LEGAL STUDIES

Rationale

The Australian legal and political systems are the principal institutional cornerstones of our society. An understanding of Australian legal and political systems – their foundational principles, composition, operation and influences upon our way of life – are important for learners who want to contribute in an informed and effective way in our society. Legal Studies Level 3 gives learners core knowledge and equips them to describe and assess essential principles, features and institutions of our legal and political systems, and how they operate locally, nationally and in an international context. The course promotes understanding of the dynamic nature of Australia's liberal democracy, its interactive processes, and the pursuit of equity and justice under the rule of law.

Study of this course will develop research and communication skills as learners identify and assess: structures and processes of government; sources of law; how the criminal justice system is structured and works; and how law and politics have both a national and international dimension. Learners will develop an understanding of the complexity of law and challenges faced by law makers both nationally and internationally. Understanding of course concepts will be deepened during inquiry into topical legal and political issues.

Legal Studies Level 3 enables learners to apply knowledge, skills, and values they acquire to make sound and well informed judgements in their role as active citizens at local, state, national and global levels.
Learning Outcomes

On successful completion of this course, learners will be able to:

- communicate legal and political information
- describe the principles of a liberal democracy
- describe and assess features and processes of Australia’s Westminster parliamentary system of government
- describe and assess federal constitutional government in Australia
- describe issues of Aboriginal and Torres Strait Islander peoples in the Australian legal and political systems
- describe how statute and common law are made in Australia, the process of Australian law reform and assess interactions between parliament and courts as lawmakers
- describe the institutions of international law and how international law is made and enforced
- describe and evaluate Australia’s criminal and civil justice system and dispute resolution system
- correctly use terms and concepts relevant to Australia’s and to international legal and political systems
- apply research, time management, planning and negotiation strategies to a legal and political studies inquiry
- apply the principles of academic integrity and correctly use referencing (citation) methodology.

Pathways

Legal Studies – Foundation Level 2 provides a pathway to this course. Legal Studies Level 3 prepares learners for tertiary studies in areas such as law, government, police studies, international relations and journalism. It also provides links to employment pathways in vocations such as: government positions; the legal profession; policing; journalism; court administration; and social work.

Course Size and Complexity

This course has a complexity level of 3.

At Level 3, the learner is expected to acquire a combination of theoretical and/or technical and factual knowledge and skills and use judgement when varying procedures to deal with unusual or unexpected aspects that may arise. Some skills in organising self and others are expected. Level 3 is a standard suitable to prepare learners for further study at tertiary level. VET competencies at this level are often those characteristic of an AQF Certificate III.

This course has a size value of 15.

Course Description

Legal Studies Level 3 explores the main structures and processes of the Australian legal and political systems. The legal and political processes in Australia involve individual rights, responsibilities and participation in our legal and political systems to ensure that governments and individuals work within a framework of justice and freedom, based upon the elements of a liberal democracy including rule of law, separation of powers and procedural fairness. The focus is on understanding and assessing the principles underpinning our system of government (Part 1 – Principles and Practice of Australia’s Westminster Parliamentary System of Government), the way Australia’s Constitution is framed and its impacts on Australian governance arrangements (Part 2 – Australian Federal Constitutional Government), the origin and basis of Australian and international Law (Part 3 – Australian and International Law), and the ways in which we, as a society, deal with crime, criminal trials, sentencing and protecting the rights of the accused, victim and the community (Part 4 – Dispute Resolution: Civil and Criminal). The contested nature of law and politics is highlighted through study of topical legal and political issues, giving learners an opportunity to gauge the law and political processes in action, with a strong applied dimension to their learning.
Course Requirements

The course has four (4) parts:
• Part 2 – Australian Federal Constitutional Government
• Part 3 – Australian and International Law
• Part 4 – Dispute Resolution: Civil and Criminal.

All parts are compulsory. There is also a compulsory Work Requirement.

Course Delivery

The order in which parts are delivered and assessed is as follows: Part 1 must be studied first, Part 2 must be studied second. Parts 3 and 4 may be studied in either order, provided Parts 1 and 2 have already been studied.

Course Content

PART 1 – PRINCIPLES AND PRACTICES OF AUSTRALIA’S WESTMINSTER PARLIAMENTARY SYSTEM OF GOVERNMENT (20% OF COURSE CONTENT – 30 HOURS)

The focus of this Unit is a consideration of the fundamental elements of liberal democracy, including legitimacy, separation of powers and institutional protection of human rights. The Unit considers the practical manifestation of liberal democratic principles in Australia’s Westminster parliamentary system of government.

