

Legal Studies subject report

2025 cohort

January 2026





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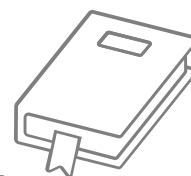
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Introduction



The annual subject reports seek to identify strengths and opportunities for improvement of internal and external assessment processes for all Queensland schools. The 2025 subject report is the culmination of the partnership between schools and the QCAA. It addresses school-based assessment design and judgments, and student responses to external assessment for General and General (Extension) subjects. In acknowledging effective practices and areas for refinement, it offers schools timely and evidence-based guidance to further develop student learning and assessment experiences for 2026.

The report also includes information about:

- how schools have applied syllabus objectives in the design and marking of internal assessments
- how syllabus objectives have been applied in the marking of external assessments
- patterns of student achievement
- important considerations to note related to the revised 2025 syllabus (where relevant).

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 that demonstrate best practice.

Schools are encouraged to reflect on the effective practices identified for each assessment, consider the recommendations to strengthen assessment design and explore the authentic student work samples provided.

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 internal and external assessment.

The report is publicly available to promote transparency and accountability. Students, parents, community members and other education stakeholders can use it to learn about the assessment practices and outcomes for senior subjects.

Subject highlights

329

schools offered
Legal Studies



95.30%

of students
received a
C or higher

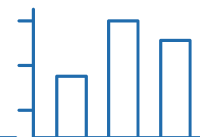


2.56%

increase in enrolment
since 2024



Subject data summary



Unit completion

The following data shows students who completed the General subject or alternative sequence (AS).

Note: All data is correct as at January 2026. Where percentages are provided, these are rounded to two decimal places and, therefore, may not add up to 100%.

Number of schools that offered Legal Studies: 329.

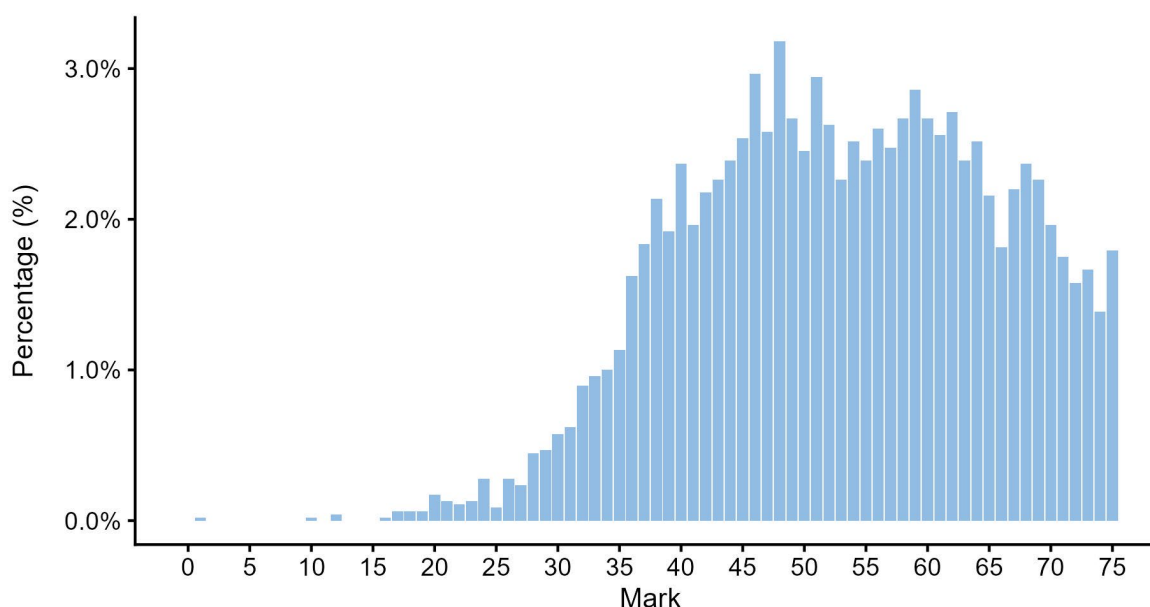
Completion of units	Unit 1	Unit 2	Units 3 and 4
Number of students completed	5,892	5,366	4,634

Units 1 and 2 results

Number of students	Unit 1	Unit 2
Satisfactory	5,175	4,909
Unsatisfactory	717	457

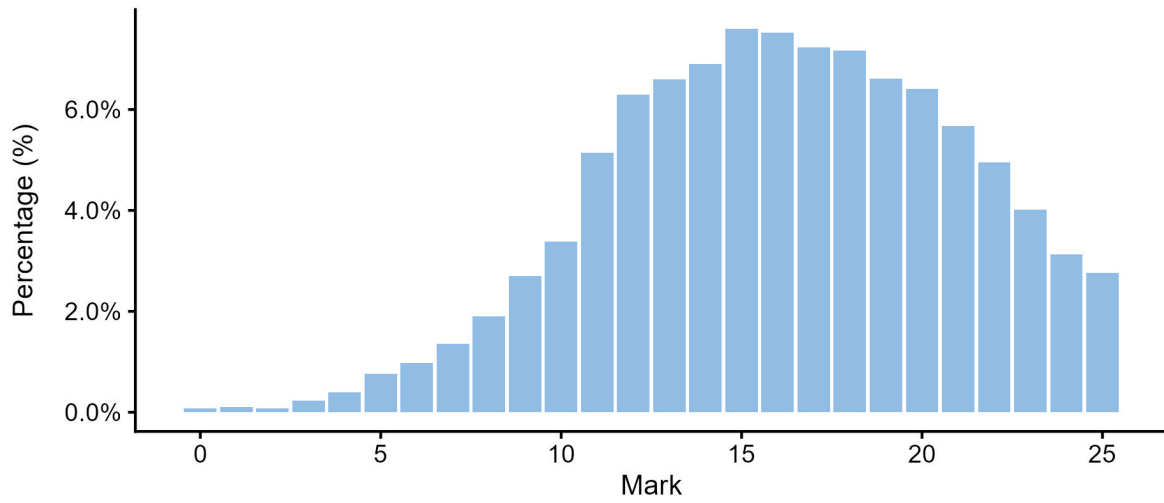
Units 3 and 4 internal assessment (IA) results

