

# Legal Studies marking guide and response

External assessment 2022

## Combination response (47 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

## Section 1: Short response

Q	Sample response	The response:
1	<p>Two key human rights promoted by the <i>Sex Discrimination Act</i> (SDA) are the right to equality and freedom from discrimination. The SDA promotes these by making it illegal to discriminate on the basis of gender in situations, including work and accommodation. It also makes it illegal to pay men and women different salaries for the same work or not provide women with equal access to training and promotion opportunities.</p>	<ul style="list-style-type: none"><li>• accurately identifies a human right promoted by the <i>Sex Discrimination Act</i> [1 mark]</li><li>• accurately describes the human right promoted by the <i>Sex Discrimination Act</i> [1 mark]</li><li>• accurately identifies a second human right promoted by the <i>Sex Discrimination Act</i> [1 mark]</li><li>• accurately describes the second human right promoted by the <i>Sex Discrimination Act</i> [1 mark]</li></ul>

Q	Sample response	The response:
2	<p>One UN role is maintaining international peace and security through the Security Council, which determines if there is a threat to international peace and security and works with involved parties to resolve issues peacefully. This can be through UN peacekeepers — troops, police and civilians from around the globe. Peacekeepers work to keep the peace and help build or rebuild as countries transition from conflict to peace. This includes protecting and supporting political processes, such as elections, assisting in disarming former combatants and restoring the rule of law.</p>	<ul style="list-style-type: none"> <li>• accurately identifies one role of the UN <b>[1 mark]</b></li> <li>• provides an accurate explanation of the identified role <b>[1 mark]</b></li> <li>• accurately identifies an example of how the UN works to achieve the identified role <b>[1 mark]</b></li> <li>• effectively uses the example to support the explanation of the UN role <b>[1 mark]</b></li> </ul>

Q	Sample response	The response:	M	The response:	M	The response:	M
3	<p>Neutral observers are people who do not have a relationship with the cause to which a demonstration is responding. They observe the behaviours of police, government officials and demonstrators as they interact. They help to protect human rights in Australia by reporting impartially if a public demonstration becomes violent, or the human rights of demonstrators or public servants are infringed. As impartial observers they can document behaviours and act as witnesses in court if necessary.</p> <p>Another way they protect human rights is that their very presence can be a preventative measure to stop mistreatment/misbehaviour, as both police and protesters may be less inclined to behave inappropriately if they know they are being watched. This strategy connects the right to protest with the right to be safe, which might otherwise be threatened.</p>	<ul style="list-style-type: none"> <li>accurately describes what neutral observers are, including describing their role</li> </ul>	2	<ul style="list-style-type: none"> <li>accurately explains one way the neutral observer strategy supports the protection of human rights in Australia</li> </ul>	2	<ul style="list-style-type: none"> <li>accurately explains a second way the neutral observer strategy supports the protection of human rights in Australia</li> </ul>	2
		<ul style="list-style-type: none"> <li>accurately describes what neutral observers are</li> </ul> <p style="text-align: center;"><b>OR</b></p> <ul style="list-style-type: none"> <li>accurately describes a neutral observer's role</li> </ul>	1	<ul style="list-style-type: none"> <li>accurately identifies one way the neutral observer strategy supports the protection of human rights in Australia</li> </ul>	1	<ul style="list-style-type: none"> <li>accurately identifies a second way the neutral observer strategy supports the protection of human rights in Australia</li> </ul>	1
		<ul style="list-style-type: none"> <li>does not satisfy any of the descriptors above.</li> </ul>	0	<ul style="list-style-type: none"> <li>does not satisfy any of the descriptors above.</li> </ul>	0	<ul style="list-style-type: none"> <li>does not satisfy any of the descriptors above.</li> </ul>	0