1.1 INTRODUCTION
Learners will study:
• the characteristics of Aboriginal and Torres Strait Islander customary laws (1.1.i)
• the impact of the European legal concept of terra nullius on the legal status of Aboriginal and Torres Strait Islander peoples and their customary laws. (1.1.ii)

1.2. PRINCIPLES OF LIBERAL DEMOCRACY
Learners will study:
The principles of a liberal democracy.
• Legitimate Authority
  o free, frequent and fair elections. A competitive and open political process by which political office holders are selected. Government authority is mandated by popular vote, universal suffrage. The concept of social contract. (1.2.i)
• Separation of Powers
  o separation of Legislative, Executive and Judicial branches of government, a suspicion of concentrated forms of power is reflected in the separation of powers. Concept of ‘checks and balances.’ The judiciary is independent of government interference and control. (1.2.ii)
• Rule of Law (Constitutionalism)
  o political and legislative power is limited and prescribed by a constitution which entrenches separation of powers. Restraints on power are documented, accepted and mechanisms for legal and political dispute resolution are transparent and applied equally to all. Government authority is exercised by written, publicly disclosed laws adopted, enforced and subject to reform in accordance with established, predictable and transparent procedure. (1.2.iii)
• Human Rights
  o the state is responsible for the adherence to and protection of the rights, privileges and immunities of individuals which are both civil and political in nature and which exist independent of any particular form of government or the state. (1.2.iv)
• Procedural Fairness
  o individuals are treated equally and fairly in the resolution of disputes, with equitable access to judicial resources in the resolution of such disputes. There is predictability and accepted, transparent and institutionalised process in the manner in which individuals are held accountable for their actions. (1.2.v)

• Pluralism
  o recognition and both formal and informal affirmation of diversity within a state. Diversity in lifestyles, affiliations, associations, religious, political and personal beliefs are formally recognised and protected by the state. Institutional protection of civil liberties and civil society. (1.2.vi)

1.3 AUSTRALIA’S WESTMINSTER PARLIAMENTARY SYSTEM OF GOVERNMENT

Learners will study:
• the main features of the Westminster system adopted by Australia:
  o Constitutional Monarchy (1.3.i)
  o constitutional conventions including the head of Government, the Prime Minister, who leads a Cabinet which is responsible to the lower House (1.3.ii)
  o Separation of Powers and Rule of Law in Australia (1.3.iii)
  o representative and responsible government (1.3.iv)
  o bicameral parliament, with the Senate being the ‘States House’ and a ‘House of Review’ (1.3.v)
  o the influence of the party system on Australia’s Westminster parliamentary system of government. (1.3.vi)

PART 2 – AUSTRALIAN FEDERAL CONSTITUTIONAL GOVERNMENT (15% OF COURSE CONTENT – 22.5 HOURS)

The focus of this Unit is the federal constitutional arrangements which provide for the division of powers in Australia between the Australian government and the state and territory governments. The Unit provides learners with an overview of the ways in which the division of power between the national and state and territory governments has changed over time and considers the status of Aboriginal and Torres Strait Islander peoples in the Constitution of the Commonwealth of Australia.

2.1 THE MAIN FEATURES OF AUSTRALIA’S FEDERAL SYSTEM

Learners will study:
• shared sovereignty of law making powers by different levels of government (2.1.i)
• the Constitution to divide the lawmaking powers, between the State Parliaments and the Commonwealth Parliament (2.1.ii)
• High Court to interpret the Constitution (2.1.iii)
• a strong bicameral system with the Lower House representing the people and the Upper House at Federal level to represent the states. (2.1.iv)

2.2 THE ALTERATION TO THE DIVISION OF POWER OVER TIME AND THE CONSEQUENCES FOR FEDERALISM IN AUSTRALIA

Learners will study:
• interpretation of the Constitution (S51(xxix) in particular) by the High Court – illustrative examples – Koowarta 1982 and Tasmania Dams Case 1983 (2.2.i)
• High Court judgements in favour of the Commonwealth. Illustrative example: Vertical Fiscal Imbalance (2.2.ii)
• referral of power (S51(xxxvii)) (2.2.iii)
• referendums – 1967 referendum as an example of a successful one and 1999 as an unsuccessful one (2.2.iv)
• complementary legislation and the role of Council of Australian Governments (COAG) (2.2.v)

2.3 THE STRENGTHS AND LIMITATIONS OF FEDERALISM IN AUSTRALIA

Learners will study:
• the strengths and limitations of the federal system of government in Australia. (2.3.i)
2.4 ABORIGINAL AND TORRES STRAIT ISLANDER CONSTITUTIONAL RECOGNITION
Learners will study:
• the status of Aboriginal and Torres Strait Islander Peoples in the Constitution of the Commonwealth of Australia and possible constitutional reforms to their status. (2.4.i)

PART 3 – AUSTRALIAN AND INTERNATIONAL LAW (25% OF COURSE CONTENT – 37.5 HOURS)
The focus of this Unit is identifying and assessing the sources and basis of law both in Australia and in an international context. It involves a consideration of Australian statute law, law made by parliaments, Australian common law, law made by judges in court rooms, as well as the increasing prominence of International law as a source of law. The Unit considers the principle institutions of both Australian and International law as well as considering the nature of, and participants in, Australian law reform.

