

# Legal Studies (Stage 1)

Subject Outline

# Subject outline changes

| From 2024 | To 2025 onwards |
| --- | --- |
| There are no changes to this subject outline |

# Subject description

Stage 1 Legal Studies focuses on the use of laws and legal systems to create harmony within dynamic and evolving communities. Through an inquiry-based process, students explore and develop their understanding of the concepts of rights, fairness and justice, power, and change. These concepts are examined in the context of law-making, law enforcement, and dispute resolution, and should be applied to a range of contemporary Australian issues. Opportunities exist to consider alternative perspectives such as international law, customary law, and systems used in other jurisdictions.

Legal Studies is explored through the mechanism of asking ‘big questions’. Big questions are typically open ended, stimulate deep and conceptual thinking, and involve the consideration of a range of perspectives. Big questions encourage debate and active learning. In providing a response to the questions, students must evaluate, analyse and apply contextually appropriate legal principles, processes, evidence, and cases.

Through Legal Studies, students develop an appreciation and awareness of their role as a citizen in the Australian legal system, the skills to communicate their ideas, and the confidence to make informed and effective decisions regarding legal issues.

Legal Studies is a 10-credit subject or a 20-credit subject at Stage 1.

* For a 10-credit subject, students study Focus area 1: Law and communities, and at least two other focus areas.
* For a 20-credit subject, students study Focus area 1: Law and communities, and at least four other focus areas.

# Capabilities

The capabilities connect student learning within and across subjects in a range of contexts.

The SACE identifies seven capabilities.

Literacy

In this subject, students extend and apply their literacy capability by, for example:

* cultivating specialised and appropriate language, terminology, and discourse
* analysing, justifying, and presenting reasoned arguments
* developing skills to clearly articulate and communicate ideas, and propose solutions using supporting evidence
* formulating and defending positions
* using a variety of language conventions
* identifying and critiquing written, oral, data, and visual sources and online materials
* cultivating legal research skills and sourcing authoritative materials
* analysing different perspectives to consider context, relevance, purpose, bias, accuracy, and reliability
* critically extracting information from a range of sources and drawing appropriate conclusions
* referencing and acknowledging of sources
* presenting material in a range of formats and text types
* using a variety of literacy skills to demonstrate thinking, knowledge, and understanding.

Numeracy

In this subject, students extend and apply their numeracy capability by, for example:

* investigating, compiling, interpreting and evaluating quantitative data through observations, searches, and interviews
* developing concepts of time, space, and number in relation to the institutions and operations of the Australian and/or other legal systems
* understanding and using graphs, diagrams, and statistics
* using graphical illustrations to convey meaning
* predicting outcomes from data
* analysing data in order to supply evidence for or against an argument.

Information and communication technology (ICT) capability

In this subject, students extend and apply their ICT capability by, for example:

* locating and using sources of information, specific to law in Australia and internationally (e.g. Hansard, case law, court judgments, legislation, legal journals, regulations, conventions etc.)
* being a responsible digital citizen (being safe, responsible, and respectful online)
* using a range of different applications, programs and platforms to display their learning in multimodal formats
* participating in online or digital learning
* understanding reliability and credibility of sources and other digital literacies
* becoming discerning digital citizens.

Critical and creative thinking

In this subject, students extend and apply their critical and creative thinking capability by, for example:

* developing and responding to large, overarching questions to frame their learning and inquiry
* broadening their conceptual understanding and analysis
* breaking complex questions into component parts to construct understanding and build an argument
* developing informed recommendations for change in the legal system
* synthesising information in order to critically compare and contrast elements, principles, or structures of the Australian legal system with those of another country, nation, or international organisation
* critically analysing sources of information for credibility, reliability, bias, and usefulness
* examining and reflecting upon the multiple perspectives that are involved in the development of new laws (both legislature and case law); for example, from special interest and minority groups, political parties, community expectations, and all parties to court disputes
* creating well-reasoned, research-oriented arguments that consider a variety of perspectives on current legal issues
* understanding and critiquing bias
* proposing and justifying creative responses to questions
* using the skills developed in understanding legal studies concepts and applying these skills to other contexts (transferability)
* making connections from big questions to legal concepts and other contexts (transferability).

