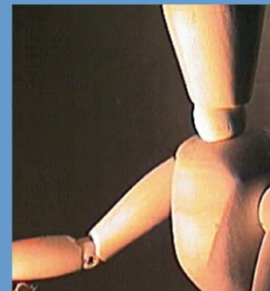
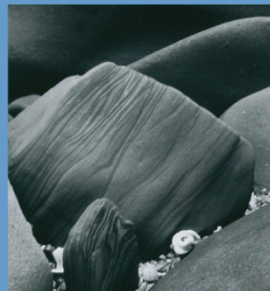
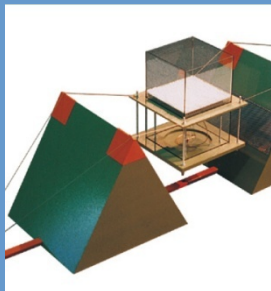


# Towards 2011 VCE Legal Studies

2011 - 2015



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# Outline of today's session

- Overview of Review process
- Discussion of major themes and rationale for changes
- Unit 1 & 2 Discussion of key changes
- Unit 2, Area of Study 4 sample activity
- Unit 3 & 4 Discussion of key changes
- Questions

# Major Review process

2008

- VCAA research paper and benchmarking against national and international post compulsory Legal Studies courses
- Teacher focus groups

2009

- Review Panel – members representing practising teachers from all education sectors, academics, industry
- Consultation draft Study Design and feedback

2010

- Reaccredited Study Design released
- Implementation workshops

# The 2011 – 2015 Study Design

- To be implemented in schools in 2011
- Copies of the Study Design have been sent to schools. Also available on the VCAA website ([www.vcaa.vic.edu.au](http://www.vcaa.vic.edu.au))
- Teachers will be informed via the VCAA Bulletin when the Assessment Handbook is available. Note that this will be published online only.
- Sample examination questions will be prepared and published in 2011

# Themes and rationale for changes

- More detailed description of units and Areas of study
- Linking of Key Knowledge and Key Skills (note the importance of Key Skills in teaching and learning)
- Opportunity for students to engage in more detailed, in-depth learning of issues, cases etc.
- More of a case study approach desired
- Accessibility of course for students with a range of abilities and experiences

# Themes and rationale for changes

- Requirement to apply principles/concepts to relevant cases and issues in many of the Areas of study
- Focus on increasing understanding of legal issues, laws, processes, procedures, rather than rote learning
- Recognition of content heavy units, resulting in some trimming of content
- Clarification of some dot points
- Limits placed on some content eg two High Court cases, three sanctions

# Key Skills and their importance

- Increased emphasis on key skills, particularly those relating to interpretation, analysis, application, research, evaluation, comparison
- Key skill ‘apply legal principles to relevant cases and issues’ is across most outcomes in Units 1 – 4

# What's new or different – at a glance

## 2006 - 2010

### Unit 1: Criminal law and justice

1. **AOS 1: Criminal law**
2. **AOS 2: The courtroom**

### Unit 2: Civil law and the law in focus

1. **AOS 1: Civil disputes**
2. **AOS 2: Civil law in action**
3. **AOS 3: The law in focus**

## 2011 - 2015

### Unit 1: **Criminal law in action**

1. **AOS 1: Law in society**
2. **AOS 2: Criminal law**
3. **AOS 3: The criminal courtroom**

### Unit 2: **Issues in civil law**

1. **AOS 1: Civil law**
2. **AOS 2: The civil law in action**
3. **AOS 3: The law in focus**
4. **AOS 4: A question of rights**

# What's new/different – at a glance

## 2006 - 2010

### Unit 3: Law-making

1. **AOS 1: Parliament and the citizen (30%)**
2. **AOS 2: Constitution and the protection of rights (40%)**
3. **AOS 3: Role of the courts (30%)**

### Unit 4: Dispute resolution

1. **AOS 1: Criminal cases and civil disputes (40%)**
2. **AOS 2: Court processes and procedures (60%)**

## 2011 - 2015

### Unit 3: Law-making

1. **AOS 1: Parliament and the citizen (25%)**
2. **AOS 2: The Constitution and the protection of rights (50%)**
3. **AOS 3: Role of the courts in law-making (25%)**

### Unit 4: Resolution and justice

1. **AOS 1: Dispute resolution methods (40%)**
2. **AOS 2: Court processes and procedures, and engaging in justice (60%)**

