

# Legal Studies 2025 v1.2

General senior syllabus

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# Contents

<b>Queensland syllabuses for senior subjects</b>	<b>1</b>
<b>Course overview</b>	<b>2</b>
Rationale .....	2
Syllabus objectives .....	3
Designing a course of study in Legal Studies .....	4
Reporting .....	9
<b>Units</b>	<b>11</b>
Unit 1: Beyond reasonable doubt .....	11
Unit 2: Balance of probabilities .....	16
Unit 3: Law, governance and change .....	20
Unit 4: Human rights in legal contexts .....	24
<b>Assessment</b>	<b>28</b>
Internal assessment 1: Examination — combination response (25%) .....	28
Internal assessment 2: Investigation — inquiry report (25%) .....	32
Internal assessment 3: Investigation — analytical essay (25%) .....	37
External assessment: Examination — combination response (25%) .....	42
<b>Glossary</b>	<b>43</b>
<b>References</b>	<b>43</b>
<b>Version history</b>	<b>43</b>

# Queensland syllabuses for senior subjects

In Queensland, a syllabus for a senior subject is an official 'map' of a senior school subject. A syllabus's function is to support schools in delivering the Queensland Certificate of Education (QCE) system through high-quality and high-equity curriculum and assessment.

Syllabuses are based on design principles developed from independent international research about how excellence and equity are promoted in the documents teachers use to develop and enliven the curriculum.

Syllabuses for senior subjects build on student learning in the Prep to Year 10 Australian Curriculum and include General, General (Extension), Senior External Examination (SEE), Applied, Applied (Essential) and Short Course syllabuses.

More information about syllabuses for senior subjects is available at [www.qcaa.qld.edu.au/senior/senior-subjects](http://www.qcaa.qld.edu.au/senior/senior-subjects) and in the 'Queensland curriculum' section of the *QCE and QCIA policy and procedures handbook*.

Teaching, learning and assessment resources will support the implementation of a syllabus for a senior subject. More information about professional resources for senior syllabuses is available on the QCAA website and via the QCAA Portal.

# Course overview

## Rationale

Legal Studies focuses on the interaction between society and the discipline of law. Students study the legal system and how it regulates activities and aims to protect the rights of individuals, while balancing these with obligations and responsibilities. An understanding of legal processes and concepts enables citizens to be better informed and able to constructively question and contribute to the improvement of laws and legal processes. This is important as the law is dynamic and evolving, based on values, customs and norms that are challenged by technology, society and global influences.

Legal Studies explores the role and development of law in response to current issues. The subject starts with the foundations of law and explores the criminal justice process through to punishment and sentencing. Students then study the civil justice system, focusing on contract law and negligence. With increasing complexity, students critically examine issues of governance that are the foundation of the Australian and Queensland legal systems, before they explore contemporary issues of law reform and change. The study finishes with considering Australian and international human rights issues. Throughout the course, students analyse issues and evaluate how the rule of law, justice and equity can be achieved in contemporary contexts.

The primary skills of inquiry, critical thinking, problem-solving and reasoning empower Legal Studies students to make informed and ethical decisions and recommendations. Learning is based on an inquiry approach that develops reflection skills and metacognitive awareness. Through inquiry, students identify and describe legal issues, explore information and data, analyse, evaluate to make recommendations, and create responses that convey legal meaning. They improve their research skills by using information and communication technology (ICT) and databases to access research, commentary, case law and legislation. Students analyse legal information to determine the nature and scope of the legal issue and examine different associated views, which are evaluated against legal criteria. These are critical skills that allow students to think strategically in the 21st century.

Knowledge of the law enables students to have confidence in approaching and accessing the legal system and provides them with an appreciation of the influences that shape the system. Legal knowledge empowers students to make constructive judgments on, and knowledgeable commentaries about, the law and its processes. Students examine and justify viewpoints involved in legal issues, while also developing respect for diversity. Legal Studies satisfies interest and curiosity as students question, explore and discuss tensions between changing social values, justice and equitable outcomes.

Legal Studies enables students to appreciate how the legal system is relevant to them and their communities. The subject enhances students' abilities to contribute in an informed and considered way to legal challenges and change, both in Australia and globally.

# Syllabus objectives

The syllabus objectives outline what students have the opportunity to learn.

## **1. Comprehend legal concepts, principles and processes.**

Students comprehend by identifying, describing and explaining legal features, concepts, principles and processes. Students use relevant legal terminology, to demonstrate their understanding of the Australian and/or Queensland legal systems/s. Comprehending can also include translating knowledge into symbolic representations, and constructing diagrams.

## **2. Select legal information from sources.**

Students select legal information from primary and/or secondary sources, for example, case law, legal databases, legislation, government and other institutional websites, published reports, media and expert commentaries. Students make these choices based on currency and relevance, and use a recognised system of referencing to document and acknowledge sources.

## **3. Analyse legal issues.**

Students analyse legal issues by using legal information to apply legal concepts, principles and processes to determine the nature and scope of the legal issue and to examine different associated viewpoints and their consequences.

## **4. Evaluate legal situations.**

Students evaluate legal situations using knowledge from their analysis to present legal alternatives then make a recommendation in response to the situation. Students synthesise information to justify the recommendation using legal criteria, then discuss the implications of the recommendation.

## **5. Create responses that communicate meaning to suit the intended purpose.**

Students create a response using their knowledge to communicate meaning according to the intended purpose. Students use genre and language conventions that suit the context to convey legal meaning.

# Designing a course of study in Legal Studies

Syllabuses are designed for teachers to make professional decisions to tailor curriculum and assessment design and delivery to suit their school context and the goals, aspirations and abilities of their students within the parameters of Queensland's senior phase of learning.

The syllabus is used by teachers to develop curriculum for their school context. The term *course of study* describes the unique curriculum and assessment that students engage with in each school context. A course of study is the product of a series of decisions made by a school to select, organise and contextualise subject matter, integrate complementary and important learning, and create assessment tasks in accordance with syllabus specifications.

It is encouraged that, where possible, a course of study is designed such that teaching, learning and assessment activities are integrated and enlivened in an authentic setting.

## Course structure

Legal Studies is a General senior syllabus. It contains four QCAA-developed units from which schools develop their course of study.

Each unit has been developed with a notional time of 55 hours of teaching and learning, including assessment.

Students should complete Unit 1 and Unit 2 before beginning Units 3 and 4. Units 3 and 4 are studied as a pair.

More information about the requirements for administering senior syllabuses is available in the 'Queensland curriculum' section of the [QCE and QCIA policy and procedures handbook](#).

## Curriculum

Senior syllabuses set out only what is essential while being flexible so teachers can make curriculum decisions to suit their students, school context, resources and expertise.

Within the requirements set out in this syllabus and the [QCE and QCIA policy and procedures handbook](#), schools have autonomy to decide:

- how and when subject matter is delivered
- how, when and why learning experiences are developed, and the context in which learning occurs
- how opportunities are provided in the course of study for explicit and integrated teaching and learning of complementary skills.

These decisions allow teachers to develop a course of study that is rich, engaging and relevant for their students.

## Assessment

Senior syllabuses set out only what is essential while being flexible so teachers can make assessment decisions to suit their students, school context, resources and expertise.

General senior syllabuses contain assessment specifications and conditions for the assessment instruments that must be implemented with Units 3 and 4. These specifications and conditions ensure comparability, equity and validity in assessment.

Within the requirements set out in this syllabus and the [QCE and QCIA policy and procedures handbook](#), schools have autonomy to decide:

- specific assessment task details
- assessment contexts to suit available resources
- how the assessment task will be integrated with teaching and learning activities
- how authentic the task will be.

In Unit 1 and Unit 2, schools:

- develop at least two but no more than four assessments
- complete at least one assessment for each unit
- ensure that each unit objective is assessed at least once.

In Units 3 and 4, schools develop three assessments using the assessment specifications and conditions provided in the syllabus.

More information about assessment in senior syllabuses is available in 'The assessment system' section of the *QCE and QCIA policy and procedures handbook*.

## Subject matter

Each unit contains a unit description, unit objectives and subject matter. Subject matter is the body of information, mental procedures and psychomotor procedures (see Marzano & Kendall 2007, 2008) that are necessary for students' learning and engagement with the subject. Subject matter itself is not the specification of learning experiences but provides the basis for the design of student learning experiences.

Subject matter has a direct relationship with the unit objectives and provides statements of learning that have been constructed in a similar way to objectives.



