



B O A R D O F S T U D I E S
NEW SOUTH WALES

**Support Material
for
Legal Studies**

Stage 6 Syllabus

2010

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1 Structure and content of the Legal Studies syllabus

The *Legal Studies Stage 6 Syllabus* (2009) is a revision of, and replaces, the *Legal Studies Stage 6 Syllabus* (1999). It will be implemented for Year 11 students in 2010 and will be first examined in the HSC in 2011.

The syllabus has been improved in the following ways:

- It has fewer and clearer outcomes and they are organised in relation to objectives.
- There is a simpler, more accessible content framework in which the relevant themes are integrated.
- It provides enhanced opportunities for students to explore contemporary legal issues.
- The content in each section of the syllabus has been reviewed to ensure greater coherence and engagement for students.
- Overlap between the Preliminary and HSC courses has been removed.

What is similar?

- Much of the content in the *Legal Studies Stage 6 Syllabus* (2009) builds on the 1999 syllabus. *Learn about* statements continue to describe the scope and depth of course content and outcomes.
- Part I *The Legal System* continues to examine basic legal concepts, sources of law, the constitution and the operation of the legal system.
- Part II *The Individual and the Law* covers similar content as the previous topic *The Individual and the State*, including rights and responsibilities and resolving disputes.
- Part III *Law in Practice* still provides opportunities for students to undertake case studies to further understanding of principles of law covered in Parts I and II.
- In the HSC course, students will continue to study the core topics *Crime* and *Human Rights*, and two *Optional Studies*. *Crime* and *Human Rights* have been strengthened, making up 50% of the HSC course total. The content is more clearly outlined and any major overlap with the Preliminary course has been removed.
- Current programs may be modified to meet the requirements of the new syllabus and many existing units of work can form the basis of effective programs. Many existing resources will continue to be relevant.

What is different?

Course structure

- **Themes and Challenges** replace *Themes* and *Key Questions/Issues*, ensuring a simpler overview. *Themes and Challenges* relate directly to each content area and are designed to be integrated into each topic.
- *Learn about* and *learn to* statements have been incorporated into each topic to further clarify content, depth of knowledge required, relevant skills and learning outcomes. Previously there were no *learn to* statements in the syllabus. The structure of the Preliminary course has been simplified to ensure there is no repetition of content with HSC material and to ensure that topics are more relevant and engaging for students.

The Preliminary course:

- Part I *The Legal System* now includes a more detailed examination of law reform and law reform in action. A law reform issue that is contemporary, relevant and engaging for students is now to be studied.
- Part II the *Individual and the Law* has replaced *The Individual and the State*. This includes a new sub-topic *The Individual and Technology* which considers legal implications of the use of technology and its impact on the individual.
- Part III the *Law in Practice* replaces *The Law in Focus* with enhanced opportunities to investigate a wider choice of topics that deepen understanding of the principles covered in Parts I and II. Students will have opportunities to develop the skills in research, analysis and communication that underpin the process of investigation. *Law in Practice* may be taught as a stand-alone topic or may be integrated with Parts 1 and 2, allowing greater flexibility for teachers.

The HSC course:

- Parts I and II represent a strengthening of the Core topics *Crime* and *Human Rights*. *Crime* has been increased to a weighting of 30% and includes a section on young offenders and law reform in more depth. *Human Rights* allows the opportunity to study a choice of contemporary issues.
- The *Law and Justice* section has been removed.
- The Part III option *Technological Change* has been removed.

Outcomes

The revised syllabus continues to place emphasis on what students know and can do as a result of studying Legal Studies. The learning outcomes continue to be differentiated between Preliminary and HSC courses and cater for the full range of students.

In the syllabus the outcomes have been reduced in number and are:

- clearer and more accessible for students and teachers
- organised in relation to the objectives
- differentiated between the Preliminary and HSC courses
- linked explicitly to the syllabus content
- suitable for the full range of students.

Content

Content has been written in clearer and simpler language. The layout of each topic is more straightforward. Significant overlap of content between the Preliminary and HSC courses has been removed. Opportunities to investigate relevant and engaging legal issues and to develop research skills have been included. A more logical sequence of content has been adopted across all topic areas.

Assessment

There are changes in the internal assessment advice to simplify and improve assessment requirements and allow for greater flexibility for teachers. Teachers may use their discretion in determining the manner in which they allocate tasks within course content. The Board of Studies considers that three to five assessment tasks are sufficient.

The mandatory oral task required in the previous assessment components has been removed.

The structure of the examination has changed.

Sections I and II form the Core, examining both *Crime* and *Human Rights*.

Section III examines the seven *Options*.

A specimen paper package will be available on the Board's website at http://www.boardofstudies.nsw.edu.au/syllabus_hsc/legal-studies.html

The State Library's Legal Information Access Centre (LIAC) offers resources specifically written for the HSC Legal Studies syllabus. These may be accessed on: www.legalanswers.sl.nsw.gov.au/students_teachers – HSC Legal Studies.

Features of the Content pages

Option 3: Family

25% of course time

The principal focus provides the broad overview of the topic

Principal focus: Through the use of contemporary examples, students investigate the legal nature of family relationships and the effectiveness of the law in achieving justice.

Themes and challenges to be incorporated throughout this topic:

- the role of the law in encouraging cooperation and resolving conflict in regard to family
- issues of compliance and non-compliance
- changes to family law as a response to changing values of the community
- role of law reform in achieving just outcomes for family members and society
- effectiveness of legal and non-legal responses in achieving just outcomes for family members.

Themes and challenges emphasise key aspects of the topic to be integrated in the content.

Learn about statements detail the subject matter to be studied. All content in this section is to be studied.

Students learn about:

1. Nature of Family Law

- concept of family law
- legal requirements of marriage
- alternative family relationships
- legal rights and obligations of parents and children
- adoption

Students learn to:

- discuss the difficulty of defining family and the changing concepts of family
- distinguish between state and federal jurisdiction in family law
- outline the legal requirements of a valid marriage
- explain the legal rights and obligations of parents and children, including those derived from international law

Learn to statements describe what students learn to do as a result of engaging with the subject matter.

In designing teaching and learning programs, teachers should consider integrating the principal focus, themes and challenges, learn about and learn to statements, together with the relevant course outcomes.

Structure of the Preliminary course

The Preliminary course in Legal Studies is organised into three parts:

- Part I – The Legal System (40% of course time)
- Part II – The Individual and the Law (30% of course time)
- Part III – Law in Practice (30% of course time).

Part I – The legal system

Students undertake all sections of Part I but have a choice of a contemporary law reform issue in section 5, *Law reform in action*.

Part II – The individual and the law

Students undertake all sections but have a choice of a contemporary issue in section 3, *The individual and technology*.

Part III – Law in practice

Part III of the Preliminary course is designed to provide opportunities for students to deepen their understanding of the principles of law covered in Parts I and II. Students will develop the skills in research, analysis and communication that underpin the process of investigation.

Part III can be treated as a separate unit or integrated with Part I and/or Part II. At least TWO contemporary issues should be studied. Students should be provided with opportunities to synthesise information from a range of sources (including cases, legislation, media and international instruments) to support a legal argument. Topics should extend particular areas of individual or group interests.

In the selection of a contemporary issue teachers need to consider:

- how it may be of particular relevance or interest to students
- the extent to which it enables a deeper understanding of the legal system and law in practice as reflected in the aims and objectives of the syllabus
- how it meets the syllabus requirements of the Preliminary course
- the extent to which it may provide a foundation for the HSC course.

While teachers have the flexibility to determine the depth and breadth of study of the contemporary issues and to select appropriate content to address the *learn about* and *learn to* statements, teachers must ensure there is no overlap or significant duplication with the HSC course.

Structure of the HSC course

The HSC course in Legal Studies is organised into three parts:

- Core Part I – Crime (30% of course time)
- Core Part II – Human Rights (20% of course time)
- Part III – Options (two options, each of which accounts for 25% of course time)

Part I – Crime

Students undertake all sections of Part I *Crime*.

Part II – Human Rights

Students undertake all sections of Part II – *Human Rights* and have a choice of a contemporary issue which illustrates the promotion and/or enforcement of human rights.

Part III – Options

Students must study TWO of the seven options. Students undertake all sections of each Option.

Assessment

Assessment components and weightings

The suggested components and weightings for the Preliminary course are set out below. There should be a balance between the assessment of knowledge and understanding outcomes, skills outcomes and course content.

Component	Weighting
Knowledge and understanding of course content	60%
Research	20%
Communication	20%

HSC course

The mandatory components and weightings for the HSC course are set out below. The internal assessment mark for Legal Studies Stage 6 is to be based on the HSC course only. There must be a balance between the assessment of knowledge and understanding outcomes, skills outcomes and course content.

Component	Weighting
Knowledge and understanding of course content	60%
Research	20%
Communication	20%

Teachers may use their discretion in determining the manner in which they allocate tasks within the course content. The Board of Studies considers that three to five assessment tasks are sufficient.

2 Programming

The programming model

The sample material in this document is provided to illustrate an approach to programming using syllabus outcomes.

The outcomes in the *Legal Studies Stage 6 Syllabus* are designed to:

- provide clear expectations of what students know and can do by the end of each of the Preliminary and HSC courses
- identify the progress expected of students from the Preliminary to the HSC course
- assist in the development of teaching and learning programs.

In programming the course, planning units of work and developing an assessment program, it is important that teachers ensure that the outcomes are addressed. The following pages provide an example of an approach that teachers might find useful when developing teaching and learning and assessment programs that address the outcomes.

The Scope and Sequences for both the Preliminary and HSC courses (pages 12 and 13) reflect the total planning for the course. The Scope and Sequence allows teachers to plan:

- the outcomes to be addressed in each section of the course. This will enable teachers to determine at which stages of the course particular outcomes will be developed or reinforced
- the programs to be taught and the time allocated to each topic
- the relationship of the assessment program to the teaching and learning programs.

In developing the Scope and Sequence the following steps were used:

Step 1: Determine syllabus requirements, topics and time allocation

Step 2: Identify targeted outcomes for each topic

It is important to note that outcomes for Legal Studies relate to the whole course and are not linked to particular topics. In designing teaching and learning programs teachers should be clear about where and when the outcomes are explicitly taught during the course. The Scope and Sequences on pages 12 and 13 demonstrate this process by using selected topic areas to target particular outcomes. This is not to suggest that other outcomes are not being addressed through the topic. However, it is the targeted outcomes that provide the focus for the teaching and learning activities.

It should be noted that the selection of targeted outcomes for each topic is provided as an example only. Teachers will devise programs to meet the needs of their students. The sample is offered as a template that teachers may find useful for planning their own programs.

Step 3: Link the targeted outcomes and the assessment program

Placing assessment tasks within the Scope and Sequence enables clear links to be made to the related topics and indicates timing throughout the year.

Teachers should note the following features of an assessment program:

- Assessment of learning outcomes is an integral part of the teaching and learning process.
- Assessment of targeted outcomes occurs after they are addressed through teaching and learning strategies.
- Outcomes do not need to be assessed every time they are targeted for teaching and learning.
- Well-designed assessment tasks can effectively assess more than one outcome.
- All outcomes (excluding those explicitly addressing values and attitudes) need to be assessed as part of the assessment program.
- Assessment tasks need to be appropriate for the learning outcomes to which they are related (for example, an examination/test item may not be a valid instrument for assessing outcomes related to historical investigation).

Sample Preliminary course Scope and Sequence

	Week 1	Week 2	Week 3	Week 4	Week 5	Week 6	Week 7	Week 8	Week 9	Week 10	
Part I: The legal system – 12 weeks. Outcomes: P1, P2, P3, P4, P5, P6, P7.											
Term1	Basic legal concepts		Sources of contemporary Australian law Assessment task 1 – 20%			Classification of law		Law reform and Law reform in action			
Part II: The individual and the law – 9 weeks. Outcomes: P1, P3, P5, P6, P7.											
Term 2	Law reform and Law reform in action *Assessment task 2 – exam 20%		Your rights and responsibilities	Resolving disputes			Contemporary issue: The individual and technology				
Part III: Law in practice – 9 weeks. Outcomes: P1, P4, P5, P6, P7, P8, P9, P10.											
Term 3	Contemp. Issue (cont.)	Examine at least TWO contemporary issues that involve an Australian/s in either a domestic or another jurisdiction. *Assessment task 3–30%						Assessment task 4 – exam 30%			

**NOTE: This Scope and Sequence treats Law in practice as a separate topic, but it may be integrated throughout the course. Timing for assessment tasks is a suggestion only.*

Outcomes P8, P9 and P10 may be introduced according to the individual school program.

Sample HSC course Scope and Sequence

	Week 1	Week 2	Week 3	Week 4	Week 5	Week 6	Week 7	Week 8	Week 9	Week 10
Term 4	Part I of the core: Crime – 10 weeks. Outcomes: H1, H2, H3, H4, H5, H6, H7.									
			The nature of crime	The criminal investigation process		The criminal trial process		Sentencing and punishment * Assessment task 1 – 20%		
Term 1	Part II of the core: Human rights – 6 weeks. Outcomes: H1, H2, H3, H4, H5, H6, H7.									
	Young offenders	International crime	The nature and development of human rights	Promoting and enforcing human rights		Investigation of a contemporary issue		EXAMINATION PERIOD * Assessment task 2 – 30%		
Term 2	Part III: Options – Option 1 Family – 8 weeks. Outcomes: H1, H2, H3, H5, H6, H7.								Option 2 Shelter – 8 weeks	
	The nature of family law		Responses to problems in family relationships		Contemporary issues concerning family law * Assessment task 3 – 20%		The nature of shelter			
Term 3	(Shelter continued...)									
	Legal protection and remedies associated with securing shelter		TRIAL EXAMINATION PERIOD * Assessment task 4 – 30%		Contemporary issues concerning shelter		REVISION			

**NOTE: This Scope and Sequence is a suggestion only; options can be replaced to suit individual schools. Timing for assessment tasks is a suggestion only.*

Outcomes H8, H9 and H10 may be integrated throughout according to the individual school program.

3 Sample Preliminary course program

Part I: The legal system

40% of course time

Principal focus: Students develop an understanding of the nature and functions of law through the examination of the law-making processes and institutions.

Outcomes

- P1. identifies and applies legal concepts and terminology
- P2. describes the key features of Australian and international law
- P3. describes the operation of domestic and international legal systems
- P6. explains the nature of the interrelationship between the legal system and society
- P7. evaluates the effectiveness of the law in achieving justice

Themes and challenges to be incorporated throughout the topic

- the need for law in the operation of society
- the importance of the rule of law for society
- the relationship between different legal institutions and jurisdictions
- the development of law as a reflection of society
- influences on the Australian legal system

Assessment task: Law reform webquest.

Students learn about:	Students learn to:	Suggested teaching and learning strategies	Themes and challenges
<p>1. Basic legal concepts</p> <ul style="list-style-type: none"> • meaning of law • customs, rules and law • values and ethics • characteristics of just laws 	<ul style="list-style-type: none"> • define law • distinguish between customs, rules, laws, values and ethics • describe the characteristics of just laws 	<p>Note: students are encouraged to read newspapers, collect articles for a media file and watch local and international news programs to assist with their understanding of legal studies. A school library visit should be organised in the first couple of weeks so that students are familiar with journals such as <i>Hot Topics</i> and <i>Legal Briefs</i> and other resources, including online ones such as the NSW State Library’s Legal Information Access Centre (LIAC). <i>Hot Topics</i> is a plain language series about recent changes and current debates in the law. www.legalanswers.sl.nsw.gov.au/students_teachers/</p> <p>Define <i>law</i>. Brainstorm: Is law necessary for society to operate effectively? Discuss examples of societies where law has broken down. Do they have characteristics in common?</p> <p>Define <i>customs</i>. Define <i>rules</i>. Discussion: Where do rules and laws come from and why does society follow them? Use specific examples, eg sport/school rules, to compare and contrast concepts. Activity: Use media articles to illustrate breach of custom, rules and law.</p> <p>Define <i>values</i>, using examples. Discussion: What do students value as important and how does this influence behaviour? Discuss common values of society. Define ethics, using examples.</p> <p>Activity: Brainstorm characteristics of a just law. Examine a hypothetical law (eg a curfew of 8 pm for all under-18s). Students outline why it would not be a ‘just’ law.</p>	<ul style="list-style-type: none"> • the need for law in the operation of society • influences on the Australian legal system • the development of law as a reflection of society

Students learn about:	Students learn to:	Suggested teaching and learning strategies	Themes and challenges
<ul style="list-style-type: none"> • procedural fairness (principles of natural justice) • rule of law • anarchy • tyranny 	<ul style="list-style-type: none"> • define and investigate procedural fairness and the rule of law • define anarchy and tyranny 	<p>Define <i>procedural fairness</i>. Discuss procedural fairness in some situations, eg in school; going for a job; in a court.</p> <p>Case law: David Hicks (this could be integrated with Part III).</p> <p>Written activity: ‘Using examples, discuss the importance of procedural fairness and its relationship to justice’. Teacher to model a scaffold and students to complete an extended response.</p> <p>Define <i>rule of law</i> including its characteristics. Study recent examples of the breakdown of the rule of law (eg New Orleans after Hurricane Katrina). Written response: Using examples, explain why the rule of law is important for society.</p> <p>Define <i>anarchy</i>. Discuss the historical background of anarchy and outline recent examples.</p> <p>Define <i>tyranny</i>. Discuss recent examples (eg Zimbabwe and the absence of free elections).</p> <p>Topic quiz in class – multiple-choice and/or true–false questions to assess students’ ability to identify and apply legal terms and concepts.</p>	<ul style="list-style-type: none"> • the importance of the rule of law for society • the importance of the rule of law for society • the need for law in the operation of society
<p>2. Sources of contemporary Australian law</p> <p>common law</p> <ul style="list-style-type: none"> • British origins, including: <ul style="list-style-type: none"> – development of common law 	<ul style="list-style-type: none"> • outline the origin of common law 	<p>Define <i>common law</i>. Brief historical overview of the origins of common law. Define precedent and how it operates. Discussion: Why is precedent so important for achieving justice?</p>	<ul style="list-style-type: none"> • influences on the Australian legal system

Students learn about:	Students learn to:	Suggested teaching and learning strategies	Themes and challenges
<ul style="list-style-type: none"> – equity, precedent – adversarial system of trial • court hierarchy: <ul style="list-style-type: none"> – jurisdiction of state and federal courts 	<ul style="list-style-type: none"> • examine the hierarchy and jurisdiction of state and federal courts 	<p>Define <i>adversarial system</i>.</p> <p>Using websites such as www.lawlink.nsw.gov.au and www.fedcourt.gov.au/students/videos.html, label a diagram of court hierarchy and outline the jurisdiction of NSW and federal courts.</p> <p>Activity: Students view the DVD <i>So Help Me God</i>, and an episode of <i>A Case for the Coroner</i> to view the workings and jurisdiction of real courts.</p> <p>Brainstorm/mind map: Why do we have a court hierarchy?</p> <p>Resources: www.lawlink.nsw.gov.au www.schools.nsw.edu.au/nswconstitution/html/5th/bgr/overview.html www.nswbar.asn.au/docs/resources/publications/court_structure2.pdf <i>Hot Topics</i>, No. 60, <i>The Australian Legal System</i>, 2007. <i>Hot Topics</i>, No. 71, <i>Courts</i>, 2009. <i>The Law Handbook</i>, Redfern Legal Centre Publishing. <i>A Case for the Coroner</i>, ABC series/DVD. <i>So Help Me God</i>, ABC DVD.</p> <p>Activity: Students collect articles showing the types of cases heard in different courts, from newspapers and/or the internet and provide a brief outline of the cases. Create posters of the different courts and cases.</p> <p>A court visit is optional but recommended. www.legalanswers.sl.nsw.gov.au/students_teachers/prelim_basic.cfm</p>	<ul style="list-style-type: none"> • the relationship between different legal institutions and jurisdictions
<p>statute law</p> <ul style="list-style-type: none"> • role and structure of 	<ul style="list-style-type: none"> • outline the role and structure of 	<p>Define <i>statute law</i>.</p> <p>Pre-test to assess prior Stage 5 knowledge.</p>	<ul style="list-style-type: none"> • the relationship between different legal

Students learn about:	Students learn to:	Suggested teaching and learning strategies	Themes and challenges
<p>parliament</p> <ul style="list-style-type: none"> • legislative process • delegated legislation <p>The constitution</p> <ul style="list-style-type: none"> • division of powers • separation of powers 	<p>parliament and the legislative process</p> <ul style="list-style-type: none"> • describe the function of delegated legislation • explain the difference between division and separation of powers 	<p>Brief overview of the role and structure of parliament. Extension work: Research who currently is able to vote in Australian elections. Visit the website www.aec.gov.au and investigate how young Australians enrol to vote.</p> <p>Resources: www.parliament.nsw.gov.au <i>Hot Topics</i>, No. 60, <i>Australian Legal System</i>, 2007. <i>Hot Topics</i>, No. 34, <i>Voting and Elections</i>, 2001.</p> <p>Construct a flow chart to show the passage of a bill into law.</p> <p>Define <i>delegated legislation</i>, including its purpose, where and how it is used. Activity: Students devise a table listing the advantages and disadvantages of delegated legislation. Guest speaker: Invite a local member of Parliament or representative from local council to speak to the class. Resource: <i>Hot Topics</i>, No. 60, <i>Australian Legal System</i>, 2007.</p> <p>Pre-test the historical background to Federation and the writing of the constitution. Outline the constitutional division of power between the commonwealth and the states and discuss section 51 of the Australian constitution. Construct a Venn diagram to show specific and residual powers, and the overlap between commonwealth and states. Resource: <i>Australian Constitution</i></p> <p>Define <i>legislature, judiciary and executive</i>. Discussion: Examples of what can happen if there is not a separation of powers (eg Chile under Pinochet). Resource: <i>Hot Topics</i>, No. 60, <i>Australian Legal System</i>, 2007.</p>	<p>institutions and jurisdictions</p> <ul style="list-style-type: none"> • relationship between different legal institutions and jurisdictions

