STAGE 2 LEGAL STUDIES
ASSESSMENT TYPE 1: FOLIO

This Folio comprises 6 Tasks:

1. Multimedia presentation: should election dates be fixed?
2. Critical Analysis, extended response: Constitutional Monarchy
3. Constitutional government: Test
4. Law-making, sources analysis: *Migration Legislation Amendment Act 2012*
5. Justice systems: Test
Assessment Type 1: Folio

Task 1: Multimedia Presentation

Your task is to analyse, with reference to at least two media articles, an aspect/aspects of one of the following principles of the Australian system of parliamentary democracy:

- Representative government
- Responsible government
- Executive government
- Separation of powers

You should pose a question or make a proposition in order to evaluate the effectiveness/appropriateness/suitability of the chosen aspect.

To comply with the word count and best meet the assessment design criteria (see overleaf), it is recommended that you restrict the focus of your analysis to specific aspects of the above principles and cover them in detail, rather than attempting a broad overview of any or all principles in their entirety.

By way of example, if you were to analyse responsible government you might choose to look at the effectiveness of Question Time, or whether the people should be allowed to directly elect the Prime Minister. And for representative government you might look at the appropriateness of parliamentary privilege, or whether voting should be compulsory. There are many other issues/ideas/principles, most of which we have discussed in class. Discuss your proposed question/proposition with your teacher before beginning the task.

Do not consider or evaluate the effectiveness of the federal system of government, constitutional monarchy, or the role of the judiciary (courts) in this task. These principles and structures will be assessed in other tasks. Separation of powers should only be considered in the context of the relationship between the Legislative and Executive arms.

Inquiry method

For the purposes of this assignment, a “media article” is any form of media report relating to the Australian system of parliamentary democracy produced on or after 1 January 2012. If you want to use articles from before this date, consult with your teacher first to ensure that they are still relevant.

The articles must relate to some, but not necessarily all, of the aspects raised in your analysis.

Presentation method

The information is to be presented in multimodal form, such as PowerPoint or Keynote. Headings, images, and other conventions associated with such means of presentation should be conformed to.
Acknowledgement of sources

It is a requirement of this task that you provide full bibliographic details of your media articles and reference them accordingly using either in-text or footnoting/endnoting.

Word limit

The presentation should be about 800 words in length.

Assessment Design Criteria

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Should election dates be fixed?
Definition

Representative government is the idea that citizens can elect their representatives based on which party’s policies they agree on. The representatives are accountable to follow the wishes of their voters (Bailey, 2005). An aspect of representative government is voting and the way Australia elects their members. A current example of this is when Julia Gillard announced the next election for the 14th of September more then seven and a half months in advance, which has raised speculation whether this gives the Prime Minister and the current party too much power (Hamilton, 2013). This raises the debate whether the election should have a fixed date from after the Parliament’s term begins. Both the advantages and disadvantages of the current method of the Prime Minister choosing the election date are explored in this presentation.
What causes this debate?

Julia Gillard has created much speculation by announcing the election over 200 days before, some people saying that it will put Australia through the longest election campaign in history since federation. Gillard says she did not intend to start the nation’s longest election campaign, announcing that her intentions were to ‘provide certainty for individuals and businesses, investors and consumers to plan ahead.’ This has sparked the debate on whether Australia should adopt an aspect of the United States election system. On the first week of November in the last year of the United States’ four year term they hold their presidential elections (Ricci, 2013).
Advantages

Fixed terms assure that the opportunity for a government to gain political benefits from the time that the election occurs is removed. Political benefits include being able to keep the opposition off guard depending on when the government calls the election and calling the election when it is most beneficial for their party (Ricci, 2013). John Howard announced an early election in 1998 out of fear that his party would not have enough support to win the election after his three-year term. The election was in October despite his term not ending until March of the next year. The election resulted in the Howard Government being able to win enough seats to hold a majority in the House of Representatives because of this early election (Ghazarian, 2013).
Advantages

