

# VCE Legal Studies 2024-2028

Implementation

Unit 2: Wrongs and rights

# 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 2 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 2 changes

# Overview of Unit 2 changes

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

Focus on difficulties experienced in the civil justice system

Reducing Unit 2, Area of Study 3

A focus on a human rights issue cf. human rights case

# Unit 2 structural changes

Current Study Design (2018-2023)

Unit 2: Sanctions, remedies & rights	
Area of Study 1	Sanctions
Area of Study 2	Remedies
Area of Study 3	Rights

New Study Design (2024-2028)

Unit 2: Wrongs and rights	
Area of Study 1	Civil liability
Area of Study 2	Remedies
Area of Study 3	Human rights

# 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: Civil liability

## Outcome statement

### Current Study Design (2018-2023) (Unit 1, AOS 3)\*

On completion of this unit the student should be able to explain the purposes and key concepts of civil law, and apply legal reasoning to argue the liability of a party in civil law 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 civil law, and apply legal reasoning to argue the liability of a party in civil law based on actual and/or hypothetical scenarios.

# Area of Study 1: Civil liability

## Key knowledge

### Current Study Design (2018-2023) (Unit 1, AOS 3)\*

1. the purposes and types of civil law
2. key concepts of civil law, including breach, causation, loss, limitation of actions, the burden of proof, the standard of proof
3. possible plaintiffs and defendants to a civil dispute
4. two areas of civil law and for each area of law: the rights protected by the law, the elements required to establish liability, the limitation of actions, possible defences, ~~the role of statute law and common law in developing the elements and defences~~, the impact of the breach on the parties.

### New Study Design (2024-2028)

1. the purposes and types of civil law
2. key concepts of civil law, including breach, causation, loss, limitation of actions, the burden of proof, the standard of proof
3. possible plaintiffs and defendants to a civil dispute
4. two areas of civil law and for each area of law: the rights protected by the law, the elements required to establish liability, the limitation of actions, possible defences, **possible remedies**, the impact of the breach on the parties.

# Area of Study 1: Civil liability

## Key skills

### Current Study Design (2018-2023) (Unit 1, AOS 3)\*

1. define and use legal terminology
2. research and analyse relevant information about civil law
3. classify civil law according to its type
4. explain the purposes and key concepts of civil law
5. apply legal reasoning and principles to identify and argue the elements, possible defences and civil liability 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 areas of civil law.

### New Study Design (2024-2028)

1. define and use legal terminology
2. research and analyse relevant information about civil law
3. classify civil law according to its type
4. explain the purposes and key concepts of civil law
5. apply legal reasoning and principles to identify and argue the elements, possible defences and civil liability in relation to actual and/or hypothetical scenarios
6. synthesise and apply legal information to actual and/or hypothetical scenarios in relation to two areas of civil law.

# Area of Study 2: Remedies

## Outcome statement

### Current Study Design (2018-2023)

On completion of this unit the student should be able to explain key concepts in the resolution of a civil dispute, and discuss the principles of justice **in relation to the resolution of civil disputes and remedies.**

### New Study Design (2024-2028)

On completion of this unit the student should be able to explain the key concepts in the resolution of a civil dispute, discuss the principles of justice **in relation to experiences of the civil justice system, and discuss the ability of remedies to achieve their purposes.**

# Area of Study 2: Remedies

## Key knowledge

### Current Study Design (2018-2023)

1. the principles of justice: fairness, equality and access
2. methods used to resolve a civil dispute such as mediation, conciliation and arbitration
3. institutions that resolve civil disputes such as tribunals, ombudsmen and complaints bodies
4. an overview of the role and civil jurisdictions of the Victorian courts
5. the role of the jury in a civil trial
6. the purposes of remedies
7. types of remedies, such as damages and injunctions
8. ~~two recent civil cases and for each case...~~

### New Study Design (2024-2028)

#### *The principles of justice & experiences of the civil justice system*

1. the principles of justice: fairness, equality and access
2. methods used to resolve a civil dispute such as mediation, conciliation and arbitration
3. institutions that resolve civil disputes such as tribunals, ombudsmen and complaints bodies
4. an overview of the role and civil jurisdictions of the Vic courts
5. the role of the jury in a civil trial
6. *the difficulties faced by different groups in the civil justice system, such as First Nations people, people of low socioeconomic status, young people, and people in regional, rural and remote areas*

#### *Remedies*

7. the purposes of remedies
8. types of remedies, such as damages and injunctions.