Students learn about:	Students learn to:	Suggested teaching and learning strategies	Themes and challenges
<ul style="list-style-type: none"> • role of the High Court <p>Aboriginal and Torres Strait Islander Peoples' customary laws</p> <ul style="list-style-type: none"> • diverse nature of customary laws • spiritual basis, significance of land and water • family and kinship • ritual and oral traditions 	<ul style="list-style-type: none"> • examine the role of the High Court in the interpretation of the constitution • examine the characteristics of Aboriginal and Torres Strait Islander Peoples' customary laws 	<p>Explain the role of the High Court, including the difference between original and appellate jurisdiction, and constitutional interpretation. Activity: Students visit the High Court website to complete a summary (using Word or PowerPoint) of the history and the operation of the court including a virtual tour. Students should investigate a recent case before the High Court. Resources: www.hcourt.gov.au <i>The High Court</i> (DVD available from the High Court). <i>Hot Topics</i>, No. 71, <i>Courts</i>, 2009.</p> <p>Define <i>customary law</i>. Observe a map of Australia showing ATSI languages and peoples at the time of European arrival to highlight the large number of different groups and explain that although there are similarities, each group developed its own laws.</p> <p>Students watch the DVD <i>Women of the Sun</i> (ABC) Part 1 and/or <i>First Australians</i> (SBS) and complete a mind map summarising the main characteristics of ATSI customary law. Construct a table to compare and contrast ATSI customary law and Australian contemporary law.</p> <p>Define <i>ritual</i>. Discuss oral traditions, and how they are passed down between generations (eg the Dreaming). Students consider the difficulties of oral traditions in the contemporary Australian legal system, particularly in relation to rules of evidence and hearsay.</p>	<ul style="list-style-type: none"> • the development of law as a reflection of society

Students learn about:	Students learn to:	Suggested teaching and learning strategies	Themes and challenges
<ul style="list-style-type: none"> • mediation and sanctions • relevance to contemporary Australian law 	<ul style="list-style-type: none"> • outline the extent to which Aboriginal and Torres Strait Islander Peoples' customary laws have been integrated into Australian law 	<p>Define <i>mediation</i> and explain how it is used in ATSI customary law using examples.</p> <p>Define <i>sanctions</i> and outline the type of sanctions used in ATSI customary law.</p> <p>Activity: Briefly compare these sanctions with those used by contemporary Australian courts.</p> <p>Outline problems ATSI people have faced, such as understanding the court system, over-representation in arrests and prison population, and high rates of recidivism. (*This could be integrated with Part III.)</p> <p>Discuss how and why alternative sanctions have been integrated into contemporary Australian law, such as circle sentencing and the role of community justice and traditional punishments.</p> <p>Resources: <i>The Circuit</i>, DVD, SBS TV. <i>Hot Topics</i>, No. 33, Reconciliation, 2001. <i>Hot Topics</i>, No. 60, Australian Legal System, 2007. Carolyn Heske, 'Interpreting Aboriginal justice in the Northern Territory', in <i>Alternative Law Journal</i>, No. 33, March 2008.</p> <p>Written response: 'Outline the extent to which ATSI customary laws have been integrated into Australian law. Discuss whether this integration has happened because of society's changing values.' Model a scaffold in class, brainstorm an introductory paragraph and students complete the task.</p>	<ul style="list-style-type: none"> • influences on the Australian legal system

Students learn about:	Students learn to:	Suggested teaching and learning strategies	Themes and challenges
<p>International law</p> <ul style="list-style-type: none"> • differences between domestic and international law • state sovereignty • sources, including: <ul style="list-style-type: none"> – international customary law – instruments (declarations and treaties) – legal decisions, writings. • role of: <ul style="list-style-type: none"> – United Nations – courts and tribunals – intergovernmental organisations 	<ul style="list-style-type: none"> • distinguish between domestic and international law and examine the impact of state sovereignty • examine the sources of international law • describe the role of the various organisations involved in international law 	<p>Define <i>domestic law</i> and <i>international law</i> using examples.</p> <p>Construct a table outlining the major differences between domestic and international law, their key features and purposes, how they are created and their levels of enforceability.</p> <p>Define <i>state sovereignty</i>, comment on its importance and discuss advantages and disadvantages.</p> <p>Outline the major sources of international law. Activity: Students visit the UN website www.un.org Review student understanding of the role of the UN from Stage 5 History and Geography.</p> <p>Part 1 – examine the <i>United Nations Declaration of Human Rights</i> 1948. Choose five articles and summarise them in your own words. Part 2 – create a fact file about the UN including: – background to the creation of the UN and its aims – major organs and their current members – the roles of the International Court of Justice, International Criminal Court, International Criminal Tribunal for the Former Yugoslavia, International Criminal Tribunal for Rwanda, European Court (www.curia.europa.eu).</p> <p>Mind map intergovernmental organisations, eg European Union, African Union or APEC. Examine the role of each, through internet research.</p>	<ul style="list-style-type: none"> • the relationship between different legal systems and jurisdictions • the need for law in the operation of society • the relationship between different legal systems and jurisdictions • the development of law as a reflection of society

Students learn about:	Students learn to:	Suggested teaching and learning strategies	Themes and challenges
<ul style="list-style-type: none"> – non-government organisations • relevance to contemporary Australian law 	<ul style="list-style-type: none"> • examine how international law impacts on and is incorporated into Australian law 	<p>Define NGOs. Provide examples.</p> <p>Group activity: In small groups, students prepare a brief report on a major international non-government organisation covering the history, aims and activities they are involved in and their influence on international law. Present to class accompanied by a summary.</p> <p>Resources: International Red Cross www.icrc.org Medecins Sans Frontieres www.msf.org.au Amnesty International www.amnesty.org Greenpeace www.greenpeace.org Oxfam www.oxfam.org</p> <p>Group activity: Construct a table to show the domestic laws that have been developed as a result of the ratification of international documents, such as anti-discrimination legislation.</p>	
<p>3. Classification of law</p> <ul style="list-style-type: none"> • public law <ul style="list-style-type: none"> – criminal law – administrative law – constitutional law • private law (civil law) <ul style="list-style-type: none"> – contract law – tort law – property law 	<ul style="list-style-type: none"> • outline different types of law • compare the purpose of different types of law 	<p>Define <i>public law</i> distinguishing between criminal, administrative and constitutional law. Define <i>private law</i> distinguishing between contract, tort and property law.</p> <p>Class discussion: What is the purpose of different types of law?</p> <p>Group activity: Students to find a range of cases, articles or examples from the media and classify accordingly. Create a flow chart to show and contrast civil and criminal court proceedings.</p> <p>Excursion: Students visit a court to watch proceedings. Identify key legal personnel and outline their role. Discuss the purpose of additional support, such as translators, liaison officers and counsellors.</p>	<ul style="list-style-type: none"> • the relationship between different legal systems and jurisdictions

Students learn about:	Students learn to:	Suggested teaching and learning strategies	Themes and challenges
<ul style="list-style-type: none"> • criminal and civil court procedures including legal personnel • common and civil law systems 	<ul style="list-style-type: none"> • distinguish between criminal and civil court procedures • identify the role of legal personnel involved in the court process • compare and contrast common and civil law systems 	<p>Table: compare and contrast inquisitorial and adversarial systems of law.</p> <p>Extension work: Debate – ‘The inquisitorial system searches for the truth, the adversarial system does not!’</p> <p>Topic test/review</p> <p>Resources: www.lawlink.nsw.gov.au www.lawmap.com.au <i>The Law Handbook</i>, Redfern Legal Centre Publishing LIAC Crime Library LIAC Civil Library</p> <p>Resources: Whitton, E 1998, <i>The Cartell: Lawyers and Their Nine Magic Tricks</i>, Griffin Press, Sydney. Whitton, E 2005, <i>Serial Liars: How Lawyers Get the Money</i>, published by the author (ewhitton@bigpond.net.au).</p>	
<p>4. Law reform</p> <ul style="list-style-type: none"> • conditions that give rise to law reform including changing social values, new concepts of justice, new technology, see Law Reform page of Legal Studies Research Guide and HSC Legal Studies: Newswatch http://blog.sl.nsw.gov.au/hsc_legal_studies 	<ul style="list-style-type: none"> • examine the conditions that give rise to law reform 	<p>Define <i>law reform</i>.</p> <p>Discuss the conditions that have led to law reform and brainstorm examples:</p> <ul style="list-style-type: none"> – changing social values, eg attitudes towards witchcraft, decriminalisation of homosexuality, stricter controls on domestic violence, and the protection of children – new concepts of justice, eg human rights legislation such as anti-discrimination laws, removal of the death penalty – new technology, eg the use of DNA, internet and computer use, medical technology. 	<ul style="list-style-type: none"> • the development of law as a reflection of society

Students learn about:	Students learn to:	Suggested teaching and learning strategies	Themes and challenges
<ul style="list-style-type: none"> agencies of reform including law reform commissions, parliamentary committees, the media, non-government organisations mechanisms of reform including courts, parliaments, United Nations, intergovernmental organisations 	<ul style="list-style-type: none"> describe the role of agencies involved in law reform examine the operation of the different mechanisms of reform 	<p>Define <i>agencies of reform</i> and outline the role of law reform commissions, parliamentary committees, the media and non-government organisations.</p> <p>Think/Pair/Share: In pairs, students investigate an agency of law reform, eg Australian Law Reform Commission (ALRC). Complete a report on the process that the agency follows in reforming the law. Share findings with the class.</p> <p>Resources: www.alrc.gov.au www.lawlink.nsw.gov.au/lrc www.legalanswers.sl.nsw.gov.au/students_teachers/prelim_lawreform.cfm http://blog.sl.nsw.gov.au/hsc_legal_studies</p> <p>Review examples of:</p> <ul style="list-style-type: none"> courts’ ability to create common law and interpret statutes, eg native title parliaments’ ability to create statute law, eg <i>Brendan’s law</i>, www.rta.nsw.gov.au/rulesregulations/brendans_law.html the United Nations’ ability to create treaties, declarations and resolutions, eg <i>Convention on the Rights of the Child</i> intergovernmental organisations’ ability to form treaties and impose conditions on members, eg European Union and the creation of the European Court. 	<ul style="list-style-type: none"> influences on the Australian legal system
<p>5. Law reform in action</p> <p>a) native title – <i>terra nullius</i></p>	<ul style="list-style-type: none"> explain why <i>terra nullius</i> was an 	<p>Two examples of law reform must be studied. Law reform in relation to native title is MANDATORY. Another example can be taken from List B or a topic of the student’s choice.</p> <p>Define <i>terra nullius</i> and explain why this was an obstacle to achieving native title.</p>	<ul style="list-style-type: none"> influences on the Australian legal system

Students learn about:	Students learn to:	Suggested teaching and learning strategies	Themes and challenges
<p>– the roles of the High Court and federal parliament</p> <p>– major native title decisions</p> <p>– legislation</p> <p>b) A contemporary law reform issue</p>	<p>obstacle to achieving native title</p> <ul style="list-style-type: none"> • examine the roles of the High Court and federal parliament in recognising native title • examine major Australian native title decisions • assess the effectiveness of the law reform process in achieving just outcomes in regard to native title 	<p>Create a timeline to show the historical development of the doctrine of <i>terra nullius</i> to native title.</p> <p>Examine the role of the High Court in the following case law:</p> <ul style="list-style-type: none"> – <i>Milirrpum v Nabalco Pty Ltd</i> (1971) 17 FLR 141 – <i>Mabo v Queensland (No. 1)</i> [1988] HCA 69; (1988) 166 CLR 186 – <i>Mabo v Queensland (No. 2)</i> [1992] HCA 23; (1992) 175 CLR 1 – <i>Wik Peoples v Queensland</i> [1996] HCA 40; (1996) 187 CLR 1 <p>Resources: <i>Frontiers</i>, Episode 1, ABC, DVD <i>First Australians</i>, SBS, DVD <i>Hot Topics</i>, No. 48, Native Title, 2004 <i>Hot Topics</i>, No. 68, <i>Indigenous Peoples</i>, 2009 <i>Northern Land Council website</i> – www.nlc.org.au www.abs.gov.au www.abc.net.au/news/video – archives www.austlii.edu.au</p> <p>Visit the Native Title Tribunal www.nntt.gov.au. Examine a map indicating where native title claims have been successful. Choose one state or territory of Australia and briefly summarise one ruling or determination.</p> <p>Resources: www.ag.gov.au www.nntt.gov.au www.hreoc.gov.au</p> <p>Writing task: ‘Assess the effectiveness of the law reform process in achieving just outcomes in regard to native title.’ Brainstorm a scaffold in class. Teacher models the introduction; students complete exercise.</p>	<ul style="list-style-type: none"> • the relationship between different legal institutions and jurisdictions • the development and change of law as a reflection of society

Students learn about:	Students learn to:	Suggested teaching and learning strategies	Themes and challenges
<p>the example used here is sport and the law</p>	<ul style="list-style-type: none"> • identify and investigate a contemporary law reform issue • examine the conditions that give rise to the need for law reform, the agencies of reform and mechanisms of reform 	<p>Optional topic: Sport and the law <i>This topic can be treated as a whole class topic, or divided up for group research under different elements such as discrimination and sport, violence and sport (on field and/or off field, including crowd behaviour), drug use and sport.</i></p> <p>Using media articles, videos and snapshots from the sports news, raise awareness of sport issues by creating relevant posters. Create a mind map identifying reasons why and how law reform has impacted on sport.</p> <p>Group activity: Identify different types of discrimination in sport, such as, disability, gender, race, culture, sexual preference, etc.</p> <p>Racism, sport and law reform Research past examples of discrimination such as Jesse Owens (1936 Olympics); Springbok tour of Australia 1971; Aboriginal cricketer Eddie Gilbert (1920s) and more recent cases.</p> <p>Discussion: Have attitudes towards race changed over time? Research current examples of discrimination in sport, including media articles.</p> <p>Resources: www.playbytherules.net.au <i>What's the Score? A survey of cultural diversity and racism in Australian sport</i> – 2007 HREOC report Tatz, Colin, <i>Obstacle Race: Aborigines in Sport</i>, UNSW, 1995 <i>From Google to Legal Studies – Research Guide</i> – PowerPoint presentation, May 2008 (LIAC). Download PPT from www.legalanswers.sl.nsw.gov.au/students_teachers</p>	

Students learn about:	Students learn to:	Suggested teaching and learning strategies	Themes and challenges
	<ul style="list-style-type: none"> • assess the effectiveness of law reform in achieving just outcomes with regard to a contemporary law reform issue 	<p>Healy, Deborah, <i>Sport and the Law</i>, UNSW Press, 2003.</p> <p>Debate: ‘There is a need for law in the operation of sport in society.’ Research: Investigate the significance of the <i>Gleneagles Agreement 1977</i> among Commonwealth nations.</p> <p>Outline current legislation, such as the <i>Anti-Discrimination Act 1975</i> and the <i>Racial Hatred Act 1995</i> and discuss the impact of these acts on sport and society, including administration and sanctions for breaches.</p> <p>Activity: Students create a flow chart to show the process from complaint to resolution.</p> <p>Group activity: Students examine a sport and its code of behaviour and describe how discrimination is treated by this sporting body.</p> <p>Written activity: ‘Assess the effectiveness of law reform in achieving just outcomes in relation to racism in sport. Make reference to cases, legislation, media and reports to support your answer.’</p> <p>Violence, sport and law reform Discussion: Why has it been necessary to introduce law reform to deal with violence in regard to sport?</p> <p>Resources: <i>Violence in Sport Report</i> – Australian Institute of Criminology www.aic.gov.au → publications www.playbytherules.net.au</p> <p>Group activity: Students examine a sporting code of behaviour and outline the process of reporting violence and enforcing the code. Outline the role and jurisdiction of these enforcement bodies including relevant case studies, eg swimmer Nick Darcy.</p>	<ul style="list-style-type: none"> • development of law as a reflection of society

Students learn about:	Students learn to:	Suggested teaching and learning strategies	Themes and challenges
		<p>Resources: <i>The Court as a Referee in Sport</i>, Deborah Healey, <i>Reform</i> (the journal of the Australian Law Reform Commission), No. 88, 2006. http://blog.sl.nsw.gov.au/hsc_legal_studies</p> <p>Class discussion: What is the role of legislation, police and the courts in maintaining safety and order at sporting fixtures? Use www.parliament.nsw.gov.au to investigate the <i>Sporting Venues (Offenders Banning Orders) Act 2005</i>.</p> <p>Written response: ‘Assess the effectiveness of law reform in achieving just outcomes with regard to violence in sport. Make reference to cases, legislation, media or documents where relevant.’</p>	

Part II: The individual and the law

30% of course time

Principal focus: Students investigate the way in which the law impacts on individuals by referring to legal and non-legal institutions, laws and media reports.

Outcomes

P1. identifies and applies legal concepts and terminology

P3. describes the operation of domestic and international legal systems

P4. discusses the effectiveness of the legal system in addressing issues

P5. describes the role of law in encouraging cooperation and resolving conflict, as well as initiating and responding to change

P6. explains the nature of the interrelationship between the legal system and society

P7. evaluates the effectiveness of the law in achieving justice

P8. locates, selects and organises legal information from a variety of sources including legislation, cases, media, international instruments and documents

P9. communicates legal information using well-structured responses

P10. accounts for differing perspectives and interpretations of legal information and issues

Themes and challenges to be incorporated throughout the topic:

- relationship between justice, law and society
- relationship between rights and responsibilities
- balancing the rights of individuals with the needs of the state
- role of the law in regulating technology
- effectiveness of legal mechanisms for achieving justice for individuals and society.

Assessment task: Research task on a contemporary issue associated with the individual and technology.

Students learn about:	Students learn to:	Suggested teaching and learning strategies	Themes and challenges
<p>1. Your rights and responsibilities</p> <ul style="list-style-type: none"> the nature of individual rights 	<ul style="list-style-type: none"> identify the rights to which individuals are entitled 	<p>Pre-test: Brainstorm individual’s rights in Australia. Consider a range of rights.</p> <p>Outline the major sources for rights in Australia – constitutional, common law, statutory.</p> <ul style="list-style-type: none"> constitutional rights – examine the constitution. View extracts from <i>The Castle</i> (DVD Working Dog Productions) common law rights (those developed by the courts) such as <i>habeus corpus</i>, procedural fairness, right to a fair trial statutory rights (those made by parliament) such as privacy, freedom of information, and anti-discrimination laws. <p>Investigate the Department of Immigration and Citizenship website www.citizenship.gov.au, and list the rights of citizenship.</p> <p>Extension: www.smartraveller.gov.au</p> <p>Scenario – As an Australian citizen caught in a major disaster overseas (eg tsunami or terrorist attack), what are your expectations of the Australian government? Potential responses include: sending armed forces to remove citizens to safety, providing embassy help, assisting in identifying and locating the injured and deceased, helping inform families. Note: teacher could integrate Part III of syllabus, including examples of Australians arrested overseas such as David Hicks, or the Bali Nine, or Stern Hu.</p> <p>Brainstorm citizens’ responsibilities. Read the relevant parts of www.citizenship.gov.au and discuss the responsibilities.</p>	<ul style="list-style-type: none"> relationship between justice, law and society

Students learn about:	Students learn to:	Suggested teaching and learning strategies	Themes and challenges
<ul style="list-style-type: none"> relationship between rights and responsibilities 	<ul style="list-style-type: none"> outline the responsibilities of citizens within a society explain the interrelationship between rights and responsibilities 	<p>Students construct a table using the headings Rights and Responsibilities. Write an explanation of the interrelationship between rights and responsibilities.</p> <p>Extension activity: What are the limitations on rights, eg the right to freedom of speech? Students examine controversial statutes created for special occasions such as the APEC summit and World Youth Day.</p> <p>Write an extended response, or conduct a debate on the topic ‘To what extent should individual rights be limited?’ (students should consider the utilitarian view of law, ie that individual freedoms may need to be limited for the good of the majority, as opposed to protection of individual rights).</p> <p>Letter to editor responding to the limitations imposed during the APEC summit.</p>	<ul style="list-style-type: none"> relationship between rights and responsibilities balancing the rights of individuals with the needs of the state
<p>2. Resolving disputes</p> <ul style="list-style-type: none"> the roles of the federal and state police and other law enforcement agencies 	<ul style="list-style-type: none"> outline the role of law enforcement agencies 	<p>Group work: Investigate the role of the Australian Federal police and the NSW police.</p> <p>Resources: www.afp.gov.au Australian Federal Police www.police.nsw.gov.au NSW Police</p> <p>Police guest speaker</p> <p>Brainstorm session – who other than the police has the authority to enforce rights? (delegated legislative bodies, eg Environmental Protection Authority (EPA), Australian Competition and Consumer Commission, local councils, State Rail, Centrelink)</p>	