Creating a fixed term will eliminate media speculation on when the election will be announced and why the party announced it when they did. It will also give government more time to concentrate on passing policies and bills, rather than dedicating most their time on campaigning. As well as reducing the time it will also reduce the cost of election because there won’t be as many, currently Australians being forced to endure elections every 30 months since federation (Hamilton, 2013). Fixed terms have been introduced in most of Australia’s states and territories having the support for both Labor and Liberal led governments with the exception of Queensland and Tasmania (Williams, 2013).
Advantages

In a survey it was found that 63% of Labour and Green voters agreed to having fixed election dates, which has risen after the government have announced the election date over 200 days in advance (Williams, 2013). By having fixed election dates the speculation that would follow the Prime Minister throughout the election year will be eliminated and would ensure government agencies and corporations are able to continue business as usual with the extended knowledge of when the election will be held, allowing them to prepare for this. (Hamilton, 2013)
Disadvantages

The disadvantage of changing to fixed terms for federal elections is that it totally eliminates the opportunity to have an early election, which can solve a political crisis such as an unpopular parliament being in power for a longer period of time. If the circumstance arose where the Government had a specific law or policy they wanted to introduce, but also wanted to give the people the chance to vote on the specific law or policy through a general election, they would not be able to do so if fixed terms were introduced. Therefore the Government would not be able to gain the peoples permission through a general election.
Disadvantages

There will be no flexibility to choose when the election will be if fixed elections are introduced therefore fixed election dates may prove inappropriate for unforeseeable future circumstances. Knowing the election day in advance may also provoke parties to start the election campaign before it’s necessary, causing a lengthy campaign, the opposing party being able to start campaigning straight after the election (Williams, 2013). Having a flexible election date has benefits for the government and it can call an early poll to ensure chances of being re-elected such as the Howard government did in 1998, which provides flexibility for Government. The current system has worked successfully since federation so to change it now and limiting Australia’s election flexibility may cause problems that are not visible at this point in time.
Conclusion

According to section 28 of the constitution the House of Representatives have a three-year term from the first meeting after the election, which can only be changed by a referendum. Holding a referendum for whether or not we should have fixed terms for federal elections is a costly and time consuming process which does not appeal to the Parliament as something that should be seen to immediately. Creating fixed terms has benefits that will increase the development of the country and have a small but positive impact on Australia’s economic growth. The final year of the Government’s term is mostly focused on the election, and is focused on especially by the media. It slows the process of passing bills and improving policies, which the Prime Minister and the government will be able to focus more on in their last year of government, rather then campaigning. The ‘petty politics’ that Julia Gillard wanted to avoid by announcing the election well in advance would be eliminated if fixed terms are introduced in Australia on a federal level.
Bibliography

- Bailey, G 2005, Legal Studies Key Ideas, Greg Eather, Essentials


Bibliography


**Assessment Type 1: Folio**

**Task 2: Critical Analysis extended response**

Your task is to write an extended response that analyses an aspect of Australia’s constitutional system.

You will choose one of the following questions and write up to 900 words:

1. “Constitutional monarchy is an inappropriate system of government for Australia.”

Using examples, evaluate this statement.

2. “Human rights are inadequately protected by Australian law; a Bill of Rights is needed.”

Using examples, evaluate this statement.

3. “The current federal model provides an inadequate system of governance.”

Using examples, evaluate this statement.

**Method**

Your response should consist of a short introduction of 1-2 sentences that provides a brief statement of your answer to the question.

You should then write three paragraphs that respond to the question – **two** should provide support for your answer; **one** is a counter-argument.

Due to the restrictive word count there will be no conclusion. The response should very clearly indicate which arguments you find most convincing and why.

**Advice**

Follow the instructions under 'Method'.

Aim to write 275-300 words per paragraph, leaving up to 50 for the 'introduction'.

Topic and concluding sentences are very important - they need to outline what argument is being made in each paragraph and how it relates to your overall answer.

A good structure to follow is to begin with the 'counter-argument', and then spend the remainder of the response rejecting the counter-argument. For
instance, if you do Q2 and you say a Bill of Rights is *not* needed, begin the substantive part of the response with the reasons why some people advocate the need for a Bill, then spend the next 2 paragraphs explaining why a Bill is *not* needed.