# Area of Study 2: Remedies

## Key skills

### Current Study Design (2018-2023)

1. define and use legal terminology
2. research, analyse and apply information in relation to civil law and ~~two~~ recent civil cases
3. describe the institutions that resolve civil disputes
4. explain the role of the Victorian courts and juries in civil cases
5. discuss the principles of justice **in relation to the resolution of civil disputes and remedies**
6. discuss the ability of remedies to achieve their purposes
- ~~7. analyse the extent to which the principles of justice were or could be achieved in two recent civil cases.~~

### New Study Design (2024-2028)

1. define and use legal terminology
2. research and analyse relevant information about civil law **and recent civil cases**
3. describe the institutions that resolve civil disputes
4. explain the role of the Victorian courts and juries in civil disputes
5. discuss the principles of justice **in relation to experiences of the civil justice system**
6. discuss the ability of remedies to achieve their purposes
7. **synthesise and apply legal information to actual and/or hypothetical scenarios.**

# Area of Study 3: Human rights

## Outcome statement

### Current Study Design (2018-2023)

On completion of this unit the student should be able to evaluate the ways in which rights are protected in Australia, compare this approach with that adopted by another country and discuss the impact of an Australian case on the rights of individuals and the legal system.

### New Study Design (2024-2028)

On completion of this unit the student should be able to explain one contemporary human rights issue in Australia, and evaluate the ways in which rights are protected in Australia.

# Area of Study 3: Human rights

## Key knowledge

### Current Study Design (2018-2023)

1. an overview of the ways in which rights are protected in Australia, such as through the Australian Constitution, the Victorian Charter of Human Rights and Responsibilities, statute law and common law
- ~~2. the influence of international declarations and treaties on the protection of rights in Australia~~
- ~~3. the approach adopted by one other country in protecting rights~~
- ~~4. possible reforms to the protection of rights in Australia~~
- ~~5. one Australian case that has had an impact on the protection of rights in Australia, including the role of the individual in taking a case to court, the facts and issues central to the case, including the rights in question, the laws that applied to the case, the outcome of the case and its impact on the rights of individuals and on the legal system, possible conflicting attitudes in relation to the case.~~

### New Study Design (2024-2028)

1. the meaning and development of human rights, including the significance of the *Universal Declaration of Human Rights*
2. an overview of the ways in which human rights are protected in Australia, such as through the Australian Constitution, the Victorian Charter of Human Rights and Responsibilities, statute law and common law
3. one human rights issue in Australia and in relation to that human rights issue: the nature and development of the human right, the laws that apply to the human right in Australia, possible conflicting attitudes, possible reforms to the protection of the human right in Australia, one case study in relation to the human rights issue, in which an individual or group has influenced the protection of the right.



# Area of Study 3: Human rights

## Key skills

### Current Study Design (2018-2023)

1. define and use legal terminology
2. research and analyse relevant information about the protection of rights
3. describe the role of individuals in bringing about changes in the protection of rights through cases
4. ~~compare Australia's approach to the protection of rights with the approach of another country~~
5. analyse the impact of a **case** on the rights of individuals and on the legal system
6. discuss possible reforms to the protection of rights in Australia
7. evaluate the ways in which rights are protected in Australia
8. apply legal principles to **actual cases**.

### New Study Design (2024-2028)

1. define and use legal terminology
2. research and analyse relevant information about the protection of rights
3. describe the role of individuals in bringing about changes in the protection of rights through cases
4. **explain the meaning and development of human rights**
5. analyse the impact of a **case study** on the human rights of individuals and on the legal system
6. discuss possible reforms to the protection of rights in Australia
7. evaluate the ways in which rights are protected in Australia
8. apply legal principles 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

