

# Legal Studies subject report

2021 cohort

February 2022

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# Introduction

Despite the challenges brought about by the COVID-19 pandemic, Queensland's education community can look back on 2021 with satisfaction at having implemented the first full assessment cycle in the new Queensland Certificate of Education (QCE) system. That meant delivering three internal assessments and one external assessment in each General subject.

This report analyses that cycle — from endorsing summative internal assessment instruments to confirming internal assessment marks, and designing and marking external assessment. It also gives readers information about:

- applying syllabus objectives in the design and marking of internal and external assessments
- patterns of student achievement.

The report promotes continuous improvement by:

- identifying effective practices in the design and marking of valid, accessible and reliable assessments
- recommending where and how to enhance the design and marking of valid, accessible and reliable assessment instruments
- providing 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
- assist in assessment design practice
- assist in making assessment decisions
- help prepare 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 (AS) and Senior External Examination (SEE) subjects, where relevant) and General (Extension) subjects.

## Report preparation

The report includes analyses of data and other information from endorsement, confirmation and external assessment processes. It also includes 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 completion

The following data includes students who completed the General subject or AS.

For the purposes of this report, while the 2021 summative units for the AS are AS units 1 and 2, this information will be included with the General summative Units 3 and 4.

**Note:** All data is correct as at 17 December 2021. Where percentages are provided, these are rounded to two decimal places and, therefore, may not add up to 100%.

Number of schools that offered the subject: 325.

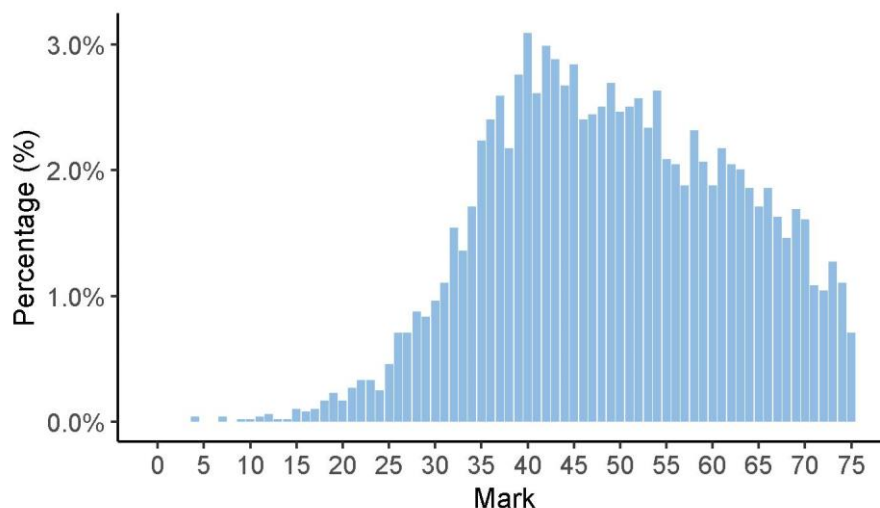
Completion of units	Unit 1	Unit 2	Units 3 and 4
Number of students completed	6203	5538	4738

## Units 1 and 2 results

Number of students	Satisfactory	Unsatisfactory
Unit 1	5294	909
Unit 2	4906	632

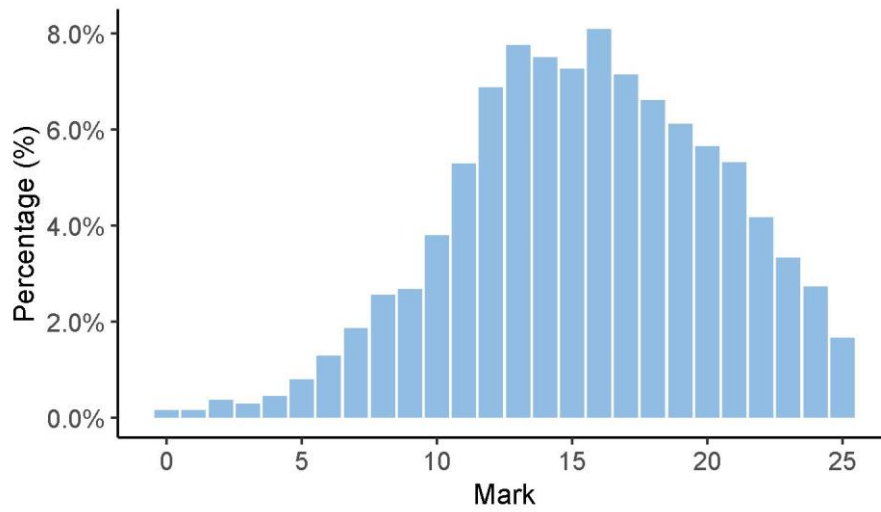
## Units 3 and 4 internal assessment (IA) results

