoints examined in the analysis, the legal alternatives presented, and the recommendation/s being made at the mid and upper performance levels
 - legal alternatives, referred to in the first descriptor, must relate to the law, e.g. improving palliative care options for terminally ill patients is **not** a legal alternative to voluntary assisted dying
 - legal criteria, referred to in the second descriptor, should be appropriate to the context of the response and must be ‘used’ to justify the recommendation/s made. At the upper performance level, this requires more than a statement that the recommendation will lead to just and/or equitable outcomes
- schools annotate the ISMG in full, indicating how evidence has been matched to descriptors, and demonstrating application of the ‘best-fit’ approach to determine marks.

Internal assessment 3 (IA3)

Investigation — argumentative essay (25%)

This instrument, for both the General syllabus and the Alternative Sequence, focuses on Unit 4 Topics 1 and 2. It requires students to research a current legal issue through collection, analysis and synthesis of primary and secondary information, data and sources. Students respond in an argumentative essay that takes a position on a topic related to a contemporary international human rights issue in which Australia has a legal interest (Syllabus section 5.6.1; Alternative Sequence section 5.6.1).

Assessment design

Validity

Validity in assessment design considers the extent to which an assessment item accurately measures what it is intended to measure and that the evidence of student learning collected from an assessment can be legitimately used for the purpose specified in the syllabus.

Reasons for non-endorsement by priority of assessment — validity practices

Validity priority	Number of times priority was identified in decisions*
Alignment	108
Authentication	2
Authenticity	72
Item construction	20
Scope and scale	66

*Total number of submissions: 325. Each priority might contain up to four assessment practices.

Effective practices

Validity priorities were effectively demonstrated in assessment instruments that featured:

- alignment to the syllabus specifications stating that the context of the assessment is a contemporary international human rights issue in which Australia has a legal interest, recognising that this is not the same as an Australian human rights issue that other countries may also experience
- alignment to the assessment objectives and the ISMG characteristics, especially those relating to Australian human rights laws and international obligations
- a topic that allowed students to formulate and develop a manageable investigation and informed viewpoints on one aspect of the contemporary international human rights issue
- a clear statement, aligned to the assessment objectives, that specifically asked for an informed argumentative response and explicitly identified requirements, e.g. examine different viewpoints, present two legal alternatives from the analysis and make one recommendation
- ensured the scope and scale of the topic allowed students to respond within the conditions of the assessment.

Practices to strengthen

It is recommended that assessment instruments:

- focus on a legal issue, not a social issue that is topical or under current debate
- contain a context statement that is, if used, an impartial reference to the topic, does not pre-empt a particular response to the legal issue and does not compromise students' ability to meet the descriptors of the Selecting criterion
- logically outline the assessment objectives to scaffold the task and include checkpoints that are appropriate to this scaffold and the guidelines regarding drafting (see *QCE and QCIA policy and procedures handbook* Section 8.2.3).

Accessibility

Accessibility in assessment design ensures that no student or group of students is disadvantaged in their capacity to access an assessment.

Reasons for non-endorsement by priority of assessment — accessibility practices

Accessibility priority	Number of times priority was identified in decisions*
Transparency	9
Language	2
Layout	1
Bias avoidance	4

*Total number of submissions: 325. Each priority might contain up to four assessment practices.

Effective practices

Accessibility priorities were effectively demonstrated in assessment instruments that featured:

- clear formatting, with the 'To complete this task you must' requirements logically laid out and aligned with the assessment objectives.

Practices to strengthen

It is recommended that assessment instruments:

- contain requirements for task completion that are clear and transparent
- contain a context statement and/or item that do not bias students explicitly or implicitly towards a particular perspective about the issue.

Assessment decisions

Due to COVID-19 pandemic adjustments, there were insufficient student responses to this instrument to provide useful analytics.

External assessment

Examination — combination response (25%)

Assessment design

Assessment specifications and conditions

Specifications

The examination related to Unit 4 Topic 1: Human rights and Unit 4 Topic 3: Human rights in Australian contexts. The examination included short response items and an extended response item.

Conditions

- Time: 2 hours plus 15 minutes planning time
- Length
 - short response items — 50–250 words per item
 - extended response item — 400–600 words
 - examination in its entirety — 800–1000 words
- Non-programmable calculator permitted.

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

1. comprehend legal concepts, principles and processes of Australian human rights laws
2. analyse a legal issue involving human rights in Australia
3. evaluate a legal situation relevant to human rights in Australia.