- See Unit 1 video

# Difficulties in the civil justice system

First Nations  
people

Young people

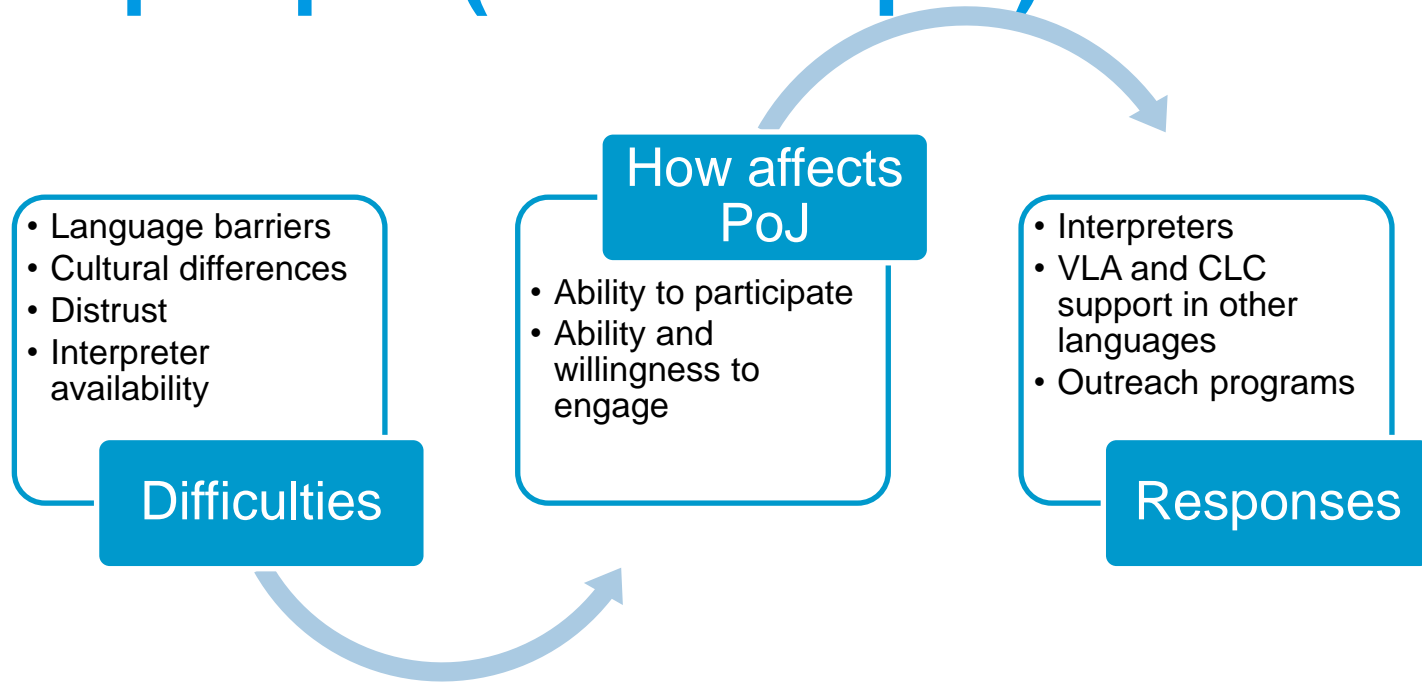
CALD people

People in rural  
and remote areas

People with  
disabilities

Others  
(LGBTQIA+,  
asylum seekers,  
homeless people)

# Difficulties in the civil justice system: CALD people (an example)



# Human rights issue

Rights of  
First Nations  
people

Right to vote

Right to  
freedom of  
religion

Rights of  
asylum  
seekers

Rights of  
women

Rights of  
LGBTQIA+  
people

# Human rights issue: right to freedom of speech (an example)

the nature and development of the human right

the laws that apply to the human right in Australia

possible conflicting attitudes

possible reforms to the protection of the human right in Australia

one case study in relation to the human rights issue



# Resources and support

# Proposed time allocation

Area of Study	Suggested allocation
Area of Study 1: Civil liability	20 hours
Area of Study 2: Remedies	18 hours
Area of Study 3: Human rights	12 hours
	<b>50 hours</b>

# 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 2 Area of Study 2: Remedies

### Outcome 2

▪

On completion of this unit the student should be able to discuss the key concepts in the resolution of a civil dispute, the capacity of remedies to achieve their purposes, and the principles of justice in relation to the resolution of civil disputes. ▪

### Examples of learning activities

#### The principles of justice and experiences of the civil justice system

- → Students restate understanding of the essential concepts and principles of civil law: what are the names of the parties to a civil action?; a dispute between two or more individuals, the relevant burden and standards of proof, the roles of juries in civil trials and the remedies available to the plaintiff in a civil action
- → Preparation of a summary of major types of civil action and have students provide an actual or hypothetical example of each.
  - negligence- former AFL players suing their clubs and the AFL for head injuries
  - defamation- Ben Roberts-Smith case, Rebel Wilson, Geoffrey Rush
  - nuisance
  - trespass
  - breach of contract- Israel Folau dispute with Australian Rugby Union, Monique Ryan's former employee sues claiming unreasonable working conditions under her contract

<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](mailto: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>

# Contact

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