

Legal Studies marking guide and response

External assessment 2021

Combination response (48 marks)

Assessment objectives

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

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

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

Purpose

This document consists of a marking guide and a sample response.

The marking guide:

- provides a tool for calibrating external assessment markers to ensure reliability of results
- indicates the correlation, for each question, between mark allocation and qualities at each level of the mark range
- informs schools and students about how marks are matched to qualities in student responses.

The sample response:

- demonstrates the qualities of a high-level response
- has been annotated using the marking guide.

Mark allocation

Where a response does not meet any of the descriptors for a question or a criterion, a mark of '0' will be recorded.

Where no response to a question has been made, a mark of 'N' will be recorded.

Marking guide

Short response

Q	Sample response	The response:	M
1	Non-refoulement means 'non-return'. This principle prohibits states from returning refugees and asylum seekers to their home country, or any other place they may face danger, when there are grounds to believe that their lives or freedom would be at risk because of their race, religion, nationality, political opinion or membership of a particular group. The principle applies to all persons recognised as refugees under the Convention.	<ul style="list-style-type: none">· provides an accurate and detailed definition of the principle of <i>non-refoulement</i>· identifies who the principle applies to	4
		<ul style="list-style-type: none">· provides an accurate definition of the principle of <i>non-refoulement</i>· identifies who the principle applies to	3
		<ul style="list-style-type: none">· provides an accurate definition of the principle of <i>non-refoulement</i>	2
		<ul style="list-style-type: none">· makes a statement about the principle of <i>non-refoulement</i>	1
		<ul style="list-style-type: none">· does not satisfy any of the descriptors above.	0

Q	Sample response	The response:	M
2	<p>Amnesty International Australia (AIA) is a special interest human rights advocacy group that operates in Australia. AIA investigates human rights abuses around the world by sending experts to countries of concern to conduct research and write accurate reports. AIA brings these reports to the attention of the Australian public and governments. AIA also calls on their supporters to advocate for change by using a range of strategies, such as petitions, letters and demonstrations, to demand action from governments and gain public support for their campaigns.</p>	<ul style="list-style-type: none"> identifies an Australian special interest human rights advocacy group provides an accurate explanation of 2 ways the identified group protects or advocates for human rights 	5
		<ul style="list-style-type: none"> identifies an Australian special interest human rights advocacy group provides an accurate explanation of 1 way the identified group protects or advocates for human rights identifies a second way the identified group protects or advocates for human rights 	4
		<ul style="list-style-type: none"> identifies an Australian special interest human rights advocacy group provides an accurate explanation of 1 way the identified group protects or advocates for human rights 	3
		<ul style="list-style-type: none"> identifies a special interest human rights advocacy group identifies 2 ways the identified group advocates for or protects human rights 	2
		<ul style="list-style-type: none"> makes a statement about a special interest human rights advocacy group and human rights 	1
		<ul style="list-style-type: none"> does not satisfy any of the descriptors above. 	0

Q	Sample response	The response:	M	The response:	M	The response:	M
3	<p>Article 2(4) of the United Nations Charter promotes the protection of Members' rights by instructing Members against using force or threats of force against another country in any way, including against their territorial integrity and political independence. Territorial integrity refers to a country's independence related to its physical and demographic resources in its land, air and sea boundaries. According to Article 2(4), this means one country cannot legally impose border changes on another or access their resources without that country's permission. Political independence is related to the non-material elements of a country's autonomy, such as freedom of political decision-making. This means it is not legal, under Article 2(4), for one country to impose a political governance system on another.</p>	<ul style="list-style-type: none"> provides an accurate explanation of how Article 2(4) promotes the protection of Members' rights 	2	<ul style="list-style-type: none"> provides an accurate explanation of the principle of <i>territorial integrity</i> 	2	<ul style="list-style-type: none"> provides an accurate explanation of the principle of <i>political independence</i> 	2
		<ul style="list-style-type: none"> describes Article 2(4) 	1	<ul style="list-style-type: none"> defines the principle of <i>territorial integrity</i> 	1	<ul style="list-style-type: none"> defines the principle of <i>political independence</i> 	1
		<ul style="list-style-type: none"> does not satisfy any of the descriptors above. 	0	<ul style="list-style-type: none"> does not satisfy any of the descriptors above. 	0	<ul style="list-style-type: none"> does not satisfy any of the descriptors above. 	0