## Aboriginal perspectives and Torres Strait Islander perspectives

The QCAA is committed to reconciliation. As part of its commitment, the QCAA affirms that:

- Aboriginal peoples and Torres Strait Islander peoples are the first Australians, and have the oldest living cultures in human history
- Aboriginal peoples and Torres Strait Islander peoples have strong cultural traditions and speak diverse languages and dialects, other than Standard Australian English
- teaching and learning in Queensland schools should provide opportunities for students to deepen their knowledge of Australia by engaging with the perspectives of Aboriginal peoples and Torres Strait Islander peoples
- positive outcomes for Aboriginal students and Torres Strait Islander students are supported by successfully embedding Aboriginal perspectives and Torres Strait Islander perspectives across planning, teaching and assessing student achievement.

Guidelines about Aboriginal perspectives and Torres Strait Islander perspectives and resources for teaching are available at [www.qcaa.qld.edu.au/k-12-policies/aboriginal-torres-strait-islander-perspectives](http://www.qcaa.qld.edu.au/k-12-policies/aboriginal-torres-strait-islander-perspectives).

Where appropriate, Aboriginal perspectives and Torres Strait Islander perspectives have been embedded in the subject matter.

## Complementary skills

Opportunities for the development of complementary skills have been embedded throughout subject matter. These skills, which overlap and interact with syllabus subject matter, are derived from current education, industry and community expectations and encompass the knowledge, skills, capabilities, behaviours and dispositions that will help students live and work successfully in the 21st century.

These complementary skills are:

- literacy — the knowledge, skills, behaviours and dispositions about language and texts essential for understanding and conveying English language content
- numeracy — the knowledge, skills, behaviours and dispositions that students need to use mathematics in a wide range of situations, to recognise and understand the role of mathematics in the world, and to develop the dispositions and capacities to use mathematical knowledge and skills purposefully
- 21st century skills — the attributes and skills students need to prepare them for higher education, work, and engagement in a complex and rapidly changing world. These skills include critical thinking, creative thinking, communication, collaboration and teamwork, personal and social skills, and digital literacy. The explanations of associated skills are available at [www.qcaa.qld.edu.au/senior/senior-subjects/general-subjects/21st-century-skills](http://www.qcaa.qld.edu.au/senior/senior-subjects/general-subjects/21st-century-skills).

It is expected that aspects of literacy, numeracy and 21st century skills will be developed by engaging in the learning outlined in this syllabus. Teachers may choose to create additional explicit and intentional opportunities for the development of these skills as they design the course of study.

## Additional subject-specific information

Additional subject-specific information has been included to support and inform the development of a course of study.

### Key terminology

In Legal Studies, terms used in the assessment objectives and ISMGs include:

- legal concepts — general notions or ideas that are used to develop an understanding of the area of law or legal issue being investigated, e.g. procedural fairness, human rights, justice
- legal principles — guiding intentions that underlie the legal system, e.g. the rule of law, equity and fairness, presumption of innocence, the right to a fair trial
- legal process — the steps involved in a legal situation, or the course of proceedings in a legal action, e.g. the course of proceedings in a criminal investigation, the steps involved in applying for the return of a child to Australia in cases of international parental child abduction (Hague Convention on the Civil Aspects of International Child Abduction 1980)
- features — the main parts or elements of something, e.g. the main elements of a criminal offence; the main features of international law include the origins, purpose and underlying principles of that law
- legal issue — a subject or matter involving the law that is worthy of investigation or debate
- nature and scope of a legal issue — the characteristics or elements of the legal issue, e.g. its origins and development, how it affects those involved and/or society as a whole, what law relates to the issue and the extent of the issue and its impact, including who is affected by it
- viewpoints and their consequences
  - viewpoints — attitudes, opinions or perspectives about a legal issue, e.g. that a particular law discriminates against or privileges a specific group of people
  - consequence/s — impact/s of the viewpoint examined, e.g. that as a result of the discrimination or privilege examined in the viewpoint, a specific group of people is more likely to be affected, negatively or positively, than the general population
- legal situation — a set of circumstances arising from the analysis of a legal issue, where the nature and scope, viewpoints and associated consequences have been determined or identified, to enable an evaluation or judgement to be made
- legal alternatives — legal options that are presented to address or respond to the viewpoints and associated consequences examined in the analysis of the legal issue. Examples include introducing new legislation, amending existing legislation, changing the legal process for dealing with or responding to a legal issue (e.g. court processes; police procedures), establishing a new regulatory authority
- legal criteria — the reasoning used to justify the recommendation made in response to a legal issue. They are chosen from the following list
  - just and/or equitable outcomes — fairness in the circumstances and/or even and impartial outcome as a result, for example, of improved accessibility, enforceability, responsiveness or use of resources
  - relevant elements of the rule of law — for example, that laws are clear, acceptable, not retrospective, that they apply to all and are able to be enforced
  - balancing the protection of individual rights with the protection of society
- implications — effects or consequences that may result from the recommendation. These do not need to be legal.

### ***For example and including***

When interpreting the subject matter in the Legal Studies syllabus, it is important to understand the intent of the terms *including* and *for example*.

When preceding a list, *including* refers to the aspects, elements or contexts that must be covered when teaching topics in the units; additional aspects, elements or contexts may be used at the teacher's discretion. In instances when *for example* (e.g.) is used, teachers may select examples from the provided content or choose other relevant examples that are not stated. There is no expectation that all examples must be covered.

### **The analytical essay in Legal Studies**

The analytical essay in Legal Studies focuses on a single topic related to an aspect of a legal issue. It uses evidence from a range of relevant and reputable sources to examine and prove a thesis about that topic and make a justified recommendation to address the findings of the investigation.

Additionally, it must include all elements of the objectives being assessed, including:

- describing essential legal features and explaining legal concepts, principles and processes related to the topic being investigated
- using relevant and appropriate legal terminology
- applying relevant legal concepts, principles and processes to determine the nature and scope of the topic (legal issue)
- interpreting legal information to examine two different viewpoints and their consequences about the topic (legal issue) and using that information to support the analysis
- presenting two different legal alternatives from the analysis of the topic (legal issue) that align with/address the viewpoints and consequences examined in the analysis and making/proposing a recommendation to address/respond to the findings of the analysis
- synthesising information to justify the recommendation using legal criteria and discussing possible implications arising from the recommendation. The implications do not need to be legal.

The essay is structured with an introduction, body and conclusion and includes in-text citations and a reference list. It must be written in formal language, using objective voice to develop a response that enhances legal meaning of the topic being analysed, in response to the task set. Sources of information must be acknowledged using a recognised referencing system. Subheadings may be used sparingly and thoughtfully but are not a requirement of the essay.

# Reporting

General information about determining and reporting results for senior syllabuses is provided in the 'Determining and reporting results' section of the [QCE and QCIA policy and procedures handbook](#).

## Reporting standards

Reporting standards are summary statements that describe typical performance at each of the five levels (A–E).

<b>A</b>
<p>The student demonstrates accurate and detailed comprehension of a significant range of legal concepts, principles and processes, using sophisticated legal terminology.</p> <p>The student provides a discerning selection of a wide variety of relevant legal information and acknowledges sources accurately and systematically. The analysis of legal issues demonstrates sophisticated application of legal concepts, principles and processes to determine their nature and scope, and perceptive examination of relevant viewpoints and their consequences.</p> <p>The student evaluates legal situations by discerningly making recommendation/s, using critical legal reasoning. They create responses that communicate meaning through concise and accomplished control of genre and language conventions.</p>
<b>B</b>
<p>The student demonstrates considerable comprehension of a substantial range of legal concepts, principles and processes, using effective legal terminology.</p> <p>The student provides an effective selection of a wide variety of relevant legal information and acknowledges sources systematically. The analysis of legal issues demonstrates detailed application of legal concepts, principles and processes to determine their nature and scope, and effective examination of relevant viewpoints and their consequences.</p> <p>The student evaluates legal situations by effectively making recommendation/s, using purposeful legal reasoning. They create responses that communicate meaning through considerable control of genre and language conventions.</p>
<b>C</b>
<p>The student demonstrates sufficient comprehension of a range of legal concepts, principles and processes, using adequate legal terminology.</p> <p>The student provides a selection of a variety of relevant legal information and acknowledges sources. The analysis of legal issues demonstrates suitable application of legal concepts, principles and processes to determine their nature and scope, and adequate examination of relevant viewpoints and their consequences.</p> <p>The student evaluates legal situations by adequately making recommendation/s, using feasible legal reasoning. They create responses that communicate meaning through sufficient control of genre and language conventions.</p>

## D

The student demonstrates partial comprehension of legal concepts, principles and/or processes, with few uses of legal terminology.

