

Legal Studies marking guide and response

External assessment 2025

Combination response (44 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.

Marking guide

Section 1: Short response

Criterion: Comprehending

Q	Sample response	The response:
1	<p>Two human rights promoted by the <i>Disability Discrimination Act</i> (DDA) are the right to education and the right to employment. The DDA promotes and protects the right to education by making it illegal to discriminate based on disability in enrolment or study. It also protects future employees from discrimination when applying for jobs, promotions or facing dismissal in the workplace.</p>	<ul style="list-style-type: none">• identifies a human right promoted by the DDA [1 mark]• describes the human right promoted by the DDA [1 mark]• identifies a second human right promoted by the DDA [1 mark]• describes the second human right promoted by the DDA [1 mark]

Q	Sample response	The response:
2	<p>In Australia, the media protects and advocates for human rights through means of communication such as news, journalism, entertainment and advertising. This includes newspapers, websites, social media and outlets that share information to promote and report on current human rights issues.</p> <p>One way the media protects and/or advocates for human rights is by informing the public about current human rights issues. Through ways such as investigative reporting, information is brought to the public's attention about human rights violations, breaches or threats to human rights.</p> <p>A second way the media protects or advocates for human rights is through reporting on human rights violations and bringing accountability to those who are responsible. Sustained coverage and advocacy through the media can lead to positive changes in human rights.</p>	<ul style="list-style-type: none"> • identifies the role of the media [1 mark] • describes the role of the media [1 mark] • explains one way the media protects and/or advocates for human rights [1 mark] • explains a second way the media protects and/or advocates for human rights [1 mark]

Q	Sample response	The response:
3	<p>One main feature of the <i>International Convention on the Elimination of All Forms of Racial Discrimination</i> (ICERD) is the provision of special measures. These measures are affirmative actions or positive obligations which lead to differential treatment of a particular racial group. Their purpose is to address or rectify an existing or historical inequality or disadvantage so that the previously disadvantaged group can be guaranteed full enjoyment of the human rights and freedoms enjoyed by other community members.</p> <p>A second feature is that the ICERD outlines the commitments and obligations of States to ensure that racial discrimination is prohibited in their country. The State must ensure the protection of free access to public life regardless of race.</p>	<ul style="list-style-type: none"> • identifies one feature of the ICERD [1 mark] • explains the feature of the ICERD [1 mark] • identifies a second feature of the ICERD [1 mark] • explains the second feature of the ICERD [1 mark]

Q	Sample response	The response:	M
4	The steps in the process of treaty ratification in Australia include: <ul style="list-style-type: none"> - mandate to negotiate to enter a treaty - negotiation of text of treaty - ministerial and Executive Council approval - signature of parties - review and scrutiny by Parliament - ratification — treaty is enacted through statute/domestic legislation. 	<ul style="list-style-type: none"> • describes a response of five to six of the steps of the process using key terms, with accuracy 	3
		<ul style="list-style-type: none"> • describes three to four steps of the process, with steps omitted 	2
		<ul style="list-style-type: none"> • describes one to two steps of the process 	1
		<ul style="list-style-type: none"> • does not satisfy any of the descriptors above. 	0

Q	Sample response	The response:
5	<p>One right that people in Queensland have is the right to remain silent. This right protects individuals from self-incrimination and protects them from being compelled to testify against themselves.</p> <p>Another right is the right to not be tried for the same offence twice. This is the rule of double jeopardy, which prevents an accused person from being tried or punished for the same offence if they have already been acquitted or convicted of that same offence.</p>	<ul style="list-style-type: none"> • identifies a protected right [1 mark] • correctly explains the protected right [1 mark] • identifies a second protected right [1 mark] • correctly explains the second protected right [1 mark]

Section 2: Extended response — Question 6

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 second valid viewpoint and its consequence/s, related to the legal issue 	4	<ul style="list-style-type: none"> makes effective use of relevant information from the stimulus to support the analysis 	3
<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 second valid viewpoint and its consequence/s, related to the legal issue 	3	<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"> 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 second valid viewpoint related to the legal issue 	2	<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"> describes a viewpoint related to the legal issue 	1	<ul style="list-style-type: none"> describes a second viewpoint related to the legal issue 	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	
<ul style="list-style-type: none"> effectively uses information from the analysis to present a relevant legal alternative 	3	<ul style="list-style-type: none"> effectively uses information from the analysis to present a second relevant legal alternative 	3	<ul style="list-style-type: none"> justifies a valid decision through effective use of relevant legal criteria 	3	<ul style="list-style-type: none"> discusses a plausible implication of the decision 	2
<ul style="list-style-type: none"> uses information from the analysis to present a relevant legal alternative 	2	<ul style="list-style-type: none"> uses information from the analysis to present a second relevant legal alternative 	2	<ul style="list-style-type: none"> justifies a valid decision using relevant legal criteria 	2	<ul style="list-style-type: none"> identifies an implication of the decision 	1
<ul style="list-style-type: none"> presents a legal alternative 	1	<ul style="list-style-type: none"> presents a second legal alternative 	1	<ul style="list-style-type: none"> makes a valid decision 	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	<ul style="list-style-type: none"> does not satisfy any of the descriptors above. 	0		



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