Total marks for IA

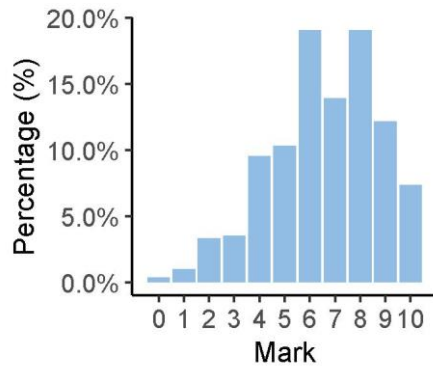


## IA1 marks

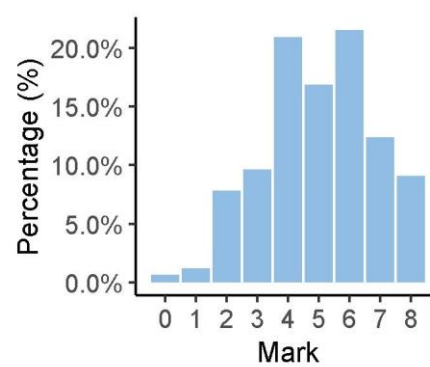
### IA1 total



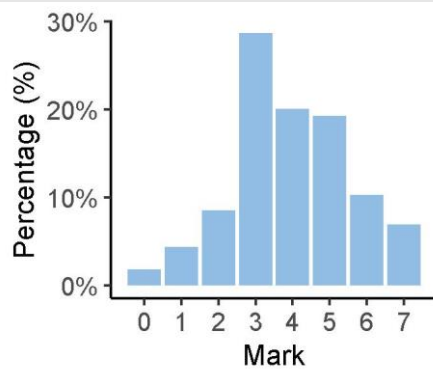
### IA1 Criterion: Comprehending



### IA1 Criterion: Analysing

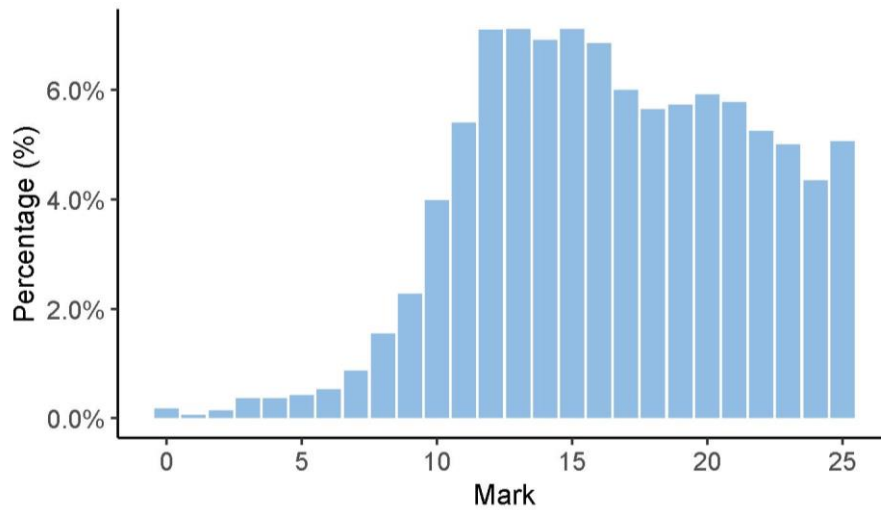


### IA1 Criterion: Evaluating

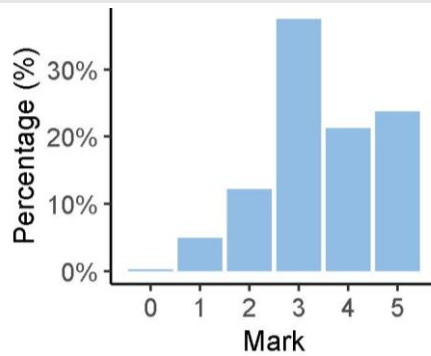


## IA2 marks

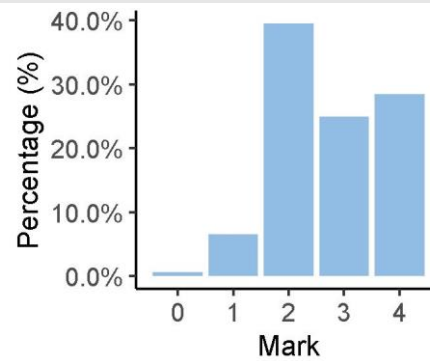
### IA2 total



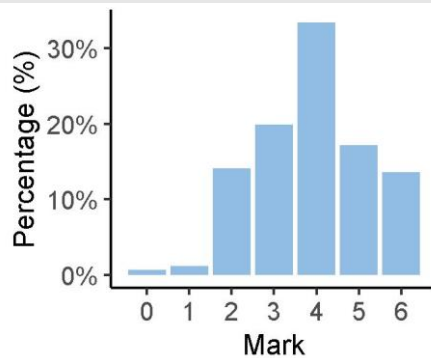
### IA2 Criterion: Comprehending



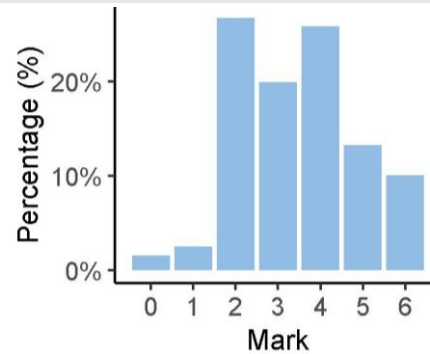
### IA2 Criterion: Selecting



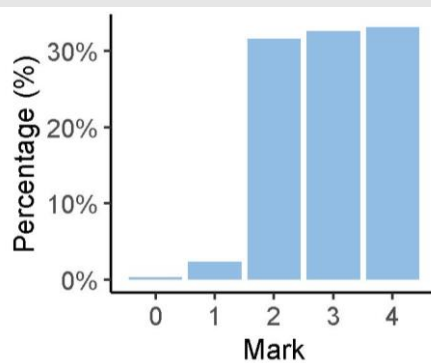
### IA2 Criterion: Analysing



### IA2 Criterion: Evaluating

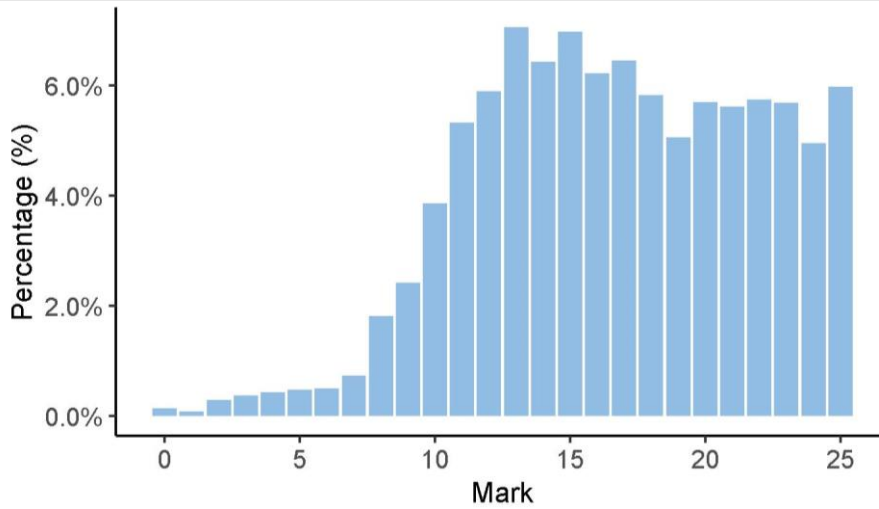


### IA2 Criterion: Creating a response

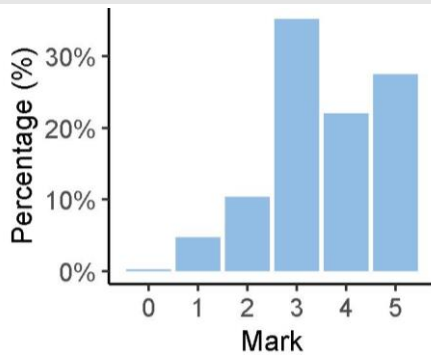


## IA3 marks

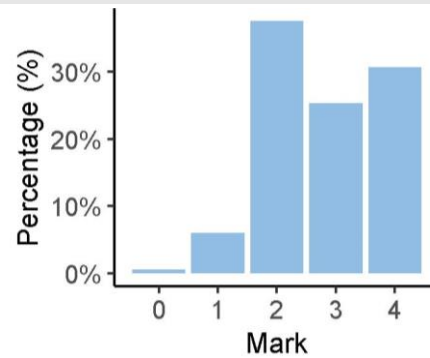
### IA3 total



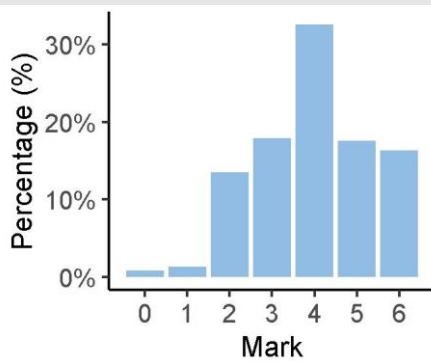
### IA3 Criterion: Comprehending



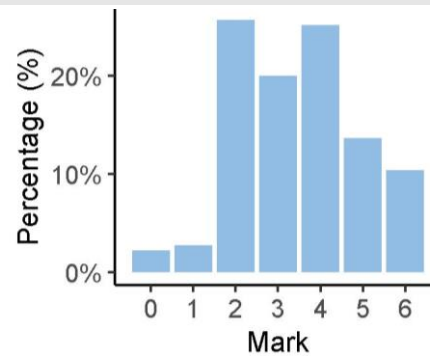
### IA3 Criterion: Selecting



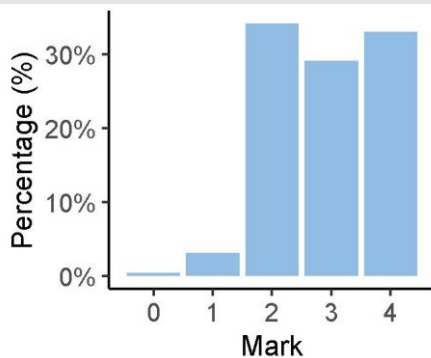
### IA3 Criterion: Analysing



### IA3 Criterion: Evaluating

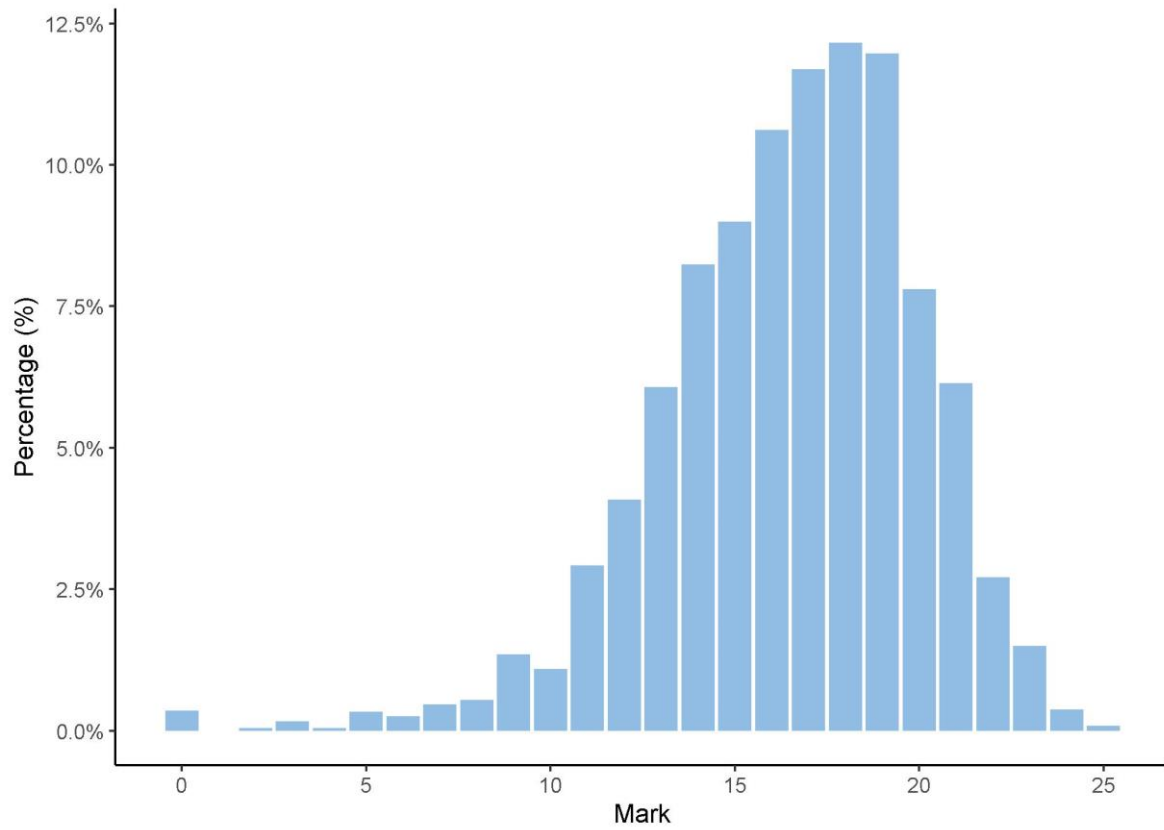


### IA3 Criterion: Creating a response



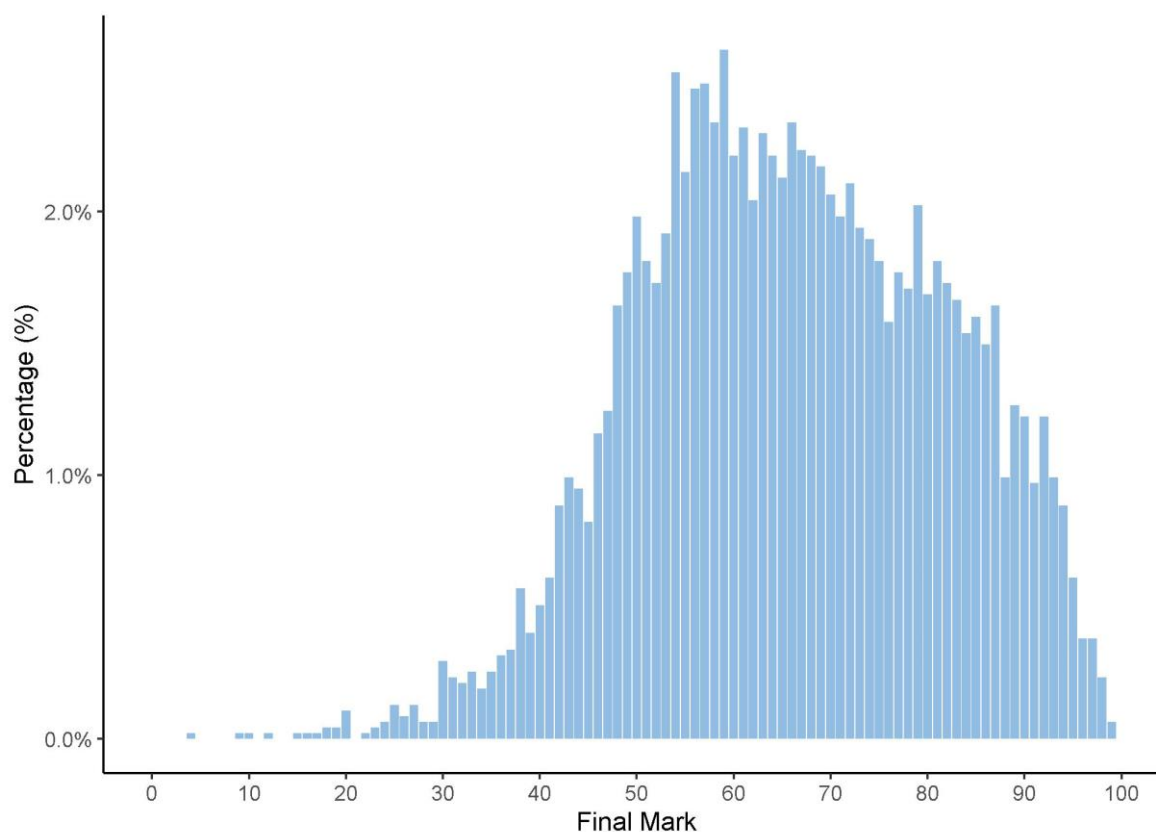


## External assessment (EA) marks



# Final subject results

## Final marks for IA and EA



## 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	100–83	82–63	62–44	43–19	18–0

## Distribution of standards

The number of students who achieved each standard across the state is as follows.

Standard	A	B	C	D	E
Number of students	814	1880	1715	322	9



# 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 section 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 the subject matter and the assessment objective/s.

Refer to the quality assurance tools for detailed information about the assessment practices for each assessment instrument.

### Percentage of instruments endorsed in Application 1

Number of instruments submitted	IA1	IA2	IA3
Total number of instruments	327	327	327
Percentage endorsed in Application 1	27%	60%	69%

## Confirmation

Confirmation is the quality assurance process based on the attribute of reliability. The QCAA uses provisional criterion marks determined by teachers to identify the samples of student responses that schools are required to submit for confirmation.

Confirmation samples are representative of the school's decisions about the quality of student work in relation to the ISMG and are used to make decisions about the cohort's results. If further information is required about the school's application of the ISMG to finalise a confirmation decision, the QCAA requests additional samples.

Schools may request a review where an individual student's confirmed result is different from the school's provisional mark in one or more criteria and the school considers this result to be an anomaly or exception.

The following table includes the percentage agreement between the provisional marks and confirmed marks by assessment instrument. The Assessment decisions section of this report for each assessment instrument identifies the agreement trends between provisional and confirmed marks by criterion.

**Number of samples reviewed and percentage agreement**

<b>IA</b>	<b>Number of schools</b>	<b>Number of samples requested</b>	<b>Number of additional samples requested</b>	<b>Percentage agreement with provisional marks</b>