The student provides a selection of a narrow range of legal information and partially acknowledges sources. There is superficial analysis of legal issues evident in rudimentary descriptions and a partial examination of viewpoints and consequences.

The student evaluates legal situations by making obvious recommendation/s, using some reasons. They create responses that superficially communicate meaning through partial control of genre and language conventions.

## E

The student identifies aspects of legal concepts, principles and/or processes.

The student selects unrelated or irrelevant legal information from sources. There are aspects of analysis provided in statements about legal issues.

The student shows aspects of evaluation using broad statements and/or personal opinions about the legal situation. They create responses that impede the communication of meaning through inconsistent use of language conventions.

## Determining and reporting results

### Unit 1 and Unit 2

Schools make judgments on individual assessment instruments using a method determined by the school. They may use the reporting standards or develop an instrument-specific marking guide (ISMG). Marks are not required for determining a unit result for reporting to the QCAA.

The unit assessment program comprises the assessment instrument/s designed by the school to allow the students to demonstrate the unit objectives. The unit judgment of A–E is made using reporting standards.

Schools report student results for Unit 1 and Unit 2 to the QCAA as satisfactory (S) or unsatisfactory (U). Where appropriate, schools may also report a not rated (NR).

### Units 3 and 4

Schools mark each of the three internal assessment instruments implemented in Units 3 and 4 using ISMGs.

Schools report a provisional mark by criterion to the QCAA for each internal assessment.

Once confirmed by the QCAA, these results will be combined with the result of the external assessment developed and marked by the QCAA.

The QCAA uses these results to determine each student's subject result as a mark out of 100 and as an A–E.

# Units

## Unit 1: Beyond reasonable doubt

In Unit 1, students are introduced to the Australian legal system, the sources of law, and the roles of parliament and the courts. The unit focuses on legal principles and criteria, for example just and equitable outcomes. Students will consider how criminal law attempts to safeguard individuals' right to freedom from interference, with society's need for order. They examine the consequences of alleged criminal behaviour in terms of trial processes, punishment and sentences.

Where appropriate and possible, current contexts based on relevant and contemporary issues are used in this unit. Examples of issues include acts causing injury or death; property offences (for example, extortion and theft), wilful damage (for example, graffiti and arson), and environmental pollution; cybercrime; business, credit card and social security fraud and deception; drug and public order offences; and traffic and vehicle regulatory offences.

### Unit objectives

1. Comprehend legal concepts, principles and processes of the Australian and Queensland legal systems, with a focus on criminal law.
2. Select legal information from sources relevant to the Australian and/or Queensland criminal justice systems.
3. Analyse legal issues involving the Australian and/or Queensland criminal justice systems.
4. Evaluate legal situations relevant to the Australian and/or Queensland criminal justice systems.
5. Create responses that communicate meaning to suit the intended purpose.

## Subject matter

### Topic 1: Legal foundations

In Topic 1, and with a focus on criminal law, students are introduced to the foundations, features and processes of Australia's legal system. They investigate the difference between legal and non-legal rules through a consideration of who makes, interprets and enforces the law.

- Describe key terms using legal terminology, including jurisdiction, code, justice, equitable outcomes, rule of law, crime, statute law, common law, customary law, onus/burden of proof, standard of proof, arms of government (legislative, judicial and executive), division of powers (residual, concurrent and exclusive), the Australian Constitution, doctrine of precedent, adversarial systems and inquisitorial systems.
- Describe the
  - concept and elements of the rule of law
  - separation of powers doctrine in the Australian legal system
  - difference between onus of proof and standard of proof
  - court hierarchy in Australia and Queensland
  - difference between adversarial and inquisitorial systems of criminal justice.
- Explain
  - the purpose of laws within society
  - the difference between a rule and a law
  - concepts of just and equitable outcomes as a foundation principle of criminal law in Australia
  - characteristics of an effective law, e.g. known to the public, acceptable in the community, able to be enforced, and carry specific penalties or punishment that apply to all
  - sources of law in the Australian legal system and the relationship between common law and statute law
  - the process of statutory law-making, and the role of states, territories and the Australian Government
  - the process of statutory interpretation and the role of courts
  - legal criteria for justification of a recommendation/s.
- Analyse a range of criminal legal issues to determine the nature and scope of the issue and then examine different relevant viewpoints and their consequences, e.g. scenarios that include crimes that are overt (wilful damage, assault).
- Analyse the role of customary law in Australia's legal system to determine the nature and scope of the issues involved, then examine different relevant viewpoints and their consequences.
- Create responses that communicate meaning to suit the intended purpose in paragraphs and extended responses.

## Topic 2: Criminal investigation process

In Topic 2, students develop an appreciation of criminal law by investigating its principles, the types of crimes it involves and how criminal law is enforced. They explore the individual's rights and responsibilities in dealing with the police and others with designated authority.

- Describe key terms using legal terminology, including summary and indictable offences, criminal act (*actus reus*), criminal intent (*mens rea*), alleged, accused, witness, suspect, victim, evidence, offender, warrants, arrest, charge, and summons.
- Explain
  - what constitutes criminal behaviour, and identify the different roles in an alleged criminal situation
  - the criminal investigation process and the features that contribute to just and equitable outcomes, including reasonable suspicion and the right to silence
  - the types of evidence police may collect at a crime scene and during an investigation process.
- Contrast summary and indictable offences, and classify offences into categories (e.g. against the person, property and the public interest) in reference to the Criminal Code<sup>1</sup>.
- Analyse and apply elements of offences to a range of criminal scenarios.
- Explain the rights and responsibilities of police (*Police Powers and Responsibilities Act 2000* (Qld)), suspects, accused and victims, e.g. police discretionary powers; search and arrest warrants.
- Select legal information and data about Queensland crime rates and criminal offences, choosing current and relevant sources to analyse crime in Queensland and/or Australia to ascertain relationships, patterns and trends.
- Analyse and evaluate the extent to which the criminal investigation process balances individuals' rights with society's need for order (e.g. legal approaches to youth justice issues (*Youth Justice Act 1992* (Qld)); deoxyribonucleic acid (DNA) testing and storage, databases and data banks, and fingerprints, whether evidence should be destroyed at the completion of a trial; the collection of metadata, and telecommunications data), justify using legal criteria and discuss implications.
- Create responses that communicate meaning to suit the intended purpose in paragraphs and extended responses.

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<sup>1</sup> The various offences are set out in the Criminal Code in Schedule 1 to the *Criminal Code Act 1899* (Qld).



### Topic 3: Criminal trial process

In Topic 3, students examine the role and jurisdiction of the courts in hearing criminal matters. They consider a range of criminal cases to help them in their understanding of trial processes, defences and excuses. Students focus on the concept of a fair trial and discuss the extent to which features of the criminal trial contribute to the achievement of justice.

- Describe key terms using legal terminology, including the Crown, prosecutor, defendant, double jeopardy, defences and excuses, committal hearing, arraignment, jury, bail, bailiff, judge, verdict, adjournment, remand, conviction, solicitor, barrister, and counsel.
- Explain the trial process, including
  - the court hierarchy as it applies to criminal trials
  - key personnel
  - court processes, including appeals processes
  - the presumption of innocence and the burden of proof as a legal right to fairness.
- Explain, using scenarios where relevant
  - bail conditions and decisions under the *Bail Act 1980* (Qld)
  - jury selection under the *Jury Act 1995* (Qld)
  - unanimous verdict, majority verdict, and standard of proof — beyond reasonable doubt
  - rules of evidence, for example direct, indirect, admissible and inadmissible, and circumstantial.
- Explain the attributes of a fair trial, for example due process, natural justice, procedural fairness and judge-only trials.
- Analyse a relevant criminal case/s to examine legal concepts, principles and processes.
- Analyse and apply defences to a range of criminal scenarios.
- Select legal information and analyse the legal issues concerning court processes as experienced by different groups (e.g. women, youth, children, Aboriginal peoples and Torres Strait Islander peoples, migrants and those with a disability) that may create barriers to justice and equity or impede a right to a fair trial, including access to legal aid, bail and appeals by
  - determining the nature and scope of the legal issue
  - examining different relevant viewpoints and their consequences.
- Evaluate the above legal situations by
  - presenting legal alternatives to make a recommendation/s
  - justifying using legal criteria and
  - discussing implications.
- Analyse and evaluate legal issues where justice may be impeded during a criminal trial process (e.g. because of language, culture or capacity), by presenting legal alternatives, making recommendations, justifying recommendations using legal criteria and discussing their implications.
- Create responses that communicate meaning to suit the intended purpose in paragraphs and extended responses.