Students learn about:	Students learn to:	Suggested teaching and learning strategies	Themes and challenges
<ul style="list-style-type: none"> • resolving disputes between individuals: <ul style="list-style-type: none"> – alternative dispute resolution – tribunals – courts • resolving disputes with the state: <ul style="list-style-type: none"> – non-legal methods: <ul style="list-style-type: none"> - media - members of parliament - trade unions - interest groups, including non- 	<ul style="list-style-type: none"> • identify and examine methods of resolving disputes between individuals 	<p>Quick quiz: Matching terms on rights, responsibilities and enforcement</p> <p>List disputes that can occur between individuals (eg between neighbours, in the workplace, consumers, within families).</p> <p>Outline the operation of alternative dispute resolution processes (ADR), tribunals and courts and prepare a table listing the advantages and disadvantages of each. Include jurisdiction, decision-maker, rules of evidence, and enforceability. Provide an example of the type of matter heard.</p> <p>Research the role and function of community justice centres.</p> <p>Resources: www.cjc.nsw.gov.au <i>Hot Topics</i>, No. 71, <i>Courts</i>, 2009 <i>The Law Handbook</i>, Redfern Legal Centre publishing.</p> <p>Role-play activity: Demonstrate a possible dispute and appropriate method of resolution.</p> <p>Resource: The Law Society of NSW runs the Schools Conflict Resolution and Mediation Competition (SCRAM) for junior students. They provide excellent scripts for this scenario at www.lawsociety.com.au</p> <p>List disputes that can occur between individuals and the state and contrast with disputes involving individuals.</p> <p>Make notes on what is meant by <i>non-legal methods</i>.</p> <p>Media search: Examples of individuals in dispute with the state (such as planning and development issues).</p> <p>Research: Students examine a local or current dispute such as the one at</p>	<ul style="list-style-type: none"> • relationship between justice, law and society • the effectiveness of legal mechanisms in achieving justice for individuals and society • balancing the rights of individuals with the needs of the state

Students learn about:	Students learn to:	Suggested teaching and learning strategies	Themes and challenges
<p>government organisations</p> <ul style="list-style-type: none"> • assess the effectiveness of methods of resolving disputes <p>– legal methods:</p> <ul style="list-style-type: none"> - internal review - external review: administrative, judicial, ombudsman, statutory bodies including: Australian Human Rights Commission, Independent Commission against Corruption (ICAC), Royal Commissions 	<ul style="list-style-type: none"> • distinguish between non-legal and legal methods of enforcing rights and resolving disputes • assess the effectiveness of dispute resolution processes in achieving justice for and between individuals 	<p>Catherine Hill Bay, NSW. Catherinehillbay.org.au/save the bay campaign</p> <p>Discuss the role and power of the media, including the internet, in manipulating public opinion on a range of issues, which may lead to changes in decision-making or law reform.</p> <p>Group work task to investigate other non-legal methods. Each group should consider the role of the relevant person/organisation, the types of disputes that fall under their area of interest/concern and methods that may be used to assist individuals. Each group should attempt to assess the effectiveness of the person/organisation as a remedy for individuals in dispute with the state, with examples of cases, legislation or media included if possible.</p> <p>Discuss differences between legal and non-legal methods of dispute resolution.</p> <p>Define and distinguish between internal and external review.</p> <p>Student activity on one of the following: the office of the ombudsman, Australian Human Rights Commission, ICAC, Royal Commissions (group work, oral presentation, student-developed worksheet, etc). May include examples of cases or matters that each organisation has heard, and if possible the outcome.</p> <p>Resources: The following websites are all excellent for students: www.ombo.nsw.gov.au www.icac.nsw.gov.au www.hreoc.gov.au www.ag.gov.au</p>	<ul style="list-style-type: none"> • effectiveness of legal mechanisms for achieving justice for individuals and society

Students learn about:	Students learn to:	Suggested teaching and learning strategies	Themes and challenges
<p>Contemporary issue: The individual and technology</p> <ul style="list-style-type: none"> • impacts of technology on the individual • legal implications • difficulties with enforcing rights • future directions <ul style="list-style-type: none"> – the role of law reform <p>Examples that may be studied could include:</p> <ul style="list-style-type: none"> – misuse of interactive technologies 	<ul style="list-style-type: none"> • explain the difficulties with enforcing rights • assess the role of law reform in addressing emerging technological issues and enforcing rights 	<p><i>The Law Handbook</i>, Redfern Legal Centre Publishing <i>Hot Topics</i>, No. 71, <i>Courts</i>, 2009 <i>Hot Topics</i>, No. 60, <i>Australian legal system</i>, 2007 <i>Reform</i>, Issue 84, <i>Tribunals</i>, 2004, ALRC</p> <p>Topic review: Multiple-choice, mix-and-match quiz or trivia game.</p> <p>Scaffold in class. Students write an extended response to the following: ‘Using cases, legislation and/or media, assess the effectiveness of dispute resolution processes in achieving justice for and between individuals.’</p> <p>Identify the different purposes of technology including in the areas of medicine, surveillance, communication, entertainment, food production, criminal law, workplace, shopping.</p> <p>Outline the impact that technology has on an individual. Group work on the positive and negative impacts of a particular use of technology (eg CCT cameras reduce shoplifting and decrease privacy).</p> <p>Class discussion on the implications of the impact of technology and why legal regulation is necessary for both the individual and society.</p> <p>Case study – the use of DNA and the law Teacher models case study. (Students will later research and present another case study) Areas to consider:</p> <ul style="list-style-type: none"> • the uses of DNA, eg for identifying victims; paternity; medical 	<ul style="list-style-type: none"> • relationship between justice, law and society • relationship between rights and responsibilities • balancing the rights of individuals with the needs of the state • the role of the law in regulating technology • the effectiveness of legal mechanisms for

Students learn about:	Students learn to:	Suggested teaching and learning strategies	Themes and challenges
<ul style="list-style-type: none"> – cyber-bullying – genetic profiling – cyberspace – privacy issues – security and surveillance – mobile phones – copyright 	<ul style="list-style-type: none"> • discuss the legal implications of the use of technology and its impact on the individual 	<p>problems; and identifying offenders.</p> <ul style="list-style-type: none"> • issues associated with the use of DNA, eg DNA in criminal law <ul style="list-style-type: none"> – evidence and admissibility in court (<i>Crimes (Forensic Procedures) Act 2000</i> (NSW)) – potential over-reliance by police and courts on DNA testing – lack of equal access to forensic testing for the defence in criminal proceedings – possibility of mistakes and the danger associated with acceptance of DNA testing as infallible by juries – testing a community to identify a guilty party, thereby overturning the presumption of innocence (<i>R v Boney</i> (unreported, Moree District Court, 20 October 2000) – Wee Waa sexual assault case in which the men of the community volunteered for testing) – use of DNA by the state to prove guilt rather than innocence, <i>R v Button</i> [2001] QCA 133 where the prosecution withheld DNA evidence – DNA databases, eg the <i>National Criminal Investigation DNA Database (NCIDD)</i> – application to past crimes – establishing the innocence of those wrongly convicted (eg death row inmates in the US). Note the establishment of an Innocence Panel to consider applications by prisoners in NSW – privacy and discrimination issues – questions of paternity – confidentiality, consent, counselling (<i>Family Law Regulations 1984</i> (Cth) and state court orders) <p>Resources: ‘Forensic sciences from the judicial perspective’, Justice Wood, 2002, www.lawlink.nsw.gov.au/lawlink → Supreme Court → Speeches. Council of Civil Liberties, www.nswccl.org.au. ‘The Peter Falconio Investigation: Needles, Hay and DNA’, <i>Current Issues in Criminal Justice</i>, No. 18, Issue 3, March</p>	<p>achieving justice for individuals and society</p>

Students learn about:	Students learn to:	Suggested teaching and learning strategies	Themes and challenges
		<p>2007. www.biotechnologyonline.gov.au/human/dnaprofile.cfm (also includes online investigation games).</p> <p>This section provides an opportunity to integrate Part III – Law in practice through study of a case such as the Peter Falconio case. This could be developed as a webquest with links to case material through Austlii (<i>The Queen v Murdoch</i> [2005] NTSC 77 and <i>Murdoch v The Queen</i> [2007] NTCCA 1); the Australian Legal Aid Commission article titled ‘Harmonisation of forensic procedures legislation’; and media articles from the time. Examine the legal and non-legal responses to the issue and evaluate the effectiveness of the law in this matter. Link this to a consideration of the broader issues associated with the use of DNA and the criminal law.</p> <p>Summative activity: Discussion and note-making – assess the role of law reform in addressing the issues associated with the use of DNA. Include a discussion of whether the needs of the state should be given priority over the needs of the individual.</p> <p>Student research (possible assessment task or to integrate Part III) – investigate another area of technology. Students should examine the legal implications and regulation of the technology and the role of law reform, and evaluate the effectiveness of the law in achieving justice for individuals and society.</p>	<ul style="list-style-type: none"> • balancing the rights of individuals with the needs of the state

Part III: Law in practice

30% of course time

Principal focus: Students investigate contemporary issues that illustrate how the law operates in practice.

Outcomes

P1. identifies and applies legal concepts and terminology

P3. describes the operation of domestic and international legal systems

P4. discusses the effectiveness of the legal system in addressing issues

P7. evaluates the effectiveness of the law in achieving justice

P8. locates, selects and organises legal information from a variety of sources including legislation, cases, media, international instruments and documents

P9. communicates legal information using well-structured responses

Themes and challenges to be incorporated throughout this topic

- the relationship between justice, law and society
- the development and reform of law as a reflection of society
- the importance of the rule of law
- the responsiveness of the legal system in dealing with issues
- the effectiveness of legal and non-legal mechanisms in achieving justice for individuals and society.

Assessment task: Student's own research/investigation.

The Law in practice unit can be integrated with Part I and/or Part II of the Preliminary course, or treated as a separate unit.

This unit is designed to provide opportunities for students to deepen their understanding of the principles of law covered in Part I and Part II. Students should have the opportunity to develop the relevant research, analytical and communication skills that underpin the process of investigation. Students should synthesise information from a range of sources, including cases, legislation, the media and international instruments to support a legal argument. Topics should extend particular areas of individual or group interest.

At least **TWO** contemporary issues should be studied. **One** issue is presented below.

Students learn about:	Students learn to:	Suggested teaching and learning strategies	Themes and challenges
<p>Issues that involve an Australian in a domestic jurisdiction, or Australian citizen(s) in another jurisdiction, focusing on the mechanisms for achieving justice and the responsiveness of the legal system when attempts are made to achieve justice</p> <ul style="list-style-type: none"> • Contemporary issues – case study: the detention of David Hicks <p>Links to <i>learn about</i> statements in Parts 1 and 2</p> <ul style="list-style-type: none"> • events which highlight legal issues 	<ul style="list-style-type: none"> • examine at least two contemporary issues that involve Australian citizen(s) in either a domestic or another jurisdiction 	<p>Contemporary issue 1: the detention of David Hicks</p> <p>Note: This topic is not designed to be about the guilt or innocence of Hicks. Rather, the focus should be an examination of the legal process.</p> <p>Background to this issue: ICT activity: Research the case of David Hicks. Students compile a basic timeline to do with his detention, noting the date of the beginning of the detention, the date and nature of the original allegations, the dates and nature of changes to the allegations, the appointment of legal representation, the trial appearances, subsequent developments and his ultimate release.</p>	

Students learn about:	Students learn to:	Suggested teaching and learning strategies	Themes and challenges
<ul style="list-style-type: none"> • state sovereignty (Part I: The legal system) • individuals or groups in conflict with the state • instruments of international law – conventions (Part I – The legal system) • basic legal concepts – 	<ul style="list-style-type: none"> • describe the legal and 	<p>Students investigate the mechanisms available to Hicks and the Australian Government to achieve justice, and the responsiveness of the legal system in attempting to achieve justice. Students also consider the role of sovereignty.</p> <p>Activity: Review the rights and protection given to citizens in another jurisdiction (from Part II). What assistance was given by the Australian Government to David Hicks as an Australian citizen being held in another jurisdiction?</p> <p>Class discussion: What made Hicks’s circumstances different to other Australians in legal disputes in foreign jurisdictions?</p> <p>Students debate: Should rights be an automatic entitlement, or should extreme situations remove these rights? Record the major arguments for and against on the board.</p> <p>Activity: Students investigate the background and major principles of the Geneva Convention, and anti-torture conventions.</p> <p>Resources: <i>Hot Topics</i>, No. 58, <i>Terrorism</i>, 2006 Burnside, Julian, 2008, <i>Watching Brief: Reflections on Human Rights, Law and Justice</i>, Scribe Publications, Carlton North. www.lawcouncil.asn.au/programs/criminal-law-human-rights/human-rights/hicks.cfm <i>The Case Against David Hicks</i>, ABC Four Corners, 31/10/05 www.abc.net.au/4corners/content/2005/s1491717.htm Crowe, Jonathon, ‘Combatant Status and the War on Terror – Lessons from the Hicks case’, <i>Alternative Law Journal</i>, Vol 33, No. 2, June 2008 LIAC Crime Library</p> <p>Activity: Students examine the Hicks case and show deep</p>	<ul style="list-style-type: none"> • relationship between justice, law and society • the importance of the rule of law • the relationship

Students learn about:	Students learn to:	Suggested teaching and learning strategies	Themes and challenges
<p>procedural fairness, rule of law, access (Part I – The legal system)</p> <ul style="list-style-type: none"> • Resolving disputes (Topic II: the individual and the law) <p>non-legal methods: role of media, interest groups (including non-government organisations)</p>	<p>non-legal responses to this issue</p> <ul style="list-style-type: none"> • evaluate the effectiveness of the legal and non-legal responses to this issue <p>Criteria to evaluate effectiveness could include:</p> <ul style="list-style-type: none"> – resource efficiency – accessibility – enforceability – responsiveness – protection of individual rights – meeting society’s needs – application of the rule of law – has justice been achieved? 	<p>knowledge of earlier work by highlighting issues about the legal process under the following points:</p> <ul style="list-style-type: none"> – procedural fairness – rule of law – access to the law – sovereignty – balancing the protection of the rights of an individual with those of the state. <p>Activity: Students and teacher discuss the role of the media. Teacher collects for comparison an early and later example of a media article (from the internet). Discuss the extent to which the media can sway public opinion and subsequent political decisions regarding the law.</p> <p>Activity – extended response: ‘To argue that one should not have preventative detention for suspected terrorists is to avoid the real issues that must be faced involving, among other factors, weighing the risk of wrongful incarceration of one person against the risk of a preventable terrorist attack occurring. The risk of mass destruction and loss of life is clearly a highly relevant consideration. The government claims to have found the appropriate balance’ – David Bennett QC AC. Discuss this statement.</p>	<p>between rights and responsibilities (from Part II)</p> <ul style="list-style-type: none"> • the development of law as a reflection of society • the effectiveness of legal and non-legal mechanisms in achieving justice for individuals and society

The research and investigation process

The development of students' research and investigative skills is encouraged throughout the course, particularly in Preliminary Part III *The law in practice*. This unit is designed to provide opportunities for students to deepen their understanding of the principles of law covered in Parts I and II of the Preliminary course. Students will develop the research, analytical and communication skills that underpin the process of investigation. They should learn to locate, evaluate and synthesise information from a range of sources, including cases, legislation, the media, legal documents and international instruments to support a legal argument. They learn to evaluate websites and determine which websites are the most relevant and reliable for their topics.

The process of research and investigation may include:

- planning and conducting legal investigations
- comprehending written sources
- locating, selecting and organising relevant information from a variety of sources
- summarising and synthesising main ideas to develop and support a legal argument
- using a variety of sources to develop a view about legal issues
- identifying legal debates, problems and issues relevant to the topic
- analysing sources for their usefulness, relevance and reliability
- identifying different legal perspectives and interpretations evident in sources
- formulating relevant research questions and hypotheses relevant to the investigation
- using legal terms and concepts appropriately
- refining the argument – revisiting the original question/hypothesis and reviewing it in light of new material, eg the introduction of new sources may change conclusions drawn
- presenting and communicating the findings of the investigation using appropriate and well-structured oral and/or written and/or multimedia forms, including ICT.

Communication/presentation

A variety of modes of presentation may be used including:

- extended responses
- a legal report or brief
- PowerPoint or other ICT format
- oral presentation
- group work.

The following proforma may be useful for students in planning their legal investigation.

	Student notes	Date
<p>1 Choosing my issue <i>(an issue is something which is contentious or problematic and which can be seen from a variety of viewpoints)</i></p> <ul style="list-style-type: none"> • What am I interested in? • What will be my focus? • Is it contemporary? • What do I already know about my issue? • Is there a specific event, case or situation which highlights my issue? • Have I checked the syllabus? • Have I submitted my issue for checking by the teacher? 		
<p>2 Locating my information</p> <ul style="list-style-type: none"> • Where do I start? • What sources could I use? • Have I used a variety of sources? (sources could include websites, media, case reports, legislation, documents, international instruments) 		
<p>3 Selecting and organising my information</p> <ul style="list-style-type: none"> • Have I made a list of useful sources of information? • Can I identify the most useful/reliable sources, including websites, from this list? • Do I have a diverse and balanced range of sources? • Do these sources represent a range of perspectives, facts and opinions? • Am I recording details for my bibliography as I go? 		
<p>4 Analysing and synthesising my information</p> <ul style="list-style-type: none"> • Does my information address the issue? • Which legal and non-legal responses am I going to address? • What judgement(s) am I going to make about the effectiveness of these responses in relation to my issue? • What criteria am I going to use to make those judgements (ie to evaluate the effectiveness)? • Have I checked the syllabus? 		
<p>5 Planning my response</p> <ul style="list-style-type: none"> • How will I present my response? • Does my response meet the requirements of the marking criteria? • Is my response logical and well structured? • Have I included appropriate legal terminology? • Have I included relevant legal information and ideas? • Have I included a bibliography? 		
<p>6 Self-evaluation</p> <ul style="list-style-type: none"> • Have I answered the question? • Have I clearly identified and addressed the issue? • Have I done a final edit of my work? (hint – read it aloud, have another person review it before submission) • What did I learn from this process? 		

Analysing a website

The internet contains an enormous amount of useful information. It can provide access to libraries, databases and legal experts from around the world. The internet also contains irrelevant material that students often use indiscriminately. Students need to be aware that each site is constructed by an individual or an organisation for a purpose. There is little, if any, editing, quality control or censorship of websites. Students of Legal Studies need to evaluate a website to know whether the information it contains is useful and reliable.

The following criteria are useful for evaluating websites. After applying the criteria, the material contained in the site can be more closely evaluated using the criteria for analysing legal sources.

1 Decode the URL

The first step in evaluating a site is to decode its uniform resource locator or URL. This indicates what type of site it is, such as government, commercial or educational.

Example	URL	Type of site	Site
hsc.csu.edu.au	edu	education	HSC Online
lawlink.gov.nsw.au	gov	government agency	Attorney-General's Department
abc.net.au	net	network related	Australian Broadcasting Commission
smh.com.au	com	commercial	Sydney Morning Herald
greenpeace.org	org	non-profit and research organisations	Greenpeace

2 Identify the author or creator of the site

- Does the site show the author or creator?
- Does the site show the author's qualifications or experience?
- Does the site include an email address for contacting the author?

Most legitimate and reliable sites include details of the author or creator.

3 Links

- Is the site linked to other sites related to the topic?

Most quality sites link to other related sites.

4 Purpose

- Why does the site exist?

Is it to provide information, to sell something, to persuade you to think a particular way, to promote a particular cause? Identifying the site purpose is an important step in the evaluation process.

5 Currency

- Are there dates on the page to indicate when the page was written or last updated?

Site reliability checklist

Could be unreliable	Should be reliable
Site produced by private individual(s) but no information is given about them, eg Wikipedia	Site produced by well-qualified individuals, eg from universities or respected journalists
Site where no information is given about the author or agency	Public organisation which has a clear ethical charter, eg Amnesty International
Site where no author or agency is shown	Government site, educational site, non-profit research organisation site
Site which uses racist, sexist or violent language to get its message across	Site which presents information objectively rather than emotionally
Site which is biased or features stereotypes, distortions and exaggerations	Site which provides a statement of intent which will help you detect a point of view and bias
Site which takes extreme viewpoints without providing verifiable evidence	Site which provides both sides of a discussion, supported by verifiable evidence
Site which is not dated	Site which is dated and recently updated

4 Sample Preliminary course assessment tasks

The sample assessment programs and tasks provided in this document have been developed using advice provided in the Board of Studies publication *HSC Assessment in a Standards-referenced Framework: a Guide to Best Practice*, published in November 2003, and *The New Higher School Certificate Assessment Support Document* which assists teachers to incorporate the key features of standards-referenced assessment into their assessment planning. Teachers are strongly advised to consult these documents in designing their assessment programs and individual tasks.

The tasks provided on the following pages has been developed from Sample Program 1. They have been designed using the steps outlined in the assessment support document. The tasks provide:

- a clear indication of outcomes to be assessed
- clear instructions to students
- explicit advice to the students about the criteria to be used for assessing their performance
- a marking scheme related to the criteria.

4.1 Preliminary course: Sample Assessment Task 1

Law reform webquest

Nature of task: ICT investigation, report submission and extended response.

Weighting: 25%

Marks: 25

Outcomes to be assessed

P3. describes the operation of domestic and international legal systems

P5. describes the role of law in encouraging cooperation and resolving conflict, as well as initiating and responding to change

P6. explains the nature of the interrelationship between the legal system and society

P8. locates, select and organises legal information from a variety of sources including legislation, cases, media, international instruments and documents

P9. communicates legal information using well-structured responses

Task description

The task has two parts:

- Complete the attached webquest and submit a report of no more than 1500 words of your research findings. (15 marks)
Please note the importance of the implications of ‘All My Own Work’ and problems of plagiarism. This is individual work and your teacher must be satisfied that you completed all the work yourself.
- Using some of your research findings, write an extended response in class time on the topic: ‘Domestic and international legal systems are highly effective in initiating and responding to change.’ Discuss this statement with reference to:
 - the conditions that give rise to law reform
 - the agencies of reform
 - the mechanisms of reform. (10 marks)

Procedure

1. Students will have TWO lessons in class to complete the webquest.
2. On the date specified by your teacher you will be required to submit the webquest report.
3. After class discussion of the findings of the webquest research, at a date specified by your teacher, you will be required to complete the extended response in class time.