Total marks for IA

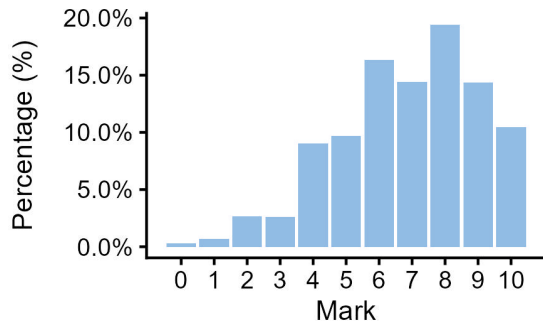


IA1 marks

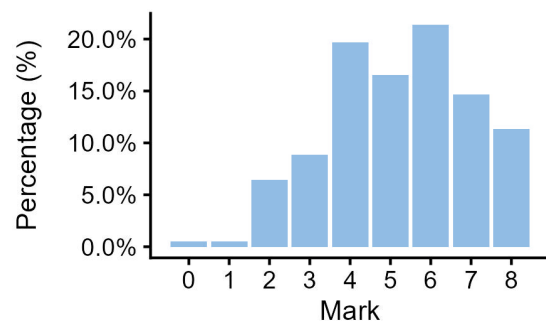
IA1 total



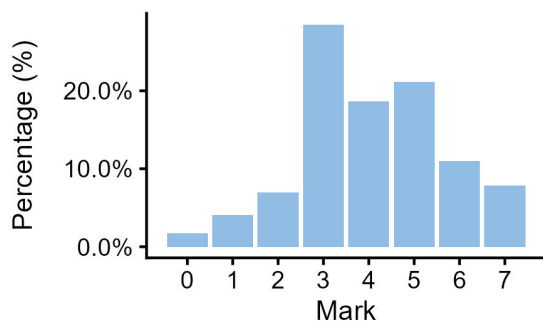
IA1 Criterion: Comprehending



IA1 Criterion: Analysing

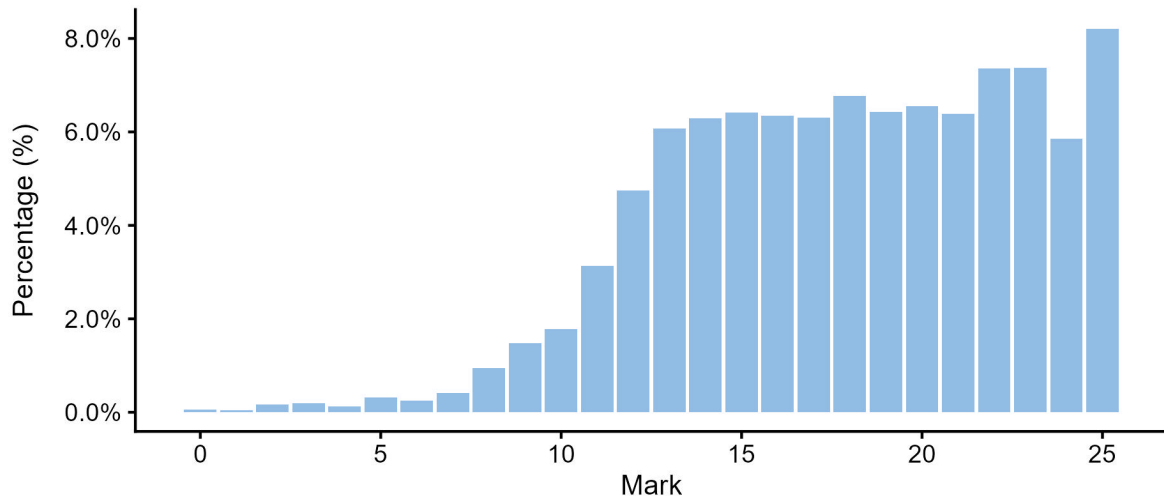


IA1 Criterion: Evaluating

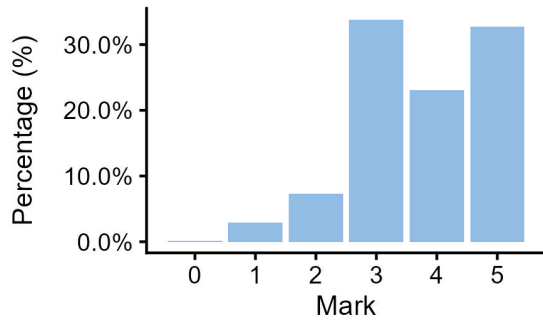


IA2 marks

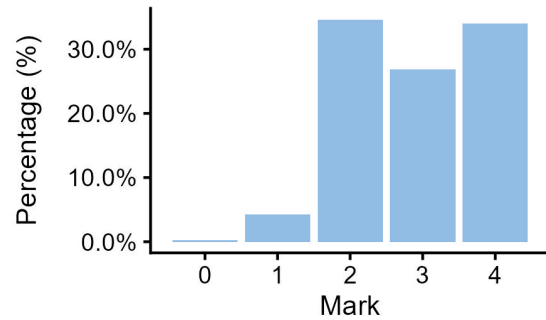
IA2 total



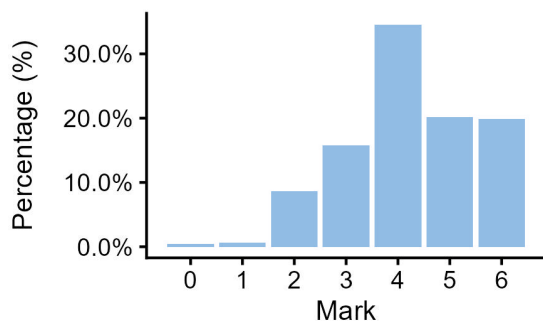
IA2 Criterion: Comprehending



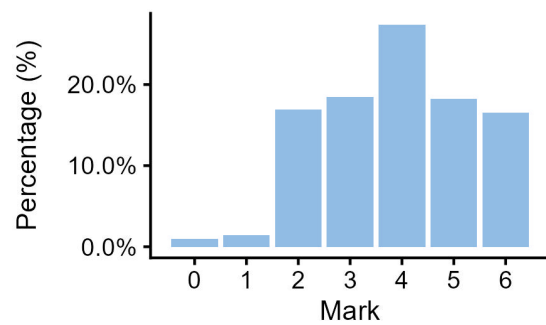
IA2 Criterion: Selecting



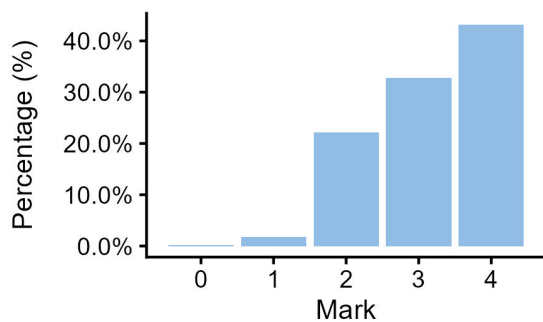
IA2 Criterion: Analysing



IA2 Criterion: Evaluating

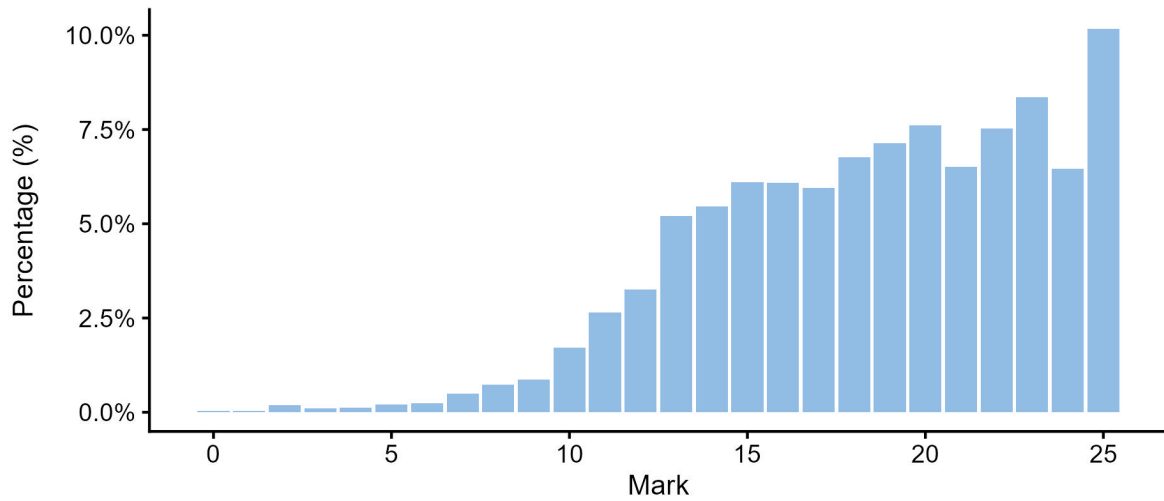


IA2 Criterion: Creating a response

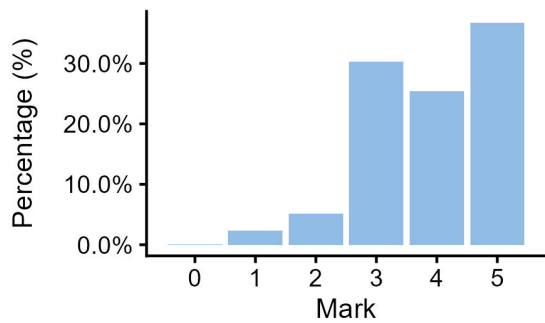


IA3 marks

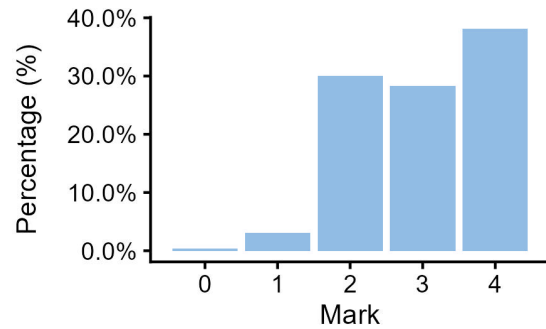
IA3 total



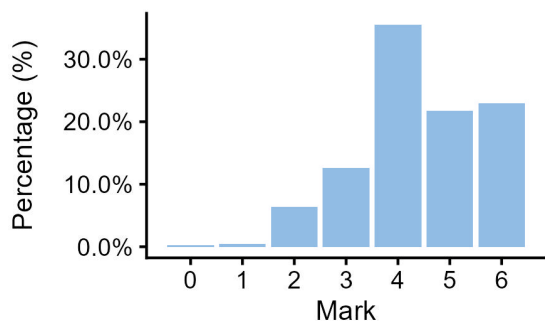
IA3 Criterion: Comprehending



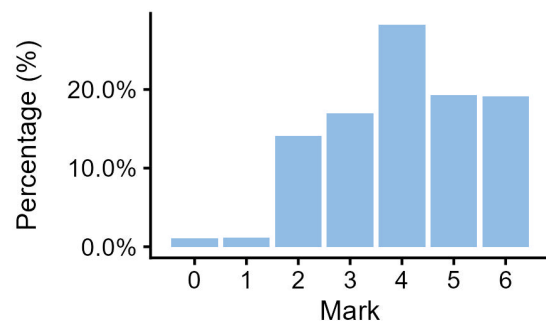
IA3 Criterion: Selecting



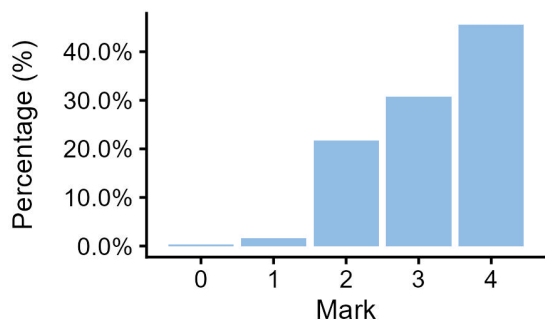
IA3 Criterion: Analysing