## Topic 4: Punishment and sentencing

In Topic 4, students study theories of punishment and the consequences of a criminal conviction. They discuss the purposes of sentencing, the types of sentences that may be imposed, and sentencing trends and approaches. Students evaluate the effectiveness of sentencing from different viewpoints.

- Describe key terms using legal terminology, including concurrent and cumulative sentencing, custodial and non-custodial sentences, obiter dicta, ratio decidendi, deterrence, retribution, rehabilitation, incarceration, denunciation, prevention, restorative justice, and recidivism.
- Describe the range of sentencing options, including fines, good behaviour bonds, probation, suspended sentences, community service orders, intensive correction orders and imprisonment.
- Explain the principles that affect sentencing decisions in Part 2 of the *Penalties and Sentences Act 1992* (Qld), e.g. the purposes of punishment, the nature and gravity of the offence, current sentencing practices, the relevance of prior convictions, mitigating/aggravating circumstances, and the impact on the victim.
- Analyse the principles of sentencing as they apply to scenarios.
- Evaluate, using legal criteria, the effectiveness of sentencing and punishment.
- Select legal information, analyse legal issues about criminal justice, and evaluate legal situations, e.g.
  - sentencing trends over time
  - the rates of incarceration in the general population and/or within specific groups
  - reasons for the rate of criminal reoffending by different groups within Australia and/or Queensland.
- Analyse legal issues related to punishment and sentencing by
  - determining the nature and scope of the legal issue
  - examining different relevant viewpoints and their consequences.
- Using the analysis (above), evaluate this legal situation by
  - presenting legal alternatives to make a recommendation/s
  - justifying using legal criteria and
  - discussing implications.
- Create responses that communicate meaning to suit the intended purpose in paragraphs and extended responses.

## Unit 2: Balance of probabilities

In Unit 2, students consider legal concepts, principles and processes within the Australian and Queensland civil justice systems. They develop an understanding that civil law regulates the rights and responsibilities that exist between individuals, groups, organisations and governments. They explore dispute resolution methods, including judicial determination and alternatives in and out of courts. Through a consideration of contemporary cases and legal issues, students evaluate the effectiveness of civil law and how it affects individuals within society.

### Unit objectives

1. Comprehend legal concepts, principles and processes of the Australian and Queensland civil justice systems, and in legal interactions that are planned (contract) and unplanned (the concept of negligence).
2. Select legal information from sources relevant to the Australian and/or Queensland civil justice systems.
3. Analyse legal issues involving the Australian and/or Queensland civil justice systems.
4. Evaluate legal situations relevant to the Australian and/or Queensland civil justice systems.
5. Create responses that communicate meaning to suit the intended purpose.

## Subject matter

### Topic 1: Civil law foundations

In Topic 1, students gain insight into the foundations of the Australian and Queensland legal systems in the context of civil law. They consider the importance of civil law in their lives and distinguish between civil and criminal law matters. Students will appreciate the role civil law plays in resolving disputes between parties through various processes, including the court system, tribunals and other dispute resolution methods.

- Describe key terms using legal terminology, including precedent, ombudsman, balance of probabilities, burden of proof, plaintiff, defendant, tribunal, alternative dispute resolution, class action, counter claim, damages, and injunction.
- Explain
  - rights that are protected by civil law, and link these to obligations imposed by laws
  - sources of civil law, and the relationship between common law and statute
  - the doctrine of precedent
  - the civil jurisdiction and the court hierarchy for civil matters.
- Compare civil and criminal actions, including pre-trial procedures and court processes.
- Describe the different methods of resolving civil disputes, through judicial determination and alternative methods in courts, tribunals and independent bodies, ombudsman, alternative dispute resolution, class action, counter claim, damages and injunction.
- Distinguish the role of civil courts from the criminal system, including key roles and personnel, civil trial procedure, burden of proof and standard of proof.
- Explain
  - the role and types of alternative dispute resolution processes, e.g. facilitative process (mediation); advisory process (conciliation); and determinative process (arbitration)
  - the objectives of the *Civil Dispute Resolution Act 2011* (Cth) and discuss its role with respect to Part 6 of the *Civil Proceedings Act 2011* (Qld)
  - the relationship between courts and alternative dispute resolution processes.
- Analyse and evaluate equitable access to the civil justice system, and how personal, social or economic circumstances or background can present legal barriers for groups within society.
- Select legal information and analyse legal issues concerning a civil issue taken to an independent authority, e.g. the Queensland Civil and Administrative Tribunal (QCAT), Administrative Review Tribunal (ART) or Ombudsman by
  - determining the nature and scope of the legal issue
  - examining different relevant viewpoints and their consequences.
- Evaluate the above legal situations by
  - presenting legal alternatives to make a recommendation/s
  - justifying using legal criteria and
  - discussing implications.
- Create responses that communicate meaning to suit the intended purpose in paragraphs and extended responses.

## Topic 2: Contractual obligations

In Topic 2, students develop an understanding of the key concepts, principles and processes of contract law. They have opportunities to apply their understandings of these concepts, principles and processes to a variety of real-life situations and evaluate the effect of them on citizens.

- Describe key terms using legal terminology, including warranties, conditions, terms, clause, exemption clauses, valid, void, illegal, ratification, repudiation, necessities, and caveat emptor.
- Describe the elements of a legal contract using examples or cases and legal terminology, including agreement (certainty), offer and acceptance, intention, consideration, mutuality, capacity and breach of contract.
- Explain
  - the need for contract law, and why consumer protection provisions are needed in addition to the general law of contract
  - the role of the Australian Consumer Law (Schedule 2 of the *Competition and Consumer Act 2010* (Cth)) in providing consumer protection
  - legal defences available to the defendant (and consumers), and remedies available to the plaintiff, including statutory protection.
- Analyse and apply
  - the elements of a valid contract and precedents to determine legal outcomes of contractual disagreements
  - situations where contracts may be terminated through performance, agreement, breach, frustration, and/or illegality, e.g. employment contract, a housing purchase or rental agreement, and consumer contract.
- Analyse the role of the Australian Competition & Consumer Commission (ACCC) in consumer contractual arrangements.
- Analyse and evaluate the mechanisms and avenues of dispute resolution using case studies, e.g. the housing industry (rental agreements) or the consumer industry (mobile phone contracts).
- Analyse the ability of contract law to find acceptable balances between competing interests by
  - determining the nature and scope of the legal issue
  - examining different relevant viewpoints and their consequences.
- Evaluate the above legal situations by
  - presenting legal alternatives to make a recommendation/s
  - justifying using legal criteria and
  - discussing implications.
- Select legal information, then analyse and evaluate to resolve a contract law issue, e.g.
  - sporting contracts and obligations
  - financial agreements and consumer protection, e.g. Australian consumer law and mobile phones
  - vulnerable groups and capacity to enter into contractual arrangements, e.g. minors
  - employment agreements
  - online contracts and transactions.
- Create responses that communicate meaning to suit the intended purpose in paragraphs and extended responses.

### Topic 3: Negligence and the duty of care

In Topic 3, students develop an understanding of the key concepts, principles and processes of negligence and the duty of care. They are provided with opportunities to apply their understandings of these concepts, principles and processes to a variety of real-life situations and evaluate the effect of them on citizens.

