

**Updated – version 1.2**

Amendments to study design history

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| Version | Status | Release Date | Comments |
| 1. 2 | Current | 8 January 2024 | Update to Unit 4, Area of Study 2 to incorporate the 2023 referendum about an Aboriginal and Torres Strait Islander Voice into the introduction, key knowledge and key skills (page 24-25) |
| 1.1 | Suspended | 23 March 2023 | Update to key knowledge – Unit 4, Outcome 1 – addition of final dot point (page 24). |
| 1.0 | Superseded | 22 March 2023 | Original study design. |

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Important information

Accreditation period

Units 1–4: 1 January 2024.

Implementation of this study commences in 2024.

Other sources of information

The [*VCAA Bulletin*](https://www.vcaa.vic.edu.au/news-and-events/bulletins-and-updates/bulletin/Pages/index.aspx) is the only official source of changes to regulations and accredited studies. The Bulletin also regularly includes advice on VCE studies. It is the responsibility of each VCE teacher to refer to each issue of the Bulletin. The Bulletin is available as an e-newsletter via [free subscription](https://www.vcaa.vic.edu.au/Footer/Pages/Subscribe.aspx) on the VCAA website.

To assist teachers in developing courses, the VCAA publishes online [Support materials](https://www.vcaa.vic.edu.au/curriculum/vce/vce-study-designs/legalstudies/Pages/Index.aspx) (incorporating the content previously supplied in the *Advice for teachers*).

The current [*VCE Administrative Handbook*](https://www.vcaa.vic.edu.au/administration/vce-vcal-handbook/Pages/index.aspx) contains essential information on assessment processes and other procedures.

VCE providers

Throughout this study design the term ‘school’ is intended to include both schools and other VCE providers.

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Schools may use this VCE study design in accordance with the VCAA educational allowance, including making copies for students and use within the school’s secure online teaching and learning environment.
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Introduction

Scope of study

VCE Legal Studies examines the institutions and principles that are essential to the Australian legal system. Students develop an understanding of the rule of law, law-makers, legal institutions, the relationship between the people and the Australian Constitution, the protection of rights in Australia, and the Victorian justice system.

Through applying knowledge of legal concepts and principles to a range of actual and / or hypothetical scenarios, students develop an ability to use legal reasoning to argue a case for or against a party in a civil or criminal matter. They develop an appreciation of the ability of people to actively seek to influence changes in the law and analyse both the extent to which our legal institutions are effective, and whether the Victorian justice system achieves the principles of justice. For the purposes of this study, the principles of justice are fairness, equality and access:

* 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.

Rationale

In contemporary Australian society there are a range of laws existing to both protect the rights of individuals and to achieve social cohesion. These laws are made by bodies such as parliament and the courts and are upheld by a number of institutions and processes within the legal system. Members of a democratic society interact with laws and the legal system through many aspects of their lives and can also influence law makers.

The study of VCE Legal Studies enables students to become active and informed citizens by providing valuable insight into their relationship with the law and the legal system. Students develop knowledge and skills to enhance their confidence and ability to access and participate in the legal system. They will learn to appreciate the underlying principles of the rule of law, how legal systems and processes aim to achieve social cohesion, as well as how they themselves can affect positive change to laws and the legal system. VCE Legal Studies equips students with an ability to research and analyse legal information and apply legal reasoning and decision-making skills. It also fosters critical thinking to solve legal problems. Further study in the legal field can lead to a broad range of career opportunities such as a solicitor, barrister, policy adviser, prosecutor, paralegal, legal assistant, as well as other careers in the courtroom, education and law enforcement.

Aims

This study enables students to:

* understand and apply legal terminology, principles and concepts
* apply legal principles to actual and/or hypothetical scenarios, explore solutions to legal problems, and form reasoned conclusions
* analyse the institutions that make laws and understand the way in which individuals can engage in and influence law reform
* understand legal rights and responsibilities, and the effectiveness of the protection of rights in Australia
* analyse the methods and institutions that determine criminal cases and resolve civil disputes
* examine the ability of features of the criminal and civil justice systems to achieve the principles of justice.

Structure

The study is made up of four units.

* Unit 1: The presumption of innocence
* Unit 2: Wrongs and rights
* Unit 3: Rights and justice
* Unit 4: The people, the law and reform

Each unit deals with specific content contained in the areas of study and is designed to enable students to achieve a set of outcomes for that unit. Each outcome is described in terms of key knowledge and key skills.