<b>1</b>	321	1910	662	67.91%
<b>2</b>	321	1854	274	77.57%
<b>3</b>	321	1882	248	79.75%



## 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, in 2021, the AS unit 1 IA1 Examination — combination response (AS U1 IA1) assessed AS unit 1, Topics 1 and 2. This examination assessed key concepts, principles and processes of the Australian and Queensland civil justice systems, and contractual obligations.

### 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 priority	Number of times priority was identified in decisions*
Alignment	231
Authentication	33
Authenticity	24
Item construction	40
Scope and scale	64

\*Each priority might contain up to four assessment practices.

Total number of submissions: 327.

#### Effective practices

Validity priorities were effectively demonstrated in assessment instruments that:

- in Part A
  - included a range of short response questions that focused on legal concepts, principles and processes of Australian and Queensland governance (General syllabus) or Australian and Queensland civil justice systems, and contractual obligations (AS U1 1A1)
  - included items that allowed students to demonstrate their skills of comprehension across all performance levels

- used cognitions and/or questioning words to provide cues for students regarding the type and extent of response required, e.g. whether a description ('describe', 'what' or 'where') or an explanation ('explain', 'how' or 'why') was the required response
- provided questions that did not overlap with the content provided in the stimulus materials for Part B, to enable the valid assessment of both the breadth and depth of the comprehending assessment objective
- in Part B
  - required students to make a decision (not a recommendation)
  - included stimulus that aligned to relevant subject matter and supported students in demonstrating their skills of analysis and evaluation rather than recalling learned subject matter.

### Practices to strengthen

It is recommended that assessment instruments:

- in Part A
  - comprise of questions of appropriate scope and scale that allow students the opportunities to achieve across the range of performance levels within the specified word limits for short response items of 50–100 words, e.g. 'Explain one role of the High Court of Australia' (up to 50 words) or, for AS U1 IA1, 'Describe one situation in which a contract may be terminated through frustration' (up to 50 words).
- in Part B
  - focus on subject matter that is aligned to the syllabus topic — the context of Australian and/or Queensland governance (General syllabus) not human rights or law reform; and Australian and/or Queensland contractual obligations (AS U1 IA1), not negligence or civil law generally
  - clearly state the legal issue to be analysed and the legal situation to be evaluated in the extended response item
  - provide a range of stimulus materials that support students to demonstrate their skills of analysis and evaluation in Legal Studies across the range of performance levels
  - present stimulus items within the syllabus specifications regarding word length, number of items and accessibility.

### 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 priority	Number of times priority was identified in decisions*
Bias avoidance	22
Language	41
Layout	73
Transparency	30

\*Each priority might contain up to four assessment practices.

Total number of submissions: 327.