Task rubric

You will be assessed on your ability to:

- complete all aspects of the webquest research in report form
- locate, select and organise legal information from a variety of sources including legislation, cases, media, international instruments and documents
- discuss the role of domestic and international legal systems in initiating and responding to change
- demonstrate an understanding of the conditions that give rise to law reform, and the agencies and mechanisms of law reform
- communicate legal information using a well-structured response.

Marking guidelines

Criteria	Marks
<ul style="list-style-type: none"> • comprehensively answers all aspects of the webquest • comprehensively uses relevant legal information from a variety of sources • demonstrates extensive knowledge of the role of domestic and international legal systems in initiating and responding to change • demonstrates detailed understanding of the conditions that give rise to law reform, the agencies and mechanisms of law reform • communicates information in a balanced and well-structured response 	21–25
<ul style="list-style-type: none"> • answers most aspects of the webquest • uses relevant legal information from a variety of sources • demonstrates detailed knowledge of the role of domestic and international legal systems in initiating and responding to change • demonstrates an understanding of the conditions that give rise to law reform, the agencies and mechanisms of law reform • communicates information in a structured response 	16–20
<ul style="list-style-type: none"> • answers most aspects of the webquest • uses legal information from sources • demonstrates knowledge of the role of domestic and/or international legal systems in initiating and/or responding to change • demonstrates a limited understanding of the conditions that give rise to law reform, the agencies and mechanisms of law reform • communicates some relevant information 	11–15
<ul style="list-style-type: none"> • answers some aspects of the webquest • uses legal information • demonstrates limited understanding of the role of domestic and international legal systems in initiating and/or responding to change • may show some understanding of the conditions that give rise to law reform and/or the agencies and/or mechanisms of law reform • communicates information 	6–10
<ul style="list-style-type: none"> • answers some aspects of the webquest • makes general statements about law reform 	1–5

WEBQUEST

Using your own knowledge and the internet, complete the following webquest. Compile your answers in a word document as you go. Give your document a heading and add your name and your teacher's name. Remember to save your work regularly.

Law reform is the process of changing the law. It is done for many reasons and considered by a number of agencies of reform. It is then up to mechanisms such as courts and parliaments to instigate the change.

1. CONDITIONS THAT GIVE RISE TO LAW REFORM

Go to www.hsc.csu.edu.au/legal_studies/crime/

- Using examples, outline the following conditions that give rise to law reform:
 - changing social values
 - new concepts of justice
 - new technology.

2. AGENCIES OF REFORM



Law Reform Commission



a) Go to www.lawlink.nsw.gov.au/lrc

- Outline the roles of courts and parliaments in law reform and describe their limitations.
- Outline the role of the NSW Law Reform Commission.
- Identify and outline the features of the NSW Law Reform Commission.
- Identify FOUR current projects that the NSW Law Reform Commission is working on.
- Construct a flow diagram to illustrate the steps in the law reform process in NSW.
- Identify and describe the other organisations which are also 'catalysts of change' in NSW.



Australian Government

Australian Law Reform Commission

b) Go to www.alrc.gov.au/

- When and why was the Australian Law Reform Commission established?
- Outline the accountability of the Australian Law Reform Commission.
- Why is it one of the most effective and influential agents of change in Australia?
- Identify the aims of the Australian Law Reform Commission.
- List FOUR areas that the Australian Law Reform Commission is currently working on.
- Construct a flow diagram of a 'typical inquiry'.
- Find and read a current case study. Name the case study and provide a brief outline of the case.



c) Go to: www.redcross.org.au

Australia

- Outline the mission of the Australian Red Cross as a non-governmental organisation.
- Watch the video on ‘Our Principles’ and list the fundamental principles of the organisation.

International

- When was the International Red Cross established and why?
- Outline the role of the International Red Cross today.

d) Go to any Australian newspaper website.

- Identify THREE articles in the newspaper that are highlighting law reform.
- Provide:
 - the headline
 - the source and date
 - a brief description of each.



3. MECHANISMS OF REFORM

a) Go to: www.liac.sl.nsw.gov.au

Go to *Hot Topics* online: [The Australian legal system](#), No. 60, 2007.

- Outline the role of the mechanisms of law reform
 - legislature
 - judiciary
 - executive
- Outline the impact of international law on Australian law.



b) Go to: www.un.org/Pubs/CyberSchoolBus

Go to ‘The UN: An Introduction for Students. The UN System.’

- Outline the limitations the UN has as a mechanism of change.
- Identify ONE area of law reform in Australia where international law has had an impact.

c) Go to: europa.eu/abc/12lessons/index_en.htm

- Why was there a need for the European Union?
- How does the EU work and how many nationalities does it involve?
- Identify FOUR policy areas that the EU is working for on behalf of its member states.
- Outline the limitations the EU has as a mechanism of change.

4.2 Preliminary course: Sample Assessment Task 2

Law in practice: Investigating a contemporary issue

Nature of task: Research and report

Weighting: 25%

Marks: 25

Outcomes to be assessed

- P6: explains the nature of the interrelationship between the legal system and society
- P7: evaluates the effectiveness of the law in achieving justice
- P8: locates, selects and organises legal information from a variety of sources including legislation, cases, media, international instruments and documents
- P9: communicates legal information using well-structured responses
- P10: accounts for differing perspectives and interpretations of legal information and issues

Task description

In order to complete this task you will be required to:

- select a contemporary issue
- research the legal and non-legal responses to this issue
- using criteria, evaluate the effectiveness of the legal and non-legal responses in achieving justice in relation to this issue
- present your findings in the form of a report of no more than 1000 words.

Procedure

Using the research investigation proforma provided (see page 41) it is important to plan the allocation of time so as to complete all the steps within the required time frame.

Complete all of Step 1 and then check the proposed issue with your teacher before moving on to complete the rest of the steps.

Task rubric

You will be assessed on your ability to:

- identify a contemporary issue
- describe the legal and non-legal responses to this issue
- evaluate the effectiveness of these responses using criteria (some criteria are outlined in the syllabus)
- present a logical, well-structured response using relevant legal information and ideas
- integrate a variety of sources and accounts for differing perspectives in the course of the evaluation.

Marking guidelines

Criteria	Marks
<ul style="list-style-type: none"> • clearly identifies a contemporary issue • provides a detailed overview of the characteristics and features of legal and non-legal responses to the issue • makes a sound judgement, using criteria, as to the effectiveness of the legal and non-legal responses in achieving justice in relation to the issue • presents a sustained, logical and well-structured response in report format using relevant legal information and ideas • integrates a variety of sources and accounts for differing perspectives 	21–25
<ul style="list-style-type: none"> • identifies a contemporary issue • provides a discussion of the characteristics and features of legal and non-legal responses to the issue • makes a judgement, using criteria, as to the effectiveness of the legal and non-legal responses in achieving justice in relation to the issue • presents a logical and well-structured response in report format using relevant legal information and ideas • integrates sources and accounts for differing perspectives 	16–20
<ul style="list-style-type: none"> • identifies a contemporary issue • provides some characteristics and features of legal and non-legal responses to the issue • includes some discussion as to the effectiveness of the legal and non-legal responses in achieving justice in relation to the issue • presents a response in report format using relevant legal information and ideas • makes reference to some sources and/or some differing perspectives 	11–15
<ul style="list-style-type: none"> • identifies a contemporary issue and/or provides some characteristics and features of legal and non-legal responses to the issue • makes reference to the effectiveness of the law in achieving justice • uses some relevant legal information and/or ideas • makes limited reference to sources and/or differing perspectives 	6–10
<ul style="list-style-type: none"> • makes a general statement about the law and/or justice in relation the issue • makes limited use of legal information and/or ideas • may make limited reference to sources and/or differing perspectives 	1–5

Teacher’s signature

Date

Student’s self-reflection:

What did I do well? _____

What can I improve? _____

5 Sample HSC course program

Part 1 of the core: Crime

30% of course time

Principal focus: Through the use of a range of contemporary examples, students investigate criminal law, processes and institutions and the tension between community interests and individual rights and freedoms.

Outcomes

- H1. identifies and applies legal concepts and terminology
- H2. describes and explains key features and the relationship between Australian and international law
- H3. analyses the operation of the domestic and international legal systems
- H4. evaluates the effectiveness of the legal system in addressing issues
- H5. explains the role of law in encouraging cooperation and resolving conflict, as well as initiating and responding to change
- H6. assesses the nature of the interrelationship between the legal system and society
- H7. evaluates the effectiveness of the law in achieving justice
- H8. locates, selects, organises, synthesises and analyses legal information from a variety of sources including legislation, cases, media, international instruments and documents
- H9. communicates legal information using well-structures and logical arguments
- H10. analyses differing perspectives and interpretations of legal information and issues

Themes and challenges to be incorporated throughout the topic:

- the role of discretion in the criminal justice system
- issues of compliance and non-compliance in regard to criminal law
- the extent to which law reflects moral and ethical standards
- the role of law reform in the criminal justice system
- the extent to which the law balances the rights of victims, offenders and society
- the effectiveness of legal and non-legal measures in achieving justice.

Assessment tasks: Crime media file and issue research.

Students learn about:	Students learn to:	Suggested teaching and learning strategies	Themes and challenges
<p>1. The nature of crime</p> <ul style="list-style-type: none"> • the meaning of crime • the elements of crime: <i>actus reus</i>, <i>mens rea</i> • strict liability offences • causation • categories of crime (offences against the person, offences against the sovereign, economic offences (property/white collar/computers), drug 	<ul style="list-style-type: none"> • describe the nature of crime • recognise the different categories of crime 	<p><i>Note: The Legal Information Access Centre (LIAC) from the State Library of NSW has examples of cases, legislation, articles and research suggestions for students available online. Students should be encouraged to visit their website throughout the study of this topic.</i></p> <p>Using examples from the media, discuss which news events are considered criminal matters. Discuss the meaning of crime, including:</p> <ul style="list-style-type: none"> – who decides what is a crime – why some actions that were once considered criminal no longer fit this definition (homosexuality, witchcraft, etc.) – why some actions such as domestic violence have been criminalised. <p>Explanation of the terms <i>actus reus</i> and <i>mens rea</i>, outlining their importance in criminal law. Use media articles to illustrate. Students identify the <i>actus reus</i> and <i>mens rea</i> in a list of scenarios.</p> <p>Brainstorm: Why is it not always necessary to have <i>mens rea</i> present? Students consider exemptions of mental illness, age of criminal understanding (<i>doli incompax</i>). Does this help to achieve justice?</p> <p>Define strict liability. Discussion of why strict liability offences do not require <i>mens rea</i>, and the implications for justice for victims, offenders and society.</p> <p>Using cases such as <i>R v Blaue</i> [1975] 3 All ER 446, <i>March v Stramare</i> (1991) 171 CLR 506 (internet search), explain causation.</p> <p>Define categories of crime. Use examples from media reports and/or cases to illustrate each. Form groups where students research each crime category.</p> <p>Quick quiz: Students match a list of crimes to their correct category.</p>	<ul style="list-style-type: none"> • the extent to which law reflects moral and ethical standards • the extent to which the law balances the rights of victims, offenders and society

Students learn about:	Students learn to:	Suggested teaching and learning strategies	Themes and challenges
<p>offences, driving offences, public order offences, preliminary crimes (attempts and conspiracy)</p> <ul style="list-style-type: none"> • summary and indictable offences • parties to a crime including principal in the first degree, principal in the second degree, accessory before the fact, accessory after the fact • factors affecting criminal behaviour 	<ul style="list-style-type: none"> • define summary and indictable offences • examine a range of factors that may lead to criminal behaviour 	<p>Outline the essential differences between <i>summary</i> and <i>indictable</i> offences. Written response: a paragraph distinguishing summary and indictable offences. Students are given a list of crimes and they indicate the court jurisdiction for each. Resources: <i>The Law Handbook</i>, Redfern Legal Centre.</p> <p>Define <i>parties to a crime</i> and use news reports to illustrate. Class discussion – why does the law differentiate between parties involved in crimes? Role-play: In groups of 4–5, students briefly devise and act out a scenario indicating the different parties involved in a crime. The rest of the class correctly identifies the involvement of each party.</p> <p>Students list reasons why people choose not to break the law, eg fear of punishment, against personal morality, etc</p> <p>Discussion on factors that may lead to criminal behaviour (eg self-interest, mental illness, religious/philosophical reasons). Discuss why criminal offences like breaching copyright by downloading material and speeding are common and widespread. Examine a selection of media articles and/or cases and suggest possible reasons for criminal behaviour</p> <p>Resources: Media articles <i>Alternative Law Journal</i>, June 2008 outlines the case of <i>R v Law & Ors</i> [2008] NTCCA 4 (The Pine Gap 4), a</p>	<ul style="list-style-type: none"> • issues of compliance and non-compliance in regard to criminal law

Students learn about:	Students learn to:	Suggested teaching and learning strategies	Themes and challenges
<ul style="list-style-type: none"> • crime prevention: situational and social 	<ul style="list-style-type: none"> • investigate a range of situational and social crime prevention techniques 	<p>group of Christian pacifists who broke into Pine Gap for religious reasons.</p> <p>Define <i>situational</i> and <i>social</i> crime prevention, noting as examples of law reform.</p> <p>Students list as many examples of situational crime prevention as they can find (such as cameras above ATMs) and indicate where these can be found. What situational crime prevention techniques can be observed around the school?</p> <p>Discussion and note-making on social crime prevention strategies, such as anti-truancy and school student retention programs.</p> <p>Class quiz/review of learning – nature of crime</p> <p>Using the syllabus, students devise true/false questions, matching terms quizzes, multiple-choice and short-answer questions to review learning.</p>	<ul style="list-style-type: none"> • the role of law reform in the criminal justice system
<p>2. The criminal investigation process</p> <ul style="list-style-type: none"> • police powers 	<ul style="list-style-type: none"> • discuss the powers of police in the criminal process 	<p>Guest speaker from NSW Police to explain police powers to students.</p> <p>Discussion and note-making:</p> <ul style="list-style-type: none"> – recent changes to police powers and reasons for these – the extent to which these changes reflect the standards of society – the extent to which police powers are discretionary (eg whether to investigate a crime, whether to give a warning or arrest, choice of charges) – to what extent these powers maintain a balance between victims and accused. <p>Extension work: Discuss police powers in relation to terrorism. Examples could include the treatment of Dr Haneef, and special powers for the APEC conference in 2008.</p> <p>Resources: www.lawlink.nsw.gov.au, <i>The Law Handbook</i>, Redfern Legal Centre</p>	<ul style="list-style-type: none"> • the extent to which law reflects moral and ethical standards • the role of discretion in the criminal justice system • the extent to which the law balances the rights of victims, offenders and society

Students learn about:	Students learn to:	Suggested teaching and learning strategies	Themes and challenges
<ul style="list-style-type: none"> • reporting crime • investigating crime: <ul style="list-style-type: none"> – gathering evidence – use of technology • arrest and charge, summons, warrants <ul style="list-style-type: none"> – search and seizure – use of warrants 	<ul style="list-style-type: none"> • examine the reporting and investigating of crime • discuss the powers of police in the criminal process 	<p>Written response: Students brainstorm a scaffold and individually complete the following: ‘Discuss the powers of police in the criminal process’. Support your answer with examples from media, cases, legislation and/or reports.</p> <p>Mind map the steps involved in reporting and investigating crime, to be completed by the end of this section.</p> <p>Resources: www.police.nsw.gov.au, Acts and legislation, Code of Practice for CRIME (custody, rights, investigation, management and evidence). <i>The Law Handbook</i>, Redfern Legal Centre outlines the process of police powers, arrest, interrogation and bail. The NSW Bureau of Crime Statistics website www.bocsar.nsw.gov.au has interesting data available for this topic.</p> <p>Brainstorm: What is the role of technology in criminal investigations? Compare the TV version with the reality. Students consider cost (resource efficiency), reliability, the rights of the accused, the victim and society.</p> <p>Media research: Students look at cases such as <i>R v Boney</i> (unreported, Moree District Court, 20 October 2000) and consider the role of DNA testing. Students consider the balance between the rights of the victims, offenders and society, and the role of law reform as technology evolves.</p> <p>Define <i>arrest, charge, summons, warrants</i>.</p> <p>Guest speaker from NSW Police to explain arrest process.</p> <p>Examine the laws regarding search and seizure and consider the role of police discretion.</p>	<ul style="list-style-type: none"> • the role of discretion in the criminal justice system

Students learn about:	Students learn to:	Suggested teaching and learning strategies	Themes and challenges
		<p>Resources: <i>The Law Handbook</i>, Redfern Legal Centre <i>Hot Topics</i>, No. 58, <i>Terrorism</i>, 2006 www.police.nsw.gov.au, Acts and legislation, Code of Practice for CRIME (custody, rights, investigation, management and evidence) www.bocsar.nsw.gov.au NSW Bureau of Crime Statistics Forensic services group – NSW police force www.police.nsw.gov.au/about_us/structure/specialist_operations/forensic_services Forensic scientists www.policensw.com/info/forensic/forensic1.html <i>Crimes (Forensic Procedures) Act 2000</i> www.austlii.edu.au/au/legisl/nsw/consol_act</p> <p>Class quiz: Review the criminal investigation process through the use of multiple-choice, true/false questions, matching terms and short-answer questions.</p>	<ul style="list-style-type: none"> • the effectiveness of legal and non-legal measures in achieving justice • the extent to which law reflects moral and ethical standards
<p>3. Criminal trial process</p> <ul style="list-style-type: none"> • court jurisdiction • the adversary system • legal personnel: 	<ul style="list-style-type: none"> • describe the role of courts in the criminal justice process 	<p>Pre-test: Students complete a blank court hierarchy and personnel diagram from memory of the Preliminary course. Courts should include: coroners, children’s, drug court, youth drug court, local, district and supreme court. This is checked against the correct version, and students make any adjustments necessary.</p> <p>Brainstorm and construct a table indicating the advantages and disadvantages of the adversarial system in achieving justice. Consider resource efficiency, truth as an aim, the passive nature of judges who are not able to interview witnesses (as opposed to inquisitorial system), transparency of the process, jury by peers.</p> <p>Extension work: Make a comparison between the adversarial and</p>	<ul style="list-style-type: none"> • role of discretion in the

Students learn about:	Students learn to:	Suggested teaching and learning strategies	Themes and challenges
<p>magistrate, judge, police prosecutor, Director of Public Prosecution, Public Defenders</p> <ul style="list-style-type: none"> • pleas, charge negotiation • legal representation, including legal aid • burden and standard of proof • use of evidence, including 	<ul style="list-style-type: none"> • discuss the use of the adversary system as a means of achieving justice • examine the role of legal representation in the criminal trial 	<p>inquisitorial systems.</p> <p>Research: Investigate the role of legal personnel in the criminal trial and construct a mind map that will assist in revision.</p> <p>Resources: www.odpp.nsw.gov.au www.lawlink.nsw.gov.au</p> <p>Teacher outlines the purpose of <i>pleas</i>, and defines <i>charge bargaining</i>. Students consider the advantages and disadvantages to charge bargaining and construct a table to illustrate. Students may wish to consider resource efficiency, role of discretion, rights of victims and accused, community expectations, and to what extent charge negotiation achieves justice.</p> <p>Resources: <i>The Law Handbook</i>, Redfern Legal Centre 'Too many plea bargains: Assoc', <i>Police News</i>, Journal of the NSW Police Association, February 2008. The submission from the NSW Police Association to the NSW Sentencing Council regarding sentence discounts www.pansw.org.au/Plea_Bargaining.pdf</p> <p>Guest speaker from Law Society.</p> <p>Research the role of legal representation in the criminal trial, including the responsibilities of legal representatives, who is entitled to legal representation, and the role of and eligibility for legal aid.</p> <p>Resources: <i>The Law Handbook</i>, Redfern Legal Centre <i>Hot Topics</i>, No. 46, <i>You and Your Lawyer</i>, 2004 www.legalaids.nsw.gov.au</p> <p>Outline the <i>burden and standard of proof</i> and explain their importance to the criminal trial process.</p> <p>Resources: <i>The Law Handbook</i>, Redfern Legal Centre</p> <p>Examine the <i>rules of evidence</i> summary page provided in <i>The Law</i></p>	<p>criminal justice system</p> <ul style="list-style-type: none"> • the extent to which law balances the rights of victims, offenders and society • the role of discretion in the criminal justice system • the role of law reform in the criminal justice system the extent to which the law balances the rights of victims, offenders and society • the extent to which law reflects moral and ethical standards • the role of law reform

Students learn about:	Students learn to:	Suggested teaching and learning strategies	Themes and challenges
	<p>effectiveness of the criminal trial process as a means of achieving justice</p>	<p>(could include the Skaf case, K Brothers case, first aborted Gordon Wood trial, district court trial aborted due to jury playing sudoku). Examine recent examples of law reform or proposed law reform and consider the extent to which the law balances the rights of victims, offenders and society.</p> <p>Scaffold the following as a class, and students research and locate relevant cases, legislation, media/reports. Discuss findings in class. Students then write an individual response to: ‘Evaluate the effectiveness of the jury system in the criminal trial. Support your answer with cases, legislation, media reports and/or other reports.’</p>	
<p>4. Sentencing and punishment</p> <ul style="list-style-type: none"> • statutory and judicial guidelines • the purposes of punishment: deterrence (specific and general), retribution, rehabilitation, incapacitation • factors affecting a sentencing decision: aggravating and mitigating circumstances • the role of the victim in sentencing 	<ul style="list-style-type: none"> • discuss factors that affect sentencing decisions, including the purposes of punishment and the role of the victim 	<p>Differentiate between <i>statutory</i> and <i>judicial</i> guidelines, and outline the purposes of each. Discuss the reasons for the use of guidelines, and their strengths and limitations.</p> <p>Outline the differing purposes of punishment. Discuss, using examples of cases and media reports, the purpose of punishments given.</p> <p>Define <i>aggravating</i> and <i>mitigating</i> factors. Discuss reasons why these may be considered in sentencing. Examine cases where aggravating and mitigating factors have been considered in sentencing.</p> <p>Outline the changing role of the victim in sentencing, including the introduction of victim impact statements and the Charter of Rights. Discuss reasons for this changing role of victims. Examine websites of support groups for victims of crime. Resources: www.lawlink.nsw.gov.au/voc</p>	<ul style="list-style-type: none"> • the extent to which law reflects moral and ethical standards • the role of discretion in the criminal justice system • the extent to which the law balances the rights of victims, offenders