3.1 AUSTRALIAN STATUTE LAW
Learners will study:
• the basis of Statute Law:
  o the processes of initiating, drafting and passing a bill through parliament (3.1.i.a)
  o the different roles of the parliament and cabinet in law making (3.1.i.b)
  o the advantages and limitations of Statute Law. (3.1.i.c)

3.2 AUSTRALIAN COMMON LAW
Learners will study:
• the hierarchies and jurisdictions of the Tasmanian and Commonwealth court systems (3.2.i)
• the Doctrine of Precedent (3.2.ii)
• the role judges have in lawmaking (case law and interpretation of legislation) (3.2.iii)
• the advantages and limitations of judges in the law making process (3.2.iv)
• the interaction between the courts and parliament when judges interpret legislation:
  o parliamentary sovereignty (3.2.v.a)
  o parliament codification of common law (e.g. Civil Liability Act 2002) (3.2.v.b)
  o Australian parliament obliged to accept constitutional ruling of the High Court (3.2.v.c)
  o courts interpret Second Reading speech to clarify meaning of law (3.2.v.d)
  o parliament responds by amending legislation if unhappy with courts interpretation. (3.2.v.e)

3.3 AUSTRALIAN LAW REFORM
Learners will study:
• the role the following groups play in influencing change in Australian law. Learners must study two from the following list:
  o Law Reform Bodies (ALRC, TLRI) (3.3.i.a)
  o Royal Commissions and Commissions of Inquiry (3.3.i.b)
  o Parliamentary Committees (Standing, special purpose, joint committees) (3.3.i.c)
  o statutory authorities and commissions (Human Rights Commission, Productivity Commission) (3.3.id)
• how individuals through the Court system influence change in law (Mabo Case 1992 overturning of terra nullius and recognition of Native Title) (3.3.ii)
• how Interest / Lobby / Pressure Groups interact with society and law making institutions to influence changes in the law. (3.3.iii)

3.4 INTERNATIONAL LAW
In studying this sub-part learners will:
Select one of the following themes drawing upon and applying their knowledge and understanding of International law:
• protection of the atmosphere and climate change (3.4.i)
• Human Rights (3.4.ii)
• migration and refugees (3.4.iii)
• international conflict (War and War on Terrorism.) (3.4.iv)
Learners, in relation to the selected theme, will:

- correctly identify the differences between international law and Australian law (3.4.v)
- correctly identify and describe the principle institutions of international law and their powers (3.4.vi)
- assess the effect of international law on Australian law (3.4.vii)
- correctly identify why states obey international law and how international law is enforced. (3.4.viii)

Illustrative example:

- identify the differences between Australian and International Human Rights Law (3.4.ix)
- identify and describe the principle institutions, and their powers, of International law with responsibility for Human Rights (3.4.x)
- identify, describe and explain the effect of International Human Rights law on Australian law (3.4.xi)
- identify, describe and explain why states obey International Human Rights law and how the law is enforced. (3.4.xii)

PART 4 – DISPUTE RESOLUTION: CIVIL AND CRIMINAL (30% OF COURSE CONTENT – 45 HOURS)

The focus of this Unit is dispute resolution in Australia. It involves both formal adversarial trials as well as alternative dispute resolution processes. The Unit examines the nature of crime and criminal procedure including sentencing options available to a court, as well as safeguards in the criminal justice system to protect the interests of victims, accused and the community.

4.1 ADVERSARY TRIAL
Learners will study:

- the purpose of the adversary (or adversarial) system (4.1.i)
- the essential differences between a criminal and civil legal action (4.1.ii)
- the features of the adversarial trial process:
  - contest (4.1.iii.a)
  - impartial adjudicator (4.1.iii.b)
  - party control (4.1.iii.c)
  - strict rules of evidence and procedure (4.1.iii.d)
  - a single event (4.1.iii.e)
  - role of the jury (4.1.iii.f)
- the advantages and limitations of the adversary system. (4.1.iv)

4.2 ALTERNATIVE DISPUTE RESOLUTION (ADR)
Learners will study:

- the different ADR processes. Learners must study two from the following list:
  - Negotiation and Settlement (4.2.i.a)
  - Mediation (4.2.i.b)
  - Tribunals (4.2.i.c)
  - Conciliation and Arbitration (4.2.i.d)
  - ombudsman. (4.2.i.e)

The extent to which Alternative Dispute Resolution overcomes the limitations of the adversary system.

4.3 CRIME AND CRIMINAL PROCEDURE
Learners will study:

- the elements of a crime:
  - mens rea (4.3.i.a)
  - actus reus (4.3.i.b)
  - strict liability/absolute liability. (4.3.i.c)

The differences between a summary vs an indictable offence.
4.4 SAFEGUARDS AND RIGHTS OF THE ACCUSED IN THE CRIMINAL JUSTICE SYSTEM

Learners will study:

- the safeguards built into the criminal justice system to protect the accused:
  - police procedures (4.4.i.a)
  - bail (4.4.i.b)
  - preliminary proceedings (4.4.i.c)
  - onus and standard of proof (4.4.i.d)
  - presumption of innocence (4.4.i.e)
  - jury challenges and appeals (4.4.i.f)
- how the rights of the accused, the victim and of the community are protected in the criminal justice system. (4.4.ii)

4.5 SENTENCING AND AIMS OF PUNISHMENT

Learners will study:

- the laws regulate punishment and sentencing in Tasmania (4.5.i)
- the purposes and aims of punishment / sentencing (4.5.ii)
- the general principles and factors considered in sentencing (offence and offender) (4.5.iii)
- the sentencing options (including proposed reforms, for example, diversionary processes and restorative justice) available to Tasmanian judges and magistrates (4.5.iv)
- the extent to which Tasmanian sentencing options fulfil the aims of punishment. (4.5.v)

Work Requirement – Approximately 10% of course delivery – 15 hours

During this course learners will research and assess one (1) topical legal issue current in the year of study. The topic will be selected from a set of topics determined and published by TASC by the end of February in each year of the period of course accreditation.