Chapter 8 of the textbook provides the relevant basis for completing the task. We will look at all 3 issues, briefly, in weeks 1 and 2 of Term 2 but your response will benefit from you doing a small amount of further research to ensure that your responses are supported by examples.

Look for court cases, commentary and opinion that provide support for the competing arguments. Avoid comments like "some people say"; actually find a person who *has* said it. Similar methods of researching to those which you used in Folio #1 will be appropriate for this task.

**Assessment Design Criteria**

### Knowledge and Understanding

The specific features are as follows:

- **KU1** Knowledge and understanding of relevant influences on the Australian legal system.
- **KU2** Knowledge and understanding of legal principles, processes, and structures.
- **KU3** Recognition and understanding of ways in which the Australian legal system responds to diverse groups in the community.

### Inquiry

The specific features are as follows:

- **I1** Location, selection, documentation, and application of relevant sources.
- **I2** Critique of legal processes and structures, with informed and considered recommendations for change.

### Analysis and Evaluation

The specific features are as follows:

- **AE1** Analysis of the Australian legal, constitutional, and justice systems.
- **AE2** Analysis of principles, processes, and structures in legal systems.
- **AE3** Evaluation of legal issues or concepts through discussion and illustration of opposing arguments to reach an informed conclusion.

### Communication

The specific features are as follows:

- **C1** Accuracy and coherence in communication of informed observations and opinions on contemporary legal issues and debates, using different forms.
- **C2** Use of legal terminology, indicating understanding.
- **C3** Appropriate acknowledgment of sources.
"The Constitutional Monarchy is an inappropriate system of Government for Australia".

It is often questioned whether the Constitutional Monarchy is an inappropriate system of government for Australia. Australia has been a part of the monarchy since federation and is still a relevant and supportive system for Australia today.

Some argue that the monarchy is an inappropriate system of government for Australia because the monarchy is outdated and not relevant to Australia's democratic values. The eager monarchist and previous Prime Minister of Australia, John Howard has said, "If you had to start from scratch, there is no way you would come up with the current Constitution, but it does somehow seem to work". This suggests that although the Constitution has served us well, it is far from perfect (Donovan D and Keating M, 2010). The ancient system of ruling with a monarchy is said to be outdated and inconsistent with Australia's beliefs and values such as fairness, equality and egalitarianism. An unelected ruler is undemocratic because it is a role that no one in Australia can aspire to be, not to mention a role containing traditions that were sexist and anti-religious. What example is being set if Australia prides itself on rewarding hard work and talent, but does not have the opportunity to strive for the top position in there own country (Donovan, D 2011). Claims have been made that Australia is already an oxymoronic 'crowned republic' (Donovan D and Keating M, 2010). The monarchy has little or no discretion over governmental and Constitutional issues meaning their role remains ceremonial. This makes severing the ties of Australia and the monarchy easy according to Bob Carr who believes the best way for Australia to make the change to a republic is for republicans to accept the minimalist model. This would be a simple amendment to the constitution to make the Governor-General head of state. The main point republicans make is that we have to stand by our democratic system, and have our leader appointed by hard work and merit, rather then on the basis of birthright. Some people argue that becoming a republic would be most consistent with Australia's democratic and equal opportunity principles.

The monarchy is an appropriate system of government because they have provided support and consistency for Australia since federation. The Governor-General of the Commonwealth of Australia represents the monarchy and exercises her wide range of powers under the authority of the Australian Constitution including appointing ministers and judges, giving Royal Assent to legislation and also being the Commander-in-Chief of the Australian Defense Force. The Governor-General and the Monarch have provided great stability and consistency since federation and have acted as a third party to Australia’s federal system. This has proven important especially during 1975 when Governor General Sir John Kerr dismissed Leader of the Labor Party, Prime Minister Gough Whitlam. This was to make sure Australia’s economy and progress would not come to a stand still, which assured the stability the monarchy provides to continue. If the current system were to change, it would endanger this stability that has served Australia well.
It is true that monarchies are one of the oldest forms of ruling, but the royal family has proven they can adapt with the changing society and continue to have a positive effect on the community. An example of this is when Princess Dianna visited The Royal Rehabilitation Centre in Ryde, New South Wales. The place had received no needed funding or interest from either state or federal governments and after Princess Dianna visited the Rehabilitation Centre they received sudden attention and funding. Angela Bishop said that to say it’s just a marketing exercise to keep the dynasty going is cynical and that they prove to do more good than any celebrity could (ABC, 2011). In February 2013 the royal family changed their tradition that the next in line had to be the first male born who was not allowed to marry a Catholic. The new rule to fit in with society is that the next in line shall go to either male or female who can choose to marry a person of any religion. This shows that the royal family can be consistent with the current society as they find ways to appeal with the people, being a reason why they are still popular.