## Effective practices

Accessibility priorities were effectively demonstrated in assessment instruments that:

- presented questions that were expressed clearly, with correct cognitive verbs or cues that supported students in demonstrating their skills
- promoted accessibility with appropriate formatting, e.g. presenting visual stimulus items that were clear, and providing an appropriate number of lines for student responses
- provided stimulus materials that were laid out in an accessible manner, e.g. logically numbered and clearly separated.

## Practices to strengthen

It is recommended that assessment instruments:

- follow the conventions for legislation and case citations including the use of italics, year and sections to model correct usage of legal language conventions
- provide clear and accessible stimulus material, including stimulus items that do not favour or bias one viewpoint over another.

## 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 confirmed marks

Criterion number	Criterion name	Percentage agreement with provisional	Percentage less than provisional	Percentage greater than provisional	Percentage both less and greater than provisional
1	Comprehending	80.69%	9.35%	4.67%	5.3%
2	Analysing	81%	15.58%	1.56%	1.87%
3	Evaluating	76.01%	18.69%	2.49%	2.8%

## Effective practices

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

- in Part A
  - a holistic judgment was made about the match of evidence in short responses to the performance-level descriptors, rather than treating each individual short response item as equal in depth and complexity to the others in the instrument
  - responses that did not respond to all questions were not matched to the upper performance level. In such cases, the combined evidence for Part A is not *accurate* and *detailed* as some essential features are absent and/or the explanations are not *thorough* across the whole of Part A

- short responses that were matched to the upper performance-level descriptors contained all the information required, including: accurate and detailed identification of the essential features of Australian and Queensland governance; thorough explanation of legal concepts, principles and processes; and precise use of legal terminology. For the AS U1 1A1, the focus was on the Australian and Queensland civil justice systems, and contractual obligations
- in Part B
  - for the Analysing criterion, the distinction was made between 'application of legal concepts, principles and/or processes to determine the nature and scope of a legal issue' at the upper and mid performance levels and 'description of the nature and/or scope of the issue' at the low performance level. Application requires the 'use' of legal concepts, principles and/or processes rather than 'describing', i.e. 'giving an account of', the characteristics or features of the legal concepts, principles and/or processes
  - for the Evaluating criterion, the evaluation of the legal situation used knowledge from the analysis. To be relevant and matched to the 4–5 and 6–7 mark ranges, legal alternatives must be aligned to the nature and scope of the legal issue, and the viewpoints and their consequences that are examined in the analysis
  - the justification of the decision explicitly used legal criteria as required by the second descriptor in the top two performance levels. Where legal criteria are not used to justify the decision, responses match the descriptor at the 2–3 mark range.

#### Samples of effective practices

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

These student response excerpts have been included:

- to demonstrate perceptive application of relevant legal concepts, principles and/or processes to determine the nature and scope of a legal issue (of minors' capacity to contract) involving an Australian and/or Queensland contractual obligation and discerning use of evidence to support the analysis (AS U1 IA1 Part B). Excerpt 1 uses evidence from the stimulus material to apply the principle underlying the limitation of minors' capacity to contract by explaining its origins and its relevance today. It discusses the impacts of the limitations on businesses and on minors. One example of the application of a legal concept to determine the nature and scope of the issue is evident in the unpacking of the impact on businesses and the link to the quote that minors are 'automatically deemed as lacking the legal capacity to enter into most contracts'.
- to demonstrate perceptive application of legal concepts, principles and/or processes to determine the nature and scope of a legal issue (i.e. the need for three levels of government to ensure good governance) involving Australian and/or Queensland governance; and discerning use of evidence to support the analysis (U3 IA1 Part B). Excerpt 2 does this by using evidence from the stimulus material to identify the principle of federalism, linking it to the Constitution and explaining what it is and its relevance to good governance in Australia. The response discusses the impacts of federalism on Australia's legal system. An example of the perceptive application of the legal concept to determine the nature and scope of the legal issue is shown in the unpacking of the impact of the sharing of power. Drawing on evidence from two different stimulus items, the response explains that despite limitations, this power-sharing strengthens a range of important aspects of governance such as the protection of liberty, scrutiny of policies and support of local decision-making.



**Analysing  
(7–8 marks)**

- perceptive application of legal concepts, principles and/or processes to determine the nature and scope of a legal issue involving an Australian and/or Queensland contractual obligation
- discerning use of evidence to support the analysis

**Excerpt 1**

The current law protects minors by preventing ~~the~~ traders from taking advantage of their inexperience (source 1). This has been in effect since Victorian times (source 1), and is becoming less relevant as education improves for minors, and legal rights and responsibilities are better known. <sup>good point</sup> ~~This is~~. The law also impacts businesses, as they can lose money by entering into contracts with infants, ~~as~~ since contracts made with minors are generally not enforced against minors, (source 4). This is because minors are "automatically deemed as lacking the legal capacity to enter into most contracts" (source 1). Additionally, minors are discriminated against ~~by~~ on the basis of age by businesses so they can protect their money and property. However, this discrimination is allowed in the Anti-Discrimination Act 1991 (Qld), according to source 5. Since ~~criminal~~ responsibility begins at age 10, and the ability to enter contracts without restrictions occurs at age 18, it is difficult for minors to understand their legal rights and obligations due to this inconsistency. Additionally, what is considered a "necessary" differs between individual <sup>✓</sup> situations, resulting in further inconsistency in the law.

**Analysing (7–8 marks)**

- 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
- discerning use of evidence to support the analysis

**Excerpt 2**

Within the Australian society, Federalism raises <sup>many</sup> legal issues on whether the three levels of government are needed for good governance. The Australian Constitution sets out the legislative powers in which the federal and States can have <sup>and share (concurrent powers)</sup>. However, section 109 of the Constitution states that valid federal laws (determined under s51) can override state laws to the extent of the inconsistency, which is called supremacy. This creates different levels (like a hierarchy) <sup>with federal being at the top</sup> of government and, thus, federalism - the legal system of Australia - "divides political power between the different parts of the federation" (Source 4). Federalism is essential for good governance in Australia, however it can still be improved. ✓

Currently, the Australian legal system is based upon Federalism, where the three levels of government are federal, states and local councils. Instead of having one level that governs the entire country or have multiple, differing state and local governments, Federalism is about the sharing of power "between the different entities" (Source 4). Though power is limited, it "strengthens representative democracy, can protect liberty, and can promote" decisions that have local importance (Source 4). ✓

Source 2 also supports the previous source by claiming that these benefits "do not preclude the development of national approaches to common problems". Furthermore, the federal structure allows for greater scrutiny on national policies - since cooperation from <sup>most</sup> states are needed - and new ideas can be adopted by the states. In addition, even though the federal laws override the state laws, Source 7 encourages that the "state government capacity for innovation and experimentation ... remains alive." Research had also shown that <sup>involving</sup> federalism as Australia's legal system is more cost-effective than "countries with centralised governments" (Source 9). ✓

The student response excerpts have been included:

- to demonstrate the alignment of one legal alternative with the analysis, as evidenced in Excerpt 1, by the reference to the first viewpoint ('In order to appease those against judicial activism ...') examined earlier in the response (U3 IA1 Part B). This alignment is further supported, as the response specifically addresses the concerns highlighted in the examination of the viewpoint. The alternative is legal because it relates to a change in the way that High Court judges are appointed, and the response refers to the legal criteria of 'just and equitable outcomes' as a precursor to the justification of the decision that will be made later in the response

- to demonstrate the justification of the decision through the discerning use of legal criteria with the specific reference to elements of the rule of law — that the law is consistent, known, and accessible (AS U1 IA1 Part B). In Excerpt 2, the legal criteria are not just stated; the response explains how the decision will lead to the identified elements of the rule of law. The implications are fluently discussed and include the impacts of this decision, e.g. the increased protection for both businesses and minors and the increased capacity to contract for minors.

**Evaluating  
(6–7 marks)**

- relevant legal alternatives presented leading to an insightful decision

**Excerpt 1**

In order to appease those against judicial activism, Australia could adopt a High court judge election process, similar to that of the US which allows the public to elect judges rather than appointment by governor general. This would uphold democratic values and make judges

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Accountable to the people. These judges who make consistently unpopular opinions are can be challenged and removed (Van Der Vort, 2017), leading to more just and equitable outcomes. 69

**Evaluating (6-7 marks)**

- justification of the decision through the discerning use of legal criteria
- fluent discussion of relevant implications of the decision

**Excerpt 2**

The legal age that minors are able to form contracts should be lowered to 16. If the age of criminal responsibility is raised to 14 (source 3), then this would reduce inconsistency, making the law more well-known (features of effective law), and access to justice would be improved (an element of rule of law). Businesses would be adequately protected when entering into contracts with minors (one of the reasons laws exist). This also protects young children, (as in source 2) from contractual obligations, but allows minors approaching adulthood to enter into contracts, as they are expected to have better legal capacity due to the increase in education compared to Victorian times (source 1).