Personal and social capability

In this subject, students extend and apply their personal and social capability by, for example:

* being an informed participant in legal discussions and arguments
* developing an understanding of the relationship between personal, group, and societal rights and responsibilities
* developing their personal decision-making skills
* understanding how their decisions might influence the legal system
* developing an awareness of the ways in which law regulates the legal relationships between individuals and groups
* developing an awareness of how individuals and groups are able to influence the political and legal system including the creation of laws
* developing thinking and communication skills to deconstruct complex concepts and present a substantiated argument
* interacting and collaborating with others for a shared purpose
* building skills to work cohesively in a group and build on the ideas of others and/or creatively problem solve
* enacting the roles and responsibilities associated with the collaborative process
* planning effectively and managing their time
* understanding the complexity of justice, freedom, rights, and responsibilities.

Ethical understanding

In this subject, students extend and apply their ethical understanding capability by, for example:

* appreciating the diversity of values within Australian and international communities and developing an understanding of how values change over time
* understanding that legal outcomes may conflict with social, environmental, and ethical outcomes
* developing responsible and informed attitudes towards the Australian legal system and others
* acknowledging and referencing the ideas of others
* considering the consequences of legal decisions from ethical perspectives
* providing reasons and evidence to support their arguments and conclusions
* appreciating how context, including time, culture and power, informs thinking and the creation of law
* developing an appreciation that laws are developed from societies and, as such, generally represent the ethics and values of that society
* understanding that laws may reflect the ethics of the times and thus may necessitate change.

Intercultural understanding

In this subject, students extend and apply their intercultural understanding capability by, for example:

* considering the different beliefs and values of a range of groups across cultures and nations
* developing an understanding of how successful legal systems reflect these beliefs and values, and reflecting on the extent to which the Australian legal system achieves this imperative
* investigating and analysing the purpose of law and their impact on different peoples
* understanding that culture frames perspectives on justice, rights, and responsibilities
* considering the history of the Australian legal system and its impact on society
* considering contemporary influences on the Australian legal system and the resulting impact on society
* developing an understanding of the influence of international law on local communities
* acknowledging and applying understanding of cultures, narratives, and achievements as told by Aboriginal and Torres Strait Islander peoples
* understanding law and lore and what this means for Aboriginal and Torres Strait Islander peoples
* evaluating the success or otherwise of changes in law.

# Aboriginal and Torres Strait Islander knowledge, cultures, and perspectives

In partnership with Aboriginal and Torres Strait Islander communities, and schools and school sectors, the SACE Board of South Australia supports the development of high-quality learning and assessment design that respects the diverse knowledge, cultures, and perspectives of Indigenous Australians.

The SACE Board encourages teachers to include Aboriginal and Torres Strait Islander knowledge and perspectives in the design, delivery, and assessment of teaching and learning programs by:

* providing opportunities in SACE subjects for students to learn about Aboriginal and Torres Strait Islander histories, cultures, and contemporary experiences
* recognising and respecting the significant contribution of Aboriginal and Torres Strait Islander peoples to Australian society
* drawing students’ attention to the value of Aboriginal and Torres Strait Islander knowledge and perspectives from the past and the present
* promoting the use of culturally appropriate protocols when engaging with and learning from Aboriginal and Torres Strait Islander peoples and communities

# Learning requirements

The learning requirements summarise the knowledge, skills, and understanding that students are expected to develop and demonstrate through their learning in Stage 1 Legal Studies.

In this subject, students are expected to:

1. develop inquiry skills through questioning, exploration, discussion, and research of concepts, the law, and legal issues
2. demonstrate and communicate their understanding of concepts, legal principles, processes, and issues
3. analyse and apply legal principles and processes
4. evaluate legal arguments to reach a conclusion and, where appropriate, make recommendations
5. research, select, and acknowledge relevant sources
6. collaborate effectively with others to problem solve and build on the work of others.