Students learn about:	Students learn to:	Suggested teaching and learning strategies	Themes and challenges
<ul style="list-style-type: none"> • appeals • types of penalties including: no conviction recorded, caution, fine, bond, suspended sentence, probation, criminal infringement notice, penalty units, community service order, home detention, periodic detention, forfeiture of assets, imprisonment, diversionary programs • alternative methods of 	<ul style="list-style-type: none"> • evaluate the effectiveness of different types of penalties, including diversionary programs • assess the roles of 	<p>Review the purpose and process of <i>appeals</i>.</p> <p>Discuss, using examples, the role of appeals as an effective tool for justice for victims, offenders and society</p> <p>Resources: <i>Hot Topics</i>, No. 55, Sentencing, 2005</p> <p>Class summary: Using butcher’s paper, students work in pairs to define each type of penalty, and identify the types of crimes or offender where these penalties may be appropriately used. Students also identify relevant cases, legislation or media for each. Students present their findings to the class, and students/teacher offer additional suggestions/corrections as well advantages and disadvantages of each penalty.</p> <p>Students, in pairs, devise five multiple-choice, or mix-and-match questions to be shared with the class.</p> <p>Group work: Provide students with a variety of crime scenarios. Students recommend the penalty to be given based on their knowledge and understanding of the law and justify their decision to the class.</p> <p>Brainstorm an extended response: <i>Evaluate the effectiveness of different types of penalties, including diversionary programs.</i> Consider the criteria to be used to evaluate this question, and the role of law reform. Cases, media, legislation or reports should also be used to support the response.</p> <p>Resources: <i>Hot Topics</i>, No. 55, Sentencing, 2005 Gruseit, Forell, McCaron, <i>Taking Justice Into Custody, The Legal Needs of Prisoners</i>, Law and Justice Foundation, 2008. <i>The Law Handbook</i>, Redfern Legal Centre. Media search.</p> <p>Outline <i>alternative methods of sentencing</i>. Consider reasons why</p>	<p>and society</p> <ul style="list-style-type: none"> • the issues of compliance and non-compliance • the role of law reform in the criminal justice system • the effectiveness of

Students learn about:	Students learn to:	Suggested teaching and learning strategies	Themes and challenges
<p>sentencing including circle sentencing, restorative justice</p> <ul style="list-style-type: none"> • post-sentencing considerations, including security classification, protective custody, parole, preventative detention, continued detention, sexual offenders registration, deportation 	<p>alternative methods of sentencing</p> <ul style="list-style-type: none"> • examine the implications of post-sentencing considerations in achieving justice • evaluate the effectiveness of sentencing and punishment as a means of achieving justice 	<p>these have been increasingly used in the criminal justice system, including the high rates of recidivism and the failure of existing punishment.</p> <p>Examine media and cases to assess the role of alternative methods of sentencing as a way of achieving justice.</p> <p>Resources: Crime Prevention Circle Sentencing Factsheet, www.lawlink.nsw.gov.au/lawlink/cpd/ll_cpd.nsf/pages/CPD_projects ‘Inside the Circle’, <i>Four Corners</i>, ABC, 2005. <i>Hot Topics</i>, No. 55, <i>Sentencing</i>, 2005 Media search.</p> <p>Describe <i>post-sentencing decisions</i> and outline how and why these are used. Include the role of law reform, and the influence of the media.</p> <p>Discuss the implications for achieving justice for victims, offenders and society. Support discussion with reference to cases, legislation, media and reports.</p> <p>Debate: ‘When considering sentencing and punishment, the protection of society is more important than the rights of individuals’.</p> <p>Resources: <i>Hot Topics</i>, No. 55, <i>Sentencing</i>, 2005 Gruseit, Forell, McCaron, <i>Taking Justice Into Custody</i>, The Legal Needs of Prisoners, Law and Justice Foundation, 2008 www.lawlink.nsw.gov.au http://www.austlii.edu.au/au/journals/UWSLawRw/ www.smh.com.au <i>The Law Handbook</i>, Redfern Legal Centre</p> <p>Written response: Scaffold and complete an extended response on the following: ‘Evaluate the effectiveness of sentencing and punishment as a means</p>	<p>legal and non-legal measures in achieving justice</p>

Students learn about:	Students learn to:	Suggested teaching and learning strategies	Themes and challenges
		<p>of achieving justice’. Use cases, legislation, media and reports to support your answer. Review: multiple-choice, matching terms, true/false and short answer questions.</p>	
<p>5. Young offenders</p> <ul style="list-style-type: none"> • age of criminal responsibility • rights of children when questioned or arrested • Children’s Court – procedures and operation • penalties for children • alternatives to court 	<ul style="list-style-type: none"> • discuss the issues surrounding the age of criminal responsibility • explain why young offenders are treated differently in the criminal justice system • assess the effectiveness of the criminal justice system when dealing with young offenders 	<p>Examine the age of criminal responsibility (<i>doli incompax</i>), and note the differences in court reporting, procedures and operation. Use media to examine current issues, particularly regarding young offenders and violent crime, and areas of law reform.</p> <p>Explain the reasons for the differences in treatment of, and penalties for, adults and young offenders. Discuss the extent to which these differences balance the rights of victims, offenders and society. Investigate and report back to class about alternatives to court such as diversionary schemes.</p> <p>Scaffold the following in class and model an introduction and conclusion. Students to write an individual response to: ‘Assess the effectiveness of the criminal justice system when dealing with young offenders’. Support your answer with examples from media, cases, legislation and/or reports.</p> <p>Resources: NSW Commission for Children and Young People www.kids.nsw.gov.au NSW Attorney General www.lawlink.nsw.gov.au NSW Department of Juvenile Justice www.djj.nsw.gov.au Children and Young People, <i>Reform</i>, Winter 2008, Issue 92, ALRC <i>Hot Topics</i>, No. 49, <i>Juvenile Justice</i>, 2004. Four Corners, 2009, <i>Kids Doing Time</i>, www.abc.net.au/4corners/special_edds/20090824/juveniles</p>	<ul style="list-style-type: none"> • the extent to which the law reflects moral and ethical standards • the extent to which the law balances the rights of victims, offenders and society • the effectiveness of legal and non-legal measures in achieving justice

Students learn about:	Students learn to:	Suggested teaching and learning strategies	Themes and challenges
<p>6. International crime</p> <ul style="list-style-type: none"> • categories of international crime, including: <ul style="list-style-type: none"> – crimes against the international community – transnational crimes • dealing with international crime: <ul style="list-style-type: none"> – domestic and international measures – limitations 	<ul style="list-style-type: none"> • define international crime • describe the various measures used to deal with international crime • evaluate the effectiveness of the domestic and international legal systems in dealing with international crime 	<p>Using a range of media articles on international crime, brainstorm a definition of <i>international crime</i> and its characteristics. Categorise these crimes.</p> <p>Pre-test (from the Preliminary course) the international legal system and the limitations sovereignty places on measures aimed at resolving international criminal issues.</p> <p>Describe the legal measures available to deal with international crime. Devise a webquest on the international legal system. Using case studies, discuss the effectiveness of the domestic and international legal systems in dealing with international crime.</p> <p>Debate the topic: ‘The international legal system is ineffective in dealing with international crime’.</p> <p>Review: Students devise multiple-choice questions, short-answer questions and longer responses based on the Crime syllabus, post on the school intranet and test themselves.</p> <p>Resources: Joyner, C 2005, <i>International law in the 21st century: rules for global governance</i>, Rowman and Littlefield, Lanham, MD. <i>Hot Topics</i>, No. 69, <i>International Law</i>, 2009. Extension reading (Literacy): Robertson, G 2006, <i>Crimes against humanity: the struggle for global justice</i>, 3rd edn, The New Press, NY. www.un.org www.theguardian.co.uk Websites for the International Court of Justice, International Criminal Court, War Crimes Tribunal of Former Yugoslavia, Rwanda.</p>	<ul style="list-style-type: none"> • the extent to which law reflects moral and ethical standards • issues of compliance and non-compliance in regard to criminal law • the extent to which the law balances the rights of victims, offenders and society

Part II of the core: Human rights

20% of course time

Principal focus: Through the use of a range of contemporary examples, students investigate the notion of human rights and assess the extent to which legal systems embody such human rights and promote them in practice.

Outcomes

- H1. identifies and applies legal concepts and terminology
- H2. describes and explains key features of and the relationship between Australian and international law
- H3. analyses the operation of domestic and international legal systems
- H4. evaluates the effectiveness of the legal system in addressing issues
- H5. explains the role of law in encouraging cooperation and resolving conflict, as well as initiating and responding to change
- H6. assesses the nature of the interrelationship between the legal system and society
- H7. evaluates the effectiveness of the law in achieving justice
- H8. locates, selects, organises, synthesises and analyses legal information from a variety of sources including legislation, cases, media, international instruments and documents
- H9. communicates legal information using well-structured and logical arguments
- H10. analyses differing perspectives and interpretations of legal information and issues

Themes and challenges to be incorporated throughout the topic:

- the changing understanding of the relationship between state sovereignty and human rights
- issues of compliance and non-compliance in relation to human rights
- the development of human rights as a reflection of changing values and ethical standards
- the role of law reform in protecting human rights
- the effectiveness of legal and non-legal measures in protecting human rights.

Assessment: Human rights research task.

Students learn about:	Students learn to:	Suggested teaching and learning strategies	Themes and challenges
<p>1. The nature and development of human rights</p> <ul style="list-style-type: none"> • the definition of human rights • developing recognition of human rights <ul style="list-style-type: none"> – the abolition of slavery – trade unionism and labour rights – universal suffrage – universal education – self-determination – environmental rights – peace rights • formal statements of human rights <ul style="list-style-type: none"> – Universal Declaration of Human Rights – International Covenant on Civil and Political 	<ul style="list-style-type: none"> • define <i>human rights</i> • outline how human rights have changed and developed over time • investigate the evolving recognition and importance of universal human rights • examine major human rights documents and explain their contribution to the development of human rights 	<p>Students develop a list of human rights. Compile and categorise on board.</p> <p>Develop definition of <i>human rights</i>.</p> <p>Internet/media research – find examples of current human rights abuses.</p> <p>Resource: Fleiner, T 1999, <i>What Are Human Rights?</i>, The Federation Press, Sydney</p> <p>Make notes on the development of human rights over time. Cover each specific area, explaining how each contributed to the development of human rights. Construct a timeline.</p> <p>Resource: <i>Hot Topics</i>, No. 65, Human Rights, 2008.</p> <p>Discussion of the development of human rights. Group activity on each – develop PowerPoint to present to class/class worksheets. Cite examples of music being used to increase awareness of different human rights, eg Bob Marley, U2, Midnight Oil.</p> <p>Writing task: ‘You are imprisoned on a slave ship. Explain what era you are living in. List the basic rights that you have lost. Do you have any rights at all? What can you do?’</p> <p>Brief examination of each document. Identify major characteristics/informal discussion of content.</p> <p>Develop a summary/table with a brief overview of the purpose and nature of human rights documents.</p>	<ul style="list-style-type: none"> • the development of human rights as a reflection of changing values and ethical standards • role of law reform in protecting human rights

Students learn about:	Students learn to:	Suggested teaching and learning strategies	Themes and challenges
<p>Rights</p> <ul style="list-style-type: none"> – International Covenant on Economic, Social and Cultural Rights 			
<p>2. Promoting and enforcing human rights</p> <p>In the international community:</p> <ul style="list-style-type: none"> • state sovereignty <ul style="list-style-type: none"> • the roles of: <ul style="list-style-type: none"> – the United Nations – intergovernmental organisations – courts, tribunals and independent statutory authorities – non-government organisations – the media <p>In Australia:</p> <ul style="list-style-type: none"> • the incorporation of human rights into domestic law • the roles of: 	<ul style="list-style-type: none"> • assess the role of state sovereignty in promoting and enforcing human rights • evaluate the effectiveness of international responses in promoting and enforcing human rights • outline how human rights are incorporated into Australian domestic law 	<p>Discuss and define the concept of <i>state sovereignty</i> and its implications for the promotion and protection of human rights. Media search: Find current examples illustrating the exercise of state sovereignty – check UN website www.un.org, local news stations, major newspapers. Briefly respond to the question: ‘How can state sovereignty impact on the enforcement of human rights?’</p> <p>Investigate and make notes on the role of each of the listed organisations. Assess the effectiveness of the various responses in promoting and enforcing human rights. Refer to contemporary examples wherever appropriate. Resources: Human Rights Watch www.hrw.org. Amnesty International – refer to CD/DVD and website www.amnesty.org. <i>Time</i> magazine.</p> <p>Investigate how human rights are protected in Australia. Cover a range of sources, eg the Constitution, statute law and common law, with specific examples of each such as the Constitution, s 116 – freedom of religion; anti-discrimination legislation; rights</p>	<ul style="list-style-type: none"> • the changing understanding of the relationship between state sovereignty and human rights • issues of compliance and non-compliance in relation to human rights • the development of human rights as a reflection of changing values and ethical standards

Students learn about:	Students learn to:	Suggested teaching and learning strategies	Themes and challenges
<ul style="list-style-type: none"> – the Constitution, including division of powers and separation of powers – statute law – common law – courts and tribunals – non-government organisations – the media – Charter of Rights (arguments for and against) 	<ul style="list-style-type: none"> • evaluate the effectiveness of Australian responses in promoting and enforcing human rights • discuss the arguments for and against a Charter of Rights for Australia 	<p>contained in common law, eg implied right to legal representation (<i>Dietrich v the Queen</i> [1992] HCA 57; (1992) 177 CLR 292).</p> <p>Consider the roles of:</p> <ul style="list-style-type: none"> – courts and tribunals, eg High Court decisions, Refugee Review Tribunal (RRT). – NGOs, eg Red Cross, Amnesty International, etc. – the media. The focus here is on how the media portrays human rights abuses. Students should be encouraged to read daily newspapers and find relevant human rights examples. <p>Consider the nature and purpose of a Charter of Rights.</p> <p>Compare and contrast with other jurisdictions.</p> <p>Debate: ‘Australia needs a Charter of Rights’.</p> <p>Resources: <i>Hot Topics</i>, No. 65, Human rights, 2008. Australian Human Rights Commission www.humanrights.gov.au. Julian Burnside 2007, <i>Watching Brief: Reflections on Human Rights, Law and Justice</i>, Scribe Publications, Melbourne <i>Legal Date</i>, Vol 8, No. 2 blog.sl.nsw.gov.au/hsc_legal_studies</p>	<ul style="list-style-type: none"> • the development of human rights as a reflection of changing values and ethical standards • the role of law reform in protecting human rights • the effectiveness of legal and non-legal measures in protecting human rights
<p>3. Investigate a contemporary issue which illustrates the promotion and/or enforcement of human rights</p> <ul style="list-style-type: none"> • Issues could include: <ul style="list-style-type: none"> – genocide – treatment of refugees 	<ul style="list-style-type: none"> • investigate a contemporary human rights issue 	<p>This section could be completed as an individual research/assessment task, as group work where each group investigates a different topic, or as an oral/class presentation.</p>	<ul style="list-style-type: none"> • the changing understanding of the relationship between

Students learn about:	Students learn to:	Suggested teaching and learning strategies	Themes and challenges
<ul style="list-style-type: none"> – asylum seekers – child soldiers – abuse of children – torture – capital punishment – arbitrary detention – religious discrimination – discrimination against women – exploitation of workers – human trafficking and slavery – limitations on free speech 	<p>and evaluate the effectiveness of legal and non-legal responses to the issue</p>	<p>Please note, although only one issue needs to be investigated, students may investigate more than one.</p> <p>In investigating a contemporary human rights issue, the following should be covered:</p> <ul style="list-style-type: none"> – the nature of the issue – the extent and scope of the issue – legal responses – nature and effectiveness, international and/or domestic – non-legal responses – nature and effectiveness, international and/or domestic – future directions. <p>Research starting points may include:</p> <ul style="list-style-type: none"> – www.hrw.org – www.un.org – www.humanrights.gov.au – Hot Topics – Legal Studies Assist – Issues in Society – Alternative Law Journal – Legal Briefs (Journal of the Legal Studies Association of NSW) – UN Cyberbus and the Red Cross have relevant resources such as webquests and interactive sites – www.legalanswers.sl.nsw.gov.au/students_teachers/ – http://blog.sl.nsw.gov.au/hsc_legal_studies 	<p>state sovereignty and human rights</p> <ul style="list-style-type: none"> • issues of compliance and non-compliance in relation to human rights • the development of human rights as a reflection of changing values and ethical standards • the role of law reform in protecting human rights • effectiveness of legal and non-legal measures in protecting human rights

Option 1: Consumers

25% of course time

Principal focus: Through the use of contemporary examples, students investigate the legal rights of consumers and the effectiveness of the law in achieving justice for consumers.

Outcomes

- H1. identifies and applies legal concepts and terminology
- H3. analyses the operation of domestic and international legal systems
- H4. evaluates the effectiveness of the legal system in addressing issues
- H5. explains the role of law in encouraging cooperation and resolving conflict, as well as initiating and responding to change
- H6. assesses the nature of the interrelationship between the legal system and society
- H7. evaluates the effectiveness of the law in achieving justice
- H8. locates, selects, organises, synthesises and analyses legal information from a variety of sources including legislation, cases, media, international instruments and documents
- H9. communicates legal information using well-structured and logical arguments
- H10. analyses differing perspectives and interpretations of legal information and issues

Themes and challenges to be incorporated throughout the topic:

- the role of the law in encouraging cooperation and resolving conflict in regard to consumers
- issues of compliance and non-compliance
- laws relating to consumers as a reflection of changing values and ethical standards
- the role of law reform in recognising the rights of consumers
- the effectiveness of legal and non-legal responses in achieving justice for consumers.

Assessment: Writing task.