Learners will:

- undertake initial research to identify the research topic they propose to study from the given set and negotiate the final research topic with the course provider
- develop and use a research plan, including timeline
- undertake research using appropriate methodologies
- reflect on progress towards meeting goals (including meeting timelines and task characteristics), and take appropriate actions.

The inquiry will result in a formal report (of approximately 900 words / 3 pages) that includes:

- identification of current political and legal institutions / processes related to the topic
- identification of differing views on the issue while ensuring focus is on legal and political dimensions (and not the sociological, economic aspects etc. of the issue)
- assessment of issue through:
  - relevant aspects of the nature and function of law
  - processes of changing the law, including the impact of interest/lobby/pressure groups
  - the role of national political and legal institutions, including, where relevant, assessment of the issues through the interaction of national and international legal and political institutions
  - where relevant, assessment of the issue through relevant aspects of public international law in terms of its formation, enforcement and effect on domestic law.
Assessment

Criterion-based assessment is a form of outcomes assessment that identifies the extent of learner achievement at an appropriate end-point of study. Although assessment – as part of the learning program – is continuous, much of it is formative, and is done to help learners identify what they need to do to attain the maximum benefit from their study of the course. Therefore, assessment for summative reporting to TASC will focus on what both teacher and learner understand to reflect end-point achievement.

The standard of achievement each learner attains on each criterion is recorded as a rating ‘A’, ‘B’, or ‘C’, according to the outcomes specified in the standards section of the course.

A ‘t’ notation must be used where a learner demonstrates any achievement against a criterion less than the standard specified for the ‘C’ rating.

A ‘z’ notation is to be used where a learner provides no evidence of achievement at all.

Providers offering this course must participate in quality assurance processes specified by TASC to ensure provider validity and comparability of standards across all awards. Further information on quality assurance processes, as well as on assessment, is available on the TASC website http://www.tasc.tas.gov.au.

Internal assessment of all criteria will be made by the provider. Providers will report the learner's rating for each criterion to TASC.

TASC will supervise the external assessment of designated criteria which will be indicated by an asterisk (*). The ratings obtained from the external assessments will be used in addition to internal ratings from the provider to determine the final award.

Quality Assurance Processes

The following processes will be facilitated by TASC to ensure there is:

- a match between the standards of achievement specified in the course and the skills and knowledge demonstrated by learners
- community confidence in the integrity and meaning of the qualification.

Process – TASC gives course providers feedback about any systematic differences in the relationship of their internal and external assessments and, where appropriate, seeks further evidence through audit and requires corrective action in the future.

External Assessment Requirements

The external assessment for this course will comprise:

- a three (3) hour written examination used to assess criteria: 1, 2, 3, 4, 5, 6 and 8.

For further information see the current external assessment specifications and guidelines for this course available on the TASC website.

Criteria

The assessment for Legal Studies Level 3 will be based on the degree to which the learner can:

1. *describe and analyse structures and processes of Australia’s Westminster parliamentary system of government
2. *describe and analyse aspects of Australian law
3. *describe and analyse aspects of International law
4. *describe and analyse Australian dispute resolution systems and processes
5. *describe and analyse Australia’s criminal justice system
6. *describe and analyse a topical legal issue
7. apply inquiry and research skills to plan and undertake investigations into legal issues
8. *communicate legal and political information

* denotes criteria that are both internally and externally assessed.
## Standards

**CRITERION I: DESCRIBE AND ANALYSE STRUCTURES AND PROCESSES OF AUSTRALIA’S WESTMINSTER PARLIAMENTARY SYSTEM OF GOVERNMENT**

<table>
<thead>
<tr>
<th>RATING ‘C’</th>
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<tr>
<td>The learner:</td>
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<td>The learner:</td>
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<tr>
<td>• correctly identifies* the principles of liberal democracy</td>
<td>• correctly describes* the principles of liberal democracy</td>
<td>• explains* the principles of liberal democracy</td>
</tr>
<tr>
<td>• assesses* features and processes of the Westminster system adopted in Australia</td>
<td>• analyses* and assesses* features and processes of the Westminster system adopted in Australia</td>
<td>• evaluates* features and processes of the Westminster system adopted in Australia</td>
</tr>
<tr>
<td>• correctly identifies features of Australia’s federal system and legal roles of different levels of government</td>
<td>• correctly describes features of Australia’s federal system and legal roles of different levels of government</td>
<td>• explains features of Australia’s federal system and legal roles of different levels of government</td>
</tr>
<tr>
<td>• identifies alterations to Australia’s federal system of government over time</td>
<td>• analyses alterations to Australia’s federal system of government over time</td>
<td>• evaluates alterations to Australia’s federal system of government over time</td>
</tr>
<tr>
<td>• identifies strengths and limitations of Australia’s federal system of government</td>
<td>• analyses* strengths and limitations of federalism in Australia, and assesses impact of changes to division of powers</td>
<td>• critically analyses* strengths and limitations of federalism in Australia, and evaluates impact of changes to division of powers</td>
</tr>
<tr>
<td>• identifies issues of Aboriginal and Torres Strait Islander peoples in Australia’s legal and political system.</td>
<td>• analyses issues of Aboriginal and Torres Strait Islander peoples in Australia’s legal and political system.</td>
<td>• critically analyses* issues of Aboriginal and Torres Strait Islander peoples in Australia’s legal and political system.</td>
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*See glossary of terms used in standards at the end of this section of the course document.
### CRITERION 2: DESCRIBE AND ANALYSE ASPECTS OF AUSTRALIAN LAW