# Concepts

Students develop an understanding of the following concepts:

* rights
* fairness and justice
* power
* change.

These concepts underpin each of the focus areas of study and provide a rich platform for discussion and analysis. Big questions allow for exploration of these concepts in each focus area. Students examine scenarios and the law to substantiate an argument and/or support a recommendation.

Rights

Through Legal Studies, students develop an understanding of the concept of ‘rights’ within the context of the law. Students should be given an opportunity to examine the different legal rights of Australians under domestic and international law, and the responsibilities that correspond with these legal rights.

Students may examine and/or analyse:

* common law rights
* statutory rights
* international rights obligations
* human rights.

Students may consider the following big questions:

* Are the rights of all Australians adequately protected?
* Do some groups require special attention to ensure that their rights are protected and does this require targeted policies?
* Should the Australian Constitution include a Bill of Rights?
* Can you have rights without responsibilities?
* Should rights be irrespective of age/gender/social group/ethnicity?
* Are basic human rights universal?
* Should Australia be a signatory to international human rights agreements?

Fairness and justice

Through Legal Studies, students develop an understanding of the concept of ‘justice’ and its relationship to fairness. Students explore the idea of justice, and the challenges that the Australian legal system faces in trying to achieve this.

Students may examine and/or analyse:

* ‘natural’ justice
* Australia’s adversary system
* access to justice.

Students may consider the following big questions:

* What is justice?
* Should perceptions of justice vary globally?
* Is justice delayed, justice denied?
* Should the law influence society or society influence the law?
* To what extent do diverse groups in Australia have equal access to justice?
* How fair are referendums?
* How do we strike a fair balance between all people in a diverse society?
* How can laws deal with the moral complexity of contemporary society?
* Do we/should we align the degree of suffering of the victim with the penalty of the crime?
* Is there such a thing as a victimless crime?
* Is being fair and being just the same thing?
* Why are civil disputes treated differently from criminal disputes? Is this fair?
* How effective is the adversarial system in providing justice for diverse groups in Australia?

Power

Power is a central concept in Legal Studies. Students develop an understanding of the extent and limitations of power held by each of the branches of government. The concept of power is analysed within the context of relationships — between branches of government, individuals and government, and between individuals themselves.

Students examine and/or analyse:

* how branches of government exercise power, and how that power is supervised
* how individuals exercise power
* the media: power, rights, and obligations in law.

Students may consider the following big questions:

* Does the Australian legal system favour the empowered?
* Do the factors that lead to the empowerment of leaders and groups need to be changed?
* Do the factors that inhibit empowerment for individuals and groups need to be changed?
* How accountable are the powerful? Is this level of accountability appropriate?
* Why do we have the laws that we do?
* How can power divide or connect society?

Change

Change is a central concept in Legal Studies. As a society, we expect that the law will develop and progress to reflect our changing beliefs and values. Students analyse elements of our legal system that change through necessity, and the elements that must remain constant for our system to function effectively.

Students may examine the concept of change from the perspective of:

* changes in societal values, and the impact of these changes on our laws
* changes in case law and legislation over time
* constitutional change (or the lack of change)
* international influence.

Students may contrast these changes with elements of the Australian legal system that remain constant, or simply consider why these elements have not changed. For example:

* features of the adversarial system
* roles and structure of parliament
* underlying principles of the adversarial and Westminster systems.

Students may consider the following big questions:

* Is the ‘barometer of community sentiment’ the best catalyst for the creation of new laws?
* How do the experiences of individuals and groups produce a desire for change?
* How adequately do laws provide for the future?
* Do our laws need changing?
* Do our laws change too much?
* Do interest groups hinder or promote change?
* Does the media play too powerful a role in driving change?

# Focus areas

Students complete a study of Focus area 1: Law and communities, and then complete

* at least two additional focus areas for a 10-credit subject
* at least four additional focus areas for a 20-credit subject
* from the suggested focus areas listed below, or alternative focus areas developed by teachers in negotiation with students.