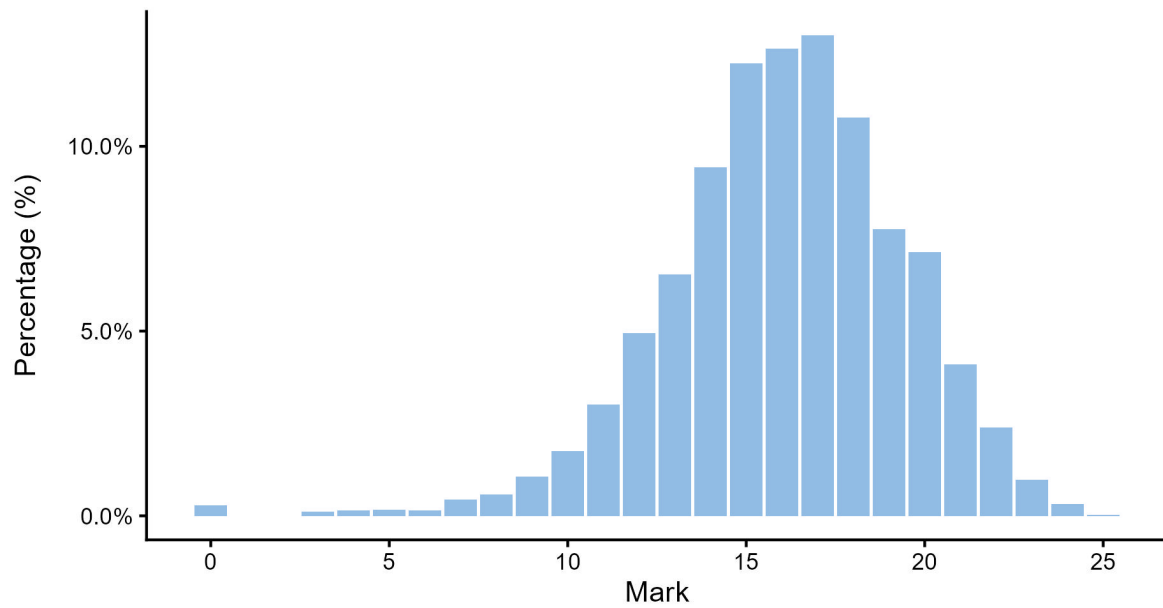
IA3 Criterion: Evaluating



IA3 Criterion: Creating a response

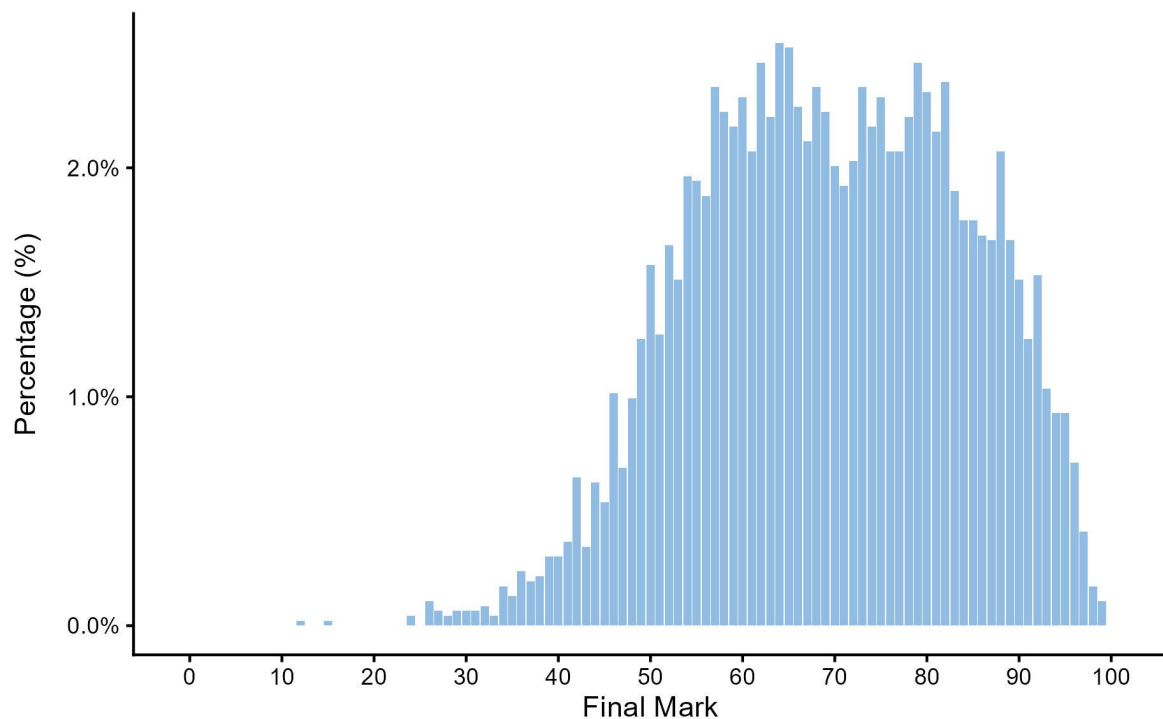


External assessment (EA) marks



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	100–84	83–65	64–46	45–19	18–0

Distribution of standards

Number of students who achieved each standard across the state.

Standard	A	B	C	D	E
Number of students	893	1,941	1,582	216	2
Percentage of students	19.27	41.89	34.14	4.66	0.04

Internal assessment



This information and advice relate 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 assessment. 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 *QCE and QCIA policy and procedures handbook v7.0*, Section 9.5.

Percentage of instruments endorsed in Application 1

Internal assessment	IA1	IA2	IA3
Number of instruments	327	327	326
Percentage endorsed in Application 1	40	58	61

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 instrument-specific marking guide (ISMG) and are used to make decisions about the cohort's results.