The stimulus material was related to the *Disability Discrimination Act 1992* (Cth) and the protection of the human rights of disabled persons who use service animals. Responses were required to use stimulus material to examine two valid viewpoints and their consequence/s related to the nature and scope of the legal issue. This analysis informed the presentation of two legal alternatives leading to a decision about the legal situation, justified using legal criteria, and a discussion of its implication/s.

Section 1 was four short response items assessing the Comprehension objective.

Section 2 was one extended response item in response to unseen stimulus assessing the Analysis and Evaluation objectives.

Assessment decisions

Overall, students responded well to the following assessment aspects:

- responding to all aspects of short response items
- incorporating all required elements of analysis in the extended response
- being discerning in their choice of stimulus material to support the examination of different viewpoints in the extended response.

Effective practices

The following samples were selected to illustrate highly effective student responses in some of the assessment objectives of the syllabus.

Short response

Criterion: Comprehending

Item: Question 2

This question required students to identify what type of right the right to trial by jury is (express or implied) and explain two ways in which the right to trial by jury is limited by s 80 of the Australian Constitution.

Effective student responses:

- stated the right to trial by jury is an express right
- stated two limitations of the right to trial by jury
- provided a full explanation of both limitations and their impact on this express right.

Student sample of effective response

This excerpt has been included to:

- demonstrate an effective response to Question 2 as it
 - correctly states the right to trial by jury is an express right
 - states two limitations of the right to trial by jury by identifying what s 80 of the Australian Constitution states and fully explaining what each limitation means with respect to the right to a jury trial. This was illustrated through the identification of each limitation, e.g. 'another limitation is that the location of the trial by jury only occurs where the offence was committed'. This is then explained in the student's own words through the classification of this limitation as 'a geographical limitation' and a clear explanation of what this means: 'It can't just be any jury, but a jury in the same state in which the crime was committed'.

Comprehending
(5 marks)

The right to trial by jury is an express right found in section 80 of the Australian Constitution (1901). It traces its roots to the Magna Carta (1215) which states the no free man may be subject to imprisonment "except by the judgement of his peers or by the law of the land." The Australian Constitution limits the right to trial by jury by limiting what offences it can be used for: section 80 states that trial by jury is only for indictable offences (murder, rape, etc.). Another limitation is that the location of the trial by jury only occurs where the offence was committed, hence providing a geographical limitation to the right. It can't just be any jury but a jury in the same state in which the crime was committed.

Extended response

Criteria: Analysing and Evaluating

Item: Question 5

This question required students to refer to the stimulus provided to analyse and evaluate the extent to which the *Disability Discrimination Act 1992* (Cth) protects the human rights of people with disabilities who use assistance animals.

Effective student responses:

- identified two valid viewpoints linked to the nature and scope of the legal issue
- provided an accurate and detailed explanation of each identified viewpoint and its consequences that was based on credible evidence and supported by information from the stimulus
- provided an insightful decision about the extent to which the *Disability Discrimination Act 1992* (Cth) protects the human rights of people who use service animals that
 - was clearly linked to the relevant legal alternatives presented from the analysis of both viewpoints
 - was justified with discerning use of relevant legal criteria
 - discussed plausible implication/s of the decision.

Student samples of effective responses

This excerpt has been included to:

- demonstrate evidence of Analysing
- illustrate, in a high-level response, the examination of one viewpoint and its consequences (the response examined two viewpoints), using evidence from the stimulus material to support the explanation
- illustrate how information from the stimulus material is incorporated into the analysis with a combination of short quotes and paraphrasing to support the viewpoint being examined.

Analysing (6 marks)	<p>The second viewpoint raised is the communities sanctioned right to remain confident regarding their safety and comfort, possible through the discrimination against an assistance animal. As legislated in section 54A of the Disability Discrimination Act, it is not rendered unlawful for a person to discriminate against the person with the disability on the basis of the presence of an infectious disease, public health, the lack of acknowledgement of training, with the right to remain protected and ensure public safety regarding disease, dangerous animals etc. (stimulus 2). However, in the case of <i>Mulligan v Virgin Australia Airlines Pty Ltd</i> (2015), Virgin argued against the presence of an assistance dog with the lack of an accredited training school for the purposes of the Disability Discrimination Act, however was declared to commit unlawful discrimination under the Act, with a direct contradiction of refusal due to provide evidence of an assistance animal (stimulus 2 and 3). Therefore, balanced against the legal criteria of just and equitable outcomes, the Disability Discrimination Act fails to ensure members of the community can exercise their freedoms of safety and comfort, ^{creating an unbalanced equality,} providing direct contradiction alongside the failure to uphold the abilities of refusal, blatantly stated within the Act (stimulus 2).</p>
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Student sample of effective response

This excerpt has been included to:

- demonstrate evidence of Evaluating
- illustrate, in a high-level response, the presentation of a legal alternative linked to the analysis, specifically the examination of one viewpoint. The reason for the inclusion of the legal alternative and its impact have been explained and it has been justified in terms of the legal criteria to be used to justify the final decision. The second legal alternative in the response is not shown in this excerpt.