Entry

There are no prerequisites for entry to Units 1, 2 and 3. Students must undertake Unit 3 and Unit 4 as a sequence. Units 1–4 are designed to a standard equivalent to the final two years of secondary education. All VCE studies are benchmarked against comparable national and international curriculum.

A glossary defining terms used across Units 1–4 in the *VCE Legal Studies Study Design* is included in the [Support materials](https://www.vcaa.vic.edu.au/curriculum/vce/vce-study-designs/legalstudies/Pages/Index.aspx)*.*

Duration

Each unit involves at least 50 hours of scheduled classroom instruction.

Changes to the study design

During its period of accreditation minor changes to the study will be announced in the [*VCAA Bulletin*](https://www.vcaa.vic.edu.au/news-and-events/bulletins-and-updates/bulletin/Pages/index.aspx). The Bulletin is the only source of changes to regulations and accredited studies. It is the responsibility of each VCE teacher to monitor changes or advice about VCE studies published in the Bulletin.

Monitoring for quality

As part of ongoing monitoring and quality assurance, the VCAA will periodically undertake an audit of VCE Legal Studies to ensure the study is being taught and assessed as accredited. The details of the audit procedures and requirements are published annually in the [*VCE Administrative Handbook*](https://www.vcaa.vic.edu.au/administration/vce-vcal-handbook/Pages/index.aspx). Schools will be notified if they are required to submit material to be audited.

Safety and wellbeing

It is the responsibility of the school to ensure that duty of care is exercised in relation to the health and safety of all students undertaking the study.

Employability skills

This study offers a number of opportunities for students to develop employability skills. The [Support materials](https://www.vcaa.vic.edu.au/curriculum/vce/vce-study-designs/legalstudies/Pages/Index.aspx) provides specific examples of how students can develop employability skills during learning activities and assessment tasks.

Legislative compliance

When collecting and using information, the provisions of privacy and copyright legislation, such as the Victorian *Privacy and Data Protection Act 2014* and *Health Records Act 2001*, and the federal *Privacy Act 1988* and *Copyright Act 1968*, must be met.

Child Safe Standards

Schools and education and training providers are required to comply with the Child Safe Standards made under the Victorian *Child Wellbeing and Safety Act 2005*. Registered schools are required to comply with *Ministerial Order No. 870 Child Safe Standards – Managing the Risk of Child Abuse in Schools*. For further information, consult the websites of the [Victorian Registration and Qualifications Authority](https://www.vrqa.vic.gov.au/childsafe/Pages/Home.aspx), the [Commission for Children and Young People](https://ccyp.vic.gov.au/) and the [Department of Education](https://www2.education.vic.gov.au/pal/child-safe-standards/policy).

Assessment and reporting

Satisfactory completion

The award of satisfactory completion for a unit is based on the teacher’s decision that the student has demonstrated achievement of the set of outcomes specified for the unit. Demonstration of achievement of outcomes and satisfactory completion of a unit are determined by evidence gained through the assessment of a range of learning activities and tasks.

Teachers must develop courses that provide appropriate opportunities for students to demonstrate satisfactory achievement of outcomes.

The decision about satisfactory completion of a unit is distinct from the assessment of levels of achievement. Schools will report a student’s result for each unit to the VCAA as S (satisfactory) or N (not satisfactory).

Levels of achievement

Units 1 and 2

Procedures for the assessment of levels of achievement in Units 1 and 2 are a matter for school decision. Assessment of levels of achievement for these units will not be reported to the VCAA. Schools may choose to report levels of achievement using grades, descriptive statements or other indicators.

Units 3 and 4

The VCAA specifies the assessment procedures for students undertaking scored assessment in Units 3 and 4. Designated assessment tasks are provided in the details for each unit in VCE study designs.

The student’s level of achievement in Units 3 and 4 will be determined by School-assessed Coursework (SAC) as specified in the VCE study design, and external assessment.