**Practices to strengthen**

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

- for the Comprehending, Analysing and Evaluating criteria, judgments align to the specific qualifiers at each performance level, e.g., in the Evaluating criterion, at the upper performance level the qualifiers are relevant, insightful, discerning, and fluent
- for the second descriptor in the Analysing criterion, the evidence used to make judgments is the examination of different viewpoints (not opposing viewpoints and/or stakeholders) and their consequences
- in making judgments about the first descriptor in the Evaluating criterion, the quality of a decision is judged (not a recommendation). The decision must be about the legal situation stated in the Part B question
- for the second descriptor in the Evaluating criterion, the justification refers to sound reasons to support the decision through the *use of legal criteria* in order for a response to be matched to the upper and mid performance levels. This use of legal criteria is discerning (i.e. making thoughtful and astute choices) at the upper performance level or effective (i.e. successful in achieving the assigned purpose) at the mid performance level, otherwise the response matches the lower performance level and the descriptor 'some justification of the decision'.



## 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 Investigation — 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, in 2021, the AS U1 IA2 task focused on AS unit 1 Topic 3: Negligence and the duty of care. It required students to research a current legal issue relevant to negligence and the duty of care in Australia and/or Queensland (Alternative Sequence section 2.6.2).

### 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 priority	Number of times priority was identified in decisions*
Alignment	87
Authentication	13
Authenticity	46
Item construction	25
Scope and scale	14

\*Each priority might contain up to four assessment practices.

Total number of submissions: 327.

#### Effective practices

Validity priorities were effectively demonstrated in assessment instruments that:

- presented a context statement that was general and focused students on the assessment context of the topic being assessed
- included scaffolding that supported students but did not restrict their ability to conduct their own investigation

- focused the investigation so that the scope and scale of the task was appropriate for the technique conditions of four weeks, including 10 hours of the time allocated for the unit, and a written response of 1500–2000 words
- identified an area of investigation where there are a variety of viewpoints available from a range of different sources to ensure unique student responses.

### Practices to strengthen

It is recommended that assessment instruments:

- provide clear direction regarding the selection of one area of law or an aspect of an area of law requiring law reform in Queensland and/or Australia. For the AS U1 IA2, the legal issue must involve negligence and the duty of care in the Australian and/or Queensland jurisdiction
- ensure the legal issue refers to Australian and/or Queensland legislation, i.e. NOT a legal issue that is relevant to an international jurisdiction or to other states or territories of Australia
- avoid the use of questions that invite an argumentative response rather than allowing students to conduct an investigation and develop an inquiry report
- focus on a legal issue requiring law reform, not the evaluation of a law reform that has already taken place, as per the context for Unit 3 Topic 2
- provide clear expectations regarding the nature of sources — the syllabus specifications state: ‘relevant primary and/or secondary sources to support their analysis and/or legal reasoning’. There is no requirement that students analyse a number of cases.

### 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 priority	Number of times priority was identified in decisions*
Bias avoidance	4
Language	17
Layout	0
Transparency	22

\*Each priority might contain up to four assessment practices.

Total number of submissions: 327.

### Effective practices

Accessibility priorities were effectively demonstrated in assessment instruments that:

- presented neutral context statements that did not bias the inquiry process and the selection of legal information.

## Practices to strengthen

It is recommended that assessment instruments:

- provide instructions, including a task statement, that are clearly structured, easily understood, and align to the context of the investigation and ISMG descriptors to ensure students know how they will be assessed
- avoid using context statements that lead to or imply an expected outcome
- manage the number and nature of topic options to ensure equitable access to relevant primary and/or secondary resources, e.g. each topic option has a suitable range of resources available.

## 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 confirmed marks

Criterion number	Criterion name	Percentage agreement with provisional	Percentage less than provisional	Percentage greater than provisional	Percentage both less and greater than provisional
1	Comprehending	92.52%	5.92%	1.56%	0%
2	Selecting	92.21%	6.23%	1.25%	0.31%
3	Analysing	87.54%	10.28%	1.25%	0.93%
4	Evaluating	81.62%	16.51%	1.25%	0.62%
5	Creating a response	94.7%	4.98%	0.31%	0%

### Effective practices

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

- the differences between the top two performance-level descriptors of the Selecting criterion were clearly understood. The first descriptor refers to the choice of legal information, whereas the second descriptor refers to the use (i.e. apply knowledge) of legal information
- judgments about the examination of different viewpoints and their consequences at the top two performance levels were based on the student's interpretation of legal information. The syllabus glossary definition of 'interpret' is 'identify or draw meaning from, or give meaning to, information presented in various forms'
- 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, and 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 are excerpts from responses that illustrate the characteristics for the criteria at the performance level indicated. The excerpts may provide evidence of more than one criterion. The characteristics identified may not be the only time the characteristics have occurred throughout a response.

This student response excerpt has been included:

- as it demonstrates interpretation of legal information to perceptively examine one of the different viewpoints and its consequences examined in the response. The excerpt also demonstrates discerning use of evidence to support the analysis. Well-selected quotes and other relevant legal information are incorporated fluidly into the response to support the point being made about the legal issue. Additionally, reference is made to similar situations in other jurisdictions, which is then linked directly to, and furthers, the examination of the viewpoint and its consequences. (The excerpt uses American legal terminology 'attorney client privilege'. The Australian legal term is 'legal professional privilege').

<p><b>Analysing (5–6 marks)</b></p> <ul style="list-style-type: none"> <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>	<p>Attorney client privilege is a needed to uphold the legal system.</p> <p>ACP majorly assists lawyers to effectively administer the law as it helps to build a relationship of trust between attorney and client. Part of a lawyer's main responsibility is to promote compliance with the law to their client. However, without the established privilege between them this relationship would be significantly impacted. This is already proving to be the case in America where inmates' emails are being monitored. It was discovered that "without the privilege, it is impossible for legal practitioners to give accurate legal advice because clients could never be certain they could tell their lawyers the whole story behind a case." (Patel, 2014). This is extremely important as ACP matters to everyone who relies on a lawyer, "from the individual accused of drug dealing to the firm defending against charges of securities fraud." (Patel, 2014). Although this study was found in America this could very easily apply to an Australian jurisdiction if ACP continues to be abrogated by legislation. This viewpoint has also gained grounding in Australia with the law reform commission releasing a report stating that "Stakeholders also raised concerns about laws that affect the right to confidential legal advice... and statutory access to communications between lawyers and individuals suspected of terrorism-related offences." (Australian Law Reform Commission, 2016). Particularly because these laws "do represent an infringement on the right to confidential legal advice." (Australian Law Reform Commission, 2016). This proves the detrimental implications that can arise out of ACP not being completely privileged, therefore impacting lawyer's ability to do their job in upholding the legal system.</p>
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This student response excerpt has been included:

- as it presents *legal* alternatives that are aligned to the nature and scope of the legal issue of domestic violence, with a focus on coercive control, and the viewpoints and their consequences examined in the analysis. In the first sentence of 4.1, for example, the response restates the viewpoint the legal alternative is presented to address — that ‘laws are ambiguous’ and ‘limit the scope for justice’. In sentence 4 of 4.2, the second legal alternative addresses ‘concerns of the current approach being only reactive’, demonstrating alignment with the analysis. These legal alternatives lead to the proposal of an insightful recommendation (i.e. ‘informed by observation and deduction’). The recommendation is insightful as, in Section 4.1, when it is presented as a legal alternative, and Section 5.0, when it is proposed as the recommendation, the response is aligned to the analysis and uses evidence drawn and/or extrapolated from it to support its validity.
- to show fluent discussion of the implications of the recommendation. This is evident in this response as implications are discussed, in different ways, when the legal alternative is proposed, when the recommendation is made, and again in the report’s conclusion.