# Key Changes to Unit 1

- **AOS1 – Law in society**
  - New Area of study, providing an introduction to legal studies. Incorporates some dot points from current Area of study 1
  - Approximate time: 3 weeks (10 hours)
- **AOS2 – Criminal law**
  - Examples of principles of criminal liability included
  - Crimes against the person and crimes against property are both included – emphasis/level of detail is flexible
  - Trends in crime and international comparison new
  - Compensation for victims of crime
  - Approximate time: 7-8 weeks (24 hours)

# Key Changes to Unit 1

- **AOS3 – The criminal courtroom**
  - Include distinction between summary and indictable offences
  - Pre-trial procedures specifically mentioned
  - Trial procedure in the context of the adversarial system
  - Legal rights in criminal proceedings protected by the Victorian Charter (eg sections 21 – 27 of *Charter of Rights and Responsibilities Act 2006* (Vic.))
  - Key skill of discussion of the capacity of criminal processes to achieve justice
  - Approximate time: 5 weeks (16 hours)

# Key Changes to Unit 2

- **AOS1 – Civil law**

- Provides an introduction to civil law, and is similar to current Area of study.
- Key principles of civil law – stating key knowledge such as parties to civil dispute, burden and standard of proof that teachers covered.
- Torts – students are required to study negligence and defamation. Further torts are at the discretion of the teacher/class.
- Contract law has been removed from Area of study 1 – it can now be studied in Area of study 3 if desired.
- Approximate time: 3 weeks (11 hours)

# Key Changes to Unit 2

- **AOS 2 – The civil law in action**
  - Similar in focus to the current Area of study 2
  - Court hierarchy and jurisdictions moved into Area of study 2
  - Methods of dispute resolution – negotiation removed; judicial determination included
  - Tribunals not specifically referred to (focus on courts)
  - Trial procedure in the context of the adversary system
  - Higher order skills required, such as evaluation and analysis
  - Approximate time: 5 weeks (15 hours)

# Key Changes to Unit 2

- **AOS 3 – The law in focus**
  - Similar in focus to the current Area of study 2, but with the stipulation that it be an area of civil law
  - New areas of law included in the list: contract law, workplace laws, tenancy law
  - Some areas of law removed: road users, young people and the law (mainly criminal focus), human rights (now in Area of study 4), legal issues in technology
  - Inclusion of ‘any other relevant area of civil law’
  - Flexibility for teachers to customise their course
  - Focus is on issues and dispute resolution, in addition to capacity of legal system to deal with change
  - Approximate time: 5 weeks (15 hours)

# Key Changes to Unit 2

- **AOS 4 – A question of rights**
  - New area of study
  - Allows students to study a landmark or test case that illustrates rights issues, impacts on rights protection, the role played by individuals and how individuals can be empowered by the legal system
  - Students to develop a deep understanding of the chosen case and its impact, and skills of critical thinking and analysis
  - List of suggested cases in the Advice to teachers section – note the Australian focus (delete *Malone*)
  - Sample learning activity included in handout
  - Approximate time: 3 weeks (10 hours)

# Assessment – Units 1 & 2

- Satisfactory completion of unit is based on whether the student has demonstrated achievement of all specified outcomes
- Assessment is school-based and teacher assessed
- Be guided by the Key Knowledge and Key Skills when developing learning activities (assess together, but not all need to be included)
- Assessment tasks should be part of the regular teaching and learning program

- Select a variety of assessment tasks to provide for different learning styles
- Select assessment tasks from lists on pages 15 and 20 of Study Design
- Tasks as in current Study Design, with the exception of annotated visual display, which has been removed

# Key Changes to Unit 3

- **Area of study 1 – Parliament and the citizen**
  - Similar in focus to the current Area of study 1 – some change in the ordering of key knowledge dot points
  - Formal law reform bodies – Victorian Law Reform Commission stipulated
  - Means of influencing legislative change are included: petitions, demonstrations, use of media – designed to help limit content for students. Note that the effectiveness of these methods is also evaluated.
  - Note the requirement for contemporary examples to explain influences on legislative change
  - Approximate time: 3-4 weeks (13 hours)

# Key Changes to Unit 3

- **Area of study 2 – The Constitution and the protection of rights**
  - Similar in focus to the current Area of study 2, with clarifications and additions (note increase to 50%)
  - Division of law-making powers – list more reflective of how powers are divided
  - Referendum – process, factors affecting success, impact of one successful referendum on division of powers (suggested in Advice to teachers as 1946 or 1967)
  - Referral of powers by states to Commonwealth – included as third way to change law-making powers, in recognition of its importance and contemporary issues
  - Rights protection – refer to human rights only, instead of both democratic and human rights