The VCAA will report the student’s level of achievement on each assessment component as a grade from A+ to E or UG (ungraded). To receive a study score the student must achieve two or more graded assessments in the study and receive an S for both Units 3 and 4. The study score is reported on a scale of 0–50; it is a measure of how well the student performed in relation to all others who completed the study. Teachers should refer to the current [*VCE Administrative Handbook*](https://www.vcaa.vic.edu.au/administration/vce-vcal-handbook/Pages/index.aspx) for details on graded assessment and calculation of the study score. Percentage contributions to the study score in VCE Legal Studies are as follows:

* Unit 3 School-assessed Coursework: 25 per cent
* Unit 4 School-assessed Coursework: 25 per cent
* end-of-year examination: 50 per cent.

Details of the assessment program are described in the sections on Units 3 and 4 in this study design.

Authentication

Work related to the outcomes of each unit will be accepted only if the teacher can attest that, to the best of their knowledge, all unacknowledged work is the student’s own. Teachers need to refer to the current [*VCE Administrative Handbook*](https://www.vcaa.vic.edu.au/administration/vce-vcal-handbook/Pages/index.aspx) for authentication rules and strategies.

Unit 1: The presumption of innocence

Laws, including criminal law, aim to achieve social cohesion and protect the rights of individuals. Criminal law is aimed at maintaining social order. When a criminal law is broken, a crime is committed which is punishable and can result in criminal charges and sanctions.

In this unit, students develop an understanding of legal foundations, such as the different types and sources of law, the characteristics of an effective law, and an overview of parliament and the courts. Students are introduced to and apply the principles of justice. They investigate key concepts of criminal law and apply these to actual and/or hypothetical scenarios to determine whether an accused may be found guilty of a crime. In doing this, students develop an appreciation of the manner in which legal principles and information are used in making reasoned judgments and conclusions about the culpability of an accused. Students also develop an appreciation of how a criminal case is determined, and the types and purposes of sanctions. Students apply their understanding of how criminal cases are resolved and the effectiveness of sanctions through consideration of recent criminal cases from the past four years.

Area of Study 1

Legal foundations

This area of study provides students with foundational knowledge of laws and the Australian legal system. Students explore the role of individuals, laws and the legal system in achieving social cohesion and protecting the rights of individuals. Students consider the characteristics of an effective law, and sources and types of law. They examine the relationship between parliament and the courts in law-making, and the reasons for a court hierarchy in Victoria, they also develop an understanding of the principles of justice.

Outcome 1

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.

To achieve this outcome the student will draw on key knowledge and key skills outlined in Area of Study 1.

Key knowledge

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

Key skills

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

Area of Study 2

Proving guilt

The presumption of innocence is a fundamental principle of criminal law and provides a guarantee that an accused is presumed innocent until proven guilty beyond reasonable doubt. In this area of study, students develop an understanding of the purposes of and key concepts in criminal law, as well as the types of crime. They also investigate two criminal offences in detail. For each offence, students consider actual and/or hypothetical scenarios in which an accused has been charged with the offence, use legal reasoning to determine possible culpability and explain the impact of the offence on individuals and society.

Outcome 2

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.

To achieve this outcome the student will draw on key knowledge and key skills outlined in Area of Study 2.

Key knowledge

* the purposes of criminal law
* the presumption of innocence
* key concepts of criminal law, including:
* the elements of a crime: *actus reus* and *mens rea*
* strict liability
* the age of criminal responsibility
* the burden of proof
* the standard of proof
* types of crime, such as crimes against the person and crimes against property
* the distinction between summary offences and indictable offences
* possible participants in a crime such as principal offenders and accessories
* two criminal offences and for each offence:
* the elements of the offence
* 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.

Key skills

* define and use legal terminology
* research and analyse relevant information about criminal law and offences
* distinguish between types of crime, and summary and indictable offences, using examples
* explain the purposes and key concepts of criminal law
* 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
* synthesise and apply legal information to actual and/or hypothetical scenarios in relation to two criminal offences.

Area of Study 3

Sanctions

The criminal justice system determines the guilt of an accused, and imposes sanctions on offenders. In this area of study, students investigate key concepts in the determination of a criminal case, including the institutions that enforce criminal law, the purposes and types of sanctions, and alternative approaches to sentencing such as the Drug Court, Koori Courts and diversion programs. Students compare approaches to sentencing in Victoria to one other Australian jurisdiction. Through an investigation of criminal cases from the past four years, students apply their knowledge to discuss the effectiveness of sanctions and the ability of the Victorian criminal justice system to achieve the principles of justice.

Outcome 3

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.