Evaluating (6 marks)

To rectify this legal issue, an amendment ~~was made~~ to the Act is necessitated which provides more clarity surrounding assistance animals and the grounds for discrimination. Amending legislation is a feasible solution ~~and~~ as it will ~~ensure~~ ^{ensure} understandability across the population which is a necessity for an effective law. This will ensure positive implications, ^{for all stakeholders} as people ^{with disabilities} will be aware of their rights and a better understanding of what constitutes ^{entitled} Disability Discrimination will be achieved.

Student sample of effective response

This excerpt has been included to:

- demonstrate evidence of Evaluating
- illustrate, in a high-level response, the decision, which is justified using legal criteria, and its implications. It is important to point out that this was not the first time in this response that legal criteria were mentioned. Each legal alternative presented from the analysis was explained in terms of how it would address the viewpoints examined in the analysis, using the chosen legal criteria.

Evaluating (6 marks)

Through an ~~evaluat~~ evaluation of the two viewpoints, it can be ~~determined~~ decided that the current ^{legislation;} federal ~~legislation;~~ Disability Discrimination Act 1992 (Cth) is ~~very~~ ineffective in protecting the rights of people ~~with~~ with disabilities who use [⊕] assistance animals. This is because the law is highly inconsistent and vague, creating confusion and uncertainty for both disabled persons and other members of the community as the law is not clear, ~~and~~ known and understood by the majority. This leads to injustices in discrimination and people taking [⊕] advantage of this legal issue. Amendment of this legislation is therefore necessary to promote and protect rights ~~and~~ of these individuals where the concept of equality and access to justice are upheld in the rule of law and just and equitable outcomes for all are achieved and maintained.

Practices to strengthen

It is recommended that when preparing students for external assessment, teachers consider:

- teaching students strategies to help them ensure they answer all elements of each question. Both short and extended response items often contain more than one element (e.g. 'explain and provide an example') and include a specific focus for the response (e.g. directing students to 'Define ratification and describe its purpose with respect to international treaties')
- deconstructing and reinforcing the requirements of *analyse* and *evaluate* in Legal Studies to ensure students include all elements of both cognitions, as explained in the assessment objective elaborations in Section 1.2.1 of the syllabus
- focusing analysis on viewpoints, *not* stakeholders, and on *different* viewpoints rather than opposing viewpoints, in order to allow students to focus their analysis on responding to the question rather than describing the characteristics of groups of people with a stake in the legal issue
- developing students' skills in using stimulus material to support the point being made in the response rather than retelling, copying or describing it
- supporting students to demonstrate 'use' of legal criteria in the justification of the decision by incorporating legal criteria throughout the response and explaining justification by, for example, showing why the decision would lead to 'just and equitable outcomes' or how it would meet the element/s of the 'rule of law' being used.

Senior External Examination

The following information relates to the Legal Studies Senior External Examination, a standalone examination offered to eligible Year 12 students and adult learners. This commentary should be read in conjunction with the external assessment section of the preceding comments for the General subject.

There were insufficient student enrolments in this subject to provide useful analytics.

Effective practices

Overall, students responded well to the following assessment aspects:

- responding to all elements of short response questions
- analysing stimulus material to identify different viewpoints about the legal issue
- developing responses to extended response tasks that contained the required elements of the criteria being assessed.

Practices to strengthen

It is recommended that when preparing for the assessment for the Senior External Examination consideration be given to:

- the advice in the subject report for both internal and external assessment. The external assessment advice is directly related to SEE 2, Paper 2
- consulting resources on the Legal Studies SEE syllabus page on the QCAA Portal. The IA1 high-level annotated sample response helps to prepare students for SEE 1, Section 2. The IA2 and IA3 sample responses assist preparation for SEE 1, Section 1 and SEE 2, Paper 1. The mock and sample external assessments are helpful in preparing students for SEE 1, Section 1 and SEE 2, Paper 2.
- developing students' skills in using stimulus material to support and develop points being made in extended response to stimulus tasks
- supporting students to demonstrate 'use' of legal criteria to justify their decision or recommendation/s.