# Key Changes to Unit 3

- Area of study 2 – continued
  - Rights protection – more guidance given as to how to structure this study. Structural protection, express rights and implied rights all specifically listed.
  - Structural protection is defined in Advice to teachers
  - High Court case relating to Constitutional protection of rights – suggested cases listed in Advice to teachers. Note that some cases cover express rights, some implied rights, and others structural protection.
  - Higher order skills including evaluate, analyse, compare
  - Approximate time: 7-8 weeks (25 hours)

# Key Changes to Unit 3

- **Area of study 3 – Role of the courts in law-making**
  - Similar to current Area of study 3.
  - Ability of judges and courts to make law, and the operation of the doctrine of precedent are now separate key knowledge dot points
  - Emphasis on relevant cases and issues - Advice to teachers page 36 provides examples of appropriate cases for precedent, statutory interpretation and relationship between courts and parliament in law-making
  - Higher order skills including analyse, critically evaluate, discuss
  - Approximate time: 3-4 weeks (12 hours)

# Key Changes to Unit 4

- **Area of study 1 – Dispute resolution methods**
  - Similar in focus to the current Area of study 1, with some reduced content, and some reordering
  - Reduced number of courts (High Court and specialised courts removed) to reduce content. Specify both divisions of the Supreme Court.
  - Victorian Civil and Administrative Tribunal – focus on role, rather than jurisdictions.
  - Methods of dispute resolution – negotiation removed; judicial determination included; focus is on how these methods are used in courts and tribunals
  - Evaluation of methods; evaluation of institutions
  - Approximate time: 5 weeks (15 hours)

# Key Changes to Unit 4

- **Area of study 2 – Court processes and procedures, and engaging in justice**
  - Similar in focus to the current Area of study 2, with some reduced content, and some reordering
  - Elements of an effective legal system still underpin the Area of study, but reduced to 3 elements (recognition of prevailing values and basic human rights deleted). These elements form the basis of student assessment of contribution to an effective legal system.
  - Teacher approaches vary from integrating elements throughout Area of study 2, or undertaking as a separate topic.
  - Reordering of key knowledge – adversary first, followed by criminal and civil procedure, then jury system

# Key Changes to Unit 4

- Area of study 2 – continued
  - Criminal and civil procedure
    - Purpose of pre-trial procedures included; number of criminal pre-trial procedures reduced – police investigation and rights of individuals, and directions hearings deleted
    - Trial procedure no longer listed
    - Purposes of sanctions and remedies – generally and for selected sanctions/remedies
    - Number of sanctions/remedies reduced – sanctions limited to three (of teacher's/student's choice); remedies stated as damages and injunctions

# Key Changes to Unit 4

- Area of study 2 – continued
  - Jury system – factors affecting the composition of juries are expressly stated in the study design
  - Problems and difficulties faced by individuals in *using* the legal system – bit broader than current access.
- Approximate time: 10-11 weeks (35 hours)

# Assessment Units 3 & 4

## S/N

Satisfactory completion of unit is based on whether the student has demonstrated achievement of all specified outcomes

## Contribution to Study Score

Unit 3 School Assessed Coursework	25%
Unit 4 School Assessed Coursework	25%
Examination (end of year)	50%

# Assessment Units 3 & 4

## **School Assessed Coursework**

- Teacher set and assessed and reported to VCAA
- See Assessment Handbook for advice on assessment tasks, performance descriptors
- Range of assessment tasks available (same as currently in Study Design)
- Part of the regular teaching and learning program, and completed mainly in class within a limited time frame

# Assessment Units 3 & 4

## Examination

- Sample questions will be published early 2011
- Format and structure to remain the same
- Two-hour, end of year exam
- Covers Units 3 and 4
- Examination criteria are no longer being published



**Presenters:**

Megan Blake/Lisa Filippin/  
Michelle Humphreys/Geoff Shaw

**With Thanks:**

VCTA for the organisation of the workshops

VCE Legal Studies Implementation Workshops  
May 2010

# Contact Details

**Jennifer Quick**  
**Curriculum Manager**  
**Business and Economics**

**Victorian Curriculum and Assessment Authority**  
**(VCAA)**

Ph: (03) 9651 4436  
Fax: (03) 9651 4324

[Quick.jennifer.m@edumail.vic.gov.au](mailto:Quick.jennifer.m@edumail.vic.gov.au)  
[www.vcaa.vic.edu.au](http://www.vcaa.vic.edu.au)



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