- Describe key terms using legal terminology, including proximity, causation, foreseeability, reasonableness, vicarious liability, assumption of risk, contributory negligence, omission, and remoteness.
- Describe the elements of negligence, including duty of care, breach of duty of care, injury/damage and the effect of the *Civil Liability Act 2003* (Qld) on those elements.
- Explain
  - the legal concept of ‘neighbour’ through relevant case law, including *Donoghue v Stevenson* [1932] AC 562
  - defences available to the defendant and remedies available to a plaintiff in a civil negligence action.
- Analyse and apply the elements and precedents to evaluate legal outcomes in civil negligence scenarios.
- Select legal information and data to analyse the extent to which Australians seek legal action, including patterns and trends over time and barriers experienced by different groups (e.g. those from lower socio-economic backgrounds) with respect to negligence issues.
- Analyse the ability of the law of negligence to facilitate just and equitable outcomes for parties by
  - determining the nature and scope of the legal issue
  - examining different relevant viewpoints and their consequences.
- Evaluate the above legal situations by
  - presenting legal alternatives to make a recommendation/s
  - justifying using legal criteria and
  - discussing implications.
- Select legal information, then analyse and evaluate the effectiveness of negligence laws in contemporary contexts, e.g.
  - duty of care to players, officials, spectators and between players in sport
  - duty of care with regards to motorists
  - professional liability, e.g. medical, legal and school
  - workplace in terms of vicarious liability or duty of care.
- Create responses that communicate meaning to suit the intended purpose in paragraphs and extended responses.

## Unit 3: Law, governance and change

In Unit 3, students examine the complexities of the Australian legal system and its capacity to deal with the diversity of competing needs. They explore the role of legal institutions and law-making bodies in creating laws that reflect the views of society. Students consider the range of forces that create catalysts for change and reform, and how laws are changed or reformed to reflect shifting societal demands. This unit encourages and informs critical thinking about Australian and Queensland laws, and the importance of society and individuals engaging in law-making processes.

Students will study law, governance and change through relevant contemporary issues involving matters of governance and law reform. Examples of issues could arise from a range of areas, for example, family law, technology law, criminal law, counter-terrorism laws, employment law, and corporate law.

### Unit objectives

1. Comprehend legal concepts, principles and processes of Australian and Queensland governance and law reform.
2. Select legal information from sources relevant to law reform issues.
3. Analyse legal issues involving Australian and/or Queensland governance and law reform.
4. Evaluate legal situations relevant to Australian and/or Queensland governance and law reform.
5. Create responses that communicate meaning to suit the intended purpose.

## Subject matter

### Topic 1: Governance in Australia

In Topic 1, students consider the processes and roles of government in shaping law in Australia and Queensland. They examine how federal and state or territory legal institutions respond to forces of change and the impact of landmark cases.

- Describe key terms using legal terminology, including democracy, the rule of law, representative government, responsible government, the Australian Constitution, separation of powers doctrine, referendum, double dissolution, joint sitting, unicameral and bicameral.
- Describe key features of the Australian Constitution, including
  - the division of powers, e.g. s 51, s 109
  - amending the Constitution, e.g. s 128.
- Explain the role of the High Court of Australia (HCA).
- Analyse and apply features of the Australian Constitution, e.g.
  - challenges of changing the Australian Constitution, using past referenda as examples
  - separation of powers and the importance of an independent judicial system
  - role of s 51 of the Australian Constitution, and residual powers with reference to current and/or landmark cases, e.g. the Tasmanian Dam Case (*Commonwealth v Tasmania* (1983) 158 CLR 1).
- Describe
  - the structure and function of the three levels of government in Australia
  - concepts of representative and responsible government
  - accountability of parliament and the rule of law.
- Explain the
  - role of the Crown (Governor-General, state Governors and territory Administrators), and the upper and lower houses of parliament
  - application of the division of powers, i.e. differing legislative powers of federal and state parliaments under the Constitution, e.g. in the areas of health, education, immigration or the environment
  - implications of the unicameral parliament in Queensland
  - implications on government of single majority, double majority and minority
  - function of parliament as a law-making body, including the legislative process.
- Explain and analyse the strengths and weaknesses of parliament as a law-making body.



- Describe and explain the
  - relationship between legislation and case law
  - role of specialist courts and tribunals within state and federal jurisdictions, e.g. the Federal Circuit and Family Court, the Children’s Court, Murri Court, Administrative Review Tribunal (ART), Queensland Civil and Administrative Tribunal (QCAT)
  - role of landmark court decisions in influencing legal change or law reform, e.g.
    - *Mabo v Queensland (No. 2)* (1992) 175 CLR 1; [1992] HCA 23
    - *Wik Peoples v Queensland* (1996) 187 CLR 1; [1996] HCA 40
    - *New South Wales v Commonwealth* (2006) 229 CLR 1; [2006] HCA 52
    - *Roadshow Films v iiNet Limited* (2012) 248 CLR 42; [2012] HCA 16
    - *R v Bayliss & Cullen* (1986) 9 Qld Lawyer Reps 8; [1986]
    - *Al Masri v Minister for Immigration & Multicultural and Indigenous Affairs* (2002) 192 ALR 609; [2002] FCA 1009
    - *The Attorney-General for the Commonwealth v ‘Kevin and Jennifer’ & Human Rights and Equal Opportunity Commission* (2003) 172 FLR 300; [2003] FamCA 94
    - *Dietrich v the Queen* (1992) 177 CLR 292; and [1992] HCA 57.
- Analyse legal issues by
  - determining the nature and scope of the legal issue
  - examining different relevant viewpoints and their consequences.
- Evaluate the legal situation using the analysis (above) by
  - presenting legal alternatives to make a recommendation/s
  - justifying using legal criteria and
  - discussing implications.
- Analyse and evaluate the
  - role of courts in law-making through the interpretation of statutes and the development of legal principles through the application of the doctrine of precedent
  - ability of the Australian legal system to achieve just and equitable outcomes in a range of real-life situations, e.g. the division of powers, the role of the Senate, the separation of powers
  - accountability of government, e.g. *The Commission of Inquiry into Possible Illegal Activities and Associated Police Misconduct* (Fitzgerald Inquiry 1987–1989).
- Create responses that communicate meaning to suit the intended purpose in paragraphs and extended responses.

## Topic 2: Law reform within a dynamic society

In Topic 2, students explore issues and situations where Australian society's changing values, needs, morality, ethics, technology and significant events have acted as an impetus for legal change and reform. The focus is on identifying changing Australian values and pressures on legal freedoms, and how the application of law creates a balance between competing interests. This topic offers scope to examine current and emerging legal issues in Australia and Queensland that create authentic discussions of viewpoints regarding the need for change.

- Describe key terms using legal terminology, including commissions, inquiries, law reform, lobby, advocacy, terms of reference, consultations, issues papers, and submissions.
- Describe why laws and related processes require change because of a range of impetuses, e.g.
  - society's changing values, needs, morality and ethics
  - the influence of lobby and advocacy groups and the media, e.g. in relation to double jeopardy and same-sex marriage
  - patterns of crimes and civil offences, e.g. domestic and family violence, medical negligence, privacy, restraining orders and alcohol-fuelled violence
  - technological advances, both to assist in the investigative process such as developments in forensic science and to facilitate criminal activity, e.g. online fraud, cyberstalking and digital piracy (s 115A of the *Copyright Act 1968* (Cth))
  - increased transnational and organised crime
  - the change impetus of significant events, e.g. the Port Arthur massacre (1996) and September 11 terrorist attacks (2001)
  - a current issue.
- Explain the role of
  - the law reform commissions (e.g. Australian Law Reform Commission; Queensland Law Reform Commission) and royal commissions, e.g.
    - Royal Commission into Institutional Responses to Child Sexual Abuse
    - Royal Commission into the Child Protection and Youth Detention Systems of the Government of the Northern Territory
  - parliamentary inquiries
  - specialist task forces, e.g. *Not Now, Not Ever: Putting an End to Domestic and Family Violence in Queensland Report* (2015)
  - the Australian Institute of Criminology in communicating patterns and costs of crimes and how this can influence law reform.
- Select legal information and analyse the challenges to law reform, e.g. social divisions, government budgetary constraints, political pressures, the 'nanny state' and other barriers to legal change and evaluate possible legal alternatives to make recommendations.
- Select legal information and analyse legal issues then evaluate the legal situation to make recommendations. The issue must be current, e.g. domestic and family violence, elder abuse, consumer fraud, defamation, privacy, cybercrime and forensics.
- Select legal information, analyse and evaluate legal issues to make recommendations (e.g. specific new legislation) that improve outcomes for those affected by the Australian or Queensland legal system, justify using legal criteria and discuss implications.
- Create responses that communicate meaning to suit the intended purpose in paragraphs and extended responses.

## Unit 4: Human rights in legal contexts

In Unit 4, students consider legal concepts, principles and contemporary issues studied in previous units to consider fundamental concepts of human rights and analyse Australia's participation within the global community. They recognise how human rights create challenges in national and international contexts, including for minority groups, and examine Australia's legal response to international law and human rights.