Some suggested focus areas include:

* government
* law-making
* justice and society
* young people and the law
* contemporary issues and the law
* victims and the law
* motorists and the law
* young workers and the law
* relationships and the law
* media and the law
* sport and the law
* entertainment and the law
* technology and the law
* animals and the law
* women and the law
* Aboriginal and Torres Strait Islander law
* Aboriginal and Torres Strait Islanders and the law
* environment and the law
* refugees and asylum seekers and the law
* transnational legal rights
* crime, law, and punishment
* minority groups and the law
* emerging legal issues
* royal commissions
* family law.

Focus area 1: Law and communities

Through inquiry, students build their understanding of how Australia’s laws have developed from rules, customs, creeds, codes, customary law (such as Australian Aboriginal and Torres Strait Islander customary law), and common law. They study the power, influence, and perspectives of those who have constructed Australia’s laws and, though analysis and judgment, develop informed opinions and arguments. By exploring the past, students gain an understanding of the evolution and need for laws in Australian society and consider their role in influencing and constructing laws.

In providing a response to the big questions, students make one or more connections to the concepts of rights, fairness and justice, power, and change.

Students could consider big questions such as the following:

* Why do we need laws?
* What is the purpose of law?
* Are all laws good?
* What are the influences on Australia’s laws and does this lead to just outcomes?
* Is law-making controlled by particular groups in society?
* To what extent does the law meet the needs of Australian communities?
* To what extent do Australian laws need to change?
* How effectively are the rights of individuals and groups in different communities upheld?
* Should your rights and responsibilities change under law as you reach adulthood?
* What justification is there for changing your rights and responsibilities as you age?
* Possible inquiry questions:
* What is the rule of law?
* How does the Australian legal system reflect its English heritage?
* How does the Australian Constitution reflect the views of its writers?
* What influence have religious codes and creeds had on our legal system?
* How has the concept of justice in Australia changed over time?
* How do the perspectives of individuals and groups shape our law?
* Are there missing perspectives in our law-making processes or structures?
* What are some examples of customary law in Australia today?
* What factors may lead to changes in law?
* What forms of legal assistance/structures are available to assist you in everyday life?

Students may consider the following elements of Focus area 1: Law and communities as a basis for their inquiry.

* rule of law
* democracy
* representative government
* separation of powers
* impact of the media on our perception of the government, law, and justice
* changes in societal values and the impact of these changes on our laws.

Optional focus areas

When designing a course of study, teachers should be aware that not all focus areas need to be of equal length, and that there is flexibility in the development and integration of units to reflect student interest.

The following should be considered in planning:

* development of big questions to frame inquiry, engagement, and learning
* development of inquiry questions to focus research
* current/relevant structures and processes
* connection to the concepts of rights, fairness and justice, power, and change
* engagement with the capabilities
* current legislation
* relevant cases
* consideration of assessment including the specific feature(s) to be addressed
* time allocation.

Teachers consider a range of assessment options, including activities that invite deep and critical thinking, transferability of skills, and the incorporation of ICTs and appropriate capabilities.

Example 1: Government

Through the development and discussion of ‘big questions’, students should understand, analyse, and evaluate the Australian legal system’s approach to government and make considered recommendations as appropriate.

In providing a response to the big questions, students make one or more connections to the concepts of rights, fairness and justice, power, and change.

Students may consider the following elements of Optional focus area: Government as a basis for their inquiry.

* the rule of law
* the independence of the judiciary
* the separation of powers
* elections.

Big questions:

* Does the separation of the legislature, executive, and judiciary fulfill its purpose?
* How representative is parliament, and how responsible is government?
* Should the judiciary be independent?
* How can civic participation be fostered and encouraged?

Current/relevant structures:

* legal institutions such as parliament, government, and the courts
* representative government and the separation of powers
* the interaction of parliaments with the people.

Possible inquiry questions:

* What is the division of powers?
* What is the separation of powers?
* What are the main features of a constitutional monarchy?
* How is the Australian government structured?
* What is the difference between responsible and representative government?
* What are the functions of parliament as a law-making body?
* What is the function of a Royal Commission?
* What is the legislative process?
* What is the role of the executive?
* Why do we have a court hierarchy?