To achieve this outcome the student will draw on key knowledge and key skills outlined in Area of Study 3.

Key knowledge

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

* the principles of justice: fairness, equality and access
* institutions that enforce criminal law, such as the police and delegated bodies
* the balance between institutional powers and individual rights
* an overview of the role and criminal jurisdictions of the Victorian courts
* the role of the jury in a criminal trial
* the difficulties faced by different groups in the criminal justice system, such as First Nations people, young people, culturally and linguistically diverse people, people with mental health issues, and people with disabilities

*Sentencing*

* the purposes of sanctions: punishment, deterrence, denunciation, protection and rehabilitation
* types of sanctions such as fines, community correction orders and imprisonment
* factors considered in sentencing
* alternative approaches to sentencing, such as the use of the Drug Court, Koori Courts and diversion programs
* sentencing practices in one other Australian jurisdiction.

Key skills

* define and use legal terminology
* research and analyse relevant information about criminal law and recent criminal cases
* describe the institutions that enforce criminal law
* explain the role of the Victorian courts and juries in criminal cases
* compare approaches to sentencing in Victoria to those in one other Australian jurisdiction
* discuss the principles of justice in relation to experiences of the criminal justice system
* discuss the ability of sanctions to achieve their purposes
* discuss alternative approaches to sentencing
* synthesise and apply legal information to actual and/or hypothetical scenarios.

Assessment

The award of satisfactory completion for a unit is based on whether the student has demonstrated the set of outcomes specified for the unit. Teachers should use a variety of learning activities and assessment tasks that provide a range of opportunities for students to demonstrate the key knowledge and key skills in the outcomes.

The areas of study, including the key knowledge and key skills listed for the outcomes, should be used for course design and the development of learning activities and assessment tasks. Assessment must be a part of the regular teaching and learning program and should be completed mainly in class and within a limited timeframe.

All assessments at Units 1 and 2 are school-based. Procedures for assessment of levels of achievement in Units 1 and 2 are a matter for school decision.

For this unit students are required to demonstrate three outcomes. As a set these outcomes encompass the areas of study in the unit.

Suitable tasks for assessment in this unit may be selected from the following:

* 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.

Where teachers allow students to choose between tasks, they must ensure that the tasks they set are of comparable scope and demand.

Unit 2: Wrongs and rights

Civil law aims to protect the rights of individuals. When rights are infringed, a dispute may arise requiring resolution, and remedies may be awarded. In this unit, students investigate key concepts of civil law and apply these to actual and/or hypothetical scenarios to determine whether a party is liable in a civil dispute. Students explore different areas of civil law, and the methods and institutions that may be used to resolve a civil dispute and provide remedies. They apply knowledge through an investigation of civil cases from the past four years. Students also develop an understanding of how human rights are protected in Australia and possible reforms to the protection of rights, and investigate a contemporary human rights issue in Australia, with a specific focus on one case study.

Area of Study 1

Civil liability

Civil law aims to protect the rights of individuals, groups and organisations, and provide opportunities for a wronged party to seek redress for a breach. In this area of study, students develop an understanding of key concepts in civil law and investigate two areas of civil law in detail. Possible areas of civil law could include negligence, defamation, nuisance, trespass and contracts. For each area of civil law, students consider actual and/or hypothetical scenarios giving rise to a civil claim, apply legal reasoning to determine possible liability for a breach of civil law and explain the impact of a breach of civil law on the parties.

Outcome 1

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.

To achieve this outcome the student will draw on key knowledge and key skills outlined in Area of Study 1.

Key knowledge

* the purposes and types of civil law
* key concepts of civil law, including:
* breach
* causation
* loss
* limitation of actions
* the burden of proof
* the standard of proof
* possible plaintiffs and defendants to a civil dispute
* 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.

Key skills

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

Area of Study 2

Remedies

Remedies may be available to a wronged party where there has been a breach of civil law. In this area of study, students develop an appreciation of how civil disputes are resolved, including the methods and institutions available to resolve disputes, and the purposes and types of remedies. Through an investigation of civil cases from the past four years, students apply their knowledge to discuss the effectiveness of remedies and the ability of the civil justice system to achieve the principles of justice.

Outcome 2

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.

To achieve this outcome the student will draw on key knowledge and key skills outlined in Area of Study 2.