Referendums are difficult to pass especially when there is no passion to become a republic. There are no alternatives of what republicans want opposed to the monarchy. Aaron Paul acknowledges this by saying “You have to present something positive that’s captivating and inspiring for the Australian public that’s going to actually counter the monarchy” (ABC, 2011). To change the constitution there has to be a Referendum, which will not succeed without both major political parties supporting it. Not only that but there has to be more than 50% of Australians overall supporting the proposal along with 4 out of 6 state majority, proving hard for referendums to succeed. Only 8 out of 44 referendums have been successful since federation in 1901 demonstrating that holding referenda is a very expensive and pointless process. In 1999 a referendum was held to decide whether Australians wanted the constitution altered to establish the Commonwealth of Australia as a republic, with the Queen and Governor-General being replaced by a President (1999 Referendum, 2011). The referendum failed, as it did not receive a majority in any state, but at federation in 1901 Australians themselves, accepted the Queen of the United Kingdom as the Queen of their country by a referendum (Hudson, n.d). Australians have been given the opportunity to change the monarchy but chose not to do so, therefore have acknowledged that the efficiency of Australia’s ‘crowned republic’ should not be experimented with.
Bibliography


ABC Television, 2011, Royal Wedding Special, 12 May 2013


QUESTION 1 – GLOBAL AND OTHER INFLUENCES

(a) Identify who is responsible for signing treaties on behalf of Australia.

Executive

(1 mark)

(b) Outline the role of the Joint Standing Committee on Treaties (JSCOT).

To draft treaties

(1 mark)

(c) Explain why Australia signs treaties and participates in the making thereof.

Australia signs treaties because we are geographically isolated and have a small population; therefore it is in Australia's best interest to be apart of a fair and agreed upon framework when it comes to international law.

(2 marks)

(d) With reference to one High Court decision, explain the legal basis on which the Parliament can pass a law to implement a treaty.

Tasmanian Dams Case, Tasmania wanted to build a dam which is their right because the environment is a residual power, but the Commonwealth signed the UNESCO treaty. The High Court found in favour of the Commonwealth under the external affairs power. Australia has the right to build.

(2 marks)
(e) How significant were global influences in the development of the Australian Constitution?

They were very significant. Before federation the British colonies had separate defence forces which could fail to protect Australian interests in the situation of invasion by enemies. The need for a united defence force was to have an exclusive power of the Commonwealth. Another reason was so Australia could control immigration as they were worried about immigrants taking the jobs of Australian born people. For the development of the constitution they adopted concepts from other countries during federation in 1901. To change the constitution a referendum had to be given to the country - a concept we got from Switzerland. The idea of having a constitutional monarchy came from the UK and our bicameral parliament and federal system of government was adopted from the USA. (5 marks) 4½
(f) Outline the role of the United Nations.

The UN's role is to keep international peace and security and help create international law. (1 mark)

(g) Identify an international court or tribunal and outline its role.

International Court of Justice: To hear disputes between 2 nations, in which both have to give consent for the dispute to be heard. (1 mark)

(h) Explain the relationship between the court or tribunal identified in (g) above with Australian courts.

The relationship between the International Court of Justice has a persuasive influence on Australian courts as the outcomes of the ICJ are not binding on Aus Courts. (2 marks)

TOTAL: 15 marks
QUESTION 2 – CONSTITUTIONAL PRINCIPLES, PROCESSES & STRUCTURES

(a) Identify one *unwritten convention* and explain its role in Australia’s system of constitutional government.

