

VCE Legal Studies 2024-2028

Implementation

Unit 1: The presumption of
innocence

Acknowledgement of Country

The VCAA respectfully acknowledges the Traditional Owners of Country throughout Victoria and pays respect to the ongoing living cultures of First Peoples.



Roadmap



Unit 1 changes

A focus on some new key knowledge

Resources and support

Key points to note

Implementation:
1 January 2024
(all units)

Units 1 & 2 not
prerequisites for
Units 3 & 4

Units 3 & 4
taken as a
sequence

Unit 1 changes

Overview of Unit 1 changes

Structural change (Unit 1, AOS 3 / Unit 2, AOS 1)

Reordering in Unit 1, Area of Study 1

More higher order thinking skills in Unit 1, Area of Study 1

Clarification of principles of justice application

Unit 1 structural changes

Current Study Design (2018-2023)

Unit 1: Guilt and liability	
Area of Study 1	Legal foundations
Area of Study 2	The presumption of innocence
Area of Study 3	Civil liability

New Study Design (2024-2028)

Unit 1: The presumption of innocence	
Area of Study 1	Legal foundations
Area of Study 2	Proving guilt
Area of Study 3	Sanctions

Colour coding

- **Green**: changes to sequencing of key knowledge
- **Blue**: changed outcome statement, key knowledge or key skill
- **Red**: additional wording, key knowledge or key skill
- ~~**Strikeout**~~: removed key knowledge or key skill
- Minor typographical changes and key skill sequencing have not been highlighted

Area of Study 1: Legal foundations

Outcome statement

Current Study Design (2018-2023)

On completion of this unit the student should be able to describe the main sources and types of law, and **assess** the effectiveness of laws.

New Study Design (2024-2028)

On completion of this unit the student should be able to describe the main sources and types of law, and **evaluate** the effectiveness of laws.

Area of Study 1: Legal foundations

Key knowledge

Current Study Design (2018-2023)

1. the role of individuals, laws and the legal system in achieving social cohesion & protecting rights of individuals
2. the principles of justice: fairness, equality and access
3. characteristics of an effective law, such as it reflects society's values; is enforceable; is known; is clear and understood; and is stable
4. sources of law such as common law and statute law
5. an overview of the relationship between parliament and the courts
6. types of law such as criminal law and civil law
7. the distinction and relationship between criminal law and civil law
8. an overview of, and reasons for, the Victorian court hierarchy.

New Study Design (2024-2028)

1. the role of individuals, laws and the legal system in achieving social cohesion & protecting rights of individuals
2. the principles of justice: fairness, equality and access
3. characteristics of an effective law, such as reflecting society's values; is enforceable; is known; is clear and understood; and is stable
4. an overview of the roles of the parliament and the courts and their relationship in law-making
5. sources of law such as common law and statute law
6. an overview of, and reasons for, the Victorian court hierarchy
7. types of law such as criminal law and civil law
8. the distinction & relationship between criminal & civil law.

Area of Study 1: Legal foundations

Key skills

Current Study Design (2018-2023)

1. define key legal terminology
2. research and analyse relevant information about the sources and types of laws
3. classify a law according to its source and type
4. explain the role of individuals, laws and the legal system in achieving social cohesion and protecting the rights of individuals
5. explain the relationship between parliament and the courts, using examples
6. justify the existence of the Victorian court hierarchy
7. assess whether a law is effective.

New Study Design (2024-2028)

1. define key legal terminology
2. research and analyse relevant information about the sources and types of laws
3. classify a law according to its source and type
4. explain the role of individuals, laws and the legal system in achieving social cohesion and protecting the rights of individuals
5. explain the **role of and** relationship between parliament and the courts
6. justify the existence of the Victorian court hierarchy
7. **discuss the principles of justice**
8. evaluate the effectiveness of laws.

Area of Study 2: Proving guilt

Outcome statement

Current Study Design (2018-2023)

On completion of this unit the student should be able to explain the purposes and key concepts of criminal law, and use legal reasoning to argue the criminal culpability of an accused based on actual and/or hypothetical scenarios.

New Study Design (2024-2028)

On completion of this unit the student should be able to explain the purposes and key concepts of criminal law, and use legal reasoning to argue the criminal culpability of an accused based on actual and/or hypothetical scenarios.

