

# VCE Legal Studies 2024-2028

Implementation

Unit 4: The people, the law and  
reform

# 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 4 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 4 changes

# Overview of Unit 4 changes

Movement of courts & parliament into Unit 4, Area of Study 1

Sequencing changes in Unit 4, Area of Study 1

Additional focus on constitutional reform

Reduction in material and repetition

Change of assessment weight (60/40 instead of 40/60)

# Unit 4 structure

Current Study Design (2018-2023)

## Unit 4: The people and the law

Area of Study 1	The people and the Australian Constitution
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Area of Study 2	The people, the parliament and the courts
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New Study Design (2024-2028)

## Unit 4: The people, the law and reform

Area of Study 1	The people and the law-makers
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Area of Study 2	The people and reform
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# Unit 4 structure

## Current Study Design (2018-2023)

AOS1	<ul style="list-style-type: none"><li>• Roles of Crown &amp; Parliament</li><li>• Law-making powers</li><li>• Checks on parliament</li><li>• High Court cases (law-making powers &amp; ss7&amp;24)</li><li>• One referendum</li><li>• External affairs power</li></ul>
AOS2	<ul style="list-style-type: none"><li>• Parliament</li><li>• Courts</li><li>• Law reform</li></ul>

## New Study Design (2024-2028)

AOS1	<ul style="list-style-type: none"><li>• Roles of Crown &amp; Parliament</li><li>• Law-making powers</li><li>• One High Court case (law-making powers)</li><li>• Parliament</li><li>• Checks on parliament</li><li>• Courts</li></ul>
AOS2	<ul style="list-style-type: none"><li>• Law reform</li><li>• Constitutional reform (inc. 1967 referendum and future referendum)</li></ul>



# Area of Study 1: people & law-makers

## Outcome statement

### New Study Design (2024-2028)

On completion of this unit the student should be able to discuss the ability of parliament and courts to make law and evaluate the means by which the Australian Constitution acts as a check on parliament in law-making.

# Area of Study 1: people & law-makers

## Key knowledge

### New Study Design (2024-2028)

#### *Parliament and the Australian Constitution*

1. the roles of the Crown and the Houses of Parliament (Victorian and Commonwealth) in law-making
2. the law-making powers of the state and Commonwealth parliaments, including exclusive, concurrent and residual powers
3. the significance of section 109 of the Australian Constitution
4. one High Court case which has had an impact on state and Commonwealth law-making powers
5. factors that affect the ability of parliament to make law, including: **the bicameral structure of parliament, international pressures, the representative nature of parliament**
6. the **means** by which the Australian Constitution acts as a check on parliament in law-making, including **the role of the High Court in protecting the principle of representative government, the separation of the legislative, executive and judicial powers, and the express protection of rights**

#### *The Victorian courts and the High Court in law-making*

7. the reasons for, and effects of, statutory interpretation
8. **features of the doctrine of precedent including binding precedent, persuasive precedent, and the reversing, overruling, distinguishing, and disapproving of precedent**
9. factors that affect the ability of courts to make law, including: the doctrine of precedent, judicial conservatism and judicial activism, costs and time in bringing a case to court, the requirement for standing
10. features of the relationship between courts and parliament in law-making, including: the supremacy of parliament, the ability of courts to influence parliament, the codification of common law, the abrogation of common law.

# Area of Study 1: people & law-makers

## Key skills

### New Study Design (2024-2028)

1. define and use legal terminology
2. discuss, interpret and analyse legal principles and information
3. **explain** the law-making powers of the state and Commonwealth parliaments, using examples
4. analyse the relationship between parliament and courts
5. **explain** the significance of section 109 of the Australian Constitution
6. discuss the significance of **one High Court case** which has had an impact on state and Commonwealth law-making powers
7. **discuss the ability of parliament and the courts to make law**
8. evaluate the **means** by which the Australian Constitution acts as a check on parliament in law-making
9. synthesise and apply legal principles to **actual and/or hypothetical scenarios**.

# Area of Study 2: people & reform

## Outcome statement

### New Study Design (2024-2028)

On completion of this unit the student should be able to explain the reasons for law reform and constitutional reform, discuss the ability of individuals to change the Australian Constitution and influence a change in the law, and evaluate the ability of law reform bodies to influence a change in the law.

# Area of Study 2: the people & reform

## Key knowledge

### New Study Design (2024-2028)

#### *Law reform*

1. reasons for law reform
2. the means by which individuals **or groups** can influence law reform including through petitions, demonstrations and the use of the courts
3. the role of the media, including social media, in law reform
4. the role of the Victorian Law Reform Commission and its ability to influence law reform
5. one recent Victorian Law Reform Commission **inquiry relating to law reform in the civil or criminal justice system**
6. the role of **Royal Commissions or parliamentary committees** in law reform and their ability to influence law reform
7. one recent **Royal Commission inquiry or one recent parliamentary committee inquiry**

#### *Constitutional reform*

7. reasons for constitutional reform
8. the requirement for the approval of the Commonwealth Houses of Parliament and a double majority in a referendum
9. factors affecting the success of a referendum
10. the significance of the 1967 referendum about First Nations people
11. possible future constitutional reform, including reform to establish a First Nations Voice in the Australian Constitution.