Refer to *QCE and QCIA policy and procedures handbook v7.0*, Section 9.6.

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

Number of samples reviewed and percentage agreement

IA	Number of schools	Number of samples requested	Number of additional samples requested	Percentage agreement with provisional marks
1	323	2,151	31	79.57
2	323	2,133	7	87.31
3	322	2,109	5	89.75

Internal assessment 1 (IA1)



Examination — combination response (25%)

The examination assesses the application of a range of cognitions to multiple provided items — questions, scenarios and problems.

Student responses must be completed individually, under supervised conditions and in a set timeframe.

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	135
Authentication	20
Authenticity	10
Item construction	19
Scope and scale	31

Effective practices

Validity priorities were effectively demonstrated in assessment instruments that:

- included a range of short response questions that focused on legal concepts, principles and processes of both Australian and Queensland
 - governance (General syllabus), rather than focusing only on Australian governance without linking questions to Queensland governance
 - criminal legal systems and criminal investigations (AS, even years)
- provided stimulus items with clear and relevant legal alternatives and a range of viewpoints that could be drawn directly from the stimulus to answer the extended response question.

Practices to strengthen

It is recommended that assessment instruments:

- use cognitions to provide cues for students and align questions to the correct criterion, e.g. describe the principle of representative government. Analysing and evaluating are not assessed in short response items, so the terms 'analyse' and 'evaluate' should not be used as short response cues
- provide stimulus items that allow students to identify and select legal alternatives from the stimulus and then make an informed recommendation

- include a Part B extended response question that focuses on an issue of governance or links a chosen topic back to the impact on governance, rather than a reform issue
- clearly identify the legal issues for students to analyse and the legal situation to be evaluated in a Part B question. Students are assessed on their ability to analyse and evaluate, not their ability to determine a legal issue from the stimulus.

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	6
Language	16
Layout	29
Transparency	18

Effective practices

Accessibility priorities were effectively demonstrated in assessment instruments that:

- provided stimulus that included a variety of texts and visual items
- adhered to the syllabus specifications for stimulus materials, e.g. length of text-based stimulus, variety of graphs, images and political cartoons.

Practices to strengthen

It is recommended that assessment instruments:

- are reviewed before submission using the **Print preview** function in the Endorsement application (app) to ensure the layout is accessible for students. Page breaks should be used to ensure that questions and response spaces appear on one page, or that the wording of a question is not split over two pages
- use full and correct references to legislation and case citations, including the use of italics, correct years and sections in questions about particular cases, e.g. *Mabo v Queensland (No. 2)* (1992) 175 CLR 1; [1992] HCA 23 rather than ‘the Mabo case’
- require responses of an appropriate scope and scale, e.g. when a question requires students to explain the implications of a unicameral parliament, explicitly stating the number of limitations students are required to include helps to limit the scope and scale of the response.

Additional advice

When developing an assessment instrument for this IA, it is essential to consider the following key differences between the 2019 and 2025 syllabuses:

- The ISMG has been revised, and questions must now be constructed to emphasise legal relationships and mechanisms of change (e.g. referenda, High Court interpretation), rather than just the recall of content or glossary terms.
- The ISMG for the Evaluating criterion has been revised and now requires a recommendation at all three performance levels. To provide opportunities for students to meet the revised

performance-level descriptors, the extended response question must now direct students to make a recommendation, rather than a decision.

- The syllabus conditions no longer include word length for examinations. The *QCE and QCIA policy and procedures handbook v7.0* (Section 8.2.6) provides guidance about managing response length. This guidance applies to more open-ended assessment techniques, such as essays, reports and presentations. By specifying a maximum length for student generated work for these techniques, the expected scope of the task is appropriately limited. Managing response length does not apply to examinations. For examinations, the syllabus assessment conditions specify the time allocated, including any perusal or planning time. Schools should design examinations with an appropriate number of questions, and provide suitable space or lines for responses, to guide students in completing the examination within the allowed time. A required or recommended word length must not appear on IA1 instruments.

Assessment decisions

Reliability

Reliability 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	95.67	3.72	0.62	0.00
2	Analysing	93.81	5.88	0.31	0.00
3	Evaluating	85.76	13.93	0.31	0.00

Effective practices

Reliable judgments were made using the ISMG for this IA when:

- in the Comprehending criterion
 - the short responses were considered collectively and matched to the performance-level descriptors, rather than judging each response in isolation
 - marks were awarded where short responses demonstrated both breadth and depth by providing accurate and detailed identification of essential features, thorough explanation of legal concepts, principles and processes, and precise use of legal terminology
- in the Analysing criterion
 - at the upper performance levels responses extended beyond descriptions of the nature and scope of the issue. Perceptive responses applied information from the stimulus to support the analysis
 - high-level responses demonstrated interpretation of legal information to examine different viewpoints and their consequences and used evidence from the stimulus in support.

Practices to strengthen

When making judgments for this IA for the 2025 syllabus, it is essential to consider the following:

- In the Evaluating criterion
 - insightful legal alternatives are presented from the analysis, leading to an informed recommendation at the top performance-level descriptor. There must also be discussion of considered implications of the recommendation (rather than fluent discussion of relevant implications of the decision)
 - legal criteria can include just and/or equitable outcomes, relevant elements of the rule of law, or balancing the protection of individual rights with the protection of society (2025 syllabus, p. 7).

To further ensure reliable judgments are made using the ISMG for this IA, it is recommended that:

- in the Evaluating criterion, two legal alternatives are presented. The legal alternatives must stem directly from the analysis and be linked to the viewpoints. It is essential to note that alternatives such as education programs, awareness campaigns, social media initiatives and increased funding are not legal in nature and therefore would not match to the upper performance-level descriptors.

Additional advice

It is essential to consider the following key differences between the 2019 and 2025 syllabuses:

- For the Evaluating criterion in the 2025 syllabus (and AS), a recommendation must be made rather than a decision. At the top performance level, the recommendation must be informed and must use specific legal criteria. It must be in direct response to the question and aligned with one or both legal alternatives presented. The justification should include clear reasons that explain why the recommendation can be justified, rather than making generalised comments. Simply stating that the recommendation will lead to fairness or equity will only align with the lower performance levels.
- Note also that the Additional subject-specific information section has been included to support and inform the development of a course of study in Legal Studies. See syllabus p. 7 for revised and updated terminology.

Samples

Excerpts 1 and 2 are based on the legal issue of representative government in the Australian Parliament. The responses demonstrate relevant legal alternatives presented from the analysis and a decision. The decision is justified through the discerning use of legal criteria. The responses include a fluent discussion of the implications of the decision. Excerpt 3 (AS) is based on the legal issue of morality clauses in contracts. This response demonstrates perceptive application of legal concepts, principles and/or processes to determine the nature and scope of the legal issue.

Note: The characteristic/s identified may not be the only time the characteristic/s occurred throughout a response.

Excerpt 1

Another viewpoint relating to the Australian Parliament being representative of the population is "47th Parliament is the most diverse ever- but still does not reflect Australia," (Stimulus 4). Percentages of women in the Australian Parliament has increased to over 50% in 2021-2022 (Stimulus 3) which reflects the 50.2% of female population (Stimulus 5). However, 28.3% of Australia's population was born overseas and 48.5% of the population have a parent born overseas. Due to section 44, people holding dual-citizenship cannot serve in Parliament, ^{resulting} there is less multicultural representation as most commonly, "Citizenship can be ~~acquired~~ acquired from family who have migrated, (Stimulus 6).

Excerpt 2

A legal alternative in relation to Viewpoint 2, is for a referendum to change Section 44 to be able to accommodate multicultural Australia by allowing people in Parliament to have dual-citizenship. ^{only} if they have lived in Australia for over 20 years and can prove loyalty to the government.