Area of Study 2: Proving guilt

Key knowledge

Current Study Design (2018-2023)

1. the purposes of criminal law
2. the presumption of innocence
3. key concepts of criminal law: the elements of a crime: *actus reus* & *mens rea*, strict liability, the age of criminal responsibility, the burden of proof, the standard of proof
4. types of crime such as crimes against the person and crimes against property
5. the distinction between summary and indictable offences
6. possible participants in a crime such as principal offenders and accessories
7. two criminal offences and for each offence, the elements, possible defences, **the role of statute law and common law**, trends and statistics in relation to the offence in Victoria and one other jurisdiction, the possible impact of the offence on individuals and society.

New Study Design (2024-2028)

1. the purposes of criminal law
2. the presumption of innocence
3. key concepts of criminal law: the elements of a crime: *actus reus* & *mens rea*, strict liability, the age of criminal responsibility, the burden of proof, the standard of proof
4. types of crime, such as crimes against the person and crimes against property
5. the distinction between summary and indictable offences
6. possible participants in a crime such as principal offenders and accessories
7. two criminal offences and for each offence, the elements, possible defences, **possible sanctions**, trends and statistics in relation to the offence in Victoria and in one other **Australian** jurisdiction, the possible impact of the offence on individuals and society.

Area of Study 2: Proving guilt

Key skills

Current Study Design (2018-2023)

1. define and use legal terminology
2. research and analyse relevant information about criminal law and offences
3. distinguish between types of crime, and indictable offences and summary offences, using examples
4. explain the purposes and key concepts of criminal law
5. use legal reasoning and principles to identify and argue the elements of an offence, possible defences and culpability in relation to two actual and/or hypothetical scenarios
6. synthesise and apply legal information to actual and/or hypothetical scenarios in relation to two offences.

New Study Design (2024-2028)

1. define and use legal terminology
2. research and analyse relevant information about criminal law and offences
3. distinguish between types of crime, and summary and indictable offences, using examples
4. explain the purposes and key concepts of criminal law
5. use legal reasoning and principles to identify and argue the elements of an offence, possible defences and culpability in relation to actual and/or hypothetical scenarios
6. synthesise and apply legal information to actual and/or hypothetical scenarios in relation to two criminal offences.

Area of Study 3: Sanctions

Outcome statement

Current Study Design (2018-2023) (Unit 2, AOS 1)*

On completion of this unit the student should be able to explain key concepts in the determination of a criminal case, and discuss the principles of justice **in relation to the determination of criminal cases, sanctions and sentencing approaches.**

New Study Design (2024-2028)

On completion of this unit the student should be able to explain the key concepts in the determination of a criminal case, discuss the principles of justice **in relation to experiences of the criminal justice system, and discuss the ability of sanctions to achieve their purposes.**

Area of Study 3: Sanctions

Key knowledge

Current Study Design (2018-2023) (Unit 2, AOS 1)*

1. the principles of justice: fairness, equality and access
2. institutions that enforce criminal law, such as police & delegated bodies
3. the balance between institutional powers and individual rights
4. an overview of the role and criminal jurisdictions of the Vic courts
5. the role of the jury in a criminal trial
6. the purposes of sanctions: punishment, deterrence, denunciation, protection and rehabilitation
7. types of sanctions such as fines, CCOs and imprisonment
8. factors considered by judges in sentencing
- ~~9. aspects of sentencing practices in Victoria and in one other jurisdiction~~
10. alternative approaches to sentencing, such as the use of the Drug Court, the Koori Courts and diversion programs
- ~~11. two recent criminal cases and for each case...~~

New Study Design (2024-2028)

The principles of justice and experiences of the Victorian criminal justice system

1. the principles of justice: fairness, equality and access
 2. institutions that enforce criminal law, such as police & delegated bodies
 3. the balance between institutional powers and individual rights
 4. an overview of the role & criminal jurisdictions of Vic courts
 5. the role of the jury in a criminal trial
 6. the difficulties faced by different groups, such as First Nations people, young people, culturally and linguistically diverse people, people with mental health issues, and people with disabilities
- Sentencing*
7. the purposes of sanctions: punishment, deterrence, denunciation, protection and rehabilitation
 8. types of sanctions such as fines, CCOs and imprisonment
 9. factors considered in sentencing
 10. alternative approaches to sentencing, such as the use of the Drug Court, Koori Courts and diversion programs
 11. sentencing practices in one other Australian jurisdiction.