Students explore current legislation, such as the *Commonwealth of Australia Constitution Act 1900 (UK)* and the *Commonwealth Electoral Act 1918*, and any relevant cases.

Example 2: Law-making

Students develop a critical understanding of the legislative process, the making of subordinate legislation, and the processes used by judges to develop case law, including the interpretation of statutes. A consideration of how these processes affect people should be included. Students are encouraged to participate in the democratic process through activities that foster the growth of civic literacy, such as a mock parliament, a youth parliament, debates, and role plays.

In providing a response to the big questions, students make one or more connections to the concepts of rights, fairness and justice, power, and change.

Students may consider the following elements of Optional focus area: Law-making as a basis for their inquiry.

* changes in societal values, and the impact of these changes on our laws
* changes in case law and legislation over time
* constitutional change (or lack thereof)
* international influence.

Current relevant structures and processes:

* parliament
* the court hierarchy
* legislative process
* process of making delegated legislation
* how judges make law.

Big questions:

* Should judges make law?
* Should juries be abolished?
* Is delegated legislation a violation of democracy?
* Do laws change enough, or too much?
* Why do we have the laws that we do?
* Is the ‘barometer of community sentiment’ the best catalyst for creating new laws?
* How do the experiences of individuals and groups produce a desire for change?
* How adequately do laws provide for the future?
* Are some laws no longer necessary? How do we know when this is the case?

Through developing their response to these big questions, students should understand and evaluate the Australian legal system’s approach to law-making, explore current legislation and any relevant cases, and make recommendations for change as appropriate.

Possible inquiry questions:

* Who makes law?
* What is a Bill?
* How does a Bill become an Act?
* What is a parent/enabling Act and what role does it play in law-making?
* What role does the Executive have in law-making?
* How do judges make law?
* What are influences or influencers that cause laws to be made or changed?
* How does each branch of government supervise law-making?
* What responsibilities do Australians have in the law-making process?
* How have recent changes to the law in Australia affected you?

Example 3: Justice and Society

Students explore the operation of the adversary system of trial in the resolution of criminal and civil disputes.

In providing a response to the big questions, students make one or more connections to the concepts of rights, fairness and justice, power, and change.

Students may consider the following elements of Optional focus area: Justice and society as a basis for their inquiry.

* how the adversary system aims to achieve justice
* the rights of the accused
* common law rights
* statutory rights
* international human rights obligations
* human rights
* natural justice
* features of the adversary system
* access to justice.

Big questions:

* What is justice?
* What features of the adversary system of trial provide for a just outcome?
* How and why do perceptions of justice vary globally?
* Why are criminal disputes and civil disputes resolved differently? Is this effective?
* Are the rights of all Australians adequately protected by the legal system?
* Do some groups require special attention to ensure that their rights are protected and does this require targeted policies?
* Should the Australian Constitution include a Bill of Rights?
* Can you have rights without responsibilities?
* Should rights be irrespective of age/gender/social group/ethnicity?

Through developing their response to big questions, students should understand and evaluate the Australian legal system’s approach to justice and society, explore current legislation and relevant cases, and make recommendations for change as appropriate.

Current/relevant structures include:

* the adversary system of trial
* the criminal justice system
* the civil justice system
* the jury system.

Possible inquiry questions are:

* What are the main features of the Australian adversary system?
* How are criminal and civil trials different (for example: features, processes, outcomes)?
* How is a criminal dispute resolved?
* How is a civil dispute resolved?
* What are the rules of evidence?
* What is the role of a judge?
* How does a judge determine sentence?
* What is alternative dispute resolution (ADR) and how does it relate to the civil justice system?
* Why do we have a court hierarchy and how does this facilitate just outcomes?
* How is a jury selected and what role does it play in a trial?

Example 4: Young People and the Law

The rights and interests of young people are protected through state, territory, national, and international laws. Students investigate and debate a range of issues, such as young people’s views on drugs, vandalism, child abuse, parental responsibility, shoplifting, health, work, and under-age drinking.