Legal Alternative 2, ~~if~~ processing a referendum is the most just and equitable outcome for all citizens between both alternatives based on the legal criteria of fair and just. This Alternative is fair as it allows for the majority of Australia to ~~have~~ be able to represent their opinion on the state of Australian Parliaments representation. It allows a more representative government as the people are voicing and electing their interests of opinion. This alternative is just as

the change will implement requirements with serving with dual citizenship to uphold section 44's legal intent of ensuring no political corruption in Parliament. An implication of this Alternative is the cost and time required to process a referendum that might not achieve double majority. However, this alternative is still more beneficial than alternative 1 as it gives the people the opportunity to choose.

The Australian Parliament is moderate in representing the Australian Population, therefore to improve just and equitable outcomes for all citizens, the recommended Alternative should be followed.

Excerpt 3

The legal issue is whether morality clauses in sports contracts are effective in balancing the competing interests of athletes, clubs, and sponsors. "Most codes of conduct and moral clauses [outline] that athletes can't bring themselves or their sport into disrepute" (Source 2). Most contracts deem athletes subject to policies that regulate "behaviour, drugs, alcohol, and racial vilification" (Source 2). Due to the "ever-increasing" (Source 4) 'private' lives of athletes, morality clauses are "more important than ever" (Source 4). However, issues arise with the "broad nature" (Source 2) of the contracts, "potentially breach[ing] the rights of individuals" (Source 2). In contract law, both parties agree to enter into legal relations if one party breaches a contract or a clause in a contract. However, the broadness of morality clauses means "contracts are subject to unreasonably wide interpretation" (Source 6). In 2021, \$116.9m was invested by sponsors into Australia open; therefore, sporting companies are pressured to maintain these sponsorships, and cannot afford to have athletes tarnishing their name.

Internal assessment 2 (IA2)



Investigation — inquiry report (25%)

The assessment requires students to research a current legal issue by collecting, analysing and synthesising primary and secondary information, data and sources. An 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.

Students are encouraged to use technology, for example, word processors, spreadsheet programs and legal databases, to increase their productivity during the investigation:

- as a means of locating information
- as an aid in recording sources and notes
- assisting analytical processes, for example, graphing and/or exposing patterns or trends
- assisting with the drafting process or production of the final response.

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	122
Authentication	3
Authenticity	16
Item construction	16
Scope and scale	5

Effective practices

Validity priorities were effectively demonstrated in assessment instruments that:

- provided a topic or area to investigate that had a variety of different cases and viewpoints to analyse, to allow for unique student responses
- required students to select legal information from sources relevant to Australian and/or Queensland law reform, including legislation and/or case law.

Practices to strengthen

It is recommended that assessment instruments:

- avoid long context statements and require students to research key information about the topic. Tasks should only include a context statement that focuses students on the assessment

context, e.g. law reform (General syllabus), criminal punishment and sentencing (AS in even years)

- provide opportunity for students to focus on an area of law in need of reform, as required in the task specifications, e.g. where the topic of domestic and family violence law is assessed, the task must provide a specific focus on an issue or area of domestic and family violence law that has not already been reformed. Due to recent reforms in this area, previously used issues might no longer be appropriate.

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	1
Language	7
Layout	0
Transparency	55

Effective practices

Accessibility priorities were effectively demonstrated in assessment instruments that:

- provided an appropriate number and nature of topic options to ensure all students had equitable access to relevant primary and secondary information.

Practices to strengthen

It is recommended that assessment instruments:

- avoid repetition and rephrasing of instructions and scaffolding as this can introduce contradictions, e.g. a task instruction that requires students to 'provide a recommendation' contradicts scaffolding that states 'provide two recommendations'. The cognitions of the task should be explained only in the 'to complete this task' section.

Additional advice

Schools should:

- provide opportunity for students to meet the requirements of the Selecting criterion, by ensuring the task instructions explicitly state that they must locate and select current and relevant legal information from a range of primary and/or secondary sources, including case law and/or legislation to support their analysis and legal reasoning
- provide options and/or guidance in relation to choosing a topic. While a generic directive for students to choose any topic can meet the endorsement requirements, students might not meet the assessment objectives if the topic or legal issue chosen does not align with the syllabus specifications.

Assessment decisions

Reliability

Reliability 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	97.20	1.55	1.24	0.00
2	Selecting	98.14	0.93	0.93	0.00
3	Analysing	91.61	7.76	0.31	0.31
4	Evaluating	92.55	7.14	0.31	0.00
5	Creating a response	99.07	0.31	0.62	0.00

Effective practices

Reliable judgments were made using the ISMG for this IA when:

- in the Comprehending criterion, marks were awarded where students demonstrated a clear understanding of the legal issue and its context, accurately identifying the relevant law and associated legal concepts before analysing or evaluating. High-level responses used precise legal terminology, and interpreted legal information drawn from authoritative sources
- in the Selecting criterion, there was evidence that the differences between the top two performance-level descriptors were clearly understood — the first descriptor refers to the choice of legal information, while the second descriptor refers to the use and application of that information in the appropriate context
- in the Creating a response criterion, marks were awarded where the expression and development of ideas enhanced legal meaning and reflected the conventions of the report genre, resulting in a cohesive and purposeful response.

Practices to strengthen

When making judgments for this IA for the 2025 syllabus, it is essential to consider the following key differences between the ISMGs in the 2019 and 2025 syllabuses:

- The Comprehending criterion in the 2025 syllabus requires a ‘comprehensive description’ of relevant features instead of ‘identification’. Another change in this criterion is the change from ‘perceptive description’ to ‘perceptive explanation of concepts and principles using precise legal terminology’.
- The Evaluating criterion in the 2025 syllabus requires ‘perceptive legal alternatives’ presented from the analysis, leading to an ‘informed recommendation’. Legal alternatives that present no legal change (e.g. keep things the same) will not meet the upper-performance level descriptor for this criterion. This would match the lower performance level descriptor in the 1–2 mark range.
- The justification of the recommendation must use legal criteria (see explanation on p. 7, 2025 syllabus), and this must be applied more than once across the response.

- Implications are to be discussed fluently (more than a brief sentence or list).

To further ensure reliable judgments are made using the ISMG for this IA, it is recommended that:

- for the Analysing criterion
 - emphasis remains on examining different viewpoints about the legal issue rather than describing stakeholder perspectives
 - viewpoints must be analysed through the interpretation of legal information, showing how each perspective contributes to understanding the issue
- for the Evaluating criterion
 - legal alternatives must be legal in nature, stemming directly from the analysis of the legal issue and being connected to a specific legislative instrument (e.g. an Act, Bill, or statutory provision) requiring reform. Alternatives that are educational, social or administrative cannot be matched to higher performance levels. Recommendations must arise logically from the legal alternatives and demonstrate a considered reform proposal within the scope of the law.

Additional advice

It is essential to consider the following key differences between the 2019 and 2025 syllabuses:

- Additional subject-specific information has been included to support and inform the development of a course of study. See syllabus p. 7 for revised and updated terminology.

Samples

The following excerpt illustrates perceptive examination of a viewpoint on the law reform issue of negative gearing as part of the Australian tax system. The response presents a viewpoint before providing a detailed analysis of evidence available, discusses the consequences of the viewpoint, and is supported by in-text citations.

Note: The characteristic/s identified may not be the only time the characteristic/s occurred throughout a response.

One viewpoint surrounding negative gearing is that it has significant remunerative benefits for wealthy investors, and that the benefits received from negative gearing are disproportionate from their tax liability. This argument is established on two bases, the first is Australia's progressive tax system in which higher income earners pay higher taxes and the second is *S8 of the ITAA*. Combined these 2 elements allow investors to lower their taxable income and therefore decrease their marginal tax rate, reducing their payable tax. This is unfair as the benefits are based on annual salary, not net rental loss, therefore a wealthy and average investor in different tax brackets who have the same net rental loss will receive unequal benefits.