Representative government: A model of democracy in which the citizens elect representatives who make law on their behalf. (Adapted from the UK)

(2 marks)

(b) Outline two ways that the Constitution establishes judicial independence.

Judicial are separate from the legislative and executive arms so the judges are free from external influence

(1 mark)

Judicial are free to interpret the Constitution

(1 mark)

(c) Other than a High Court decision, explain two ways through which the division of law-making power has shifted from the States to the Commonwealth.

The states give their power to the Commonwealth, e.g. dealing with children born by unmarried parents

(1 mark)

So these cases can be heard along with cases of children with married parents in the High Court and Family Court.

Referendums giving the Commonwealth the power to make laws for aboriginals, taking this power away from the states.

(1 mark)
(d) Explain, with the use of examples, the difference between a concurrent power and a residual power.

Concurrent powers are powers in which both state and Commonwealth can exercise, for example, Commonwealth deals with marriage and divorce & state is responsible for looking after children in a broken marriage or in the case of unfit parents. Concurrent powers are also specific and expressed in the Constitutions. Residual powers are powers of the state such as environment, health, women, education etc. and the Commonwealth can not make laws about these things. (3 marks) 2½

(e) Discuss whether or not the High Court of Australia has too much power.

It is argued that the HC does not have too much power as they are bound by the rule of law to protect the people. If there is a disagreement with the High Court's power this can be changed by referendum. On the other hand the HC does have too much power with respect to them being the highest judicial arm. (3 marks) 2
(f) Discuss whether or not the Governor-General has too much power in the executive arm of government.

No, because her role is mostly ceremonial such as attending functions and occasionally representing AUS internationally. Her reserved powers are advised by the PM and cabinet which makes up majority of the GG's position. Only once has the GG exercised the non-reserved power of dismissing the PM and this was to assure the stability of AUS economy and the passing of bills. 

(3 marks) 2½

You have mixed up the "reserve" with the "non-reserve" but the rest is correct.

TOTAL: 15 marks 9½
QUESTION 3 – RESPONDING TO DIVERSE GROUPS IN THE COMMUNITY

(a) How did law-making responsibilities change as a consequence of the 1967 referendum?

Section 127 was deleted from the Constitution and the race power was amended so that the term "aboriginal people" was crossed out. (1 mark)

This change in the Constitution heralded a new era for aboriginal people and gave them stronger rights.

(b) Explain how the following High Court decisions impacted on the rights of Indigenous Australians:

(i) Koowarta v Bjelke-Petersen (1982)

Koowarta case opened the door for Mabo. Because of the Racial Discrimination Act, Queensland could not restrict aboriginals from owning more land. This meant that aboriginals were given the right to land ownership. This happened in the first year of the Mabo case, allowing for Mabo to happen. (2 marks) 1½

(ii) Mabo v Commonwealth (No. 2) (1992)

After this HC decision, aboriginals had the right to land ownership because of native title. Mabo v Commonwealth established native title and terra nullius was then an invalid law. Aboriginals were given the recognition of land ownership if they could prove they owned the land prior to English settlement. (2 marks)
(c) Discuss whether or not there should be further constitutional amendments in relation to Indigenous Australians.

Yes! Aboriginals should be recognised in the preamble as the first people we were on this land. The race power should also be expanded so that racial discrimination is not possible, if not the words should be amended so that only way you can discriminate against race is if it benefits them, especially the Aboriginal people.  

(3 marks)  

(d) Using examples, explain the difference between express and implied rights.

Expressed: These are stated in the constitution as rights, mostly in section 51(2) even though there is a lack of the word 'rights' the wording can be interpreted to protect the right of people, e.g.: 116: people have the right to practice a religion of their choice.

Implied: are decided by decisions held by the high court which imply these rights into the constitution, e.g.: Freedom of political communication

(3 marks)
(e) Discuss whether or not Australia needs a Bill of Rights.

No, there have already been proposals for a Bill of Rights and it did not succeed. The rights of the Australian people are protected by the High Court. If we were to have a Bill of Rights the right would be permanent and hard to change. Rights change with time and circumstance and if these rights were wanted to be changed it would be expensive and difficult to achieve. In contrast, a Bill of Rights would be needed to protect the Australian people, rather than relying on the Judicial arm.