This unit features contemporary contexts involving human rights matters in Australia and internationally. Examples of issues include:

- the rights of Indigenous Peoples to live in dignity and to self-determination
- reproductive rights
- the right to marry and create a family
- the right to be free from slavery and forced labour
- war and peace issues, for example, the Geneva Conventions and peacekeeping forces
- environmental issues, for example, climate change and the rights of future generations.

### Unit objectives

1. Comprehend legal concepts, principles and processes of Australian human rights laws and obligations in national and international contexts.
2. Select legal information from sources relevant to Australian human rights laws and obligations in international contexts.
3. Analyse legal issues involving Australian human rights laws and obligations in national and international legal contexts.
4. Evaluate legal situations relevant to Australian human rights laws and obligations in national and international legal contexts.
5. Create responses that communicate meaning to suit the intended purpose.

## Subject matter

### Topic 1: Human rights

In Topic 1, students explore the global context for human rights and how international laws and institutions affect Australia.

- Describe key terms using legal terminology, including human rights, covenants, treaties, states, sovereignty, convention, multilateral, bilateral, ratification, charter and bill of rights.
- Describe the main features (e.g. origins, purpose, underlying principles) of international law developed from the International Bill of Human Rights, consisting of the
  - Universal Declaration of Human Rights
  - International Covenant on Civil and Political Rights (ICCPR)
  - International Covenant on Economic, Social and Cultural Rights (ICESCR).
- Describe the main features (e.g. origins, purpose, underlying principles) of principal treaties, including the
  - Convention Relating to the Status of Refugees 1951 and the Protocol Relating to the Status of Refugees 1967
  - International Convention on the Elimination of All Forms of Racial Discrimination 1965 (ICERD)
  - Convention on the Elimination of All Forms of Discrimination against Women 1979 (CEDAW)
  - Convention on the rights of Persons with Disabilities 2006 (CRPD)
  - Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment 1984
  - Convention on the Rights of the Child 1989.
- Explain the
  - process by which treaty obligations translate into domestic law through accession or ratification, the role of reservations, and the effect of the *Human Rights (Parliamentary Scrutiny) Act 2011* (Cth)
  - rights of states (sovereignty, equality, political independence and territorial integrity), including Articles 2.1, 2.4 and 2.7 of the *United Nations Charter*
  - role of the UN, its agencies and other organisations, including the United Nations High Commissioner for Refugees.
- Describe key human rights initiated or promoted in the following important legal documents
  - *Magna Carta* (1215)
  - *Racial Discrimination Act 1975* (Cth)
  - *Sex Discrimination Act 1984* (Cth)
  - *Disability Discrimination Act 1992* (Cth)
  - *Age Discrimination Act 2004* (Cth).
- Describe and explain the role of the Australian Constitution (including the external affairs power within s 51) in protecting express and implied human rights in Australia.

## Topic 2: Australia's legal response to international law and human rights

In Topic 2, students examine the role Australia plays in upholding human rights globally. Students focus on legal issues and international situations that impact human rights and Australia's legal response to them.

- Explain how human rights are monitored, including the reporting system, United Nations Special Rapporteurs, inter-State complaints, ancillary bodies and individuals.
- Explain the role of international legal institutions in upholding rights, including those within the International Court of Justice (ICJ) and the International Criminal Court (ICC).
- Analyse the legal implications of becoming a signatory to various internationally recognised treaties and conventions related to the protection of global citizens and property, e.g.
  - Universal Declaration of Human Rights 1948
  - Protocol Relating to the Status of Refugees 1967
  - Hague Convention on the Civil Aspects of International Child Abduction 1980 (the 'Hague Abduction Convention')
  - United Nations Declaration on the Rights of Indigenous Peoples 2007
  - Geneva Conventions 1949 and The Hague Conventions of 1899 and 1907.
- Select legal information, then analyse and evaluate Australia's response to international law and human rights, focusing on one or more contemporary legal issues and/or international legal institutions, e.g.
  - the rights of the child, e.g. education, safety, health
  - the right to be free from discrimination, e.g. age, gender, disability
  - the rights of women, e.g. freedom from violence, reproductive rights
  - International Court of Justice (ICJ)
  - International Criminal Court (ICC).
- Create responses that communicate meaning to suit the intended purpose in paragraphs and analytical essay responses.

### Topic 3: Human rights in Australian contexts

In Topic 3, students continue to focus on human rights and explore how this area of law is addressed in Australia and Queensland. They explore the role of different groups in both protecting rights and influencing just and equitable outcomes.

- Explain and analyse the rights that Australians have in criminal and civil contexts, including the role of *express* and *implied* rights in ensuring equality under the law, e.g.
  - right to free speech
  - right to protest and the freedom of assembly
  - freedom from discrimination
  - right to democratic representation
  - freedom of religion
  - right to trial by jury.
- Explain the legal processes available to citizens for resolving human rights complaints in Australia, including protesting, lobbying, lodging complaints, tribunal/court actions.
- Explain and analyse the roles of the following groups in protecting and/or advocating for human rights in Australia, including how they achieve their role/s
  - Australian Human Rights Commission, Australian Law Reform Commission, and state and territory Law Reform bodies
  - the courts
  - Queensland Council for Civil Liberties, Human Rights Law Centre, Australian Lawyers for Human Rights
  - special interest groups, e.g. Amnesty International, church groups, International Federation of Red Cross and Red Crescent Societies (IFRC)
  - the media.
- Analyse and apply human rights principles to a variety of Queensland and/or Australian case studies by
  - determining the nature and scope of the legal issue
  - examining different relevant viewpoints and their consequences.
- Evaluate the legal situation using the analysis (above) by
  - presenting legal alternatives to make a recommendation/s
  - justifying using legal criteria and
  - discussing implications.
- Analyse and evaluate legal issues to resolve or improve human rights in Australia and Queensland.

# Assessment

## Internal assessment 1: Examination — combination response (25%)

### Assessment objectives

1. Comprehend legal concepts, principles and processes of Australian and Queensland governance.
3. Analyse a legal issue involving Australian and/or Queensland governance.
4. Evaluate a legal situation relevant to Australian and/or Queensland governance.

### Specifications

The teacher provides an examination that includes questions that:

- relate to Unit 3 Topic 1
- ask students to respond to
  - short response questions in sentences and paragraphs
  - unseen stimulus material in an extended response
- are of appropriate scope and scale to allow students to demonstrate their skills of analysis and evaluation
- enable multiple possible extended responses from the provided stimulus.

### Question specifications

The examination must be aligned to the specifications provided in the table below.

Focus of question	Mark allocation	Objective	In these questions, students:
Short response (6–8 questions)	10	1	<ul style="list-style-type: none"><li>• explain, describe, and/or create, label and annotate diagrams and/or graphs</li></ul>
Extended response (1 question)	15	3, 4	<ul style="list-style-type: none"><li>• respond to unseen stimulus</li><li>• make a recommendation</li></ul>

## Stimulus specifications

The teacher provides stimulus that:

- fits on one A3 page or equivalent
- consists of a minimum of four different stimulus items from a variety of texts, e.g.
  - political cartoons
  - excerpts from law journal articles
  - excerpts from newspaper reports
  - excerpts from legislation
- may contain up to 250 words in any one stimulus
- is succinct enough to allow students sufficient time to engage with them during planning.