In providing a response to the big questions, students make one or more connections to the concepts of rights, fairness and justice, power, and change.

Students may consider the following elements of Optional focus area: Young people and the law as a basis for their inquiry:

* the rights of young people
* common law rights
* statutory rights
* international rights obligations
* human rights
* access to justice.

Current/relevant structures include:

* the juvenile justice system
* the Youth Court
* family conferencing.

Big questions include:

* How effective is the juvenile justice system?
* Is the Youth Court effective in dealing with criminal actions by young people?
* Is family conferencing effective in preventing crime?
* Are young people adequately protected by legislation?
* Are there sufficient rights recognised by common law?
* How does the United Nations Convention on the Rights of the Child affect young people?
* Are young people adequately protected within family relationships?
* Should the rights of the child be different from the rights of the adolescent?
* Does the law adequately address issues such as a mobile phone contract and internet protocols (for example, downloading of music, plagiarism, and copyright)?
* Is justice the same for all people, regardless of age/ethnicity/gender?
* Should teenagers be able to vote?

Students explore the United Nations Convention on the Rights of the Child, the *Young Offenders Act 1993 (SA)*, and any current legislation and relevant cases.

Through developing their response to big questions, students should understand and evaluate the Australian legal system’s approach to young people and the law and make recommendations for change as appropriate.

Possible inquiry questions include:

* What does it mean to lack legal capacity?
* What does the phrase ‘age of criminal responsibility’ mean?
* What are my rights and responsibilities under law as a child/teenager?
* How are children and teenagers treated differently from adults in the criminal justice system?
* What specific protections are written into legislation to preserve the rights of teenagers?
* How would you access reliable information about your legal rights?
* How can young people influence meaningful legal change?

Example 5: Victims and the Law

A public focus on victims of crime is reflected in a number of initiatives by both parliament and the courts. Students investigate a range of issues such as double jeopardy, the right to silence, victims of crime, white-collar crimes, international crimes, victimless crimes, and access to the justice system.

Students explore current legislation, such as the *Victims of Crime Act 2001 (SA)* and the *Sentencing Act 2017 (SA)*, and any relevant cases.

Through developing their response to big questions, students should understand and evaluate the Australian legal system’s approach to victims and the law and make recommendations for change as appropriate. Students make one or more connections to the concepts of rights, fairness and justice, power, and change.

Students may consider the following elements of Optional focus area: Victims and the law as a basis for their inquiry.

* Commissioner for Victims’ Rights
* the Department for Correctional Services Victims’ Register
* the South Australian Court Hierarchy
* the Victims of Crime Fund
* the Victim Support Service
* protection of victims’ rights
* common law rights
* statutory rights
* international rights obligations
* human rights
* access to justice
* the need for change.

Big questions include:

* Who are the victims?
* Is there such a thing as a victimless crime?
* How adequate is legislation and case law in considering the victims of crime?
* Is there an imbalance between the rights of the victim and the rights of the accused? Should there be?
* Should there be any role by victims in sentencing, family conferencing, and victim-offender mediation?
* Is there adequate compensation for victims through a victims of crime levy, criminal injury compensation, or civil remedies? What would be considered adequate and why?
* How can justice in the past be different from justice now?
* Should there be a stronger focus on restorative justice in Australia?

Possible inquiry questions:

* How do you report a crime?
* What structures are put in place to support victims of crime after an incident has occurred?
* What rights do victims have under current legislation?
* What rights do perpetrators have under law during the criminal process?
* Why is it important for an accused to be considered innocent until proven guilty?
* To what degree can victims be involved during a criminal trial?
* What is a victim impact statement?
* What is charge bargaining and what rights do victims have in this process?

# Evidence of learning

Assessment at Stage 1 is school based.

The following assessment types enable students to demonstrate their learning in Stage 1 Legal Studies:

* Assessment Type 1: Analytical Response
* Assessment Type 2: Inquiry
* Assessment Type 3: Presentation

For a 10-credit subject, students should provide evidence of their learning through three assessments. Each assessment type should have a weighting of at least 20%. Students undertake:

* one assessment for the analytical response
* one inquiry
* one presentation.