Economist Mark Chapman argues wealthy investors who adjust their annual income using negative gearing, disproportionately benefit as they can use their rental net loss to decrease their total income to a lower tax bracket, thus reducing their payable tax (M.Chapman, 2025). This is disproportionate to people in lower tax brackets as their marginal tax rate reduction will not produce equal benefits to wealthy investors, even if their net losses are the same. It is inequitable that people who are losing the same amount on an investment property are not receiving equal compensation due to their marginal tax rate. The Australian Housing and Urban Research Institute supports this stating that negative gearing benefits are 'heavily skewed toward those who are more affluent' and that 'such policies exacerbate income and wealth inequality among the Australian population' (A.Duncan, 2018). Statistics highlighted by Cait Kelly and Josh Nicholas support this view, asserting that 25% of negative gearing benefits are revived by taxpayers earning over \$180,000, despite making up only 5% of taxpayers (C.Kelly et al, 2024). These statistics highlight the disproportion between small percentile of taxpayers compared to the large percentage of negative gearing benefits they receive. Furthermore an annual treasury report by Treasurer Jim Chalmers, predicts that 56% percent of negative gearing benefits will go to high income earners (J.Chalmers, 2023). A consequence of this view is that *S8 of the ITAA* is not producing fair tax compensation, as the views presented highlight how negative gearing tax benefits are based on annual income, not net rental loss.

However, rectifying the consequences of this view will be difficult, as The Australian Law Reform Commission must consult relevant stakeholders before any law reform and given that affluent investors make up a large proportion of stakeholders, they will be opposed to reform as it will decrease their benefits (Australian Law Reform Commission, 2025).

Internal assessment 3 (IA3)



Investigation — argumentative essay (25%)

The assessment requires students to research a current legal issue through collection, analysis and synthesis of primary and secondary information, data and sources. An argumentative essay 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.

Students are encouraged to use technology, for example, word processing, spreadsheet programs and accessing legal databases to increase their productivity during the investigation. This may be as:

- a means of locating information
- an aid in recording sources and notes
- assisting analytical processes, for example, graphing and/or patterns or exposing trends
- assisting with the drafting process and the production of the final response.

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	128
Authentication	0
Authenticity	9
Item construction	8
Scope and scale	7

Effective practices

Validity priorities were effectively demonstrated in assessment instruments that:

- provided a concise context description to establish the relevance of the topic and a brief description that clearly identified an international human rights issue in which Australia has a legal interest that students were required to address
- included clear and transparent task instructions that followed the assessment specifications and aligned with the requirements of the ISMG performance-level descriptors.

Practices to strengthen

It is recommended that assessment instruments:

- provide a topic that is a legal issue and allows students to develop a clear legal argument. Contemporary social issues and topics of political debate without clear links to international law are not appropriate
- direct students to refer to legislation and/or case law. However, there is no need to mandate a specific or minimum 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	3
Language	8
Layout	0
Transparency	27

Effective practices

Accessibility priorities were effectively demonstrated in assessment instruments that:

- did not present bias in context statements or provide argumentative statements that would lead to a predetermined response
- used clear language and cognitions for cues to direct students to create an argumentative essay response, rather than an investigation or open-ended response with no clear argument.

Practices to strengthen

There were no significant issues identified for improvement.

Additional advice

When developing an assessment instrument for this IA, it is essential to consider the following key differences between the 2019 and 2025 syllabuses:

- The topic for this task has been revised from an international human rights issue in which Australia has a legal interest to a relevant contemporary international human rights issue and Australia's response to it. Tasks should no longer focus on Australians in international law scenarios or in foreign countries but instead focus on Australia's legal response to contemporary international human rights issues.

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	99.38	0.31	0.31	0.00
2	Selecting	98.45	1.55	0.00	0.00
3	Analysing	96.89	3.11	0.00	0.00
4	Evaluating	93.48	5.90	0.62	0.00
5	Creating a response	99.07	0.93	0.00	0.00

Effective practices

Reliable judgments were made using the ISMG for this IA when:

- for the Comprehending criterion, clear links were evident between the contemporary international human rights issue in which Australia has an interest as the focus of the response and the legal concepts, principles and/or processes of Australia's human rights laws and its international obligations
- for the Selecting criterion at the upper performance level, marks were awarded where the choice of information focused on more than one particular type of information source (e.g. news articles) and instead made use of information from a range of reliable and relevant sources (e.g. law journals, judges' comments, case decisions)
- for the Analysing criterion, there was evidence of the examination of different viewpoints and their consequences that was based on the interpretation of legal information.

Practices to strengthen

To further ensure reliable judgments are made using the ISMG for this IA, it is recommended that:

- for the Evaluating criterion
 - marks be awarded where legal alternatives to relate to the law and fall within the appropriate jurisdiction. A legal alternative that proposes introducing or changing a piece of international law is not a relevant legal alternative as it is not within Australia's jurisdiction to enact such changes
 - teachers ensure that students understand that discerning use of legal criteria in the justification of the recommendation requires more than a mention in the conclusion. It must be used throughout the justification.

Additional advice

It is essential to consider the following key differences between the 2019 and 2025 syllabuses:

- The genre of IA3 has changed from an argumentative essay to an analytical essay. The objectives and specifications have been revised. This is evident in the requirement to select a relevant contemporary international human rights issue and Australia's legal response to it (syllabus, p. 37). The ISMG has been updated to reflect the change in the objectives and specifications.
- The Comprehending criterion in the 2025 syllabus now requires a 'comprehensive description of essential legal features' instead of 'identification'. Additionally, 'perceptive description' has been revised to 'perceptive explanation of relevant concepts and/or principles using precise legal terminology'.
- The Evaluating criterion requires perceptive legal alternatives presented from the analysis, leading to an informed recommendation.
- Also note the Additional subject-specific information section of the syllabus (pp. 7– 8) that has been included to outline changes to support and inform the development of a course of study.

Samples

The following excerpt demonstrates perceptive application of relevant legal concepts, principles and/or processes to determine the nature and scope of an international human rights issue of modern slavery. The response also demonstrates a discerning use of evidence to support the analysis.

Human trafficking is established as one of the most severe violations of human rights, infringing on an individuals' freedom. It is defined as the unlawful act of transporting or coercing people to benefit from their service (UHODC, n.d.). Australia is a signatory to the *International Covenant on Civil and Political Rights* (ICCPR) 1966, meaning they are obligated to uphold protections against trafficking under Articles 7 and 8. This responsibility is legislated through key pieces of domestic legislation, though, concerns have persisted about their effectiveness. This essay will argue that Australia's law is only partially successful in upholding these human rights due to weaknesses in mandated reporting and other legislative limitations. This analysis will draw on the case of *R v Wei Tang (2008)* to highlight how trafficking is dealt with in Australian courts. The perspectives of experts and stakeholders will also be explored to determine whether current laws reflect Australia's human rights obligations before alternatives and recommendations are advised to improve legal outcomes.

Australia's human rights obligations regarding human trafficking are shaped by many international documents. *The Universal Declaration of Human Rights (1948)*, states in Article 4 that "no one shall be held in slavery or servitude" (United Nations, 1948). The ICCPR was ratified by Australia in 1980, where Article 7 states that "no one shall be subjected to torture or ... degrading treatment or punishment." Article 8 prohibits slavery, servitude, and forced labour (UNHR, 1966). These "non-derogable" rights cannot be suspended under any circumstances (Australian Government, n.d.). A central law is the *Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Especially Women and Children (2000)*, otherwise known as the Palermo Protocol (UNHR, 2000). Article 2 outlines the statement of purpose: to "prevent and combat trafficking in persons..." protect and assist the victims of such trafficking with full respect to their human rights", and to "promote cooperation among State Parties in order to meet those objectives" (UNHR, 2000). Article 5 states that all State Parties shall adopt necessary legislative measures to adhere to Article 2 (UNHR, 2000). International law aims to address human trafficking by establishing universal standards that protect human rights, promote state accountability, and foster international cooperation. They work to prohibit modern slavery while requiring states to prevent and criminalise trafficking, stipulating that there is work to be done to strengthen domestic mechanisms. The International Labour Organisation estimates that over 50 million people are currently living in modern slavery and subjected to forced labour (ILO, 2022). The disparity in national responses is notable. Countries like Afghanistan rank the worst in the world for human trafficking due to limited governance, conflict, and systematic corruption (OCI Index, 2025). Alternatively, nations like Tuvalu have very low record trafficking levels, likely attributed to smaller populations and a more stable social structure (OCI Index, 2025). This highlights the varied degree of success in the prevention of trafficking and uneven law implementations. Australia's implementation of these obligations through the *Criminal Code Act 1995 (Cth)* (CCA) and the *Modern Slavery Act 2018* (MSA) is a focus of this essay in assessing whether international human rights responsibilities are upheld.