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<td><strong>The learner:</strong></td>
<td><strong>The learner:</strong></td>
<td><strong>The learner:</strong></td>
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<tr>
<td>• correctly identifies legislative processes for creation of Australian law, and assesses advantages and limitations of legislation as a source of law</td>
<td>• correctly describes legislative processes for creation of Australian law, and analyses advantages and limitations of legislation as a source of law</td>
<td>• explains legislative processes for creation of Australian law, and evaluates effectiveness of legislation as a source of law</td>
</tr>
<tr>
<td>• correctly identifies features of Federal and Tasmanian court hierarchies and processes for creation of common law, and assesses advantages and limitations of judges as law makers</td>
<td>• correctly describes Federal and Tasmanian court hierarchies and processes for creation of common law, and analyses advantages and limitations of judges as law makers</td>
<td>• explains jurisdictions of Federal and Tasmanian court hierarchies and processes for creation of common law, and evaluates effectiveness of judges as lawmakers</td>
</tr>
<tr>
<td>• correctly identifies reasons for interpretation of legislation by judges, and assesses interactions of parliament and courts as lawmakers</td>
<td>• correctly describes reasons for interpretation of legislation by judges, and analyses interactions between legislatures and judiciary as lawmakers</td>
<td>• explains reasons for interpretation of legislation by judges, and evaluates dynamics of interactions between legislatures and judiciary as lawmakers</td>
</tr>
<tr>
<td>• correctly identifies key principles and processes of law reform</td>
<td>• correctly describes principles and processes of law reform</td>
<td>• explains principles and processes of law reform</td>
</tr>
<tr>
<td>• assesses effectiveness of law reform and ability of individuals and interest groups to influence lawmaking</td>
<td>• analyses and assesses effectiveness of law reform processes and ability of individuals and interest groups to influence lawmaking.</td>
<td>• analyses methods, significance of and barriers to law reform, and evaluates ability of individuals and interest groups to influence reform.</td>
</tr>
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</table>

*See glossary of terms used in standards at the end of this section of the course document.*
### CRITERION 3: DESCRIBE AND ANALYSE ASPECTS OF INTERNATIONAL LAW

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<tr>
<th>RATING ‘C’</th>
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<tr>
<td>The learner:</td>
<td>The learner:</td>
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<tr>
<td>• correctly identifies the differences between international law and Australian law</td>
<td>• correctly describes the differences between international law and Australian law</td>
<td>• explains the differences between international law and Australian law</td>
</tr>
<tr>
<td>• correctly identifies the principle institutions of international law and their powers</td>
<td>• correctly describes the principle institutions of international law and their powers</td>
<td>• explains the principle institutions of international law, evaluates their interrelationship and their powers</td>
</tr>
<tr>
<td>• assesses the effect of international law on Australian law</td>
<td>• analyses and assesses the effect of international law on Australian law</td>
<td>• evaluates the effect of international law on Australian law</td>
</tr>
<tr>
<td>• correctly identifies why states obey international law and how international law is enforced</td>
<td>• correctly explains why states obey international law and how international law is enforced</td>
<td>• critically analyses why states obey international law and how international law is enforced.</td>
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CRITERION 4: *DESCRIBE AND ANALYSE AUSTRALIAN DISPUTE RESOLUTION SYSTEMS AND PROCESSES

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<tr>
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<td>The learner:</td>
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<tr>
<td>• correctly identifies* features of adversary system, and describes role of</td>
<td>• correctly describes* features of adversary system, and analyses effectiveness of adversary system as a means of dispute resolution</td>
<td>• explains* features of adversary system, and critically evaluates effectiveness of adversary system as a means of dispute resolution</td>
</tr>
<tr>
<td>adjudicator, parties, legal representation and the jury in the trial</td>
<td>• analyses advantages and limitations of the adversary system</td>
<td>• critically evaluates the advantages and limitations of the adversary system</td>
</tr>
<tr>
<td>process</td>
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<tr>
<td>• assesses a limited range of advantages and limitations of the adversary</td>
<td>• correctly describes alternative dispute resolution processes, and analyses* processes as a means of dispute resolution in court and out-of-court contexts.</td>
<td>• explains alternative dispute resolution processes, and critically analyses* processes as a means of dispute resolution in court and out-of-court contexts.</td>
</tr>
<tr>
<td>system</td>
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<tr>
<td>• correctly identifies and describes alternative dispute resolution</td>
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<td>resolution process appropriate to given disputes, and assesses</td>
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<td>advantages and limitations of process.</td>
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*See glossary of terms used in standards at the end of this section of the course document.
### CRITERION 5: DESCRIBE AND ANALYSE AUSTRALIA’S CRIMINAL JUSTICE SYSTEM