<p><b>Evaluating (5–6 marks)</b></p> <ul style="list-style-type: none"> <li>• relevant legal alternatives presented from the analysis and insightful recommendation/s proposed</li> <li>• fluent discussion of the implications of the recommendation/s</li> </ul>	<p><b>4.0 Legal alternatives to reform existing laws</b></p> <p><b>4.1 Criminalisation of coercive control</b></p> <p>To tackle the issue that current domestic violence laws are ambiguous with their definition of abuse and thus limit the scope for justice, an alternative of criminalising coercive control is proposed. This would be implemented by reforming the <i>Domestic and Family Violence Protection Act 2012, Section 8</i>, to expand the current definition of the term to explicitly condemn coercive control and outline its exact parameters. It is imperative that the reform preserves the rights and safeties of victims and stakeholders, so “careful consideration ...would be given... to ensure the offence can be effectively operationalised” (NSW Government, 2020). These cautionary measures will be conducted by appointing a taskforce (Cosenza, 2021), to “consult domestic violence survivors, service providers, lawyers, and the general community” (Zillman, 2021) to garner information to accurately design the reform. Advocates are confident that this amendment will “enable earlier intervention, potentially preventing intimate partner homicides” (NSW Government, 2020). This need for intervention was exemplified in the tragic homicide of Hannah Clarke, where her husband had not previously been physically violent towards her, leading to the couple’s initial justification to Clarke’s worried parents, that “it wasn’t really domestic violence” (Malik, 2021). In addition, by gradually implementing this revision across the Commonwealth, it provides consistency and clarity into the accepted behaviours in Australian society, consequently improving “a victim’s ability to identify their own” abuse and “encourage them” (ibid.) to seek out support.</p> <p><b>4.2 Reform Police Powers and Responsibilities Act 2000</b></p> <p>The alternative of reforming the <i>Police Powers and Responsibilities Act 2000, Section 19</i> to be able to intervene in suspicion of coercive control is proposed. The success of this amendment would require “careful consideration, training for police and the judiciary and a public education campaign”. (White Ribbon, 2020). Such legal update would greatly “assist with effective charging and investigation” of offences and drive “institutional change” (Women’s Safety NSW, 2021). This will take on a preventative approach, addressing concerns of the current approach being only “reactive” (Smee, 2021), and ultimately reduce costs of the judicial system and provide reassurance for victims. However, this change in law holds possible contradictions to the presumption of innocence as the intervention would be conducted on the balance of reasonable belief. With proper training and reflective education, this contradiction can be lessened.</p>
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### 5.0 Recommendation

It is recommended that the first alternative of criminalising coercive control is implemented as it clearly outlines the acceptable behaviours within Australian society and condemns emotional abuse. In addition, the reform will validate victims of domestic violence who internally marginalise themselves, believing their situation does not constitute abuse and encourage them to seek support. While the reform will require a

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costly taskforce and meticulous consideration, it will ensure the offence can be “effectively operationalised” (NSW Government, 2020). To provide further safeguards, coercive control guidelines utilised by Tasmania and international nations can be referred to, thus providing consistency and reliability on the justice system. This could include copying the definition of constitution of domestic violence or penalties set for offenders. It greatly improves the current legislation as there is no cause for loopholes or mistake of definition. Clarity of law will be achieved, with no room for complacent domestic violence.

### 6.0 Conclusion

Therefore, through the analysis of domestic violence classifications in Queensland and its absence of including coercive control in its definition, a necessity for change was revealed. The current law was proven to be too ambiguous, leading to the marginalisation of non-violent domestic abuse victims. By investigating a variety of viewpoints regarding the illegalisation of coercive control and its emotional and economic effects, alternatives to current law that ensures just and equitable outcomes were proposed. Despite a proposal of reforming the *Police Powers and Responsibilities Act 2000, Section 19*, to be able to intervene in suspicion of coercive control, it was recommended that the criminalisation of coercive control in the *Domestic and Family Violence Protection Act 2012* be implemented. Whilst costly, this reform upholds the rule of law, provides consistency within states and provides further protection for victims of domestic violence.

### Practices to strengthen

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

- for the Analysing criterion, it is noted that
  - the focus of the second descriptor is the examination of viewpoints and their consequences rather than stakeholders. This helps to ensure viewpoints about the legal issue are analysed rather than describing stakeholder groups
  - 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. When students simply describe stakeholder groups, or restate facts of legal cases, they are not interpreting legal information to examine viewpoints and their consequences
- for the Evaluating criterion, it is noted 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. increasing monitoring systems or increasing personnel are not legal alternatives
- 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'.

### **Additional advice**

- schools ensure that the ISMG is annotated in full, indicating how evidence has been matched to descriptors to support consistent application of the best-fit approach to determine marks.



## Internal assessment 3 (IA3)

### Investigation — argumentative essay (25%)

This instrument 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).

For the Alternative Sequence, in 2021, the AS U2 IA3 focused on AS unit 2 Topic 1. Students researched an area of law that requires reform, change, or a new legislative instrument in the Australian and/or Queensland jurisdiction (Alternative Sequence section 3.5.1).

### 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 priority	Number of times priority was identified in decisions*
Alignment	97
Authentication	12
Authenticity	24
Item construction	21
Scope and scale	24

\*Each priority might contain up to four assessment practices.

Total number of submissions: 327.

#### Effective practices

Validity priorities were effectively demonstrated in assessment instruments that:

- provided a task statement that clearly aligned to the context of the assessment. For the General syllabus, these were tasks that clearly identified an international human rights issue in which Australia has a legal interest, i.e. tasks that avoided topics related to human rights that were centred in Australia, or international issues where Australia has no legal interest other than as a global observer. For the AS U2 IA3, the focus was on an area of law that requires reform, change, or a new legislative instrument in the Australian and/or Queensland jurisdiction rather than an area of law that had already been reformed
- presented clear cues and prompts for students that aligned to the assessment objectives and the performance-level descriptors in the ISMG, e.g. 'legal concepts, principles and/or

processes of Australian human rights laws and international obligations' (General syllabus section 5.6.1)

- managed the scope and scale of the task by prompting students to present an argumentative essay relevant to a single legal issue, not multiple issues under a broad international human rights umbrella (or law reform umbrella in AS U2 IA3).

### Practices to strengthen

It is recommended that assessment instruments:

- ensure the topic provided has a clear legal argument and is not a contemporary social issue. This is to align the task to the assessment objectives to 'analyse a legal issue' and 'evaluate a legal situation'
- provide instructions that focus the student response on the context of the assessment. For the General syllabus, the focus is on the legal interest and international obligations of Australia rather than the ratification of international treaties or conventions. For the AS U2 IA3, the focus is on an area of law requiring reform, not the evaluation of the effectiveness of a law reform
- use context statements and topic statements that allow students to demonstrate a variety of viewpoints and do not lead to a predetermined response.

### 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 priority	Number of times priority was identified in decisions*
Bias avoidance	2
Language	10
Layout	0
Transparency	15

\*Each priority might contain up to four assessment practices.

Total number of submissions: 327.

### Effective practices

Accessibility priorities were effectively demonstrated in assessment instruments that:

- provided students with a clear statement that asked for an argumentative essay in response
- used impartial context statements and topics to focus student responses on international human rights issues in which Australia has a legal interest.

### Practices to strengthen

It is recommended that assessment instruments:

- provide clearly worded instructions that lead to an argumentative essay response rather than an investigation or open-ended response with minimal argument

- use clear and explicit prompts that align to the assessment specifications and each of the objectives of the task, providing opportunities for students to demonstrate all aspects of the ISMG descriptors.

## 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 confirmed marks

Criterion number	Criterion name	Percentage agreement with provisional	Percentage less than provisional	Percentage greater than provisional	Percentage both less and greater than provisional
1	Comprehending	94.08%	3.74%	1.25%	0.93%
2	Selecting	94.7%	4.67%	0.62%	0%
3	Analysing	91.28%	8.1%	0.62%	0%
4	Evaluating	82.87%	14.95%	1.25%	0.93%
5	Creating a response	94.39%	5.3%	0.31%	0%

### Effective practices

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

- in making judgments for the Comprehending criterion, clear links between international obligations and Australian human rights laws related to a current international human rights issue where Australia has a legal interest were evident. In the AS U2 1A3, the judgments in the Comprehending criterion related to a current legal issue that may require reform to Australian and/or Queensland legislation, not a proposed or recent reform
- for the Analysing criterion, judgments relating to the examination of different viewpoints and their consequences at the top two performance levels were based on the interpretation (i.e. use of knowledge and understanding to recognise trends and draw conclusions) of legal information
- 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, and discerning use of legal criteria includes more than a 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 essay's intended purpose.

#### Samples of effective practices

The following are excerpts from responses that illustrate the characteristics for the criteria at the performance level indicated. The excerpts may provide evidence of more than one criterion. The

characteristics identified may not be the only time the characteristics have occurred throughout a response.