Q	Sample response	The response, for strengths:	M	The response, for weaknesses:	M
4	<p>The Australian Human Rights Commission (AHRC) is a powerful body with a range of powers to influence the Federal Government and monitor its success in meeting its human rights obligations.</p> <p>One strength is its independence, meaning it is not bound by government policy in making its recommendations. Additionally, it can develop education and awareness-raising campaigns for schools, workplaces and the community. These are powerful and effective tools for changing social and cultural behaviours and attitudes.</p> <p>One weakness of the AHRC is that its recommendations are non-binding. This limits its power if the government chooses to ignore AHRC recommendations. Additionally, as it is not a court, the AHRC's powers to hear human rights complaints are limited to conciliation processes. This could affect the AHRC's success, because if parties do not agree to participate in conciliation, the AHRC has no power to compel them to do so.</p>	<ul style="list-style-type: none"> · provides an accurate explanation of 2 strengths of the AHRC in protecting human rights in Australia 	3	<ul style="list-style-type: none"> · provides an accurate explanation of 2 weaknesses of the AHRC in protecting human rights in Australia 	3
		<ul style="list-style-type: none"> · provides an accurate explanation of 1 strength of the AHRC in protecting human rights in Australia · identifies a second strength of the AHRC 	2	<ul style="list-style-type: none"> · provides an accurate explanation of 1 weakness of the AHRC in protecting human rights in Australia · identifies a second weakness of the AHRC 	2
		<ul style="list-style-type: none"> · describes 1 strength of the AHRC 	1	<ul style="list-style-type: none"> · describes 1 weakness of the AHRC 	1
		<ul style="list-style-type: none"> · does not satisfy any of the descriptors above. 	0	<ul style="list-style-type: none"> · does not satisfy any of the descriptors above. 	0

Extended response — Question 5

Criterion: Analysing

The response:	M	The response:	M	The response:	M	The response:	M
Nature and scope		Viewpoint 1		Viewpoint 2		Use of evidence	
<ul style="list-style-type: none"> provides an accurate explanation of the nature and scope of the legal issue 	3	<ul style="list-style-type: none"> provides a perceptive explanation of a valid viewpoint and its consequence/s, related to the legal issue 	4	<ul style="list-style-type: none"> provides a perceptive explanation of a different valid viewpoint and its consequence/s, related to the legal issue 	4	<ul style="list-style-type: none"> makes discerning use of a range of relevant information from the stimulus to support the analysis 	4
<ul style="list-style-type: none"> describes the nature and scope of the legal issue 	2	<ul style="list-style-type: none"> provides an effective explanation of a valid viewpoint and its consequence/s, related to the legal issue 	3	<ul style="list-style-type: none"> provides an effective explanation of a different valid viewpoint and its consequence/s, related to the legal issue 	3	<ul style="list-style-type: none"> makes effective use of some relevant information from the stimulus to support the analysis 	3
<ul style="list-style-type: none"> identifies the legal issue 	1	<ul style="list-style-type: none"> provides an adequate explanation of a valid viewpoint related to the legal issue 	2	<ul style="list-style-type: none"> provides an adequate explanation of a different valid viewpoint related to the legal issue 	2	<ul style="list-style-type: none"> makes satisfactory use of information from the stimulus to support the analysis 	2
<ul style="list-style-type: none"> does not satisfy any of the descriptors above. 	0	<ul style="list-style-type: none"> describes a viewpoint related to the legal issue 	1	<ul style="list-style-type: none"> describes a different viewpoint related to the legal issue 	1	<ul style="list-style-type: none"> refers to evidence from the stimulus 	1
		<ul style="list-style-type: none"> does not satisfy any of the descriptors above. 	0	<ul style="list-style-type: none"> does not satisfy any of the descriptors above. 	0	<ul style="list-style-type: none"> does not satisfy any of the descriptors above. 	0

Criterion: Evaluating

The response:	M	The response:	M	The response:	M	The response:	M
Legal alternative 1		Legal alternative 2		Decision and justification		Implications	
· effectively uses information from the analysis to present a relevant legal alternative	3	· effectively uses information from the analysis to present a second relevant legal alternative	3	· justifies a valid decision through effective use of relevant legal criteria	3	· effectively discusses a plausible implication of the decision	3
· uses information from the analysis to present a relevant legal alternative	2	· uses information from the analysis to present a second relevant legal alternative	2	· justifies a valid decision using relevant legal criteria	2	· discusses a plausible implication of the decision	2
· presents a legal alternative	1	· presents a second legal alternative	1	· makes a decision and refers to legal criteria	1	· identifies an implication of the decision	1
· does not satisfy any of the descriptors above.	0	· does not satisfy any of the descriptors above.	0	· does not satisfy any of the descriptors above.	0	· does not satisfy any of the descriptors above.	0



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