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<tr>
<th>RATING ‘C’</th>
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<tr>
<td>The learner:</td>
<td>The learner:</td>
<td>The learner:</td>
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<tr>
<td>• correctly identifies* a limited range of elements and categories of crime</td>
<td>• correctly describes* elements and categories of crime</td>
<td>• explains* elements and categories of crime</td>
</tr>
<tr>
<td>• correctly describes rights of accused, victim and community in criminal cases and assesses processes to safeguard rights</td>
<td>• correctly describes rights of accused, victim and community in criminal cases, and assesses effectiveness of processes to safeguard rights</td>
<td>• explains rights of accused, victim and community in criminal cases, and evaluates effectiveness of processes to safeguard rights</td>
</tr>
<tr>
<td>• correctly identifies laws, principles, procedures and options concerning sentencing offenders</td>
<td>• correctly describes laws, principles, procedures and options concerning sentencing offenders</td>
<td>• explains laws, principles, procedures and options concerning sentencing offenders</td>
</tr>
<tr>
<td>• assesses* effectiveness of sentencing in achieving aims of punishment.</td>
<td>• analyses* effectiveness of sentencing in achieving aims of punishment.</td>
<td>• critically evaluates* effectiveness of sentencing in achieving aims of punishment.</td>
</tr>
</tbody>
</table>

*See glossary of terms used in standards at the end of this section of the course document.
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<tr>
<th>CRITERION 6: *DESCRIBE AND ANALYSE A TOPICAL LEGAL ISSUE</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>RATING ‘C’</strong></td>
</tr>
<tr>
<td>The learner:</td>
</tr>
<tr>
<td>• identifies* the facts of an issue, using accurate and appropriate political and legal terminology</td>
</tr>
<tr>
<td>• identifies a limited range of connections between an issue and a limited range of relevant political and legal institutions and processes of the current Australian and political and legal system, and relevant aspects of international law</td>
</tr>
<tr>
<td>• assesses* differing legal and political views that exist in Australian society about an issue</td>
</tr>
<tr>
<td>• assesses an issue using relevant aspects of the nature and function of law</td>
</tr>
<tr>
<td>• assesses an issue using relevant processes of changing law</td>
</tr>
<tr>
<td>• uses a limited range of evidence to reach conclusions.</td>
</tr>
</tbody>
</table>

*See glossary of terms used in standards at the end of this section of the course document.
CRITERION 7: APPLY INQUIRY AND RESEARCH SKILLS TO PLAN AND UNDERTAKE INVESTIGATIONS INTO LEGAL ISSUES

<table>
<thead>
<tr>
<th>RATING ‘C’</th>
<th>RATING ‘B’</th>
<th>RATING ‘A’</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>The learner:</strong></td>
<td><strong>The learner:</strong></td>
<td><strong>The learner:</strong></td>
</tr>
<tr>
<td>- uses a given inquiry question, designs inquiry, clearly stating aims and appropriate methodology</td>
<td>- expresses inquiry question, discussing its connections to observations; designs inquiry, clearly stating aims and describing appropriate methodology</td>
<td>- composes a clearly structured inquiry question, explaining its connections to observations, designs comprehensive inquiry, clearly stating aims and explaining appropriate methodology in detail</td>
</tr>
<tr>
<td>- locates and records a limited range of primary and secondary sources related to an investigation</td>
<td>- locates and accurately records a range of primary and secondary sources relevant to an investigation</td>
<td>- locates and accurately records a wide range of primary and secondary sources relevant to an investigation</td>
</tr>
<tr>
<td>- assesses' relevance and reliability of selected information to issue and identifies position presented</td>
<td>- analyses' and assesses' relevance and reliability of selected information to issue and identifies position presented</td>
<td>- evaluates' relevance and reliability of selected information to issue and identifies position presented</td>
</tr>
<tr>
<td>- identifies time, resources and equipment needed to complete inquiry, and develops and employs a research plan</td>
<td>- identifies time, resources and equipment needed to complete inquiry, and develops and employs a coherent research plan</td>
<td>- identifies time, resources and equipment needed to complete activities, and develops a systematic and coherent research plan</td>
</tr>
<tr>
<td>- reflects – orally and in writing – on progress towards meeting goals and timelines, articulating some ways in which goals may be met in the future</td>
<td>- reflects – orally and in writing – on progress towards meeting goals and timelines; analyses progress to plan future actions</td>
<td>- reflects – orally and in writing – on progress towards meeting goals and timelines; critically evaluates progress to plan future actions</td>
</tr>
<tr>
<td>- meets specified/negotiated timelines and addresses most task characteristics.</td>
<td>- meets specified/negotiated timelines and addresses all task characteristics.</td>
<td>- meets specified/negotiated timelines and addresses all required task characteristics with a high degree of accuracy.</td>
</tr>
</tbody>
</table>

*See glossary of terms used in standards at the end of this section of the course document.*
### CRITERION 8: *COMMUNICATE LEGAL AND POLITICAL INFORMATION*