These student response excerpts have been included:

- to demonstrate evidence matched to the upper performance-level descriptors in the Comprehending criterion, especially a perceptive description of legal concepts, principles and/or processes of Australian human rights laws and international obligations (U4 IA3). This descriptor is evident in Excerpt 1 in the way the response links Australia's immigration law with its obligations under international conventions. The response also identifies and clearly describes relevant elements of the international law and the obligations this places on signatory states
- to demonstrate perceptive (i.e. having or showing insight or the ability to perceive or understand) application (i.e. use) of legal concepts, principles and/or processes to determine the nature and scope of a law reform issue that involves Australian and/or Queensland legislation (Analysing criterion, AS U2 IA3). Excerpt 2 explains the nature of the issue by defining the term 'coercive control', including its origins and explaining its relationship to domestic violence. The statistics in the excerpt provide information about the scope of the issue and link this back to the hypothesis that 'addressing coercive control may help reduce this number'. Further information regarding the nature of the law reform issue is unpacked using a range of evidence, which provides support to the hypothesis that there is a need for legal reform in this area.

<p><b>Comprehending (4–5 marks)</b></p> <ul style="list-style-type: none"> <li>perceptive description of legal concepts, principles and/or processes of Australian human rights laws and international obligations</li> </ul>	<p><b>Excerpt 1</b></p> <p>The United Nations <i>Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment</i> (UNCAT) was signed by Australia in December 1985 and was further ratified in August 1989.<sup>7</sup> The UNCAT acknowledges the equal and inalienable rights of all humans as the foundation of freedom, justice, and peace throughout the world. This treaty further outlines the definition of torture (Article 1) and further ensures that all states that have ratified the treaty characterise all acts of torture as offences under criminal law (Article 4).<sup>8</sup> By ratifying OPCAT, the Australian Government has an obligation to improve the protection of human rights for all people in detention. While they hold this obligation, state parties do not have a legal obligation to fulfil the requirements of this treaty. However, by signing the treaty it is a statement of intention to put measures in place to improve human rights. Under OPCAT, state parties are obligated to establish a National Preventative Mechanism (NPM) to conduct consistent and random inspections of all Australian detention centres.<sup>9</sup> NPMs are not investigatory bodies but instead have the power to advise, educate and cooperate with the Australian Government to ensure the human rights of all detainees are upheld.<sup>10</sup></p>
<p><b>Analysing 5–6 marks</b></p> <ul style="list-style-type: none"> <li>perceptive application of legal concepts, principles and/or processes to determine the nature and scope of a law reform issue that involves Australian and/or Queensland legislation</li> </ul>	<p><b>Excerpt 2</b></p> <p>Professor Evan Stark, a sociologist and forensic social worker, developed the term coercive control, defining it as “a pattern of domination that includes tactics to isolate, degrade, exploit and control” a person, “as well as to frighten them or hurt them physically” (Parliament of Australia, 2021). Coercive control and domestic violence are often referred to as ‘violence against women’ (Our Watch, 2019). Although men are also victims of domestic abuse, women are nearly three times more likely to experience it (Our Watch, 2019), and females are the victims of intimate partner homicide in 79.9% of cases (Domestic and Family Violence Death Review Unit, 2018). Intimate partner homicide is a serious issue which stems from domestic abuse, as 265 people were killed by an intimate partner or family member in</p>

	<p>Queensland between July 1<sup>st</sup>, 2016, and February 28<sup>th</sup>, 2018 (Domestic and Family Violence Death Review Unit, 2018), and addressing coercive control may help reduce this number.  </p> <p>Coercive control has the cumulative effect of causing victims to lose their sense of autonomy and independence (Speakman, 2020). Its impacts are as traumatic as physical abuse (Women’s Aid, 2016), and it is often described by victims as the worst part of an abusive relationship (White Ribbon Australia, 2021). According to Our Watch (2019), 23% of Australia women have experienced emotional abuse by an intimate partner. However, despite its prevalence, it is underreported to police, and victims of coercive control frequently do not seek support (Boxall &amp; Morgan, 2021). A study by Boxall and Morgan (2021) showed that victims who have experienced coercive control rarely seek support unless they have also experienced physical or sexual violence – possibly a result of the legal system not addressing this issue. Additionally, coercive control is a predictor of intimate partner homicide (Parliament of Australia, 2021), and some victims of domestic homicide have no history of previous physical abuse, only severe coercive control (Women’s Aid, 2021). In New South Wales, relationships were characterised by coercive control in 111 out of 112 intimate partner homicides in 2016-18 (Speakman, 2020). These statistics demonstrate the importance of protecting victims from coercive control and non-physical forms of violence.  </p> <p>Current Queensland legislation does not recognise coercive control as a distinct offence. Section 8 of the Domestic and Family Violence Protection Act 2012 (Qld) gives the following definition for domestic violence.</p> <p><i>(1) ‘Domestic violence means behaviour by a person (the first person) towards another person (the second person) with whom the first person is in a relevant relationship that –</i></p> <p style="padding-left: 40px;"><i>(a) is physically or sexually abusive; or</i></p> <p style="padding-left: 40px;"><i>(b) is emotionally or psychologically abusive; or</i></p> <p style="padding-left: 40px;"><i>(c) is economically abusive; or</i></p> <p style="padding-left: 40px;"><i>(d) is coercive’ [towards the second person].</i></p> <p>Although this legislation recognises coercive control and non-physical abuse as a form of domestic violence, this is only relevant for DVOs and FVOs. The Criminal Code Act 1899 (Qld) does not have a separate offence for domestic abuse, although existing criminal offences cover aspects of it in sections such as s 359 (stalking), and ss 335 and 339 (assault).</p>
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### Practices to strengthen

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

- the requirements at the upper performance levels for Analysing and Evaluating are noted; in particular
  - when determining the nature and scope of the legal issue, concepts, principles and/or processes are applied (not just described) and that clear links are made to the hypothesis of the argumentative essay
  - the interpretation of legal information (not social or general information) informs the examination of different viewpoints about the legal issue being analysed (not stakeholder groups)
  - alternatives presented are legal, relating to the law (not social) and align to the viewpoints examined in the analysis



- the justification of recommendation/s is through the use of legal criteria
- the structural features of an argumentative essay are considered when matching responses to the second descriptor of the Creating a response criterion. An argumentative essay takes a position on a topic, such as a particular legal reform issue, decision or policy, then presents arguments that support that position; the essay could be structured by presenting the opposing view first then counter this view with stronger evidence, or vice versa. At the upper performance level, the features of an argumentative essay are *consistently* demonstrated.



# External assessment

External assessment (EA) is developed and marked by the QCAA. The external assessment for a subject is common to all schools and administered under the same conditions, at the same time, on the same day.

## Examination — combination response (25%)

### Assessment design

The assessment instrument was designed using the specifications, conditions and assessment objectives described in the summative external assessment section of the syllabus. The examination consisted of one paper:

- Paper 1, Section 1 consisted of four short response questions (21 marks)
- Paper 1, Section 2 consisted of one extended response question (27 marks).

The examination assessed subject matter from Unit 4. Questions were derived from the context of:

- Topic 1: Human rights
- Topic 3: Human rights in Australian contexts.

The assessment required students to:

- respond to short response questions
- respond to an extended response to stimulus question.

The stimulus included a range of text and visual stimulus comprising excerpts from international and domestic law, news articles, parliamentary reports and Australian Bureau of Statistics data.

The AS assessment instrument was designed using the specifications, conditions and assessment objectives described in the summative external assessment section of the AS.

The AS examination consisted of one paper:

- Paper 1, Section 1 consisted of four short response questions (19 marks)
- Paper 1, Section 2 consisted of one extended response question (27 marks).

The AS examination assessed subject matter from AS unit 2. Questions were derived from the context of Topic 2: Governance in Australia.

The AS assessment required students to:

- respond to short response questions
- respond to an extended response to stimulus question.

The AS stimulus included a range of text and visual items comprising excerpts from Australian legislation, committee reports, law journal and news articles and a political cartoon.

## Assessment decisions

Assessment decisions are made by markers by matching student responses to the external assessment marking guide (EAMG). The external assessment papers and the EAMG are published in the year after they are administered.

## Samples of effective practices

### Short response

Criterion: Comprehending

#### Question 3

This question required students to explain how Article 2(4) of the *United Nations Charter of Human Rights* promotes the protection of Members' rights, including an explanation of the principles of territorial integrity and political independence in their response.

Effective student responses:

- provided an accurate explanation of how Article 2(4) promotes the protection of Members' rights
- provided an accurate explanation of the principle of territorial integrity
- provided an accurate explanation of the principle of political independence.

This student response excerpt has been included:

- as it accurately explains how Article 2(4) of the *United Nations Charter of Human Rights* promotes Members' rights. It provides an accurate and detailed explanation of the principles of territorial integrity and political independence by stating what each principle means and linking it to the way the principle promotes the protection of Members' rights. Finally, it effectively concludes the response by providing a clear example of how Article 2(4) promotes the protection of Members' rights.