Students learn about:	Students learn to:	Suggested teaching and learning strategies	Themes and challenges
<p>1. Nature of consumer law</p> <ul style="list-style-type: none"> • the developing need for consumer protection • the definition of consumer • objectives of consumer laws • contracts – types, elements, terms, exclusion clauses 	<ul style="list-style-type: none"> • outline the developing need for consumer protection • outline the objectives of consumer law • examine the nature, function and regulation of contracts 	<p>Define consumer (refer to <i>Trade Practices Act 1974</i> (Cth); <i>Fair Trading Act 1987</i> (NSW)) and develop an overview of the development of consumer law. Resource: www.austlii.edu.au Activity: How shopping has changed over time. Complete a web search. Discuss changes from village market to shopping mall. Complete table comparing similarities and differences in such things as packaging, opportunities for inspection/testing, range of products etc. Implications of change: for consumers, the role of the state, laissez-faire, <i>caveat emptor</i>, the level of regulation. Brainstorm life as a consumer 150, 50 and 10 years ago. Class discussion: Why consumers need protection/objectives of consumer law. Define a contract. Identify elements of a legally binding contract. Examine case law such as <i>Carlill v Carbolic Smoke Ball Company</i> [1893] 1 QB 256. Differentiate between written, oral and implied contracts. (Most everyday contracts are implied, ie there is no discussion with regard to contractual terms, etc.) Use case examples such as <i>Balmain New Ferry Co Ltd v Robertson</i> (1906) 4 CLR 379. Role-play a range of simple consumer contracts. Discuss the nature of contractual terms – express and implied; conditions and warranties. Use shopping scenarios to develop a practical application of the key terms.</p>	<ul style="list-style-type: none"> • laws relating to consumers as a reflection of changing values and ethical standards • the role of the law in encouraging cooperation and resolving conflict in regard to consumers • issues of compliance and non-compliance

Students learn about:	Students learn to:	Suggested teaching and learning strategies	Themes and challenges
<ul style="list-style-type: none"> • standard implied by statutes • unjust contracts: common law and statutory protection • the role of negligence in consumer protection • regulation of marketing and advertising: statutory protection, non-statutory controls on advertising 	<ul style="list-style-type: none"> • evaluate the effectiveness of the regulation of marketing, advertising and product 	<p>Define the nature and purpose of <i>exclusion clauses</i>; discuss legal protections in their application (<i>Thornton v Shoe Lane Parking Ltd</i> [1971] 2 QB 163).</p> <p>Resources: www.artslaw.com.au; www.business.gov.au</p> <p>Class discussion on how consumers can be protected when they have entered into a contract. Draw on personal experiences.</p> <p>Consider the role of courts in the development of implied terms, eg merchantable quality.</p> <p>Examine the role of parliament with respect to implied terms – refer to <i>Trade Practices Act 1974 (Cth) (TPA)</i>, <i>Fair Trading Act 1987 (NSW) (FTA)</i>, and <i>Sale of Goods Act 1923 (NSW)</i>.</p> <p>Class discussion: The individual v the corporation. To what extent is there an imbalance of power? Link to fairness, and the role of the law in redressing inequality.</p> <p>Common law and statutory protection. Use case examples such as <i>Commercial Bank of Aust Ltd v Amadio</i> (1983) 151 CLR 447; and legislation such as <i>Contracts Review Act 1980 (NSW)</i> and the TPA. Students could consider duress, undue influence, unconscionability and difficulties faced by vulnerable groups.</p> <p>Examine the case of <i>Donoghue v Stevenson</i> [1932] AC 562. Examine the importance of the development of the law of negligence for consumer protection. Refer to contemporary examples – media search.</p> <p>Consider the <i>Civil Liability Act 2002 (NSW)</i> – initiate a debate or discussion on the balance between an individual’s rights to sue and the need to discourage overzealous litigation.</p> <p>Investigate the impact of modern marketing techniques on the consumer, and discuss the increasing need for consumers to be protected via the regulation of marketing and advertising.</p> <p>Examine statutory protection such as <i>Trade Practices Act</i>. Mention the role of the Australian Competition and Consumer Commission</p>	<ul style="list-style-type: none"> • the role of the law in encouraging cooperation and resolving conflict in regard to consumers • laws relating to consumers as a reflection of changing values and ethical standards • the role of law reform in recognising the rights of consumers • issues of compliance and non-compliance

Students learn about:	Students learn to:	Suggested teaching and learning strategies	Themes and challenges
<ul style="list-style-type: none"> occupational licensing 	<p>certification in achieving consumer protection</p> <ul style="list-style-type: none"> examine the role of occupational licensing in achieving consumer protection 	<p>(ACCC) and the Office of Fair Trading (OFT). Refer to relevant cases such as <i>Eveready Australia Pty Limited v Gillette Australia Pty Limited</i> [1999] FCA 1824.</p> <p>Examine non-statutory controls such as Advertising Standards Bureau. Find current examples.</p> <p>Develop a concept map to summarise; use case examples</p> <p>Writing task: ‘Assess the effectiveness of the regulation of marketing and advertising in achieving consumer protection.’ Ensure students integrate relevant examples into their response.</p> <p>Resources: www.accc.gov.au www.fairtrading.nsw.gov.au www.austlii.edu.au www.advertisingstandardsbureau.com.au</p> <p>Define <i>occupational licensing</i>. What is its purpose? (Consider different types of regulation.)</p> <p>Phone book search: Find names of professional/licensing organisations and determine who is regulated. Each student chooses a different one.</p> <p>Discuss advantages and disadvantages of occupational licensing. Develop a table and refer to specific examples.</p> <p>Resources: www.icac.nsw.gov.au (corruption risks in occupational licensing). www.parliament.nsw.gov.au www.fairtrading.nsw.gov.au</p> <p>Review activities: scaffold writing, trivia game, matching terms.</p>	<ul style="list-style-type: none"> the effectiveness of legal and non-legal responses in achieving justice for consumers
<p>2. Consumer redress and remedies</p> <ul style="list-style-type: none"> awareness and self-help state government organisations 	<ul style="list-style-type: none"> recognise the importance of awareness and self 	<p>Determine the meaning of <i>redress</i> and <i>remedies</i>.</p> <p>List and make brief notes on the range of organisations and institutions which may be of assistance to the consumer:</p>	<ul style="list-style-type: none"> the role of the law in encouraging cooperation and

Students learn about:	Students learn to:	Suggested teaching and learning strategies	Themes and challenges
		<p>– a judgement as to the effectiveness of both legal and non-legal responses in dealing with the matter.</p> <p>Review content through the development of a flow chart for consumer action to gain redress.</p> <p>Examine the two-tiered nature of consumer protection – redress for the individual and the role of the law in protecting all consumers/society in general. Investigate the function of the ACCC in this area.</p> <p>Resources: www.moneystuff.net.au www.treasury.gov.au (a consumer redress study). www.accc.gov.au</p>	<p>reflection of changing values and ethical standards</p>
<p>3. Contemporary issues concerning consumers</p> <p>Issues that must be studied include:</p> <ul style="list-style-type: none"> • credit 	<ul style="list-style-type: none"> • identify and investigate these contemporary issues involving the protection of consumers and evaluate the effectiveness of legal and non-legal responses to these issues 	<p>Define <i>credit</i> and explain why it can be problematic for consumers. Summarise the main provisions of the <i>Credit Act 1984</i> (NSW) and the <i>Consumer Credit Code</i>.</p> <p>Consider aspects of credit such as interest rates, security, repossession, terms of credit contract, etc.</p> <p>Role-play credit scenario. Introduce difficulties such as the need to reduce payments. Discuss the legal protection and remedies available</p>	<ul style="list-style-type: none"> • the role of the law in encouraging cooperation and resolving conflict in regard to consumers • issues of compliance and non-compliance

Students learn about:	Students learn to:	Suggested teaching and learning strategies	Themes and challenges
<ul style="list-style-type: none"> • technology 		<p>Consider the need for further law reform in this area.</p> <p>Field study: Local shopping centre. Survey of marketing practices including refund policies. How many stores seem to breach laws?</p> <p>Consider the following questions in class discussion. Summarise the main points raised for each:</p> <ul style="list-style-type: none"> – How has technology impacted on consumers? In what way has this generated a need for consumer protection? – What have been the legal and non-legal responses to the issues of technology and consumer protection? – How adequate have these responses been? Consider the impact of globalisation and the internet. – Debate the relevance of <i>caveat emptor</i> in the contemporary global world. – What further reform may be needed to meet future challenges posed by technological change? <p>Extension considerations: The extent to which the law should regulate human or business behaviour in order to protect consumers.</p> <p>Writing task: ‘Assess the responsiveness of legal and non-legal responses in protecting consumers.’</p>	<ul style="list-style-type: none"> • the role of law reform in recognising the rights of consumers

Option 2: Global environmental protection

25% of course time

Principal focus: Through the use of contemporary examples, students investigate the effectiveness of legal and non-legal processes in promoting and achieving environmental protection.

Outcomes

- H1. identifies and applies legal concepts and terminology
- H3. analyses the operation of domestic and international legal systems
- H4. evaluates the effectiveness of the legal system in addressing issues
- H5. explains the role of law in encouraging cooperation and resolving conflict, as well as initiating and responding to change
- H6. assesses the nature of the interrelationship between the legal system and society
- H7. evaluates the effectiveness of the law in achieving justice
- H8. locates, selects, organises, synthesises and analyses legal information from a variety of sources including legislation, cases, media, international instruments and documents
- H9. communicates legal information using well-structured and logical arguments
- H10. analyses differing perspectives and interpretations of legal information and issues

Themes and challenges to be incorporated throughout the topic:

- the impact of state sovereignty on international cooperation and the resolution of conflict in regard to environmental protection
- issues of compliance and non-compliance
- the impact of changing values and ethical standards on environmental protection
- the role of law reform in protecting the global environment
- the effectiveness of legal and non-legal responses in protecting the environment.

Assessment: Written response.

Students learn about:	Students learn to:	Suggested teaching and learning strategies	Themes and challenges
<p>1. The nature of global environmental protection</p> <ul style="list-style-type: none"> • the definition of global environmental protection • the development of global environmental law • the need for global environmental protection • the importance of ecologically sustainable development: biodiversity, intergenerational equity, intragenerational equity, the precautionary principle 	<ul style="list-style-type: none"> • define <i>global environmental protection</i> • outline the development of global environmental law • outline the need for laws to protect the global environment 	<p>Define <i>global environmental protection</i> using media reports to highlight issues.</p> <p>Construct a basic timeline of global environmental law from the Stockholm Conference to the present. This will be added to throughout the topic.</p> <p>Activity: In groups, students briefly research each major event on the timeline. Groups add captions to the timeline.</p> <p>Discuss reasons for increased environmental protection over time.</p> <p>Define <i>ecologically sustainable development, biodiversity, intergenerational equity, intragenerational equity, the precautionary principle</i> and relate the definitions to media reports. Discuss and make notes on the importance of each concept.</p> <p>Resources: www.un.org/esa/dsd www.environment.gov.au www.geni.org</p>	<ul style="list-style-type: none"> • the impact of changing values and ethical standards on environmental protection • issues of compliance and non-compliance
<p>2. Responses to global environmental protection</p> <p>The roles of:</p> <ul style="list-style-type: none"> • nation state and state sovereignty 	<ul style="list-style-type: none"> • examine the role of sovereignty in assisting and impeding the 	<p>Compile a media file about global environmental issues. Discuss the media reports and the problems associated with sovereignty and the link with the concept of political will.</p>	<ul style="list-style-type: none"> • the impact of state sovereignty in encouraging cooperation

Students learn about:	Students learn to:	Suggested teaching and learning strategies	Themes and challenges
<ul style="list-style-type: none"> • the United Nations • international instruments • courts and conferences • intergovernmental organisations • non-government organisations 	<p>resolution of global environmental protection issues</p> <ul style="list-style-type: none"> • outline the structure and function of the United Nations in relation to environmental protection 	<p>Mind map: As a class, create a mind map of when nation states are likely to comply with international law and when not.</p> <p>Discuss reasons for compliance and non-compliance with international law, and use case studies to support opinion, such as Australia’s support of fishing regulations and whaling, but non-compliance in other issues.</p> <p>Visit www.unep.org/ to investigate the United Nations environmental programs. Research the role of the General Assembly in environmental issues.</p> <p>Ensure that the class timeline has international instruments and conferences highlighted.</p> <p>Discuss the effectiveness of these instruments and conferences (due to the limitations placed on them by sovereignty), and suggest reasons for limits to their effectiveness.</p> <p>Research the effectiveness of the International Court of Justice in global environmental issues.</p> <p>Resources: www.eea.europa.eu www.unep.org www.greenpeace.org.au www.icj.org</p> <p>Undertake a webquest of the variety of global and regional intergovernmental and non-government organisations that advocate global environmental protection.</p> <p>In groups, students prepare a brief report to be presented to the class describing the aims and methods of a major NGO.</p> <p>What is the role of the media in raising awareness of global</p>	<p>and resolving conflict in regard to environmental protection</p> <ul style="list-style-type: none"> • issues of compliance and non-compliance • the role of law reform in protecting the global environment • the effectiveness of legal and non-legal responses in protecting the environment • the impact of changing values and ethical standards on environmental protection

Students learn about:	Students learn to:	Suggested teaching and learning strategies	Themes and challenges
<ul style="list-style-type: none"> • media • Australia’s federal structure 	<ul style="list-style-type: none"> • explain the effects of Australia’s federal structure in responding to global environmental protection • evaluate the effectiveness of legal and non-legal measures in protecting the global environment 	<p>environmental issues? Examine the issues that attract media attention.</p> <p>Investigate the impact of the division of powers on environmental protection in Australia. Choose two examples of Australian environmental protection.</p> <p>Discuss problems of protecting the environment that arise because of the different levels of government in Australia and the ability of the federal government to enact laws under section 51. Note problems of protecting the environment with different elected government’s responses to international instruments such as the Kyoto Protocol.</p> <p>Resources: www.environment.gov.au www.unep.org</p>	<ul style="list-style-type: none"> • the role of law reform in protecting the global environment
<p>3. Contemporary issues concerning global environmental protection</p> <p>Issues that must be studied:</p> <ul style="list-style-type: none"> • the role of the law in relation to global threats to the environment • legal responses to conflict between the demand for resources and global environmental protection 	<ul style="list-style-type: none"> • identify and investigate these contemporary issues involving the protection of the global environment and evaluate the effectiveness of legal and non-legal responses to these issues 	<p>On a world map, identify areas where there is a threat to the global environment.</p> <p>Brainstorm and create a mind map of the effectiveness of legal and non-legal responses in protecting the global environment. Support with case studies.</p> <p>Conduct a class debate about the conflict between the demand for resources versus the need for global environmental protection. Refer to a world map to identify this conflict (eg north-west Australia).</p> <p>Research Australia’s responses to international initiatives.</p>	<ul style="list-style-type: none"> • the effectiveness of legal and non-legal responses in protecting the environment • the impact of state sovereignty in encouraging cooperation and resolving conflict in

Students learn about:	Students learn to:	Suggested teaching and learning strategies	Themes and challenges
<ul style="list-style-type: none"> • Australia’s response to international initiatives for global environmental protection • barriers to achieving an international response to global environmental protection 		<p>Brainstorm and create a mind map about the barriers to achieving an international response.</p> <p>Written response: Mind map the various responses to global environmental protection.</p> <p>Scaffold an extended response to ‘Evaluate the effectiveness of legal and non-legal measures in protecting the global environment’.</p> <p>Cite media reports, international instruments, cases, documents or legislation with a judgement about the effectiveness of legal and non-legal measures, backed up with a logical argument.</p> <p>Resource: <i>Hot Topics</i>, No. 69, <i>International Law</i>, 2009.</p> <p>These issues can be studied at the end or integrated throughout the unit especially with reference to the United Nations. Revisit the scaffolded extended response and assess the role of these issues in achieving global environmental protection.</p>	<p>regard to environmental protection</p>

Option 3: Family

25% of course time

Principal focus: Through the use of contemporary examples, students investigate the legal nature of family relationships and the effectiveness of the law in achieving justice.

Outcomes

- H1. identifies and applies legal concepts and terminology
- H2. describes and explains key features and the relationship between Australian and international law
- H3. analyses the operation of domestic and international legal systems
- H4. evaluates the effectiveness of the legal system in addressing issues
- H5. explains the role of law in encouraging cooperation and resolving conflict, as well as initiating and responding to change
- H6. assesses the nature of the interrelationship between the legal system and society
- H7. evaluates the effectiveness of the law in achieving justice
- H8. locates, selects, organises, synthesises and analyses legal information from a variety of sources including legislation, cases, media, international instruments and documents
- H9. communicates legal information using well-structured and logical arguments
- H10. analyses differing perspectives and interpretations of legal information and issues

Themes and challenges to be incorporated throughout the topic:

- the role of the law in encouraging cooperation and resolving conflict in regard to family
- issues of compliance and non-compliance
- changes to family law as a response to changing values in the community
- the role of law reform in achieving just outcomes for family members and society
- the effectiveness of legal and non-legal responses in achieving just outcomes for family members.

Assessment: Media file.

Students learn about:	Students learn to:	Suggested teaching and learning strategies	Themes and challenges
<p>1. The nature of family law</p> <ul style="list-style-type: none"> • the concept of family law • legal requirements of marriage • alternative family relationships • legal rights and obligations of parents and children • adoption 	<ul style="list-style-type: none"> • discuss the difficulty of defining ‘family’ and the changing concepts of family • distinguish between state and federal jurisdiction in family law • outline the legal requirements of a valid marriage • explain the legal rights and obligations of parents and children, including those derived from international law 	<p>Define family, discussing the difficulty of defining the concept. Role-play: Family types. Give each student a description of a family member and have students pair or group together: ask what type of family they are illustrating. Discuss changing concepts of family through media and community perception.</p> <p>Group work: Students to construct mind maps to outline each family relationship. Present information to class. Collect media articles relating to these alternative family relationships. Construct a table to distinguish legal responsibilities to families between state and federal bodies (eg de facto – state; marriage/divorce – federal). Refer to specific examples including case law and legislation.</p> <p>Brainstorm: What is marriage? Compare and contrast to the legal expectation. Discussion: What are the legal rights and obligations of parents? Explain the legal rights and obligations of parents and children regarding adoption.</p> <p>ICT: Using www.ncylc.org.au/croc/home2.html, access the UN Convention on the Rights of the Child. Students to outline the convention and describe its aims and purpose. Comment on Australian state and federal responsibilities as a result of this document. Resource: www.familylaw.gov.au/accesspoint</p>	<ul style="list-style-type: none"> • changes to family law as a response to changing values in the community

Students learn about:	Students learn to:	Suggested teaching and learning strategies	Themes and challenges
<p>2. Responses to problems in family relationships</p> <ul style="list-style-type: none"> • divorce • legal consequence of separation <ul style="list-style-type: none"> – children – property 	<ul style="list-style-type: none"> • outline the legal processes involved in dealing with problems in family relationships 	<p>Mind map: What problems exist in family relationships? Discuss why and to what extent the legal system intervenes in family relationships. Describe how and why this intervention has changed over time.</p> <p>Define <i>divorce</i>.</p> <p>Construct a timeline of legislation and case law indicating changes to divorce laws.</p> <p>Outline the roles of the Family Court of Australia and the Family Magistrates Court.</p> <p>Describe the legal consequences of separation for children and for property. Discuss why these areas of law are often controversial.</p> <p>Investigate support services including Family Relationship Centres and non-government community organisations.</p> <p>Examine the influence of the media on social acceptance, law reform, etc. Provide two examples of media influence.</p> <p>Resources: <i>Hot Topics</i>, No. 62, Children and families, 2007 <i>Divorce Stories</i> (SBS) www.familycourt.gov.au/ www.relationships.com.au www.familyrelationships.gov.au/ www.fmc.gov.au/</p> <p>Excursion: Visit the Family Law Court or a Family Relationship Centre (note that there are limits on the cases that may be viewed). Organise an interview with registrar.</p> <p>Guest speaker: Family law solicitor, a representative from Anglicare or Relationships Australia.</p>	<ul style="list-style-type: none"> • issues of compliance and non-compliance • the role of the law in encouraging cooperation and resolving conflict in regard to family • the role of law reform in achieving just outcomes for family members and society

Students learn about:	Students learn to:	Suggested teaching and learning strategies	Themes and challenges
<ul style="list-style-type: none"> • dealing with domestic violence • the roles of: <ul style="list-style-type: none"> – courts and dispute resolution methods – non-government organisations – the media 	<ul style="list-style-type: none"> • evaluate the effectiveness of the law in protecting victims of domestic violence • examine the role of non-government organisations and the media in relation to family law • evaluate the effectiveness of the law in achieving justice for parties involved in relationship breakdowns 	<p>Define <i>domestic violence</i>.</p> <p>Construct a timeline including legislation and case law indicating significant changes in the treatment of domestic violence prosecution. Discuss why there has been such significant change in this area.</p> <p>Investigate legal remedies, eg the police, courts, ADVOs.</p> <p>Identify and outline the role of non-legal organisations and support services. Use webquest to investigate websites.</p> <p>Examine the influence of the media in preventing domestic violence, eg advertising campaigns, community education.</p> <p>Resources: <i>Hot Topics</i>, No. 66, Domestic Violence, 2008 <i>Australian Story</i>, www.abc.net.au/austory/specials/tildeath/default.htm (ABC) www.fahcsia.gov.au/sa/women/pubs/violence/Pages/default.aspx www.whiteribbonday.org.au/About-White-Ribbon-88.aspx</p> <p>Research cases of domestic violence such as that of Ingrid Poulson in 2003 and explain the extent to which they have been catalysts for change.</p> <p>Guest speaker: Invite the local police Domestic Violence Liaison Officer to address group.</p> <p>Debate: ‘The law is ineffective when dealing with domestic violence.’</p> <p>Written response: Scaffold and complete an extended response on the following: <i>Evaluate the effectiveness of the law in achieving justice for victims of domestic violence.</i> Support your answer with a variety of sources including cases,</p>	<ul style="list-style-type: none"> • issues of compliance and non-compliance • the effectiveness of legal and non-legal responses in achieving just outcomes for family members

Students learn about:	Students learn to:	Suggested teaching and learning strategies	Themes and challenges
<p>responsibility</p> <ul style="list-style-type: none"> • surrogacy and birth technologies • care and protection of children 		<p>Brainstorm: What rights do parents have?</p> <p>Construct a timeline of legislation outlining the changes to parental responsibility. Account for changes to parental responsibility.</p> <p>Discuss the meaning of the phrase ‘best interests of the child’. Explain the implications for parents in the breakdown of a relationship.</p> <p>Resources: <i>Hot Topics</i>, No. 62, <i>Children and families</i>, 2007. www.kids.nsw.gov.au www.youth.nsw.gov.au www.lawstuff.org.au</p> <p>Watch a DVD (see below) to highlight the processes involved in surrogacy/IVF, the moral dilemma and the limited nature of the law in dealing with these issues.</p> <p>Compare and contrast the legislation in states and territories of Australia. Evaluate the effectiveness of the law and note inconsistent jurisdictions and the reactive nature of law.</p> <p>Debate topic: ‘Surrogacy should be banned in Australia.’</p> <p>Resources: www.enhancetv.com.au/ <i>Two Men and a Baby</i> (ABC) <i>Designer Babies</i> (ABC) <i>Surrogate Mums</i> (SBS)</p> <p>Brainstorm: What rights do children have?</p> <p>Construct a table of federal and state laws that deal with the autonomy of children.</p> <p>Class activity: Using relevant texts, current media articles and relevant websites, legislation and case law, students construct a mind map to outline the legal concepts of child abuse, neglect and ill-treatment.</p> <p>Group activity: Each group chooses one aspect to investigate and assesses the effectiveness of legal responses when dealing with children who have been abused, neglected or ill-treated. Report findings back to class.</p> <p>ICT: Access the Kids Helpline website or another non-legal response.</p>	<p>response to changing values of the community.</p> <ul style="list-style-type: none"> • the effectiveness of legal and non-legal responses in achieving just outcomes for family members • issues of compliance and non-compliance

Students learn about:	Students learn to:	Suggested teaching and learning strategies	Themes and challenges
		<p>Examine the aim of this non-legal body.</p> <p>Resources: www.lawstuff.org.au www.kidshelpline.com.au/home_KHL.aspx?s=6 www.kids.nsw.gov.au/ www.ncylc.org.au/ <i>Hot Topics</i>, No. 62, <i>Children and families</i>, 2007. <i>Reform</i>, Issue 92, <i>Children and Young People</i> <i>Children and Young Persons (Care and Protection) Act</i> 1998 (NSW) <i>Family Law Act 1975</i> (Cth)</p>	

Option 4: Indigenous Peoples

25% of course time

Principal focus: Through the use of contemporary examples, students investigate the effectiveness of legal and non-legal processes in achieving justice for Indigenous Peoples globally.