For a 20-credit subject, students should provide evidence of their learning through five assessments. Each assessment type should have a weighting of at least 20%. Students undertake:

* at least two assessments for the analytical response
* at least one inquiry
* at least one presentation.

# Assessment design criteria

The assessment design criteria are based on the learning requirements and are used by teachers to:

* clarify for students what they need to learn
* design opportunities for students to provide evidence of their learning at the highest level of achievement.

The assessment design criteria are the specific features that:

* students need to demonstrate in their evidence of learning
* teachers look for as evidence that students have met the learning requirements.

For this subject, the assessment design criteria are:

* understanding and application
* analysis and evaluation
* communication and collaboration.

The specific features of these criteria are described below.

The set of assessments, as a whole, must give students opportunities to demonstrate each of the specific features by the completion of study of the subject.

Understanding and Application

The specific features are as follows:

UA1 Understanding and application concepts.

UA2 Understanding and application of legal principles and processes.

UA3 Research, selection, and acknowledgement of relevant sources.

Analysis and Evaluation

The specific features are as follows:

AE1 Analysis of legal principle, processes, and concepts or problems.

AE2 Evaluation of legal arguments to reach a conclusion and , where appropriate, make recommendations.

Communication, Collaboration, and Reflection

The specific features are as follows:

CC1 Communication of legal concepts, legal principles, and arguments.

CC2 Collaboration.

CC3 Reflection on learning.

# School assessment

Students should approach the assessment tasks by responding to big questions, deconstructing concepts, and applying discipline knowledge to make informed responses. They identify and describe legal issues, interrogate primary and secondary sources, explore information and data, analyse, and evaluate to make decisions or propose recommendations.

The school assessment component for Stage 1 Legal Studies consists of three assessment types:

* Assessment Type 1: Analytical Response
* Assessment Type 2: Inquiry
* Assessment Type 3: Presentation.

## Assessment Type 1: Analytical Response

Students undertake one analytical response for a 10-credit subject, and two analytical responses for a 20-credit subject.
This assessment could be presented in written, oral, or multimodal form. For example:

* report
* web page
* response to sources
* essay
* test
* media journal
* extended response
* letter to parliament
* parliamentary speech (e.g. maiden speech)
* political cartoon and commentary.

Participation in group work and classroom discussion is strongly encouraged.

Assessment conditions such as word limits and the performance standards that are being assessed should be clearly communicated to students. A response should be a maximum of 1200 words if written, or a maximum of 7 minutes if an oral presentation or in multimodal form.

For this assessment type, students provide evidence of their learning primarily in relation to some or all of the following assessment design criteria:

* understanding and application
* analysis and evaluation
* communication and collaboration.

## Assessment Type 2: Inquiry

Students undertake one inquiry for a 10-credit subject and at least one inquiry for a 20-credit subject.

For the inquiry, students look at a current legal issue in depth, with reference to at least one of the concepts. The issue should be one that students can cover over a period of weeks.

The issue should be examined with consideration given to its legal implications and include a range of views and recommendations for action and/or changes to the law.

The inquiry could be presented in written, oral, or multimodal form. The student should provide evidence of deep thinking and research, including a relevant media article as a resource. The inquiry should be a maximum of 1200 words if written, or a maximum of 7 minutes if an oral presentation or in multimodal form.

For this assessment type, students provide evidence of their learning primarily in relation to the following assessment design criteria:

* understanding and application
* analysis and evaluation
* communication and collaboration.

## Assessment Type 3: Presentation

Students undertake at least one collaborative presentation and an individual reflection for both a 10-credit and a 20-credit subject. Students are assessed individually.

Presentations can take a variety of forms and occur in a variety of situations.

For example:

* multimodal presentation
* display or an address in a public or school area
* debate
* mock trial
* panelist discussion
* mock parliament
* video production
* website
* oral presentation.

The form of presentation chosen must include between 7 and 10 minutes of oral communication. Some  additional allowances for extra time can be made, depending on the size of the group.