## Conditions

- This is an individual supervised task.
- Time allowed
  - Planning time: 15 minutes
  - Working time: 120 minutes

## Mark allocation

Criterion	Assessment objectives	Marks
Comprehending	1	10
Analysing	3	8
Evaluating	4	7
Total marks:		25



## Instrument-specific marking guide (IA1)

Comprehending	Marks
The student response has the following characteristics:	
<ul style="list-style-type: none"> <li>• accurate and detailed description of the essential features of Australian and Queensland governance</li> <li>• thorough explanation of legal concepts, principles and processes of Australian and Queensland governance</li> <li>• precise use of legal terminology</li> </ul>	9–10
<ul style="list-style-type: none"> <li>• effective description of the essential features of Australian and Queensland governance</li> <li>• effective explanation of legal concepts, principles and processes of Australian and Queensland governance</li> <li>• effective use of legal terminology</li> </ul>	7–8
<ul style="list-style-type: none"> <li>• adequate description of the features of Australian and Queensland governance</li> <li>• adequate explanation of legal concepts, principles and processes of Australian and Queensland governance</li> <li>• satisfactory use of legal terminology</li> </ul>	5–6
<ul style="list-style-type: none"> <li>• partial identification of features of Australian and Queensland governance</li> <li>• partial description of legal concepts, principles or processes of Australian and/or Queensland governance</li> <li>• narrow use of legal terminology</li> </ul>	3–4
<ul style="list-style-type: none"> <li>• identification of aspects of governance</li> <li>• identification of aspects of concepts, principles or processes of governance</li> <li>• inconsistent use of legal terminology.</li> </ul>	1–2
The student response does not match any of the descriptors above.	0

Analysing	Marks
The student response has the following characteristics:	
<ul style="list-style-type: none"> <li>• 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</li> <li>• interpretation of legal information to perceptively examine different relevant viewpoints and their consequences related to the legal issue</li> <li>• discerning use of evidence from the stimulus to support the analysis</li> </ul>	7–8
<ul style="list-style-type: none"> <li>• effective application of legal concepts, principles and/or processes to determine the nature and scope of a legal issue involving Australian and/or Queensland governance</li> <li>• interpretation of legal information to effectively examine different relevant viewpoints and their consequences related to the legal issue</li> <li>• effective use of evidence from the stimulus to support the analysis</li> </ul>	5–6
<ul style="list-style-type: none"> <li>• adequate application of some legal concepts, principles and/or processes to determine the nature and scope of a legal issue involving Australian and/or Queensland governance</li> <li>• interpretation of legal information to adequately examine different viewpoints and their consequences related to the legal issue</li> <li>• sufficient use of evidence in the analysis</li> </ul>	3–4
<ul style="list-style-type: none"> <li>• description of aspects of the nature and/or scope of the issue</li> <li>• identification of superficial viewpoint/s</li> <li>• minimal use of evidence.</li> </ul>	1–2
The student response does not match any of the descriptors above.	0

Evaluating	Marks
The student response has the following characteristics:	
<ul style="list-style-type: none"> <li>• insightful legal alternatives presented from the analysis leading to an informed recommendation</li> <li>• justification of the recommendation through the discerning use of legal criteria</li> <li>• discussion of considered implications of the recommendation</li> </ul>	6–7
<ul style="list-style-type: none"> <li>• effective legal alternatives presented from the analysis leading to an effective recommendation</li> <li>• justification of the recommendation through the effective use of legal criteria</li> <li>• discussion of relevant implications of the recommendation</li> </ul>	4–5
<ul style="list-style-type: none"> <li>• alternative/s presented and/or recommendation</li> <li>• some justification of the recommendation</li> <li>• identification of implication/s of the alternative/s or recommendation</li> </ul>	2–3
<ul style="list-style-type: none"> <li>• alternative/s and/or a recommendation OR narrow discussion of the legal situation based on personal opinions.</li> </ul>	1
The student response does not match any of the descriptors above.	0

## Internal assessment 2: Investigation — inquiry report (25%)

Students research a current legal issue by collecting, analysing and synthesising primary and secondary information, data and sources. The inquiry report focuses on Unit 3 Topic 2. Students use 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.

### Assessment objectives

1. Comprehend legal concepts, principles and/or processes of a current legal issue that may require reform to Australian and/or Queensland legislation.
2. Select legal information from sources relevant to Australian and/or Queensland law reform.
3. Analyse a legal issue involving law reform to Australian and/or Queensland legislation.
4. Evaluate a legal situation relevant to law reform to Australian and/or Queensland legislation.
5. Create a response that communicates meaning to suit the intended purpose in an inquiry report.

### Specifications

This task requires students to:

- select an area of law that requires reform, change, or a new legislative instrument
- select a relevant legal issue that refers to the Australian and/or Queensland jurisdiction
- analyse the legal issue, referring to legislation and/or case law
- locate and select legal information from current and relevant primary and/or secondary sources to support their analysis and legal reasoning, e.g. case law, legal databases, legislation, government and other institutional websites, published reports, media and expert commentaries
- evaluate the legal situation making a relevant recommendation that focuses on depth rather than breadth
- write an inquiry report.

It is recommended that this task is designed so that students can develop a response in approximately 15 hours of class time.

### Conditions

- Students can develop their responses in class time and their own time.
- This is an individual task.
- The teacher must ensure individual students do not choose the same topical issue for assessment in IA2 (Unit 3) and IA3 (Unit 4).

### Response requirements

Written: up to 2000 words

## Mark allocation

Criterion	Assessment objectives	Marks
Comprehending	1	5
Selecting	2	4
Analysing	3	6
Evaluating	4	6
Creating a response	5	4
Total marks:		25

## Instrument-specific marking guide (IA2)

Comprehending	Marks
The student response has the following characteristics:	
<ul style="list-style-type: none"> <li>comprehensive description of the relevant features of the Australian and/or Queensland law reform issue being investigated</li> <li>perceptive explanation of relevant legal concepts, principles and/or processes of the Australian and/or Queensland law reform issue being investigated</li> <li>precise use of legal terminology</li> </ul>	4–5
<ul style="list-style-type: none"> <li>effective description of the relevant features of the Australian and/or Queensland law reform issue being investigated</li> <li>effective explanation of relevant legal concepts, principles and/or processes of the Australian and/or Queensland law reform issue being investigated</li> <li>satisfactory use of legal terminology</li> </ul>	2–3
<ul style="list-style-type: none"> <li>identification of some relevant legal concepts, principles or processes of the Australian and/or Queensland law reform issue being investigated.</li> </ul>	1
The student response does not match any of the descriptors above.	0

Selecting	Marks
The student response has the following characteristics:	
<ul style="list-style-type: none"> <li>discerning choice of current and relevant legal information from primary and/or secondary sources relevant to the Australian and/or Queensland law reform issue being investigated</li> <li>perceptive use of legal information</li> <li>consistent and accurate documentation of legal information in the form of a reference list and citations</li> </ul>	3–4
<ul style="list-style-type: none"> <li>satisfactory choice of current and/or relevant legal information from primary and/or secondary sources relevant to the Australian and/or Queensland law reform issue being investigated</li> <li>satisfactory use of legal information</li> <li>satisfactory documentation of legal information in the form of a reference list and/or citations</li> </ul>	2
<ul style="list-style-type: none"> <li>narrow choice of primary and/or secondary sources relevant to Australian and/or Queensland law reform</li> <li>some use of legal information</li> <li>narrow documentation of sources.</li> </ul>	1
The student response does not match any of the descriptors above.	0

Analysing	Marks
The student response has the following characteristics:	
<ul style="list-style-type: none"> <li>• perceptive application of relevant legal concepts, principles and/or processes, to determine the nature and scope of the law reform issue that involves Australian and/or Queensland legislation being investigated</li> <li>• interpretation of legal information to perceptively examine different relevant viewpoints and their consequences</li> <li>• discerning use of evidence to support the analysis</li> </ul>	5–6
<ul style="list-style-type: none"> <li>• effective application of relevant legal concepts, principles and/or processes, to determine the nature and scope of the law reform issue that involves Australian and/or Queensland legislation being investigated</li> <li>• interpretation of legal information to effectively examine different relevant viewpoints and their consequences</li> <li>• satisfactory use of evidence within the analysis</li> </ul>	3–4
<ul style="list-style-type: none"> <li>• superficial description of legal concepts, principles and/or processes, that link to the law reform issue that involves Australian and/or Queensland legislation being investigated</li> <li>• description or identification of different viewpoints</li> <li>• narrow use of evidence.</li> </ul>	1–2
The student response does not match any of the descriptors above.	0

Evaluating	Marks
The student response has the following characteristics:	
<ul style="list-style-type: none"> <li>• perceptive legal alternatives presented from the analysis leading to an informed recommendation</li> <li>• synthesis of information to justify the recommendation through the discerning use of legal criteria</li> <li>• discussion of considered implications of the recommendation</li> </ul>	5–6
<ul style="list-style-type: none"> <li>• effective legal alternatives presented from the analysis leading to an effective recommendation</li> <li>• synthesis of information to justify the recommendation through the effective use of legal criteria</li> <li>• discussion of relevant implication/s of the recommendation</li> </ul>	3–4
<ul style="list-style-type: none"> <li>• alternative/s presented and/or recommendation made</li> <li>• some justification of the recommendation</li> <li>• identification of implication/s of the alternative/s or recommendation</li> </ul>	1–2
The student response does not match any of the descriptors above.	0

Creating a response	Marks
The student response has the following characteristics:	
<ul style="list-style-type: none"> <li>• concise expression and logical development of relevant ideas that enhance legal meaning</li> <li>• features of a report genre are consistently demonstrated</li> <li>• minimal errors in spelling, grammar and punctuation</li> </ul>	3–4
<ul style="list-style-type: none"> <li>• adequate expression and development of ideas that convey legal meaning</li> <li>• features of a report genre are demonstrated</li> <li>• some errors in spelling, grammar and punctuation</li> </ul>	2
<ul style="list-style-type: none"> <li>• some elements of report formatting and/or inconsistent use of language conventions.</li> </ul>	1
The student response does not match any of the descriptors above.	0

## Internal assessment 3: Investigation — analytical essay (25%)

Students research a current legal issue through collection, analysis and synthesis of primary and/or secondary information, data and sources. The analytical essay focuses on Unit 4 Topic 1 and Unit 4 Topic 2. Students use 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.