<table>
<thead>
<tr>
<th>RATING ‘C’</th>
<th>RATING ‘B’</th>
<th>RATING ‘A’</th>
</tr>
</thead>
<tbody>
<tr>
<td>The learner:</td>
<td>The learner:</td>
<td>The learner:</td>
</tr>
<tr>
<td>• communicates using methods, formats and styles as directed</td>
<td>• communicates using methods, formats and styles appropriate to task</td>
<td>• communicates using methods, formats and styles appropriate to task and audience</td>
</tr>
<tr>
<td>• composes structured analytical essays</td>
<td>• composes structured and coherent analytical essays</td>
<td>• composes clearly structured, coherent and cohesive analytical essays</td>
</tr>
<tr>
<td>• uses grammatical conventions, spelling and punctuation to achieve clarity in written responses</td>
<td>• accurately uses grammatical conventions, spelling and punctuation in written responses</td>
<td>• accurately uses complex grammatical conventions, spelling and punctuation in written responses</td>
</tr>
<tr>
<td>• uses a limited range of appropriate terms to support discussion</td>
<td>• uses a range of appropriate terms to explain ideas and concepts to support coherent discussion</td>
<td>• uses a wide range of appropriate terms to explain ideas and concepts to clearly support coherent discussion and communicate meaning</td>
</tr>
<tr>
<td>• uses a limited range of appropriate sources of evidence to support arguments and reach conclusions</td>
<td>• uses a range of appropriate sources of evidence to develop interpretations and arguments, and to reach valid conclusions</td>
<td>• synthesises a wide range of appropriate sources of evidence to develop detailed, analytical interpretations and arguments, and to reach valid, logical conclusions</td>
</tr>
<tr>
<td>• differentiates the information, images, ideas and words of others from the learner’s own</td>
<td>• clearly differentiates the information, images, ideas and words of others from the learner’s own</td>
<td>• clearly differentiates the information, images, ideas and words of others from the learner’s own</td>
</tr>
<tr>
<td>• generally follows referencing conventions and methodologies correctly</td>
<td>• follows referencing conventions and methodologies correctly</td>
<td>• follows referencing conventions and methodologies with a high degree of accuracy</td>
</tr>
<tr>
<td>• creates appropriate reference lists/bibliographies.</td>
<td>• creates appropriate, structured reference lists/bibliographies.</td>
<td>• creates appropriate, well-structured reference lists/bibliographies.</td>
</tr>
</tbody>
</table>

*See glossary of terms used in standards at the end of this section of the course document.*
GLOSSARY OF TERMS USED IN STANDARDS

Analyse: consider in detail for the purpose of defining meaning or relationships, and identify patterns, similarities and differences.

Assess: determine the value, significance or extent of (something).

Critically analyse: examine the component parts of an issue or information, for example the premise of an argument and its plausibility, illogical reasons or faulty conclusions.

Critically evaluate: evaluation of an issue or information that includes considering important factors and available evidence in making critical judgements that can be justified.

Describe: give an account of characteristics or features.

Evaluate: provide a detailed examination and substantiated judgement concerning the merit, significance or value of something.

Explain: provide additional information that demonstrates understanding of reasoning and/or application.

Identify: establish or indicate who or what someone or something is.

Range of sources: has dimensions of type (primary and secondary), number (how many sources) and scope (books, academic articles, internet, film/video etc.)

Task characteristics may include, but are not limited to: word limits; format of response; mode of response; and presentation requirements.

Terms: word or phrase used to describe abstract aspects or features of legal and political systems.

Tools and strategies used to collect and organise information include, but are not limited to:
- graphic organisers
- note taking
- use of categories to organise information.
Qualifications Available

*Legal Studies* Level 3 (with the award of):
- EXCEPTIONAL ACHIEVEMENT
- HIGH ACHIEVEMENT
- COMMENDABLE ACHIEVEMENT
- SATISFACTORY ACHIEVEMENT
- PRELIMINARY ACHIEVEMENT

Award Requirements

The final award will be determined by the Office of Tasmanian Assessment, Standards and Certification from 15 ratings (8 from the internal assessment, 7 from external assessment).

The minimum requirements for an award in *Legal Studies* Level 3 are as follows:
- EXCEPTIONAL ACHIEVEMENT (EA)
  - 12 ‘A’ ratings, 3 ‘B’ ratings (5 ‘A’ ratings, 2 ‘B’ ratings from external assessment)
- HIGH ACHIEVEMENT (HA)
  - 6 ‘A’ ratings, 5 ‘B’ ratings, 4 ‘C’ ratings (3 ‘A’ ratings, 4 ‘B’ ratings from external assessment)
- COMMENDABLE ACHIEVEMENT (CA)
  - 5 ‘B’ ratings, 9 ‘C’ ratings (3 ‘B’ ratings, 4 ‘C’ ratings from external assessment)
- SATISFACTORY ACHIEVEMENT (SA)
  - 13 ‘C’ ratings (5 ‘C’ ratings from external assessment)
- PRELIMINARY ACHIEVEMENT (PA)
  - 8 ‘C’ ratings

A learner who otherwise achieves the ratings for a CA (Commendable Achievement) or SA (Satisfactory Achievement) award but who fails to show any evidence of achievement in one or more criteria (‘z’ notation) will be issued with a PA (Preliminary Achievement) award.