Key knowledge

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

* the principles of justice: fairness, equality and access
* methods used to resolve a civil dispute such as mediation, conciliation and arbitration
* institutions that resolve civil disputes such as tribunals, ombudsmen and complaints bodies
* an overview of the role and civil jurisdictions of the Victorian courts
* the role of the jury in a civil trial
* 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*

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

Key skills

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

Area of Study 3

Human rights

The protection of rights is fundamental to a democratic society. Rights are protected in Australia through the Australian Constitution, the Victorian Charter of Human Rights and Responsibilities and through common law and statute law, including in relation to discrimination and equal opportunity. In this area of study, students examine the ways in which human rights are protected in Australia and consider possible reforms to the protection of human rights. Students investigate one human rights issue in Australia, such as in relation to the right to vote, the right to freedom of religion, or the rights of First Nations peoples.

Outcome 3

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.

To achieve this outcome the student will draw on key knowledge and key skills outlined in Area of Study 3.

Key knowledge

* the meaning and development of human rights, including the significance of the *Universal Declaration of Human Rights*
* 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
* 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.

Key skills

* define and use legal terminology
* research and analyse relevant information about the protection of rights
* describe the role of individuals in bringing about changes in the protection of rights through cases
* explain the meaning and development of human rights
* analyse the impact of a case study on the human rights of individuals and on the legal system
* discuss possible reforms to the protection of rights in Australia
* evaluate the ways in which rights are protected in Australia
* apply legal principles to actual and/or hypothetical scenarios.

Assessment

The award of satisfactory completion for a unit is based on whether the student has demonstrated the set of outcomes specified for the unit. Teachers should use a variety of learning activities and assessment tasks that provide a range of opportunities for students to demonstrate the key knowledge and key skills in the outcomes.

The areas of study, including the key knowledge and key skills listed for the outcomes, should be used for course design and the development of learning activities and assessment tasks. Assessment must be a part of the regular teaching and learning program and should be completed mainly in class and within a limited timeframe.

All assessments at Units 1 and 2 are school-based. Procedures for assessment of levels of achievement in Units 1 and 2 are a matter for school decision.

For this unit students are required to demonstrate three outcomes. As a set these outcomes encompass the areas of study in the unit.

Suitable tasks for assessment in this unit may be selected from the following:

* 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.

Where teachers allow students to choose between tasks, they must ensure that the tasks they set are of comparable scope and demand.

Unit 3: Rights and justice

The Victorian justice system, which includes the criminal and civil justice systems, aims to protect the rights of individuals and uphold the principles of justice: fairness, equality and access. In this unit, students examine the methods and institutions in the criminal and civil justice system, and consider their appropriateness in determining criminal cases and resolving civil disputes. Students consider the Magistrates’ Court, County Court and Supreme Court within the Victorian court hierarchy, as well as other means and institutions used to determine and resolve cases.

Students explore topics such as the rights available to an accused and to victims in the criminal justice system, the roles of the judge, jury, legal practitioners and the parties, and the ability of sanctions and remedies to achieve their purposes. Students investigate the extent to which the principles of justice are upheld in the justice system. Throughout this unit, students apply legal reasoning and information to actual and/or hypothetical scenarios.

Area of Study 1

The Victorian criminal justice system

The purposes of the Victorian criminal justice system are to determine whether an accused person is guilty beyond reasonable doubt of an offence for which they are charged, and to impose sanctions when a person is guilty of committing a crime. The system includes the courts (the Magistrates’ Court, County Court and Supreme Court) and institutions such as Victoria Legal Aid and community legal centres available to assist an accused and victims of crime.

In this area of study, students explore the criminal justice system, key personnel, and the use of plea negotiations to determine a criminal case. Students investigate the rights of the accused and of victims, and explore the purposes and types of sanctions and sentencing considerations. They consider the impact of time, costs and cultural differences on the ability of the criminal justice system to achieve the principles of justice. Students synthesise and apply legal principles and information relevant to the criminal justice system to actual and/or hypothetical scenarios.

Outcome 1

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

To achieve this outcome the student will draw on key knowledge and key skills outlined in Area of Study 1.