### Assessment objectives

1. Comprehend legal concepts, principles and/or processes of Australia's legal response to a contemporary international human rights issue.
2. Select legal information from sources relevant to a contemporary international human rights issue and Australia's legal response to it.
3. Analyse a legal issue involving a contemporary international human right issue and Australia's legal response to it.
4. Evaluate a legal situation relevant to a contemporary international human rights issue and Australia's legal response to it.
5. Create a response that communicates meaning to suit the intended purpose in an analytical essay.

### Specifications

This task requires students to:

- select a relevant contemporary international human rights issue and Australia's response to it, e.g. filing a declaration of intervention in the International Court of Justice; creating/amending legislation regarding sanctions, travel bans, trade restrictions
- analyse the legal issue
- locate and select legal information from current and relevant primary and/or secondary sources to support their analysis and legal reasoning, e.g. extracts from case law, legal databases, legislation, government and other institutional websites, published reports, media and expert commentaries
- evaluate the legal situation making an informed recommendation that focuses on depth rather than breadth
- write an analytical essay.

It is recommended that this task is designed so that students can develop a response in approximately 15 hours of class time.

### Conditions

- Students can develop their responses in class time and their own time.
- This is an individual task.
- Teachers must ensure individual students do not choose the same topical issue for assessment in IA2 (Unit 3) and IA3 (Unit 4).



## Response requirements

Written: up to 2000 words

## Mark allocation

Criterion	Assessment objectives	Marks
Comprehending	1	5
Selecting	2	4
Analysing	3	6
Evaluating	4	6
Creating a response	5	4
Total marks:		25

## Instrument-specific marking guide (IA3)

Comprehending	Marks
The student response has the following characteristics:	
<ul style="list-style-type: none"> <li>comprehensive description of the essential legal features of the contemporary international human rights issue being investigated</li> <li>perceptive explanation of relevant legal concepts, principles and/or processes of Australia's legal response to the contemporary international human rights issue</li> <li>precise use of relevant legal terminology</li> </ul>	4–5
<ul style="list-style-type: none"> <li>effective description of the legal features of the contemporary international human rights issue being investigated</li> <li>effective explanation of relevant legal concepts, principles and/or processes of Australia's legal response to the contemporary international human rights issue</li> <li>satisfactory use of relevant legal terminology</li> </ul>	2–3
<ul style="list-style-type: none"> <li>identification of some concepts, principles or processes of Australia's response to a contemporary international human rights issue.</li> </ul>	1
The student response does not match any of the descriptors above.	0

Selecting	Marks
The student response has the following characteristics:	
<ul style="list-style-type: none"> <li>discerning choice of current and relevant legal information from primary and/or secondary sources relevant to the contemporary international human rights issue being investigated, and Australia's legal response to it</li> <li>perceptive use of legal information</li> <li>consistent and accurate documentation of legal information in the form of a reference list and citations</li> </ul>	3–4
<ul style="list-style-type: none"> <li>satisfactory choice of current or relevant legal information from primary and/or secondary sources relevant to the contemporary international human rights issue being investigated and Australia's legal response to it</li> <li>satisfactory use of legal information</li> <li>satisfactory documentation of legal information in the form of a reference list and/or citations</li> </ul>	2
<ul style="list-style-type: none"> <li>narrow choice of legal information from primary and/or secondary sources relevant to the contemporary international human rights issue being investigated and/or Australia's response to it</li> <li>some use of legal information</li> <li>narrow documentation of sources.</li> </ul>	1
The student response does not match any of the descriptors above.	0

Analysing	Marks
The student response has the following characteristics:	
<ul style="list-style-type: none"> <li>• perceptive application of relevant legal concepts, principles and/or processes to determine the nature and scope of the contemporary international human rights issue and Australia's legal response to it</li> <li>• interpretation of legal information to perceptively examine different relevant viewpoints and their consequences</li> <li>• discerning use of evidence to support the analysis</li> </ul>	5–6
<ul style="list-style-type: none"> <li>• effective application of relevant legal concepts, principles and/or processes to determine the nature and scope of the contemporary international human rights issue and Australia's legal response to it</li> <li>• interpretation of legal information to effectively examine different relevant viewpoints and their consequences</li> <li>• satisfactory use of evidence within the analysis</li> </ul>	3–4
<ul style="list-style-type: none"> <li>• superficial description of legal concepts, principles and/or processes that link to the nature and/or scope of an international human rights issue and/or Australia's legal response to it</li> <li>• description or identification of superficial viewpoints</li> <li>• narrow use of evidence.</li> </ul>	1–2
The student response does not match any of the descriptors above.	0

Evaluating	Marks
The student response has the following characteristics:	
<ul style="list-style-type: none"> <li>• perceptive legal alternatives presented from the analysis leading to an informed recommendation</li> <li>• synthesis of information to justify the recommendation through the discerning use of legal criteria</li> <li>• discussion of considered implications of the recommendation</li> </ul>	5–6
<ul style="list-style-type: none"> <li>• effective legal alternatives presented from the analysis leading to an effective recommendation</li> <li>• synthesis of information to justify the recommendation through the effective use of legal criteria</li> <li>• discussion of relevant implications of the recommendation</li> </ul>	3–4
<ul style="list-style-type: none"> <li>• alternative/s presented and/or recommendation made</li> <li>• some justification of the recommendation</li> <li>• identification of implication/s of the alternative/s or recommendation.</li> </ul>	1–2
The student response does not match any of the descriptors above.	0

Creating a response	Marks
The student response has the following characteristics:	
<ul style="list-style-type: none"> <li>• concise expression and logical development of relevant ideas that enhance legal meaning</li> <li>• features of an analytical essay genre are consistently demonstrated</li> <li>• minimal errors in spelling, grammar and punctuation</li> </ul>	3–4
<ul style="list-style-type: none"> <li>• adequate expression and development of ideas that convey legal meaning</li> <li>• features of an analytical essay genre are demonstrated</li> <li>• some errors in spelling, grammar and punctuation</li> </ul>	2
<ul style="list-style-type: none"> <li>• some elements of essay formatting and inconsistent use of language conventions.</li> </ul>	1
The student response does not match any of the descriptors above.	0

# External assessment: Examination — combination response (25%)

External assessment is developed and marked by the QCAA. The external assessment in Legal Studies is common to all schools and administered under the same conditions, at the same time, on the same day.

## Assessment objectives

1. Comprehend legal concepts, principles and processes of human rights and human rights in Australian contexts.
3. Analyse a legal issue involving human rights in Australian contexts.
4. Evaluate a legal situation relevant to human rights in Australian contexts.

## Specifications

This examination:

- relates to Unit 4 Topic 1 and Unit 4 Topic 3
- may ask students to respond by
  - creating, labelling and/or annotating diagrams
  - writing in sentences or paragraphs
  - answering short response questions
  - creating an extended response to unseen stimulus.

## Conditions

- Mode: written
- Time allowed
  - Planning time: 15 minutes
  - Working time: 120 minutes

# Glossary

The syllabus glossary is available at [www.qcaa.qld.edu.au/downloads/senior-qce/common/snr\\_glossary\\_cognitive\\_verbs.pdf](http://www.qcaa.qld.edu.au/downloads/senior-qce/common/snr_glossary_cognitive_verbs.pdf).

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## Version history

Version	Date of change	Information
1.0	January 2024	Released for familiarisation and planning (with implementation starting in 2025)
1.1	July 2024	Released for implementation with minor updates
1.2	October 2024	ISBN removed and minor updates