Course Evaluation

The Department of Education’s Curriculum Services will develop and regularly revise the curriculum. This evaluation will be informed by the experience of the course’s implementation, delivery and assessment.

In addition, stakeholders may request Curriculum Services to review a particular aspect of an accredited course.

Requests for amendments to an accredited course will be forward by Curriculum Services to the Office of TASC for formal consideration.

Such requests for amendment will be considered in terms of the likely improvements to the outcomes for learners, possible consequences for delivery and assessment of the course, and alignment with Australian Curriculum materials.

A course is formally analysed prior to the expiry of its accreditation as part of the process to develop specifications to guide the development of any replacement course.
Course Developer

The Department of Education acknowledges the significant leadership of Professor Margaret Otlowski (UTAS), Dr Matt Killingsworth (UTAS), Dr Adam Grover, Margaret Shearer, Susan Hawkins and Simon Bennett in the development of this course.

Expectations Defined by National Standards in Content Statements Developed by ACARA

There are no content statements developed by ACARA that are relevant to this course.

Accreditation

The accreditation period for this course is from 1 January 2017, with a decision regarding renewal of accreditation to be made within twelve (12) months and contingent on the outcomes of the Years 9-12 Review process.

Version History

Version 1 – Accredited on 25 September 2016 for use from 1 January 2017. This course replaces LST315116 Legal Studies that expired on 31 December 2016.
## Appendix

### Line of Sight – Legal Studies Level 3

<table>
<thead>
<tr>
<th>Learning Outcome</th>
<th>Criterion</th>
<th>Content</th>
</tr>
</thead>
<tbody>
<tr>
<td>• communicate legal and political information</td>
<td>8. communicate legal and political information</td>
<td>• Part 1 – Principles and Practices of Australia’s Westminster Parliamentary System of Government</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Part 2 – Australian Federal Constitutional Government</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Part 3 – Australian and International Law</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Part 4 – Dispute Resolution: Civil and Criminal</td>
</tr>
<tr>
<td>• describe the principles of a liberal democracy</td>
<td>1. describe and assess structures and processes of Australia’s Westminster parliamentary system of government</td>
<td>• Part 1 – Principles and Practices of Australia’s Westminster Parliamentary System of Government</td>
</tr>
<tr>
<td>• describe and assess federal constitutional government in Australia</td>
<td>1. describe and assess structures and processes of Australia’s Westminster parliamentary system of government</td>
<td>• Part 2 – Australian Federal Constitutional Government</td>
</tr>
<tr>
<td>• describe issues of Aboriginal and Torres Strait Islander peoples in the Australian legal and political systems</td>
<td>1. describe and assess structures and processes of Australia’s Westminster parliamentary system of government</td>
<td>• Part 1 – Principles and Practices of Australia’s Westminster Parliamentary System of Government</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Part 2 – Australian Federal Constitutional Government</td>
</tr>
<tr>
<td>• describe how statute and common law are made in Australia, the process of Australian law reform and assess interactions between parliament and courts as lawmakers</td>
<td>2. describe and analyse aspects of Australian law</td>
<td>• Part 3 – Australian and International Law</td>
</tr>
<tr>
<td>---</td>
<td>---</td>
<td>---</td>
</tr>
<tr>
<td><strong>• describe the institutions of international law and how international law is made and enforced</strong></td>
<td><strong>3. describe and analyse aspects of International law</strong></td>
<td><strong>• Part 3 – Australian and International Law</strong></td>
</tr>
<tr>
<td><strong>• describe and evaluate Australia’s criminal and civil justice system and dispute resolution system</strong></td>
<td><strong>4. describe and analyse Australian dispute resolution systems and processes</strong></td>
<td><strong>• Part 4 – Dispute Resolution: Civil and Criminal</strong></td>
</tr>
<tr>
<td><strong>• correctly use terms and concepts relevant to Australia’s and to international legal and political systems</strong></td>
<td><strong>5. describe and analyse Australia’s criminal justice system</strong></td>
<td><strong>• Part 1 – Principles and Practices of Australia’s Westminster Parliamentary System of Government</strong></td>
</tr>
<tr>
<td><strong>• apply research, time management, planning and negotiation strategies to a legal and political studies inquiry</strong></td>
<td><strong>8. communicate legal and political information</strong></td>
<td><strong>• Part 2 – Australian Federal Constitutional Government</strong></td>
</tr>
<tr>
<td><strong>• apply the principles of academic integrity and correctly use referencing (citation) methodology.</strong></td>
<td><strong>6. describe and analyse a topical legal issue</strong></td>
<td><strong>• Part 3 – Australian and International Law</strong></td>
</tr>
<tr>
<td><strong>• apply inquiry and research skills to plan and undertake investigations into legal issues</strong></td>
<td><strong>7. apply inquiry and research skills to plan and undertake investigations into legal issues</strong></td>
<td><strong>• Part 4 – Dispute Resolution: Civil and Criminal</strong></td>
</tr>
<tr>
<td><strong>Work Requirement</strong></td>
<td><strong>Work Requirement</strong></td>
<td><strong>Work Requirement</strong></td>
</tr>
</tbody>
</table>