Area of Study 3: Sanctions

Key skills

Current Study Design (2018-2023) (Unit 2, AOS 1)*

1. define and use legal terminology
2. research, analyse and apply information in relation to criminal law and ~~two~~ recent criminal cases
3. describe the institutions that enforce criminal law
4. explain the role of the Victorian courts and juries in criminal cases
5. discuss the principles of justice in relation to the enforcement of criminal law and sanctions
6. discuss the ability of sanctions to achieve their purposes
7. discuss approaches to sentencing
- ~~8. analyse the extent to which the principles of justice could be or were achieved in two recent criminal cases.~~

New Study Design (2024-2028)

1. define and use legal terminology
2. research and analyse relevant information about criminal law and recent criminal cases
3. describe the institutions that enforce criminal law
4. explain the role of the Victorian courts and juries in criminal cases
5. compare approaches to sentencing in Victoria to those in one other Australian jurisdiction
6. discuss the principles of justice in relation to experiences of the criminal justice system [note heading on previous slide]
7. discuss the ability of sanctions to achieve their purposes
8. discuss alternative approaches to sentencing
9. synthesise and apply legal information to actual and/or hypothetical scenarios.

Possible assessment tasks

a folio of exercises

an oral or digital presentation, such as a podcast or video

a Wiki, website or blog

structured questions

a mock trial or role play

a debate

a research report or media analysis

an essay

a question-and-answer session

A focus on some new key knowledge

The principles of justice

Fairness

- all people can participate in the justice system and its processes should be impartial and open

Equality

- all people engaging with the justice system and its processes should be treated in the same way; if the same treatment creates disparity or disadvantage, adequate measures should be implemented to allow all to engage with the justice system without disparity or disadvantage

Access

- all people should be able to engage with the justice system and its processes on an informed basis.

Difficulties in the criminal justice system

First Nations people

Young people

CALD people

People with mental health

People with disabilities

Others
(LGBTQIA+,
asylum seekers,
homeless people)

Difficulties in the criminal justice system: young people (an example)

Difficulties



How affects
PoJ



How
difficulties can
be addressed

Resources and support

Proposed time allocation

Area of Study	Suggested allocation
Area of Study 1: Legal Foundations	12 hours
Area of Study 2: Proving Guilt	20 hours
Area of Study 3: Sanctions	18 hours
	50 hours

Teacher resources

Study design for implementation from 2024

Teachers are advised that the study design listed below is for use from 2024. This is available to teachers in preparation for the implementation of the new study in 2024. Additional resources will be added progressively as they become available.

▼ 2024 Implementation

For accreditation period 2024-2028

-  [VCE Legal Studies Study Design](#) for implementation in 2024.

<https://www.vcaa.vic.edu.au/curriculum/vce/vce-study-designs/legalstudies/Pages/Index.aspx>

Teacher activities: coming soon

Unit 1 Area of Study 1: Legal Foundations

Outcome 1

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On completion of this unit the student should be able to describe the main sources and types of law and evaluate the effectiveness of laws.

■

Examples of learning activities

- → To stimulate an understanding of the role of laws and the legal system have students identify and explain the differences and similarities between their school's rules and legal rule (laws) enforced by the government; ask students to list the five school rules and the five laws they consider most important and explain reasons for these selections i.e., how do these rules and laws control behaviours and why is it necessary for each to be in place?
- → "Man is born free but everywhere else is in chains" - Rousseau. To have students understand the apparently contradictory roles of laws both in promoting and restricting individual freedoms, ask students to research the introduction of compulsory seatbelt legislation in Victoria looking at the introduction of laws making fencing around suburban pools and the wearing of bike helmets compulsory, focus on the protections these laws provide as an introduction to the concept of social cohesion
- → Ask students to work in groups to identify the types of laws that apply to the daily lives of Victorians to reinforce that not all law is criminal law, and there is a broad scope of laws affecting us e.g. employment laws, food production and hygiene laws, workplace safety laws etc. Design a graphic illustrating the different categories / types of laws they are subject to as Victorian citizens.

<https://www.vcaa.vic.edu.au/curriculum/vce/vce-study-designs/legalstudies/Pages/Index.aspx>

Q&A Webinar: 8 August 2023

Legal Studies (2024-2028) Q&A webinar

Date: Tuesday 08 August, 4:30 pm–6:00 pm

A live Q&A session about VCE Legal Studies (2024-2028) as a follow up from the on-demand implementation videos posted on the VCAA website.

Email questions about the 2024-2028 VCE Legal Studies study design and assessment to megan.jeffery@education.vic.gov.au.

There will also be the opportunity to ask questions during the webinar. Please watch the on-demand informative videos on the website beforehand - these will be available during July.

These webinars will be recorded and may be published on the VCAA website.

Registrations are now open

<https://www.vcaa.vic.edu.au/news-and-events/professional-learning/VCE/Pages/EventInformation.aspx?queryid=145>

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