Australia address human trafficking through a combination of statutory and common law protections. The CCA, specifically Divisions 270 and 271, criminalises slavery, servitude, forced labour, and trafficking (Australian Government, 2019). These offences carry penalties including up to 25 years imprisonment for slavery and 12 years for aggravated trafficking offences (Australian Government, 2019). Complementing this is the MSA which requires large corporations with yearly revenue above \$100 million to submit annual statements, outlining efforts to address slavery in their operations (Cachia, 2023). However, the act currently lacks enforceable penalties, weakening its impact. The *Fair Work Act 2009 (Cth)* is also relevant as it provides protections against labour exploitation through section 550 (accessorial liability) (Australian Government, 2025). Common law is also relevant through the case of *R v Tang (2008)*. This involved Wei Tang, an owner of a licenced Melbourne brothel (Harris, 2008). She was convicted for using five Thai women as slaves between 2002-2003, where she enforced contracts requiring them to work in sexual servitude (Harris, 2008). She was the first person in Australia convicted under Division 270 of the CCA, showing how trafficking might not be physically controlled, but through debt bondage (Harris, 2008). This case clarified Australia's legal definition of slavery, setting precedent that loss of autonomy is still considered slavery. Regardless of these provisions, human trafficking has still persisted in Australia, demonstrating a lack in protecting human rights.

The following excerpt demonstrates perceptive examination of different viewpoints on the contemporary international human rights issue of modern slavery.

Note: The characteristic/s identified may not be the only time the characteristic/s occurred throughout a response.

Viewpoint one shows Australia's strong legal commitment to addressing the issue of human trafficking and modern slavery. It fulfills its obligations under international treaties such as the ICCPR and the Palermo Protocol by translating these commitments into domestic legislation paired with viable enforcement measures. Crucial legislation such as Division 270 and 271 of the *Criminal Code Act 1995* (Cth) criminalise slavery, forced labour, and deceptive recruiting (Australian Government, 1995); all of which are articles outlined in the ICCPR (UN General Assembly, 1966). Furthermore, the *Modern Slavery Act 2018* (Cth) requires entities with a consolidated revenue of over \$100 million to identify and address modern slavery risks in their operations and supply chains, reporting these findings annually to the Australian Government (Australian Government, 2024). In practice, these laws have led to successful prosecutions. For example, in the case *R v Kovacs* (2007), a Filipino woman was found to be held in domestic servitude after being lured to Australia under false pretences. The Queensland District Court found the defendant guilty, marking the case as one of the first successful prosecutions under federal slavery laws (Schloenhardt & Jolly, 2022). Similarly, in *R v Rasalingam* (2014), a man was sentenced for trafficking a man from India and exploiting him for unpaid labour. This case was significant as it marked the first person to be charged with trafficking offences under Division 271 of the *Criminal Code* (Cth).

Through its human trafficking team, the AFP investigated 382 referrals during the 2023-24 financial year (Australian Federal Police, 2024), while the Support for Trafficked People Program provided victims with access to legal, financial, and psychological support (Australian Government Department of Social Services, 2025). These statistics and programs show the governments structured response to the issue, positioning Australia as a leader in anti-trafficking efforts. These developments indicate Australia is upholding its international obligations and working towards eradicating human trafficking while protecting vulnerable foreign individuals.

Viewpoint two argues that despite legal frameworks and efforts by the Australian government, Australia is not doing enough to protect individuals trafficked into the country and eliminate modern slavery. While the *Modern Slavery Act 2018* (Cth) provides obligations for certain businesses to identify and address slavery risks in their operations and supply chains, there are no financial penalties for non-compliance (Australian Government, 2024). A report by the Human Rights Law Centre found that 66% of companies reviewed failed to comply with basic reporting requirements, with some companies not submitting reports at all (Human Rights Law Centre, 2022). This legislation relies on transparency and public scrutiny to ensure responsiveness and incentivise companies to address supply chain issues rather than enforcing financial penalties (McMillan, 2022). This argues that the Act functions as a suggestion to businesses rather than an effective tool at combating modern slavery.

According to the 2022 UN Special Rapporteur on Contemporary Forms of Slavery, Australia faces issues regarding the underreporting of victims. Victims were reportedly afraid to come forward due to fear of arrest, detention and deportation. There is also an incredibly high threshold for support eligibility, putting victims at risk of re-victimisation (Obokata, 2023). According to the AFP, in 2021 only 52 victims were removed from harm and placed in the Australian Government Support for Trafficked People Program (Australian Federal Police, NA). Despite this low number, the Global Slavery index estimating that any day in 2021, over 41,000 individuals were living in modern slavery in Australia (Walk Free Global Slavery Index, 2025).

Case law also exposes gaps in Australia's legislation. For example, in *Tang v The Queen* (2008), although the accused was convicted, the lengthy legal process revealed challenges in applying existing laws to complex trafficking cases when proving intent and coercion beyond reasonable doubt (HARRIS & YIANNIKAS, 2008). Furthermore, the UN has criticised Australia for failing to provide visas or long-term support for victims who do not cooperate with criminal investigations (United Nations Association of Australia, NA), despite obligations under the ICCPR to protect individuals' rights regardless of their participation in legal proceedings (UN General Assembly, 1966). While Australia's response to human trafficking and modern slavery symbolically aligns with international laws, it fails in practice to provide adequate protection and justice to foreign victims of trafficking.

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. The external assessment papers and the EAMG are published in the year after they are administered.

Examination — combination response (25%)

Assessment design

The assessment required students to respond to short response questions that assessed the Comprehending objective and an extended response to unseen stimulus item that assessed the Analysing and Evaluating objectives.

Questions were derived from the context of Unit 4 Topic 1: Human rights and Topic 3: Human rights in Australian contexts. The examination consisted of four (4) short response items and one (1) extended response to stimulus item (47 marks).

The stimulus included excerpts from a range of relevant sources, including international and Queensland law, the Australian Bureau of Statistics Census and Queensland sentencing data, and law journals.

The AS assessment required students to respond to short response questions that assessed the Comprehending objective and an extended response to unseen stimulus item that assessed the Analysing and Evaluating objectives.

Questions were derived from the context of AS Unit 2 Topic 2: Governance in Australia. The examination consisted of five (5) short response items and one (1) extended response to stimulus item (48 marks).

The AS stimulus included excerpts from a range of relevant sources, including the Australian Constitution, conference papers, legal reference texts and journal articles.

Assessment decisions

Assessment decisions are made by markers by matching student responses to the external assessment marking guide (EAMG).

Effective practices

Overall, students responded well when they:

- consistently used evidence within the extended response
- discussed implications of the decision
- used legal criteria in the justification of the decision.

Practices to strengthen

When preparing students for external assessment, it is recommended that:

- cognitions are thoroughly taught in the teaching and learning
- students are provided guidance in the presentation of legal alternatives to ensure what is being presented is a legal alternative.

Samples

Short response

Question 1 (General)

This question required students to describe two human rights promoted by the *Disability Discrimination Act 1992 (Cth)*.

Effective student responses:

- accurately identified and described two human rights promoted by the *Disability Discrimination Act 1992 (Cth)*.

This excerpt has been included:

- to demonstrate two clear human rights that have been identified and described
- the first human right identified and described is the right to be free from discrimination in the workplace. The response then goes on to describe what this means in practice
- the second human right identified is the right to education. The response describes this right in detail.

Note: The characteristic/s identified may not be the only time the characteristic/s occurred throughout a response

The Disability Discrimination Act 1992 (Cth) prevents discrimination on the basis of disability in the workplace. This means that those with a disability cannot be treated differently or given less opportunity than those without. Another human right promoted is ~~the~~ the equal right to an education. This means that those with a disability must be given the same opportunities for an education than those without. This can include physical and cognitive disabilities, and requires accommodations to be made that enable these people to access education.