Comprehending	<p><b>Excerpt 1</b></p> <p>Article 2(4) of the United Nation Charter outlines that a UN member state cannot use threat of force to intervene with the political independence or territorial integrity of another member state. Political independence highlights that the government has total power and authority within their <sup>geographical</sup> <del>territory</del> limit over how the state is governed, for example, the <sup>functioning of</sup> Australia's democratic system could not be intervened by the UN or any other member. Territorial Integrity highlights that the borders of a state cannot be subject to external aggression by other states, for example Australian forces could not raid and take over <sup>the land</sup> <del>another</del> of another member state. This ultimately promotes the protection of Member's rights as they are free from the influence of external <sup>pressures</sup> <del>states</del> on how the country is governed and ensured national security. For example, Australia is able to govern as an independant nation that makes its own decisions without the <del>interference</del> of political or fears of territorial influence by other Members.</p>
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Alternative sequence: Question 3

This question required students to explain one strength and one weakness of Queensland Parliament as a law-making body.

Effective student responses:

- provided an accurate explanation of one strength of Queensland Parliament as a law-making body
- provided an accurate explanation of one weakness of Queensland Parliament as a law-making body
- used correct legal terminology, e.g. unicameral, bicameral, and correctly naming Queensland's House of Parliament as the Legislative Assembly

This student response excerpt has been included:

- as it identifies Queensland Parliament as unicameral, describes what this means and links it to a strength with respect to 'law-making, i.e. it is 'more efficient than bicameral systems in passing bills into law'. This strength is further developed in the second sentence. The weakness of 'Queensland parliament as a law-making body' is then identified and its meaning for 'law-making in Queensland' is explained. Additionally, the response uses correct legal terminology throughout.

## Comprehending

## Excerpt 1

Queensland Parliament ~~has~~ only has one House of Parliament (the Lower House or Legislative Assembly), meaning it is a unicameral system. Unicameral systems are more efficient than bicameral systems in passing bills into law. This is because there is only one House of Parliament in which the bill must attain a majority of votes (rather than two House like a bicameral system), therefore bills have a much greater chance of passing into law. ~~as there is only one~~ However, one weakness of Queensland Parliament as a lawmaking body is that there is no House of Review (Upper House). This means there is limited opportunity to critique and alter bills before they pass into law, as this is typically to roles of the House of Review.

## Extended response

Criterion: Evaluating

## Question 5

This question required students to use stimulus to analyse and evaluate the validity of the limits that Australian and Queensland laws place on prisoners' right to vote. This entailed explaining the nature and scope of the legal issue and examining two different viewpoints and their consequences, using information/evidence from the stimulus. Students needed to present two different legal alternatives from their analysis and make a decision about the legitimacy of the limits. The decision needed to be justified using relevant legal criteria and an implication of the decision needed to be discussed.

Effective student responses:

- explained the nature and scope of the legal issue and examined two valid viewpoints and their consequences related to the limits Australian and Queensland laws place on prisoners' right to vote, using a range of relevant information from the stimulus
- presented two relevant legal alternatives aligned with the viewpoints and their consequences examined in the analysis and justified a valid decision about the legitimacy of current limits to prisoners' right to vote through effective use of relevant legal criteria
- effectively discussed a plausible implication of the decision.

This student response excerpt has been included:

- to demonstrate evidence of the Evaluating criterion, as it clearly states a valid decision that is justified through the effective use of relevant legal criteria. The decision is then justified using an element of the Rule of Law (that all people are equal before the law), which is tempered by

the need to balance the rule of law and the rights and freedoms of individuals and society if equitable outcomes are to be achieved (second last sentence of excerpt). These legal criteria are not just stated, the response clearly explains how the decision achieves these outcomes. Implications of the decision, with respect to both international and domestic law, are effectively discussed in the final two sentences.

Evaluating	<p>The decision to <del>can</del> only restrict the voting rights to prisoners <del>of</del> facing lifetime sentences will be the most beneficial to Australia and consequently Queensland. This limit is regarded legitimate as it adheres to the principles of rule of Law that all citizens are equal before the law as the new amendment would be applied nationwide allowing prisoners to be equal to law-abiding citizens. However, the decision also maintains limits on specific prisoners of lifetime sentences which ultimately maintains peace and security within communities as serious offenders receive adequate punishment and do not receive voting rights which are regarded a 'privilege, not an absolute right' (Stimulus 5). <del>As</del> Furthermore, this decision upholds the international obligations that Australia agreed to upon ratification of the International Covenant of Civil and Political Rights, specifically Article 25 as it ensures</p>
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#### Alternative Sequence Question 5

#### Criterion: Analysing

This question required students to use stimulus to analyse and evaluate the impact of royal commissions on government accountability in Australia. This entailed explaining the nature and scope of the legal issue and examining two different viewpoints and their consequences, using information/evidence from the stimulus. Students needed to present two different legal alternatives from their analysis and make a decision about the extent to which royal commissions ensure government accountability. The decision needed to be justified using relevant legal criteria and an implication of the decision needed to be discussed.

#### Effective student responses:

- explained the nature and scope of the legal issue and examined two valid viewpoints and their consequences related to the impact of royal commissions on government accountability in Australia
- presented two relevant legal alternatives aligned with the viewpoints and their consequences examined in the analysis and justified a valid decision about the extent to which royal commissions ensure government accountability through effective use of relevant legal criteria

- effectively discussed a plausible implication of the decision.

This student response excerpt has been included:

- to demonstrate evidence in the Analysing criterion as the response draws on information from Stimulus items 3, 5, 7 and 8 and creates a coherent explanation of how royal commissions effectively ensure government accountability. It does this without quoting significant chunks of text from any of these stimulus items, nor does it simply restate or describe what each stimulus item is about. Instead, the response draws different ideas from the stimulus to inform the points being made in unpacking and supporting the examination of the viewpoint and its consequences.

<b>Analysing</b>	<p>Royal commissions are effective in creating accountability, because as well as generating findings and recommendations, they must also <sup>apportion</sup> <del>apportion</del> blame and responsibility for specific events (stimulus 8). In order to do this, <del>they</del> Royal</p> <p>commissions are given a high level of investigative powers (much greater than that of courts or police), making them a significant tool in <del>creating</del> <sup>maintaining</sup> accountability (Stimulus 5). They have great potential in providing solutions for complex issues, <del>and</del> <sup>as they</sup> are able to use information from rumours, as well as information from vulnerable members of society (stimulus 7). An example of an effective inquiry is the Fitzgerald Inquiry, as it created many long term solutions and set up <del>independent</del> <sup>independent</sup> commissions to fight future corruption <sup>(stimulus 8)</sup>. This inquiry shows that Royal commissions have the potential to <del>effectively</del> create government accountability <del>and</del> and create effective, long-term solutions. <del>Therefore</del> Therefore, Royal commissions are very powerful tools in <del>creation</del> due to extensive investigative powers, and they have the potential to create long-term government accountability.</p>
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### Practices to strengthen

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

- teaching and learning strategies to guide students in how to break down short response items to ensure all elements of questions are answered at the required depth. Many short response questions contain more than one element. Additionally, questions often contain instructions regarding the required focus of the response or what must be included in the response

- building student skills in using evidence from stimulus to support their analysis of legal issues and evaluation of legal situations. Summarising, describing or retelling stimulus items does not demonstrate *discerning* or *effective* use of information from the stimulus to support the analysis
- supporting students in developing skills in justifying their decision using relevant legal criteria. This requires students to do more than state that the decision will lead to just and equitable outcomes: it requires students to explain how the decision will lead to just and equitable outcomes, i.e. how the decision will lead to a result that is fairer and more impartial than currently exists, given the viewpoints about the legal issue that have been examined in the analysis.





# Senior External Examination

The Legal Studies Senior External Examination (SEE) is a standalone examination offered to eligible Year 12 students and adult learners. It contributes 100% to a student's final subject result.

The assessment was designed using the specifications, conditions and assessment objectives described in the summative external assessment section of the Legal Studies Senior External Examination syllabus.

The SEE consisted of two assessments:

- SEE 1 contributed 50% of the marks
- SEE 2 contributed 50% of the marks.

**Note:** The SEE information should be read in conjunction with the rest of the subject report.

Number of students who completed the Legal Studies Senior External Examination: 17.

## Distribution of standards

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

## Assessment decisions

### Effective practices

Overall, students responded well to:

- short response questions by attempting to respond to all questions
- selection of relevant stimulus material to support response to extended response items.

### Practices to strengthen

It is recommended that when preparing students for the Senior External Examination, teachers consider:

- supporting students with strategies to identify and respond to all aspects of short response items
- familiarising students with the requirements of analysing and evaluating in Legal Studies to ensure all elements are included in their responses
- building students' skills in using ideas and evidence from stimulus material to support points being made in extended responses.