Key knowledge

* the distinction between summary offences and indictable offences
* key principles of the criminal justice system, including the burden of proof, the standard of proof, and the presumption of innocence
* the rights of an accused, including the right to be tried without unreasonable delay, the right to silence, and the right to trial by jury
* the rights of victims, including the right to give evidence using alternative arrangements, the right to be informed about the proceedings, and the right to be informed of the likely release date of the offender

*The principles of justice during a criminal case*

* the principles of justice: fairness, equality and access
* the role of Victoria Legal Aid and Victorian community legal centres in assisting an accused and victims of crime
* the purposes and appropriateness of plea negotiations
* the reasons for the Victorian court hierarchy in determining criminal cases, including specialisation and appeals
* the roles of key personnel in a criminal case, including the judge or magistrate, the jury, and the parties
* the need for legal practitioners in a criminal case
* the impact of costs, time and cultural differences on the achievement of the principles of justice

*Sentencing*

* the purposes of sanctions: rehabilitation, punishment, deterrence (general and specific), denunciation and protection
* fines, community correction orders and imprisonment, and their specific purposes
* factors considered in sentencing, including aggravating factors, mitigating factors, guilty pleas and victim impact statements.

Key skills

* define and use legal terminology
* discuss, interpret and analyse legal principles and information
* explain the rights of an accused and of victims in the criminal justice system
* explain the roles of Victoria Legal Aid and Victorian Community Legal Centres in assisting an accused and victims of crime
* analyse the roles of key personnel in a criminal case
* justify the reasons for the Victorian court hierarchy in determining criminal cases, including specialisation and appeals
* discuss the appropriateness of plea negotiations
* discuss the impact of costs, time and cultural differences on the achievement of the principles of justice during a criminal case
* discuss the ability of sanctions to achieve their purposes
* evaluate the ability of the criminal justice system to achieve the principles of justice during a criminal case
* synthesise and apply legal principles and information to actual and/or hypothetical scenarios.

Area of Study 2

The Victorian civil justice system

One of the aims of the Victorian civil justice system is to restore a wronged party to the position they were originally in before a breach of civil law occurred. There are a range of institutions in Victoria that aim to help parties resolve a civil dispute, including courts (the Magistrates’ Court, County Court and Supreme Court), Consumer Affairs Victoria, and the Victorian Civil and Administrative Tribunal.

In this area of study, students consider the factors relevant to commencing a civil claim, examine the institutions and methods used to resolve a civil dispute and explore the purposes and types of remedies. Students consider the impact of time and costs on the ability of the civil justice system to achieve the principles of justice. Students synthesise and apply legal principles and information relevant to the civil justice system to actual and/or hypothetical scenarios.

Outcome 2

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

To achieve this outcome the student will draw on key knowledge and key skills outlined in Area of Study 2.

Key knowledge

* key principles in the Victorian civil justice system, including the burden of proof and the standard of proof
* factors to consider before initiating a civil claim, including costs, limitation of actions and enforcement issues

*The principles of justice during a civil dispute*

* the principles of justice: fairness, equality and access
* the purposes and appropriateness of methods used to resolve civil disputes, including mediation, conciliation and arbitration
* the reasons for the Victorian court hierarchy in determining civil disputes, including administrative convenience and appeals
* the roles of key personnel in a civil dispute, including the judge or magistrate (including the role of case management), the jury, and the parties
* the need for legal practitioners in a civil dispute
* the use of class actions to resolve civil disputes
* the purposes and appropriateness of institutions used to resolve disputes, including Consumer Affairs Victoria, the Victorian Civil and Administrative Tribunal and the courts
* the impact of costs and time on the ability of the civil justice system to achieve the principles of justice during a civil dispute

*Remedies*

* damages and injunctions, and their specific purposes.

Key skills

* define and use legal terminology
* discuss, interpret and analyse legal principles and information
* compare the roles of key personnel in a criminal and civil case
* analyse factors to consider when initiating a civil claim
* justify the reasons for the Victorian court hierarchy in determining civil disputes
* discuss the appropriateness of class actions, methods and institutions used to resolve a civil dispute
* discuss the impact of costs and time on the achievement of the principles of justice
* discuss the ability of remedies to achieve their purposes
* evaluate the ability of the civil justice system to achieve the principles of justice during a civil dispute
* synthesise and apply legal principles and information to actual and/or hypothetical scenarios.

School-based assessment

Satisfactory completion

The award of satisfactory completion for a unit is based on whether the student has demonstrated the set of outcomes specified for the unit. Teachers should use a variety of learning activities and assessment tasks to provide a range of opportunities for students to demonstrate the key knowledge and key skills in the outcomes.