Extended response

The following excerpt is Question 6. It required students to use Stimulus 1–10 in the stimulus book to examine two different viewpoints to analyse how criminalising civil disobedience affects the right to protest. Students were then asked to present two legal alternatives from their analysis and justify a decision about the extent to which citizens' right to protest is affected in Queensland.

Effective student responses:

- clearly analysed the nature and scope of the legal issue using the stimulus to support their response
- clearly presented two legal alternatives from the analysis
- used legal criteria to justify the decision.

These excerpts have been included:

- to demonstrate a response that matches the upper performance-level descriptors of the EAMG. The first excerpt demonstrates an analysis of the nature and scope of the legal issue to do with the right to protest (Excerpt 1)
- to demonstrate a viewpoint on the legal issue (Excerpt 2)
- to show a valid legal alternative presented from the analysis (Excerpt 3).

Note: The characteristic/s identified may not be the only time the characteristic/s occurred throughout a response.

Excerpt 1

The right to protest is a fundamental aspect of a functioning democracy, as it allows minority voices to express their opinions to government. The International Covenant on Civil and Political Rights (ICCPR) outlines this right in Article 22, which states that 'everyone shall have the right to freedom of association with others' (s1). It also states that no restrictions can be placed on this right other than what is 'prescribed by law and which are necessary' (s1). This right is protected under Queensland law by the Peaceful Assembly Act 1992 (Qld), which states that 'A person has the right to assemble peacefully with others in a public place' (s2). This law also states that restrictions are only permitted in the interests of public safety and order, and the protection of others (s2). Recently, the Queensland Parliament passed a law called the Summary Offences and Other Legislation Amendment Act 2019 (Qld), which criminalises the use of 'dangerous attachment devices' (s3). These are often used by protestors to ~~disrupt~~ disrupt the community and deter police from ending their protest. An example ~~of this~~ includes protestors ^{suspending themselves over paths} (s4). The legal issue in question is ~~whether~~ to what extent this Act ^{which} criminalises civil disobedience ~~is affecting~~ is affecting the right to protest for Queensland citizens.

Excerpt 2

One viewpoint is that criminalising civil ^[disobedience] maintains the right to protest and protects and upholds public safety. The use of dangerous attachment devices increase the risk of injury to the public and the people utilising the device, therefore the Summary Offences and Other Legislation Amendment Act 2019 (QLD) (SOOLA) is necessary. Premier of Queensland Anastasia Palaszczuk stated that the SOOLA protects public safety as protesters in QLD were using devices 'laced with traps' and that anyone trying to cut a protester free will be injured or worse (Stimulus 4). Protests must always be peaceful and non-violent, the introduction of dangerous attachment devices violates this directly and causes significant disruption. ~~Consequently~~ ~~the SOOLA is necessary in protecting protesters and public safety.~~ Furthermore, ~~the~~ Mr Macfarlane from the Queensland Resources Council (QRC) stated that 'Everyone has the right to protest but everyone also has the right to commute to work safely' (Stimulus 8). The dangerous attachment devices can interfere and disrupt peoples daily lives which ~~restrict~~ in return restricts their freedom of movement and right to work. Furthermore, the SOOLA still aligns with the Peaceful Assembly Act (1992) (Qld) as 'the right is subject only to such restrictions as are necessary and reasonable in a democratic society in the interests of public safety or the protection of the rights and freedoms of other persons' (Stimulus 2). ~~Therefore the SOOLA is not infringing on peoples right of peaceful assembly.~~ ^{providing necessary just and equitable circumstances} Overall, criminalising civil obedience upholds public safety and their freedoms and maintains people's right to protest.

Excerpt 3

One legal alternative is to amend the Summary Offences and Other Legislation Amendment Act 2014 (SOLA). The Act should be amended to require a higher scope of what is classified as a dangerous attachment device, and what constitutes as a protest in which civil disobedience is occurring, ~~that~~ ^{to} governments are "justified in ~~the~~ ^{the} taking steps to protect public safety", as this is a legitimate concern. However, protests and demonstrations must be provided a "large buffer of protection", as peaceful protests is ^{an} inherent right. ⁽⁵⁾ Those who believe the current laws are adequate will not agree with this alternative, as they believe protests should not require such protection since they are disruptive.

Short response (AS)

Question 4

This question required students to respond in two parts to:

- a) describe a role of the High Court of Australia
- b) explain how the High Court resolves conflicts between state and federal legislation and to use an example to support their answer.

Effective student responses:

- accurately identified a role of the High Court of Australia

This excerpt has been included:

- to demonstrate a clear identification and description of a role of the High Court of Australia
- to illustrate an explanation of how the High Court resolves conflicts between state and federal legislation by using section 109 of the Australian Constitution. The excerpt used a valid example to support the explanation.

Note: The characteristic/s identified may not be the only time the characteristic/s occurred throughout a response

QUESTION 4 (5 marks)

a) Describe a role of the High Court of Australia.

[1 mark]

The High Court of Australia, established under section 71 of the Constitution, is the only court that can interpret the Constitution, deeming this the most important role of the High Court.

b) Explain how the High Court resolves conflicts between state and federal legislation.

Use an example to support your answer.

[4 marks]

The High Court resolves conflicts between state and federal legislation by using section 109 of the Constitution. This section states that if a state and federal law on the same topic ^{is inconsistent,} ~~differs~~ then the federal law will override the state law, to the extent necessary. This happened in the Tasmanian Dams Case 1983, where the then state liberal government wanted to build a series of man-made dams in the Tasmanian wilderness. However, the ~~then~~ federal Hawke labor government passed the World Heritage Properties Act 1982, declaring the Tasmanian wilderness protected. Therefore, this is a prime example of how the High Court, in conjunction with section 109 of the Constitution, resolves conflicts between state and federal legislation.

Extended response

The following excerpt is from Question 5 where students were required to use Stimulus 1–9 in the stimulus book to examine two different viewpoints and their consequences to analyse the legal issue of government accountability and the effectiveness of scrutiny processes in the Australian Parliament. Students were then required to present two legal alternatives from their analysis and make a decision about the extent to which current scrutiny processes provide government accountability.

Effective student responses:

- clearly analysed the nature and scope of the legal issue using the stimulus to support their response
- clearly presented two legal alternatives presented from the analysis
- used legal criteria to justify the decision.

This excerpt has been included:

- to demonstrate a response that matches to the upper performance-level descriptors of the EAMG. This excerpt demonstrates an analysis of the nature and scope of the legal issue to do with the government accountability.

Note: The characteristic/s identified may not be the only time the characteristic/s occurred throughout a response

The legal issue of government accountability, particularly regarding the effectiveness of scrutiny processes on subordinate legislation threatens to contravene the separation of powers doctrine outlined in the first three chapters of the Australian Constitution. Currently, parliamentary scrutiny processes such as parliamentary committees and debates are applied when developing statutory legislation (Source 2). However, these scrutiny processes are not applied to delegated legislation, which is, "legislation made by a person or body other than Parliament, under authority granted to that person or body by an Act of Parliament," (Source 3). With approximately half of the law of the Commonwealth consisting of delegated legislation, this legal issue significantly impacts the balance of power between the citizens and the government, threatening the Rule of Law principle that citizens and the government are equal before the law and willing to be guided by it. This is as delegated

legislation has the ability to impact a ^{diverse} ~~wide~~ range of Australians, particularly on a local level. This is as the state governments transfer roles and responsibilities, like rubbish collection, to local governments through Local Government Acts, enabling local governments to pass by-laws or orders-in-council that impact local communities. With a minimal parliamentary scrutiny process, which fails to incorporate key aspects that ensure ^{government} accountability, such as the second reading, scrutiny by ^{house} committees, ~~and~~ relevant stakeholders, including judges, are debating the effectiveness of current delegated legislation to ensure transparency, fairness and answerability.