The audience for the oral part of the assessment is negotiable, and may include the class, other classes, community groups, or public arenas.

The individual reflection for each student should be a maximum of 500 words or negotiated format.

The reflection could include:

* an evaluation of their role in the collaborative process and the presentation
* the significance of what they learned, both in terms of personal and social capability and from a legal perspective
* how they worked to build and support the ideas of others to produce a better outcome
* problems they may have overcome.

For this assessment type, students provide evidence of their learning primarily in relation to the following assessment design criteria:

* understanding and application
* analysis and evaluation
* communication, collaboration, and reflection.

# Performance standards

The performance standards describe five levels of achievement, A to E.

Each level of achievement describes the knowledge, skills, and understanding that teachers refer to in deciding how well students have demonstrated their learning on the basis of the evidence provided.

During the teaching and learning program the teacher gives students feedback on their learning, with reference to the performance standards.

At the student’s completion of study of a subject, the teacher makes a decision about the quality of the student’s learning by:

* referring to the performance standards
* taking into account the weighting of each assessment type
* assigning a subject grade between A and E.

Performance standards for Legal Studies Stage 1

|  |  |  |  |
| --- | --- | --- | --- |
| - | **Understanding and Application** | **Analysis and Evaluation** | **Communication, Collaboration, and Reflection** |
| A | Astute application of concepts to demonstrate understanding.Astute application of legal principles and processes to demonstrate understanding.Thorough and focused research to select and appropriately acknowledge a range of relevant sources. | Perceptive analysis of legal principles, processes, and concepts or problems.Sophisticated evaluation of legal arguments to reach a convincing conclusion and, where appropriate, make persuasive recommendations. | Highly effective communication of concepts, legal principles, and arguments.Highly effective and consistent collaboration to achieve insightful and effective outcomes.Insightful and perceptive reflection on learning, and the personal and group skills required to achieve a successful collaborative outcome. |
| B | Substantial application of concepts to demonstrate considerable understanding.Substantial application of legal principles and processes to demonstrate considerable understanding.Substantial research to select and appropriately acknowledge a range of relevant sources. | Substantial analysis and application of legal principles, processes, and concepts or problems.Well-considered evaluation of legal arguments to reach a mostly convincing conclusion and, where appropriate, make appropriate recommendations. | Effective communication of concepts, legal principles, and arguments.Effective and consistent collaboration to achieve effective outcomes.Well-considered reflection on learning, and the personal and group skills required to achieve a successful collaborative outcome. |
| C | Adequate application of concepts to demonstrate generally sound understanding.Adequate application of legal principles and processes to demonstrate generally sound understanding.Adequate research, selection, and acknowledgement of a range of relevant sources. | Moderately considered analysis and application of legal principles, processes, and concepts or problems.Mostly sound evaluation of legal arguments to reach a conclusion and, where appropriate, make recommendations. | Moderately effective in the communication of concepts, legal principles, and arguments.Moderately effective collaboration to achieve satisfactory outcomes.Adequate reflection on learning, and the personal and group skills required to achieve a successful collaborative outcome. |
| D | Some application of concepts to demonstrate partial understanding.Some application of legal principles and processes to demonstrate partial understanding.Basic research, selection, and acknowledgement of a range of relevant sources. | Some analysis and application of some legal principles, processes, and concepts or problems.Partial evaluation of legal arguments and, where appropriate, some substantiated recommendations. | Some communication of concepts, legal principles, and arguments.Some collaboration with other students.Some reflection on learning, and the personal and group skills required to achieve a successful collaborative outcome. |
| E | Limited application of concepts to demonstrate emerging understanding.Limited application of legal principles and processes to demonstrate emerging understanding.Rudimentary research, selection, and acknowledgement of a range of sources | Limited analysis of some legal principles, processes, and concepts or problems.Limited consideration of some legal arguments with no or uninformed recommendations. | Limited success in the communication of concepts, legal principles, and arguments.Limited collaboration with other students.Rudimentary reflection on learning, and the personal and group skills required to achieve a successful collaborative outcome. |