Outcomes

- H1. identifies and applies legal concepts and terminology
- H3. analyses the operation of domestic and international legal systems
- H4. evaluates the effectiveness of the legal system in addressing issues
- H5. explains the role of law in encouraging cooperation and resolving conflict, as well as initiating and responding to change
- H6. assesses the nature of the interrelationship between the legal system and society
- H7. evaluates the effectiveness of the law in achieving justice
- H8. locates, selects, organises, synthesises and analyses legal information from a variety of sources including legislation, cases, media, international instruments and documents
- H9. communicates legal information using well-structured and logical arguments
- H10. analyses differing perspectives and interpretations of legal information and issues

Themes and challenges to be incorporated throughout the topic:

- the impact of state sovereignty in encouraging cooperation and resolving conflict in regard to Indigenous Peoples.
- issues of compliance and non-compliance
- laws relating to Indigenous Peoples as a reflection of changing values and ethical standards
- the role of law reform in recognising the rights of Indigenous Peoples
- the effectiveness of legal and non-legal responses in achieving justice for Indigenous Peoples.

Assessment: Research and written response.

Students learn about:	Students learn to:	Suggested teaching and learning strategies	Themes and challenges
<p>1. The nature of the law and Indigenous Peoples</p> <ul style="list-style-type: none"> • definition of ‘Indigenous Peoples’ • loss of rights of Indigenous Peoples over time • legal recognition of Indigenous Peoples • importance of the right to self-determination 	<ul style="list-style-type: none"> • define <i>Indigenous Peoples</i> • outline the loss of rights of Indigenous Peoples globally • outline the need for legal recognition of Indigenous Peoples • explain the difficulties faced by Indigenous Peoples in determining their own future 	<p>Class brainstorms their understanding of Indigenous Peoples and writes a definition.</p> <p>Resources: <i>Hot Topics</i>, No. 68, <i>Indigenous Peoples</i>, 2009. In groups students investigate different Indigenous Peoples. They locate them on a world map and provide a timeline of their loss of collective rights. They present findings to the class. All groups then collate their world maps and timelines to produce a global overview. Compare the history and the issues facing these peoples. What universal loss of rights do they share?</p> <p>Resource: <i>Hot Topics</i>, No. 68, <i>Indigenous Peoples</i>, 2009 include Indigenous Peoples from USA, Sami, Canada, Mapuche, NZ and Australia.</p> <p>Teacher models a structure for a response that examines the following aspects, using at least three examples of Indigenous Peoples:</p> <ul style="list-style-type: none"> – loss of cultural rights: cultural integrity, self-identification, self-determination, sovereignty – importance of these rights and affinity to the land – struggles for legal recognition – difficulties in determining their future. <p>Explanation of problems of Indigenous Peoples gaining access to the international legal system, including courts and intergovernmental organisations. Include lack of standing in international law and the reliance on the political will of nation states to take action on behalf of Indigenous Peoples.</p>	<ul style="list-style-type: none"> • laws relating to Indigenous Peoples as a reflection of changing values and ethical standards • issues of compliance and non-compliance • the impact of state sovereignty in encouraging cooperation and resolving conflict in regard to Indigenous Peoples

Students learn about:	Students learn to:	Suggested teaching and learning strategies	Themes and challenges
<p>2. Responses to Indigenous Peoples</p> <ul style="list-style-type: none"> • The role of: <ul style="list-style-type: none"> – the nation state and state sovereignty – the United Nations – international instruments – courts – intergovernmental organisations – non-government organisations – the media – Australia’s federal structure 	<ul style="list-style-type: none"> • examine the role of sovereignty in assisting and impeding the recognition of the rights of Indigenous Peoples • evaluate the effectiveness of legal and non-legal measures in achieving justice for Indigenous Peoples • explain the role of Australia’s federal structure in responding to the needs of Indigenous 	<p>Refer back to student research. Note: where has the nation state taken action on behalf of their Indigenous People? Relate back to sovereignty and the political will of governments to act on behalf of Indigenous Peoples.</p> <p>Resources: www.un.org/esa/socdev/unpfii/ www.un.org/cyberschoolbus/indigenous/index.asp <i>Hot Topics</i>, No. 68, <i>Indigenous Peoples</i>, 2009.</p> <p>Discuss the role of ECOSOC: <i>Working Group on Indigenous Peoples and Permanent Forum on Indigenous Peoples</i>. Note that there are few international instruments regarding Indigenous Peoples and the length of time the UN Declaration on the Rights of Indigenous Peoples took to establish. It is now the benchmark for Indigenous Peoples internationally.</p> <p>Discuss with students why it has been so difficult to establish international instruments for Indigenous Peoples.</p> <p>Resources: www.iwgia.org/sw248.asp www.un.org</p> <p>Note problems with Indigenous Peoples’ lack of standing in international law limiting their access to the legal system and their ability to achieve justice.</p> <p>Using previous research of case studies, discuss the roles of intergovernmental organisations, non-government organisations and the media in Indigenous Peoples gaining their rights.</p> <p>Briefly research the impact of Australia’s federal system on responding to indigenous rights. Compare and contrast to global Indigenous Peoples globally.</p> <p>Research: ‘The Apology’, 2009 Statement of Support for the Declaration on the Rights of Indigenous Peoples.</p>	<ul style="list-style-type: none"> • the role of law reform in recognising the rights of Indigenous Peoples • laws relating to Indigenous Peoples as a reflection of changing values and ethical standards • issues of compliance and non-compliance • the impact of state sovereignty in encouraging cooperation and resolving conflict in regard to Indigenous

Students learn about:	Students learn to:	Suggested teaching and learning strategies	Themes and challenges
	Peoples	<p>Resources: Australian Human Rights Commission – www.hreoc.gov.au/Social_Justice/index.html L. Behrendt, 2003, <i>Achieving Social Justice</i>, The Federation Press, Sydney <i>National Indigenous Times</i> – www.nit.com.au Behrendt, Cunneen and Libesman, <i>Indigenous Legal Relations in Australia</i>, 2009 (Oxford University Press) www.liac.sl.nsw.gov.au/ <i>Hot Topics</i> especially <i>Indigenous Peoples</i>, No. 68, 2009</p>	<p>Peoples</p> <ul style="list-style-type: none"> the effectiveness of legal and non-legal responses in achieving justice for Indigenous Peoples
<p>3. Contemporary issues concerning Indigenous Peoples</p> <p>Issues that must be studied:</p> <ul style="list-style-type: none"> loss of cultural rights including language land rights legal rights to natural resources intellectual property rights 	<ul style="list-style-type: none"> identify and investigate these contemporary issues involving the rights of Indigenous Peoples and evaluate the effectiveness of legal and non-legal responses to these issues 	<p>Explain the concepts of <i>cultural rights, land rights, the legal rights to natural resources</i> and <i>intellectual property</i>. Review earlier research to gain a global perspective on these issues. These issues need to be studied with a global perspective using case studies of Indigenous Peoples to highlight the impact of these issues.</p> <p>Research the following relating to the issues:</p> <p>Canada: Constitutional Recognition – 1982 – section 35. The existing aboriginal and treaty rights of the aboriginal peoples of Canada are recognised.</p> <ul style="list-style-type: none"> Assembly of First Nations – www.afn.ca/ Inherent Right to Self Government – www.ainc-inac.gc.ca/index-eng.asp Treaties Aboriginal Title – <i>Delgamuukw v British Columbia</i> [1997] 3 S.C.R. 1010 Residential Schools – www.afn.ca/residentialschools/index.html www.aph.gov.au/library/Pubs/rp/1999-2000/2000rp27.htm 	<ul style="list-style-type: none"> laws relating to Indigenous Peoples as a reflection of changing values and ethical standards the impact of state sovereignty in encouraging cooperation and resolving conflict in regard to Indigenous Peoples

Students learn about:	Students learn to:	Suggested teaching and learning strategies	Themes and challenges
		<p>USA: The Cherokee Cases <i>Johnson v McIntosh</i> 21 US (8 Wheat.) 543 (1823) <i>Cherokee Nation v Georgia</i> 30 US (5 Pet.) 1 (1831) <i>Worcester v Georgia</i> 31 US (6 Pet.) 515 (1832)</p> <p>New Zealand Treaty of Waitangi – www.nzhistory.net.nz/category/tid/133 Waitangi Tribunal – www.waitangi-tribunal.govt.nz/ – fishing – language</p> <p>Written response: Mind map the various responses to issues associated with Indigenous Peoples by the use of brainstorming. Each response should cite media, international instruments, cases, documents or legislation with a judgement about effectiveness backed up with a reason. Scaffold an extended response to evaluate the effectiveness of legal and non-legal measures in achieving justice for Indigenous Peoples.</p> <p>These issues can be studied at the end or integrated throughout the unit especially with reference to the research task. Revisit the extended response and assess the role of these issues in achieving justice for Indigenous Peoples.</p>	<ul style="list-style-type: none"> • the role of law reform in recognising the rights of Indigenous Peoples • the effectiveness of legal and non-legal responses in achieving justice for Indigenous Peoples

Option 5: Shelter

25% of course time

Principal focus: Through the use of contemporary examples, students investigate the legal means of securing shelter and the effectiveness of the law in achieving justice for people seeking and providing shelter.

Outcomes

- H1. identifies and applies legal concepts and terminology
- H2. describes and explains key features and the relationship between Australian and international law
- H3. analyses the operation of domestic and international legal systems
- H4. evaluates the effectiveness of the legal system in addressing issues
- H5. explains the role of law in encouraging cooperation and resolving conflict, as well as initiating and responding to change
- H6. assesses the nature of the interrelationship between the legal system and society
- H7. evaluates the effectiveness of the law in achieving justice
- H8. locates, selects, organises, synthesises and analyses legal information from a variety of sources including legislation, cases, media, international instruments and documents
- H9. communicates legal information using well-structured and logical arguments
- H10. analyses differing perspectives and interpretations of legal information and issues

Themes and challenges to be incorporated throughout the topic:

- the role of the law in encouraging cooperation and resolving conflict in regard to shelter
- issues of compliance and non-compliance
- laws relating to shelter as a reflection of changing values and ethical standards
- the role of law reform in protecting the rights of those seeking shelter
- the effectiveness of the legal and non-legal responses in achieving just outcomes for the provision of shelter.

Assessment: Group ICT task.

Students learn about:	Students learn to:	Suggested teaching and learning strategies	Themes and challenges
<p>1. The nature of shelter</p> <ul style="list-style-type: none"> • definition of ‘shelter’ • right to shelter • obligation to provide shelter • types of shelter 	<ul style="list-style-type: none"> • define <i>shelter</i> and outline the extent of laws concerning shelter • discuss the right to shelter according to international law • examine the obligation of state and federal governments to provide shelter • describe the types of shelter 	<p>Define <i>shelter</i> and the <i>right to shelter</i>. Using the UN Declaration of Human Rights, explain why the right to shelter is internationally recognised.</p> <p>Compile a photo story of different types of shelter from around the world.</p> <p>Discussion: Should there be a right to shelter? Link to the photo story.</p> <p>Discussion: Should state and federal governments have an obligation to provide shelter? Complete a table of arguments for and against this notion. Examine the current obligations of state and federal governments to provide shelter.</p> <p>Mind map: Outline the different types of shelter. Students construct a glossary for shelter using appropriate texts.</p> <p>Resources: www.un.org www.hreoc.gov.au/info_for_students/essentials/undhr/index.html# www.australia.gov.au/topics/economy-money-and-tax/property-and-housing www.nsw.gov.au/topics/property-and-housing <i>Hot Topics</i>, No. 57, <i>Shelter</i>, 2006</p>	<ul style="list-style-type: none"> • laws relating to shelter as a reflection of changing values and ethical standards

Students learn about:	Students learn to:	Suggested teaching and learning strategies	Themes and challenges
<p>2. Legal protection and remedies associated with securing shelter</p> <ul style="list-style-type: none"> • purchasing including: <ul style="list-style-type: none"> – separate dwelling or shared space – private treaty or auction – systems of registration – sources of finance – protection for buyers 	<ul style="list-style-type: none"> • outline the process of securing shelter • assess the role of the legal system in protecting those securing and providing shelter 	<p>Purchasing Define separate dwelling, shared space, private treaty, auction, systems of registration. Research activity: Investigate sources of information that will assist people to purchase property. Construct a flow diagram to illustrate the process of buying a home in NSW highlighting the decisions and choices that homebuyers need to make.</p> <p>Obtain a copy of a contract, investigating such terms as cooling-off period, exchange, settlement, inclusions, vendor.</p> <p>Construct a table comparing and contrasting sources of finance (eg banks, mortgage broker), cost, fine-print, choices. Compile a list of the ways that home buyers are protected in NSW.</p> <p>Written response: Scaffold the following essay in class, constructing an introductory paragraph and main points. Students then complete an extended response to: ‘Assess the effectiveness of the legal system in protecting home buyers’.</p> <p>Guest speaker: Invite a real estate agent or conveyancer to address the class. Resources: www.mortgage.com.au www.firsthome.gov.au/ www.fairtrading.nsw.gov.au www.realestate.com.au</p>	<ul style="list-style-type: none"> • the role of the law in encouraging cooperation and resolving conflict in regard to shelter

Students learn about:	Students learn to:	Suggested teaching and learning strategies	Themes and challenges
<ul style="list-style-type: none"> • leasing including: <ul style="list-style-type: none"> – rights and obligations of landlords and tenants – protection for tenants, landlords, boarders and lodgers • securing other types of shelter such as aged care, residential parks and squats 	<ul style="list-style-type: none"> • evaluate the effectiveness of legal and non-legal measures in achieving justice for people seeking shelter 	<p>Real estate publications, eg the Domain Property Guide <i>The Law Handbook</i>, the Redfern Legal Centre Publishing Fact sheets from the Office of Fair Trading.</p> <p>Leasing Activity: Collect a range of newspapers, students to research and cut out different types of rental properties. Compare five properties looking at weekly rent, size, location and inclusions. Go to www.tenants.org.au. Provide a summary of the <i>Residential Tenancies Act 1987</i> and <i>Residential Tenancies Regulation 2006</i> including:</p> <ul style="list-style-type: none"> – aim and purpose – rights and responsibilities. – How effective is this legislation in responding to the needs of tenants and landlords? – List the rights and obligations of landlords and tenants. – How are they protected? – Who are boarders and lodgers? Examine how they are protected in NSW. <p>Other types of shelter Group ICT: Each group is to outline one example of securing other types of shelter and prepare a PowerPoint presentation that addresses the following:</p> <ul style="list-style-type: none"> – description/definition – relevant legislation – rights and obligations – protection afforded – advantages and disadvantages – non-legal support advocacies. 	<ul style="list-style-type: none"> • issues of compliance and non-compliance • the effectiveness of the legal and non-legal responses in achieving just outcomes in regard to the provision of shelter • the role of law reform in protecting the rights of those seeking shelter

Students learn about:	Students learn to:	Suggested teaching and learning strategies	Themes and challenges
<ul style="list-style-type: none"> • dispute resolution mechanisms • the roles of: <ul style="list-style-type: none"> – courts and tribunals – alternative dispute resolution – government organisations – non-governmental organisations – the media 		<p>Dispute resolution mechanisms Media file: Collect articles to illustrate causes of disputes between:</p> <ul style="list-style-type: none"> – neighbours – landlords and tenants – vendors and purchasers – builders and home owners. <p>Watch an appropriate segment of <i>The Castle</i>.</p> <p>Create a flow diagram of dispute resolution ranging from non-legal responses to legal measures. Discuss the advantages and disadvantages of each and evaluate their effectiveness.</p> <p>Resources: www.cttt.nsw.gov.au www.cjc.nsw.gov.au www.tenants.org.au <i>The Castle</i>, 1997, Working Dog Productions P Bellemore 2007, <i>The Tenants' Rights Manual: A Practical Guide to Renting in NSW</i>, 3rd edn, The Federation Press, Sydney.</p>	<p>issues of compliance and non-compliance</p> <ul style="list-style-type: none"> • the effectiveness of the legal and non-legal responses in achieving just outcomes in regard to provision of shelter
<p>3. Contemporary issues concerning shelter</p> <p>Issues that must be studied:</p> <ul style="list-style-type: none"> • affordability 	<ul style="list-style-type: none"> • identify and investigate these contemporary issues involving the provision of shelter and evaluate the effectiveness of legal 	<p>Affordability Collect a range of articles and conduct a web search about housing affordability in NSW and Australia. Students analyse and discuss issues identified.</p> <p>Discussion: What measures have been taken to address the issue of housing affordability? Make reference to housing stress, rental</p>	<ul style="list-style-type: none"> • laws relating to shelter as a reflection of changing values and ethical standards

Students learn about:	Students learn to:	Suggested teaching and learning strategies	Themes and challenges
<ul style="list-style-type: none"> social housing including public housing, cooperative housing and community housing 		<p>instruments and/or documents.</p> <p>Resources: www.salvos.org.au/oasis www.homelessnessaustralia.org.au/site/index.php www.actnow.com.au/Issues/Homelessness_in_Australia.aspx www.streetsmartaustralia.org/home www.homelessnessnsw.org.au</p> <p>Social housing What is social housing? Provide an historical overview of the development of social housing and reasons for its provision. Include a discussion of: – public housing – community housing – cooperative housing.</p> <p>Watch a segment of the DVD <i>900 Neighbours/The Block</i> and discuss issues raised. Examine who is eligible for social housing and outline the application process. Construct a table to highlight the advantages and disadvantages of social housing. Evaluate the provision of social housing in NSW including a discussion of the increasing pressure for crisis accommodation. Activity: Using recent examples, compile a selection of media references that highlight the social implications of social housing. Students to assume the role of a government official or non-government organisation lobbying for law reform and develop an action plan of how to address the issues (infrastructure, employment, transport, and education/recreation). Students should refer to the LRC website for guidance.</p>	<ul style="list-style-type: none"> the effectiveness of the legal and non-legal responses in achieving just outcomes for the provision of shelter the role of law reform in protecting the rights of those seeking shelter

Students learn about:	Students learn to:	Suggested teaching and learning strategies	Themes and challenges
		<p>Resources: www.housing.nsw.gov.au <i>Hot Topics</i>, No. 57, Shelter, 2006. 900 Neighbours: http://aso.gov.au/titles/documentaries/900-neighbours www.lawlink.nsw.gov.au/lawlink/lrc/ll_lrc.nsf/pages/LRC_index</p>	

Option 6: Workplace

25% of course time

Principal focus: Through the use of contemporary examples, students investigate legal rights and responsibilities and the effectiveness of the law in achieving justice in the workplace.

Outcomes

- H1. identifies and applies legal concepts and terminology
- H3. analyses the operation of domestic and international legal systems
- H4. evaluates the effectiveness of the legal system in addressing issues
- H5. explains the role of law in encouraging cooperation and resolving conflict, as well as initiating and responding to change
- H6. assesses the nature of the interrelationship between the legal system and society
- H7. evaluates the effectiveness of the law in achieving justice
- H8. locates, selects, organises, synthesises and analyses legal information from a variety of sources including legislation, cases, media, international instruments and documents
- H9. communicates legal information using well-structured and logical arguments
- H10. analyses differing perspectives and interpretations of legal information and issues

Themes and challenges to be incorporated throughout the topic:

- the role of the law in encouraging cooperation and resolving conflict in the workplace
- issues of compliance and non-compliance
- laws relating to the workplace as a reflection of changing values and ethical standards
- the role of law reform in recognising rights and enforcing responsibilities in the workplace
- the effectiveness of legal and non-legal responses in achieving justice in the workplace.

Assessment: Extended response on the effectiveness of workplace law.