The areas of study and key knowledge and key skills listed for the outcomes should be used for course design and the development of learning activities and assessment tasks.

Assessment of levels of achievement

The student’s level of achievement in Unit 3 will be determined by School-assessed Coursework. School-assessed Coursework tasks must be a part of the regular teaching and learning program and must not unduly add to the workload associated with that program. They must be completed mainly in class and within a limited timeframe.

Where teachers provide a range of options for the same School-assessed Coursework task, they should ensure that the options are of comparable scope and demand.

The types and range of forms of School-assessed Coursework for the outcomes are prescribed within the study design. The VCAA publishes [Support materials](https://www.vcaa.vic.edu.au/curriculum/vce/vce-study-designs/legalstudies/Pages/Index.aspx) for this study, which includes advice on the design of assessment tasks and the assessment of student work for a level of achievement.

Teachers will provide to the VCAA a numerical score representing an assessment of the student’s level of achievement. The score must be based on the teacher’s assessment of the performance of each student on the tasks set out in the following table.

Contribution to final assessment

School-assessed Coursework for Unit 3 will contribute 25 per cent to the study score.

|  |  |  |
| --- | --- | --- |
| Outcomes | Marks allocated | Assessment tasks |
| **Outcome 1**Explain the key principles in the criminal justice system, discuss the ability of sanctions to achieve their purposes and evaluate the ability of the criminal justice system to achieve the principles of justice during a criminal case. . | **50** | The student’s performance will be assessed using two or more of the following:* a case study
* structured questions
* an essay
* a report
* a folio of exercises.
 |
| **Outcome 2**Explain the key principles in the civil justice system, discuss the ability of remedies to achieve their purposes and evaluate the ability of the civil justice system to achieve the principles of justice during a civil dispute. | **50** |
| **Total marks** | **100** |  |

External assessment

The level of achievement for Units 3 and 4 is also assessed by an end-of-year examination (see [page 27](#examination)), which will contribute 50 per cent to the study score.

Unit 4: The people, the law and reform

The study of Australia’s laws and legal system includes an understanding of institutions that make and reform our laws. In this unit, students explore how the Australian Constitution establishes the law-making powers of the Commonwealth and state parliaments, and how it protects the Australian people through structures that act as a check on parliament in law-making. Students develop an understanding of the significance of the High Court in protecting and interpreting the Australian Constitution. They investigate parliament and the courts, and the relationship between the two in law-making, and consider the roles of the individual, the media and law reform bodies in influencing changes to the law, and past and future constitutional reform. Throughout this unit, students apply legal reasoning and information to actual and/or hypothetical scenarios.

Area of Study 1

The people and the law-makers

The Australian Constitution establishes Australia’s parliamentary system and provides mechanisms to ensure that parliament does not make laws beyond its powers. Parliament is the supreme law-making body, and courts have a complementary role to parliament in making laws. Courts can make laws through the doctrine of precedent and through statutory interpretation when determining cases.

In this area of study, students examine the ways in which the Australian Constitution acts as a check on parliament in law-making, and factors that affect the ability of parliament and courts to make law. They explore the relationship between parliament and courts in law-making and consider the capacity of both institutions to make law.

Outcome 1

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.

To achieve this outcome the student will draw on key knowledge and key skills outlined in Area of Study 1.

Key knowledge

*Parliament and the Australian Constitution*

* the roles of the Crown and the Houses of Parliament (Victorian and Commonwealth) in law-making
* the law-making powers of the state and Commonwealth parliaments, including exclusive, concurrent and residual powers
* the significance of section 109 of the Australian Constitution
* one High Court case which has had an impact on state and Commonwealth law-making powers
* factors that affect the ability of parliament to make law, including:
* the bicameral structure of parliament
* international pressures
* the representative nature of parliament
* 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
* the express protection of rights

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

* the reasons for, and effects of, statutory interpretation
* features of the doctrine of precedent including binding precedent, persuasive precedent, and the reversing, overruling, distinguishing, and disapproving of precedent
* 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.
* 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.

Key skills

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

Area of Study 2

The people and reform

Laws should reflect the needs of society, but they can become outdated. Individuals and groups can actively participate to influence change to laws, and law reform bodies (including the Victorian Law Reform Commission, parliamentary committees, and Royal Commissions) can investigate and make recommendations for change. Laws can be changed by parliament and the courts, while constitutional reform requires a referendum.