Q	Sample response	The response:	M
4a)	The Act requires all Bills introduced into federal parliament to be accompanied by a statement of compatibility with human rights. It established a Parliamentary Joint Committee to examine Bills for compatibility with human rights.	<ul style="list-style-type: none"> <li>accurately identifies two ways the <i>Human Rights (Parliamentary Scrutiny) Act 2011</i> changed the way legislation passes through federal parliament in Australia</li> </ul>	2
		<ul style="list-style-type: none"> <li>accurately identifies one way the <i>Human Rights (Parliamentary Scrutiny) Act 2011</i> changed the way legislation passes through federal parliament in Australia</li> </ul>	1
		<ul style="list-style-type: none"> <li>does not satisfy any of the descriptors above.</li> </ul>	0

Q	Sample response	The response:	M	The response:	M
4b)	<p>The statement of compatibility (SoC) states the Bill has been assessed to determine whether it complies with the international human rights treaties Australia has ratified. SoCs ensure Australia's human rights obligations are considered when drafting bills, improving human rights protection.</p> <p>The Parliamentary Joint Committee on Human Rights (PJCHR) independently scrutinises each Bill and its accompanying SoC to determine if the Bill is compatible with human rights and reports its findings to both houses of parliament. This protects human rights as it promotes parliamentary debate to improve the quality of legislation by bringing greater awareness to human rights.</p>	<ul style="list-style-type: none"> <li>accurately explains how a statement of compatibility improves the protection of human rights in Australia</li> </ul>	2	<ul style="list-style-type: none"> <li>accurately explains how the PJCHR improves the protection of human rights in Australia</li> </ul>	2
		<ul style="list-style-type: none"> <li>accurately describes a statement of compatibility</li> </ul>	1	<ul style="list-style-type: none"> <li>accurately describes the PJCHR</li> </ul>	1
		<ul style="list-style-type: none"> <li>does not satisfy any of the descriptors above.</li> </ul>	0	<ul style="list-style-type: none"> <li>does not satisfy any of the descriptors above.</li> </ul>	0

## Section 2: Extended response — Question 5

### Criterion: Analysing

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

## Criterion: Evaluating

The response:	M	The response:	M	The response:	M	The response:	M
<b>Legal alternative 1</b>		<b>Legal alternative 2</b>		<b>Decision and justification</b>		<b>Implications</b>	
<ul style="list-style-type: none"> <li>effectively uses information from the analysis to present a relevant legal alternative</li> </ul>	3	<ul style="list-style-type: none"> <li>effectively uses information from the analysis to present a second relevant legal alternative</li> </ul>	3	<ul style="list-style-type: none"> <li>justifies a valid decision through effective use of relevant legal criteria</li> </ul>	3	<ul style="list-style-type: none"> <li>effectively discusses a plausible implication of the decision</li> </ul>	3
<ul style="list-style-type: none"> <li>uses information from the analysis to present a relevant legal alternative</li> </ul>	2	<ul style="list-style-type: none"> <li>uses information from the analysis to present a second relevant legal alternative</li> </ul>	2	<ul style="list-style-type: none"> <li>justifies a valid decision using relevant legal criteria</li> </ul>	2	<ul style="list-style-type: none"> <li>discusses a plausible implication of the decision</li> </ul>	2
<ul style="list-style-type: none"> <li>presents a legal alternative</li> </ul>	1	<ul style="list-style-type: none"> <li>presents a second legal alternative</li> </ul>	1	<ul style="list-style-type: none"> <li>makes a valid decision</li> </ul>	1	<ul style="list-style-type: none"> <li>identifies an implication of the decision</li> </ul>	1
<ul style="list-style-type: none"> <li>does not satisfy any of the descriptors above.</li> </ul>	0	<ul style="list-style-type: none"> <li>does not satisfy any of the descriptors above.</li> </ul>	0	<ul style="list-style-type: none"> <li>does not satisfy any of the descriptors above.</li> </ul>	0	<ul style="list-style-type: none"> <li>does not satisfy any of the descriptors above.</li> </ul>	0





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