Students learn about:	Students learn to:	Suggested teaching and learning strategies	Themes and challenges
<p>1 The nature of workplace law</p> <ul style="list-style-type: none"> • the changing nature of workplace law over time • contracts: <ul style="list-style-type: none"> – of service – for services – express and implied terms 	<ul style="list-style-type: none"> • outline the developing need for workplace law • outline the sources of workplace regulations 	<p>Create a mind map to show the developing need for workplace law. Activity: Outline how the workplace has changed. What are the implications of change? Consider the nature of the employee/employer, master/servant relationship, the role of state, the continuum from laissez-faire to state intervention.</p> <p>Develop a time line on the evolution of workplace law. In one page, explain the difficulties of your work as a chimney sweep in Victorian Britain. Suggest one workplace law that would improve your work situation. Field study: Visit a local workplace and develop interview questions relating to different aspects of the syllabus. Class discussion: Why do employees need protection? What are the objectives of workplace law?</p> <p>Explain the concept of a <i>contract of employment</i>. Distinguish between contracts ‘of’ and ‘for’ service.</p> <p>Integrate case examples such as <i>Zuijs v Wirth Brothers Pty Ltd</i> (1955) 93 CLR 561; <i>Stevens v Brodribb Sawmilling Company Pty Ltd</i> (1986) 160 CLR 16.</p> <p>Develop student-generated examples of implied and express terms – introduce the common law and statutory basis. Discussion on how workers can be protected by implied terms in workplace contracts. Highlight the responsibilities of both employers and employees.</p>	<ul style="list-style-type: none"> • the role of law reform in recognising rights and enforcing responsibilities in the workplace • laws relating to the workplace as a reflection of changing values and ethical standards

Students learn about:	Students learn to:	Suggested teaching and learning strategies	Themes and challenges
<ul style="list-style-type: none"> • negotiations between employers and employees • the roles of: <ul style="list-style-type: none"> – courts and tribunals – governmental organisations 	<ul style="list-style-type: none"> • evaluate the effectiveness of dispute resolution processes • assess the role of the legal system in regulating the workplace 	<p>– federal bodies, eg Australian Industrial Relations Commission, Workplace Authority and Workplace Ombudsman which were replaced by Fair Work Australia and the Fair Work Ombudsman</p> <p>– state bodies, eg NSW Industrial Relations Commission</p> <p>Resources: www.industrialrelations.nsw.gov.au/awards/controller.jsp www.workplaceauthority.gov.au www.deewr.gov.au/ www.wo.gov.au/asp/index.asp</p> <p>Brainstorm and develop a mind map on the form of negotiations (individual action, workplace bargaining, enterprise bargaining, collective agreements, consensual dispute resolution – mediation and grievance procedures).</p> <p>Outline the historical development of dispute resolution mechanisms – <i>Conciliation and Arbitration Act 1904</i> (Cth), <i>Workplace Relations Act 1996</i> (Cth) and prepare a timeline of key events. Consider both legal and non-legal aspects.</p> <p>Consider the nature of industrial disputes, and measures used by employees and employers to gain leverage in a dispute (strikes, etc).</p> <p>Role-play workplace bargaining conflicts. Use current cases where possible. In one or more scenarios illustrating a typical workplace dispute, students investigate:</p> <ul style="list-style-type: none"> – the issue/nature of the conflict – the main players – resolution mechanisms – outcome(s) – an evaluation of the effectiveness of the process. <p>You could make up scenarios or research real disputes such as Patrick Stevedores (watch the TV miniseries <i>Bastard Boys</i>). For film clips and ideas go to: www.radioaustralia.net.au/news/ http://australianscreen.com.au/</p>	<ul style="list-style-type: none"> • issues of compliance and non-compliance • role of law reform in recognising rights and enforcing responsibilities in the workplace • laws relating to the workplace as a reflection of changing values and ethical standards

Students learn about:	Students learn to:	Suggested teaching and learning strategies	Themes and challenges
	<ul style="list-style-type: none"> • evaluate the effectiveness of legal and non-legal measures in protecting and recognising workplace rights 	<p>Brainstorm the various aspects of remuneration.</p> <p>Examine the principles of adequate remuneration. Relate to welfare concerns and cultural considerations.</p> <p>Conduct a class debate on the relevance of the following statement for the 21st century: ‘A fair day’s pay for a fair day’s work.’</p> <p>Make notes on the rationale and function of the Australian Fair Pay and Conditions Standard. Assess the relevance of the standard in protecting rights and maintaining social justice. Compare the standard with the National Employment Standards.</p> <p>Develop a futures wheel on the directions for workplace reform.</p> <p>Written response: ‘Evaluate the effectiveness of legal and non-legal measures in protecting and recognising workplace rights. Integrate current legislation, cases, media, international instruments and/or documents in your response.’</p>	<ul style="list-style-type: none"> • the effectiveness of legal and non-legal responses in achieving justice in the workplace
<p>3. Contemporary issues concerning the workplace</p> <p>Issues that must be studied:</p> <ul style="list-style-type: none"> • discrimination 	<ul style="list-style-type: none"> • identify and investigate these contemporary issues involving workplace law and evaluate the 	<p>Develop a table outlining the types of <i>discrimination</i> and listing the relevant federal and state legislation applicable to each.</p> <p>Investigate the role of the Anti-Discrimination Board and Administrative Decisions Tribunal (ADT) (where cases are heard) and the Australian Human Rights Commission.</p>	<ul style="list-style-type: none"> • the role of the law in encouraging cooperation and resolving conflict in the workplace • issues of compliance and

Students learn about:	Students learn to:	Suggested teaching and learning strategies	Themes and challenges
<ul style="list-style-type: none"> • safety 	<p>effectiveness of legal and non-legal responses to these issues.</p>	<p>Resources: www.lawlink.nsw.gov.au/adb www.lawlink.nsw.gov.au/adt www.humanrights.gov.au/</p> <p>Investigate a discrimination case – go to <i>Austlii</i> and follow links to ADT cases – by scrolling down to legislation cited, select an Anti-Discrimination Act decision. Summarise the case and assess how the law dealt with the dispute.</p> <p>Research the concept of affirmative action – consider its relevance in Australia and debate whether it is morally and ethically appropriate.</p> <p>Consider the standards set by international law – focus on the <i>Convention on the Elimination of All Forms of Discrimination against Women</i> (CEDAW), adopted in 1979 by the UN General Assembly</p> <p>Resources: www.un.org/womenwatch/daw/cedaw/ www.austlii.edu.au/au/cases/nsw/ www.eowa.gov.au www.lawlink.nsw.gov.au</p> <p>Make notes on the common law duty of care owed to employees. Case law: <i>Paris v Stepney Borough Council</i> (1951) AC 367.</p> <p>Examine the statutory duties of both employees and employers. Focus on the <i>Occupational Health and Safety Act 2000</i> (NSW).</p> <p>Students tour the school and identify and catalogue OHS breaches. Prepare a report to the appropriate school officer and follow up the action taken.</p> <p>Research the nature and function of workers compensation under the <i>Workers Compensation Act 1987</i> (NSW) and the <i>Workplace Injury Management and Workers Compensation Act 1998</i> (NSW).</p>	<p>non-compliance</p> <ul style="list-style-type: none"> • laws relating to the workplace as a reflection of changing values and ethical standards • the role of law reform in recognising rights and enforcing responsibilities in the workplace • the effectiveness of legal and non-legal responses in achieving justice in the workplace • the role of the law in encouraging cooperation and resolving conflict in the workplace • issues of compliance and non-compliance • laws relating to the workplace as a reflection of changing values and

Students learn about:	Students learn to:	Suggested teaching and learning strategies	Themes and challenges
		<p>Consider the standards set by international law. Focus on the role of the International Labour Organisation in setting standards (note that this did influence the Workplace Relations Act in regard to promoting family friendly practices) and the Family Responsibilities Convention.</p> <p>Hypothetical: Students design their own charter for an ethical and family-friendly workplace.</p> <p>Class debate on the issue of maternity (paternity) leave in Australia. Identify the relevant players in this issue and the impact in terms of ethics, social values and community expectations, as well as economic and financial considerations.</p> <p>Scaffold an extended response on the effectiveness of legal and non-legal responses to issues of discrimination, safety, termination and leave in the workplace. Students could do this separately for each point or holistically considering all the issues.</p> <p>Extension considerations To what extent should the law regulate human and/or business behaviour? What further reform may be needed to meet future challenges posed by changes in the workplace?</p>	<p>workplace as a reflection of changing values and ethical standards</p> <ul style="list-style-type: none"> • the role of law reform in recognising rights and enforcing responsibilities in the workplace • the effectiveness of legal and non-legal responses in achieving justice in the workplace

Option 7: World order

25% of course time

Principal focus: Through the use of contemporary examples, students investigate the effectiveness of legal and non-legal measures in promoting peace and resolving conflict between nation states.

Outcomes

- H1. identifies and applies legal concepts and terminology
- H3. analyses the operation of domestic and international legal systems
- H4. evaluates the effectiveness of the legal system in addressing issues
- H5. explains the role of law in encouraging cooperation and resolving conflict, as well as initiating and responding to change
- H6. assesses the nature of the interrelationship between the legal system and society
- H7. evaluates the effectiveness of the law in achieving justice
- H8. locates, selects, organises, synthesises and analyses legal information from a variety of sources including legislation, cases, media, international instruments and documents
- H9. communicates legal information using well-structured and logical arguments.
- H10. analyses differing perspectives and interpretations of legal information and issues

Themes and challenges to be incorporated throughout the topic:

- the role of law in encouraging cooperation and resolving conflict in regard to world order
- issues of compliance and non-compliance
- the impact of changing values and ethical standards on world order
- role of law reform in promoting and maintaining world order
- the effectiveness of legal and non-legal responses in promoting and maintaining world order.

Assessment

- Evaluate the effectiveness of legal and non-legal measures in resolving conflict and working towards world order, referring to ONE of the following contemporary issues:
 - the ‘responsibility to protect’ principle
 - regional and global situations that threaten peace and security
 - the success of global cooperation in achieving world order
 - rules regarding the conduct of hostilities.

Students learn about:	Students learn to:	Suggested teaching and learning strategies	Themes and challenges
<p>1. The nature of world order</p> <ul style="list-style-type: none"> • the meaning of ‘world order’ • the need for world order • the development of world order over time • the nature of conflict: inter-state and intra-state 	<ul style="list-style-type: none"> • discuss the concept of <i>world order</i> • describe the need for world order • outline the evolving nature of world order • explain the implications of the nature of conflict on achieving world order 	<p>Brainstorm the concept of world order, using media reports as discussion starters. World order should be considered in the context of the promotion of international peace and security and the prevention of conflict. As a class, devise a definition of <i>world order</i>.</p> <p>Discuss situations that create the need for world order and threaten to destabilise regional and global security (such as North Korean nuclear testing, demand for resources) or involve crimes against the international community (such as genocide). Activity: Locate on a world map some of the places where world order issues were identified in the above discussion.</p> <p>Briefly investigate the development of world order from the later part of the twentieth century to now. Discuss issues that have caused the changes in the concept of world order such as the growth of the nuclear age, terrorism, economic interdependence of nation states and the demand for resources. Discuss the <i>responsibility to protect</i> principle in relation to changing community standards involving crimes such as genocide.</p> <p>Define <i>types of conflict</i> into intra-state (within a state) and inter-state (between states). Discuss how inter-state conflicts can become world order issues such as when crimes against the international community occur or they have regional impact.</p>	<ul style="list-style-type: none"> • laws relating to world order as a reflection of changing values and ethical standards • the role of the law in encouraging cooperation and resolving conflict in regard to world order • the impact of changing values and ethical standards on world order

Students learn about:	Students learn to:	Suggested teaching and learning strategies	Themes and challenges
<ul style="list-style-type: none"> access to resources as a source of conflict 		<p>Class activity: On the board, develop a list of examples for each definition. Include a very brief justification of why each example chosen is a world order issue. Research some examples of these conflicts. Follow the progress of some conflicts to use throughout the unit as case studies. Note where <i>access to resources</i> might have led to the conflict. Research access to resources.</p> <p>Resources: media file, www.un.org/en/ www.responsibilitytoprotect.org www.nobelprize.org www.bbc.co.uk/news/ www.unhcr.org/refworld www.crisisgroup.org.</p>	
<p>2. Responses to world order</p> <ul style="list-style-type: none"> the roles of: <ul style="list-style-type: none"> the nation state and state sovereignty the United Nations 	<ul style="list-style-type: none"> examine the role of sovereignty in assisting and impeding the resolution of world order issues 	<p>Define <i>sovereignty</i> and discuss its importance to world order. Discuss how sovereignty can assist in achieving world order (such as by honouring and enforcing international treaties, political willingness to act) and impede world order (through lack of enforcement mechanisms, pursuing the interests of own nation state at expense of others, etc).</p> <p>Discuss the role of the Security Council in maintaining international peace and security in accordance with the principles and purposes of the United Nations. Visit www.un.org/Docs/sc/. Use the webcasts and latest news from the site to demonstrate the role of the Security Council and the limitations placed on it by sovereignty.</p> <p>Activity: Role-play a mock Security Council session. Students investigate which states are currently on the Security Council, and divide into small groups to represent each country. Each</p>	<ul style="list-style-type: none"> issues of compliance and non-compliance the role of the law in encouraging cooperation and resolving conflict in respect to world order

Students learn about:	Students learn to:	Suggested teaching and learning strategies	Themes and challenges
<ul style="list-style-type: none"> – Australia’s federal government – the media • political negotiation, persuasion and the use of force 	<ul style="list-style-type: none"> • explain the role of Australia’s federal government in responding to world order 	<p>assisting world order. Resources: www.ifrc.org www.crisisgroup.org www.globalpolicy.org</p> <p>Create a webquest that will assist students in investigating the roles of intergovernmental and non-government organisations in resolving and preventing conflicts. Discuss their effectiveness and the role of sovereignty in this effectiveness.</p> <p>Explain the role of Article 51 of the Charter of the United Nations in Australian responses to world order issues. Use media reports to highlight the variety of Australian responses to world order issues. Visit www.dfat.gov.au and www.defence.gov.au/ to investigate the government stance on issues. Link discussion to political will, sovereignty, geographic location, alliances and economic interests. Discuss the role of the media in addressing world order issues. Consider the extent to which the media assists or hinders the resolution of world order issues (students may consider the role of the media in highlighting issues and swaying public opinion).</p> <p>Investigate means of resolving conflict: political negotiation and other types of negotiation and the use of force.</p> <p>Discuss situations where these strategies have been used and the degree of effectiveness. Discuss why the use of force is usually a last resort.</p> <p>Written response: Mind map the various responses to world</p>	<ul style="list-style-type: none"> • the effectiveness of legal and non-legal responses in achieving world order • the impact of changing values and ethical standards • issues of compliance and non-compliance

Students learn about:	Students learn to:	Suggested teaching and learning strategies	Themes and challenges
		<p>order by the use of brainstorming. Each response should cite media reports, international instruments, cases, documents and/or legislation with a judgement about effectiveness backed up by evidence.</p> <p>Scaffold an extended response to: ‘Evaluate the effectiveness of legal and non-legal measures in resolving conflict and working towards world order.’</p>	
<p>3. Contemporary issues concerning world order</p> <p>Issues that must be studied:</p> <ul style="list-style-type: none"> • the principle of ‘responsibility to protect’ • regional and global situations that threaten peace and security 	<ul style="list-style-type: none"> • evaluate the effectiveness of legal and non-legal measures in resolving conflict and working towards world order • identify and investigate these contemporary issues involving world order and evaluate the effectiveness of legal and non-legal responses to these issues 	<p>Define the principle of <i>responsibility to protect</i>. Discuss implications. Identify examples of where international law has failed to protect and suggest reasons for this failure. Discuss the role of the media and non-government organisations in pressuring nation states to meet their obligations under the <i>responsibility to protect</i> principle.</p> <p>Resources: www.un.org www.responsibilitytoprotect.org</p> <p>Investigate regional and global situations that threaten peace and security. On a world map, highlight these situations. Examine the roles of legal and non-legal organisations such as the International Crisis Group in resolving these situations.</p> <p>Resources: Amnesty International International Crisis Group</p>	<ul style="list-style-type: none"> • the effectiveness of legal and non-legal responses in promoting and maintaining world order

Students learn about:	Students learn to:	Suggested teaching and learning strategies	Themes and challenges
<ul style="list-style-type: none"> • the success of global cooperation in achieving world order • rules regarding the conduct of hostilities 		<p>Assess the success of global cooperation by looking at case studies where it has been successful and unsuccessful. Discuss the reasons for this. For each case study, outline the strategies used.</p> <p>Resources: media file www.un.org</p> <p>Investigate the rules regarding the conduct of hostilities and international humanitarian law. Examine the role of non-government organisations such as the Red Cross.</p> <p>Discuss examples where these rules have not been followed and degree of enforceability.</p> <p>Resources: www.genevaconventions.org <i>These issues can be studied at the end or integrated throughout the unit especially with reference to the United Nations. Revisit the written extended response exercise and assess the role of these issues in achieving world order.</i></p> <p>Student revision exercise: Go through the ‘learn to’ statements and plan responses using media reports/legislation/international instruments/cases and/or documents to support your plan.</p>	<ul style="list-style-type: none"> • issues of compliance and non-compliance

6 Sample HSC course assessment tasks

Sample task 1: Human rights

Nature of task: ICT submission on a contemporary human rights issue.

Weighting: 25%

Marks: 25

Outcomes to be assessed

H3: analyses the operation of domestic and international legal systems

H4: evaluates the effectiveness of the legal system in addressing issues

H7: evaluates the effectiveness of the law in achieving justice

H8: locates, selects, organises, synthesises and analyses legal information from a variety of sources including legislation, cases, media, international instruments and documents

H9: communicates legal information using well-structured and logical arguments

Task description

You have chosen to make a submission on a contemporary human rights issue to the Working Party for Human Rights about the protection of human rights on a domestic or international level.

In your submission, in the format of a 5–10 minute PowerPoint presentation, you must:

- identify the domestic and/or international contemporary human rights issue you have chosen (*check the syllabus for suggestions*)
- outline the legal and non-legal domestic and/or international responses to the issue
- evaluate the effectiveness of these responses to the issue
- integrate into the presentation FIVE media sources concerning the issue remembering to source and date each one, commenting on the responses of the media to the issue
- present your submission using appropriate headings, sub-headings, diagrams and tables, photographs, clips, music and/or any other relevant information reflecting a variety of sources.

Procedure

1. Students will be given ONE lesson in class to research the issue using the [research investigation process proforma](#). Your research should reflect a variety of sources including the media articles selected.
2. On the date specified by your teacher you will be required to present a PowerPoint presentation that should be both creative and informative addressing all elements of the task.

Task rubric

You will be assessed on your ability to:

- identify a contemporary human rights issue
- outline the legal and non-legal domestic and/or international responses to the issue
- evaluate the effectiveness of these responses to the issue
- integrate into the presentation FIVE media sources concerning the issue remembering to source and date each one
- comment on the responses of the media to the issue
- present your submission using appropriate headings, sub-headings, diagrams and tables, photographs, clips, music and/or any other relevant information reflecting a variety of sources
- create an interesting, informative PowerPoint presentation
- communicate legal information using well-structured and logical arguments.

Follow-on task

After all submissions have been presented a discussion will occur about the effectiveness of legal and non-legal mechanisms in addressing human rights issues. Following this discussion, students will be advised by their teacher of a specific date when students will write a response in 45 minutes to the topic:

‘Using a contemporary human rights issue, evaluate the effectiveness of legal and non-legal measures in achieving justice’.

Proposed marking guidelines

Criteria	Marks
<ul style="list-style-type: none"> • clearly identifies a contemporary human rights issue • clearly outlines the legal and non-legal domestic and/or international responses to the issue • makes a reasoned judgement, using criteria, as to the effectiveness of these responses to the issue • presents a well-formatted informative PowerPoint presentation • integrates five relevant media sources concerning this issue, sourcing and dating each one, and comments on the responses of the media to this issue • clearly communicates information in a well-structured and logical response 	21–25
<ul style="list-style-type: none"> • identifies a contemporary human rights issue • outlines the legal and non-legal domestic and/or international responses to the issue • makes a judgement, using criteria, as to the effectiveness of these responses to the issue • presents a formatted PowerPoint presentation • integrates relevant media sources concerning this issue, sourcing and dating each source and attempts to comment on the responses of media to this issue • communicates in a structured, logical response 	16–20
<ul style="list-style-type: none"> • identifies a contemporary human rights issue • outlines some of the legal and non-legal domestic and/or international responses to the issue • includes some discussion as to the effectiveness of these responses to the issue • presents a structured PowerPoint presentation • includes some media source(s) concerning the issue • communicates in a structured response 	11–15
<ul style="list-style-type: none"> • identifies a contemporary human rights issue and/or outlines some legal and non-legal domestic and/or international responses to the issue • makes a PowerPoint presentation • may include media concerning this issue 	6–10
<ul style="list-style-type: none"> • identifies a human rights issue • makes limited use of legal information and/or ideas • may make limited reference to source or media 	1–5

Sample task 2: Crime

Nature of task: Research task on a contemporary criminal case

Weighting: 25%

Marks: 40

Outcomes to be assessed

- H1. identifies and applies legal concepts and terminology
- H7. evaluates the effectiveness of the law in achieving justice
- H8. locates, selects, organises, synthesises and analyses legal information from a variety of sources including legislation, cases, media, international instruments and documents
- H9. communicates legal information using well-structured and logical arguments
- H10. analyses differing perspectives and interpretations of legal information and issues

Task description

Research an indictable criminal offence that has been prosecuted in the past 10 years in the NSW criminal justice system where the defendant has been found guilty. In your report on your research into the offence you must:

- identify the correct legal citation of the case
- outline the elements of the offence
- describe the factors that might have led to the criminal behaviour
- outline the reporting and investigation of the crime
- explain the role of the courts
- outline the role of legal representation
- identify the plea
- discuss the factors that affect the sentencing decision
- explain the penalty given
- analyse the extent to which the law balances the rights of victims and offenders
- provide a referenced bibliography.

Procedure

1. Students will be given FOUR lessons to research the offence using the research investigation process proforma. Every lesson the student must demonstrate to their teacher their progress and that the research meets the criteria for 'All My Own Work'.
2. At a date decided by the teacher, the students submit their work in a report of no longer than 1500 words. A bibliography demonstrating a variety of sources must be included.

Task rubric

You will be assessed on your ability to:

- research an indictable criminal offence that has been prosecuted in the last 10 years in the NSW criminal justice system where the defendant has been found guilty
- clearly report on every aspect of the case as specified in the task description
- present the research in a well-structured and logical report with appropriate heading and sub-headings
- integrate relevant legal concepts and terminology
- locate, select, organise, synthesise and analyse legal information from a variety of sources, and provide a referenced bibliography.

Proposed marking guidelines

Criteria	Marks
<ul style="list-style-type: none"> • clearly answers every aspect of the task description • presents the research in a well-structured and logical report with appropriate heading and sub-headings • clearly integrates relevant legal concepts and terminology • locates, selects, organises, synthesises and analyses legal information from a variety of sources with a referenced bibliography 	30–40
<ul style="list-style-type: none"> • answer most aspects of the task description • presents the research in a structured report with appropriate heading and sub-headings • integrates relevant legal concepts and terminology • locates, selects and organises legal information from a variety of sources including legislation, cases, media, international instruments and/or documents, with a referenced bibliography 	20–30
<ul style="list-style-type: none"> • attempts to answer some aspects of the task description • presents the research in a report • integrates some legal concepts and terminology • locates and selects legal information 	10–20
<ul style="list-style-type: none"> • may answer some parts of the task description • locates legal information 	0–10

Teacher’s signature: _____ Date: _____

Student self-reflection:

What did I do well? _____

Where can I improve? _____