In this area of study, students investigate the need for law reform and the means by which individuals and groups can influence change in the law. Students draw on examples of individuals, groups and the media influencing law reform, as well as examples from the past four years of inquiries of law reform bodies. Students examine the relationship between the Australian people and the Australian Constitution, the reasons for and processes of constitutional reform, the 1967 referendum about First Nations people and the 2023 referendum about an Aboriginal and Torres Strait Islander Voice.

Outcome 2

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.

To achieve this outcome the student will draw on key knowledge and key skills outlined in Area of Study 2.

Key knowledge

*Law reform*

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

*Constitutional reform*

* reasons for constitutional reform
* the requirement for the approval of the Commonwealth Houses of Parliament and a double majority
in a referendum
* factors affecting the success of a referendum
* the significance of the 1967 referendum about First Nations people and the 2023 referendum about an Aboriginal and Torres Strait Islander Voice.

Key skills

* define and use legal terminology
* discuss, interpret and analyse legal principles and information
* explain the reasons for law reform and constitutional reform, using examples
* analyse factors affecting the success of a referendum
* analyse the role of the media in law reform using examples
* discuss the means by which individuals or groups can influence law reform, using examples
* discuss the ability of the Australian people to change the Australian Constitution, including in relation
to past and future constitutional reform
* evaluate the ability of law reform bodies to influence a change in the law, using recent examples
* synthesise and apply legal principles to actual and/or hypothetical scenarios.

School-based assessment

Satisfactory completion

The award of satisfactory completion for a unit is based on whether the student has demonstrated the set of outcomes specified for the unit. Teachers should use a variety of learning activities and assessment tasks to provide a range of opportunities for students to demonstrate the key knowledge and key skills in the outcomes.

The areas of study and key knowledge and key skills listed for the outcomes should be used for course design and the development of learning activities and assessment tasks.

Assessment of levels of achievement

The student’s level of achievement in Unit 4 will be determined by School-assessed Coursework. School-assessed Coursework tasks must be a part of the regular teaching and learning program and must not unduly add to the workload associated with that program. They must be completed mainly in class and within a limited timeframe.

Where teachers provide a range of options for the same School-assessed Coursework task, they should ensure that the options are of comparable scope and demand.

The types and range of forms of School-assessed Coursework for the outcomes are prescribed within the study design. The VCAA publishes [Support materials](https://www.vcaa.vic.edu.au/curriculum/vce/vce-study-designs/legalstudies/Pages/Index.aspx) for this study, which includes advice on the design of assessment tasks and the assessment of student work for a level of achievement.

Teachers will provide to the VCAA a numerical score representing an assessment of the student’s level of achievement. The score must be based on the teacher’s assessment of the performance of each student on the tasks set out in the following table.

Contribution to final assessment

School-assessed Coursework for Unit 4 will contribute 25 per cent to the study score.

|  |  |  |
| --- | --- | --- |
| Outcomes | Marks allocated | Assessment tasks |
| **Outcome 1**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. | **60** | The student’s performance will be assessed using two or more of the following: * a case study
* structured questions
* an essay
* a report
* a folio of exercises.
 |
| **Outcome 2**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. | **40** |
| **Total marks** | **100** |  |

External assessment

The level of achievement for Units 3 and 4 is also assessed by an end-of-year examination.

End-of-year examination

Contribution to final assessment

The examination will contribute 50 per cent to the study score.

Description

The examination will be set by a panel appointed by the VCAA. All the key knowledge and key skills that underpin the outcomes in Units 3 and 4 are examinable.

Conditions

The examination will be completed under the following conditions:

* Duration: 2 hours.
* Date: end-of-year, on a date to be published annually by the VCAA.
* VCAA examination rules will apply. Details of these rules are published annually in the
[*VCE Administrative Handbook*](https://www.vcaa.vic.edu.au/administration/vce-vcal-handbook/Pages/index.aspx).
* The examination will be marked by assessors appointed by the VCAA.

Further advice

The VCAA publishes specifications for all VCE examinations on the VCAA website. Examination specifications include details about the sections of the examination, their weighting, the question format(s) and any other essential information. The specifications are published in the first year of implementation of the revised Unit 3 and 4 sequence together with any sample material.