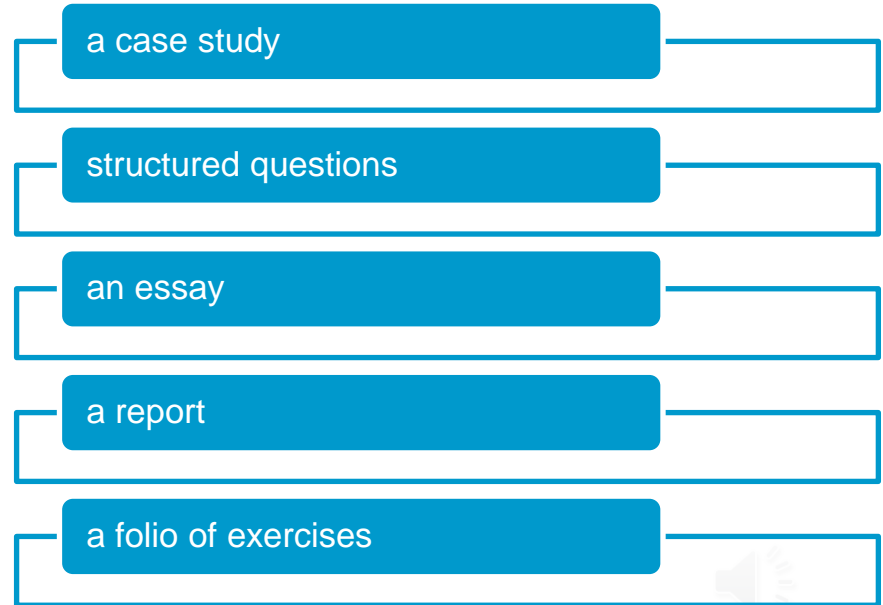
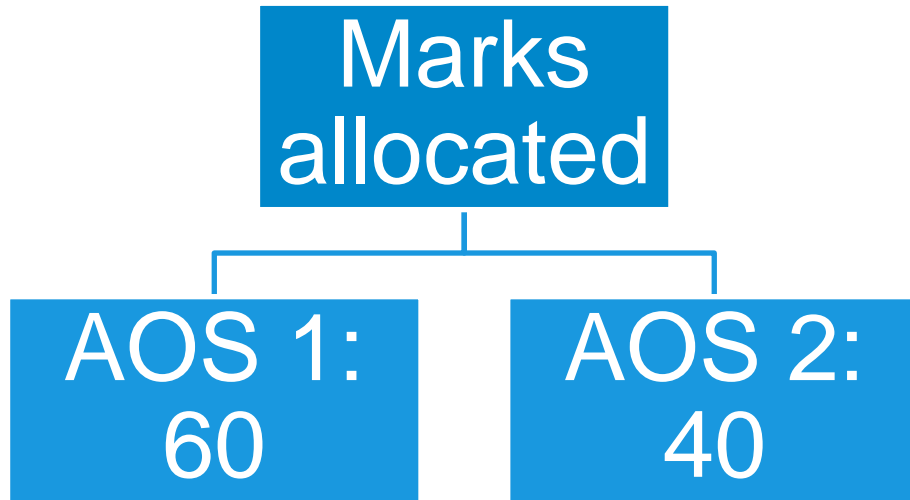
# Area of Study 2: the people & reform

## Key skills

### New Study Design (2024-2028)

1. define and use legal terminology
2. discuss, interpret and analyse legal principles and information
3. explain the reasons for law reform **and constitutional reform**, using examples
4. **analyse factors affecting the success of a referendum**
5. analyse the role of the media in law reform using examples
6. discuss the means by which individuals **or groups** can influence law reform, using examples
7. **discuss** the ability of the Australian people to **change** the Australian Constitution, **including in relation to the 1967 referendum about First Nations people and possible future constitutional reform**
8. evaluate the ability of law reform bodies to influence a change in the law, using recent examples
9. synthesise and apply legal principles to **actual and/or hypothetical scenarios**.

# Weighting and assessment tasks



**A focus on some new key knowledge**



# Checks on parliament in law-making: High Court

It is now 'the role of the High Court in protecting the principle of representative government'

Sections 7 and 24 cases

Ability of High Court to check Commonwealth's law-making with respect to freedom of political communication / ability to vote

# Reasons for constitutional reform

Systemic changes (e.g. 1999)

Law-making powers

Recognition of First Nations peoples

There are others! (Use past and future proposals)

# Future constitutional reform

Live and ongoing issue

Referendum before 1 January 2024

VCAA's approach

# Resources and support

# Proposed time allocation

Area of Study	Suggested allocation
Area of Study 1: The people and the law-makers	30 hours
Area of Study 2: The people and reform	20 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 4 Area of Study 1: The people and the law-makers

### Outcome 1

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On completion of this unit the student should be able to discuss the ability of parliament and courts to make law and evaluate the means by which the Australian Constitution acts as a check on parliament in law-making.

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### Examples of learning activities

- Develop a glossary of key legal terms and definitions to be used throughout Unit 4.
- Design an info graphic illustrating the roles of the Crown and the Houses of Parliament in law-making. Highlight similarities and differences between the lower house and the upper house. Create one info graphic for Victoria and one for the Commonwealth.
- Create a diagram detailing the constitutional law-making powers of the state and Commonwealth parliaments. Include illustrations to demonstrate the different ways exclusive, concurrent and residual law-making powers have and can be exercised, include the operation of section 109.
- Produce a flowchart depicting the main aspects of one High Court case that has impacted division of law-making powers in Australia. Include details about the case, including the original issue, how the High Court interpreted the Constitution, and the subsequent effects of this interpretation on the division of law-making powers between the Commonwealth and States. Appropriate cases include: Victoria v Commonwealth (1926) – ‘Roads case’; R v Brislan; Ex parte Williams (1935); Commonwealth of Australia v Anor v the State of Tasmania & Ors (1983) – ‘Tasmanian Dams Case’.
- Draw up a table showing the factors affecting the law-making ability of parliament. Indicate how and why each factor either enhances or limits parliament’s ability to make law.
- Participate in a [mock parliamentary session](#) and discuss how the bicameral structure of parliament either enhances or limits

<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>



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