(4 marks) 3.5

TOTAL: 15 marks 12

END OF TEST
Assessment Type 1: Folio

Task 4: Law-making Sources Analysis

Read Sources 1-9 and answer the following questions:

1. With reference to two or three factors of initiation, explain why the Migration Legislation Amendment (Offshore Processing and Other Measures) Act 2012 was introduced to Parliament.

Your explanation may include factors relevant to both its initial introduction in September 2011 and its reintroduction in August 2012.

2. Explain three methods by which the Migration Legislation Amendment (Offshore Processing and Other Measures) Act 2012 was, and will be, supervised.

3. With reference to the sources provided, evaluate the role of Parliament in making and supervising legislation.

Task requirements

Your answers must be drawn from the sources. Only discuss factors of initiation and methods of supervising legislation which are demonstrated in the sources.

Your answers to questions 1 and 2 need not be in full-sentence form – you may use headings and dot-points to illustrate your understanding.

Your answer to question 3 must be in full-sentence form. You must identify at least 1 positive feature and 1 negative feature demonstrated in the sources. Make clear whether you believe the process is or isn’t effective but do not write an introduction or conclusion.

The word limit for the assignment is 800 words.

Source 1 Text removed due to copyright.


Source 2 Text removed due to copyright.

The Tobacco Plain Packaging Bill 2011 was introduced into the House of Representatives by the then Health Minister, Nicola Roxon, on 6 July 2011. The following are extracts from the Minister’s second reading speech as recorded in Hansard.

http://parlinfo.aph.gov.au/parlInfo/search/display/display.w3p;query=BillId_Phrase%3A%22r4613%22%20Dataset%3Ahansard;r,hansards%20Title%3A%22second%20reading%22%20Speaker_Phrase%3A%22roxon,%20nicola,%20mp%22;rec=1 Accessed 6 August 2014

Source 3 Text removed due to copyright.

The second reading debate resumed on 24 August 2011. Andrew Southcott (Liberal) outlined the Opposition (Coalition)’s position on the bill.

http://parlinfo.aph.gov.au/parlInfo/search/display/display.w3p;query=BillId_Phrase%3A%22r4613%22%20Dataset%3Ahansard;r,hansards%20Title%3A%22second%20reading%22%20Speaker_Phrase%3A%22southcott,%20andrew,%20mp%22;rec=0 accessed 6 August 2014

Source 4 Text removed due to copyright.

The bill was transferred to the Senate. The second reading debate commenced on 11 October and concluded on 9-10 November 2011. The following is an extract from the speech delivered by Senator Boyce (Liberal).

The Committee of the Whole stage occurred in the evening of 10 November 2011 and lasted about 2 hours. During the committee stage Senator Fierravanti-Wells (Liberal) asked a number of questions of the Labor minister responsible for the bill in the Senate, Senator McLucas.

http://parlinfo.aph.gov.au/parlInfo/search/display/display.w3p;db=CHAMBER;id=chamber%2Fhansards%2F3763feb2-c159-48f1-adc6-96c17395491c%2F0161;query=Id%3D%22emms%2Femms%2F163547%22

accessed 6 August 2014

This is section 108 from the Tobacco Plain Packaging Act


accessed 6 August 2014


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Legal Studies Folio task 4

1. With reference to two or three factors of initiation, explain why the *Migration Legislation Amendment (Offshore Processing and Other Measures) Act 2012* was introduced to Parliament.

   Your explanation may include factors relevant to both its initial introduction in September 2011 and its reintroduction in August 2012.

   - September 2011 the High Court deemed the Malaysia Solution ‘unlawful’ because it contradicted with the Migration Act, which Australia is bound under to protect human rights under International Law seen in source 1.
   - The Malaysia Solution was initiated by the Gillard Government and opposed by the opposition.
   - As seen in source 2 The High Court decided transfers under section 198A of the Migration Act could only take place in countries legally bound to provide protections equivalent to those offered by Australia. This decision by the High Court saw on the 21 September that amendments be introduced to the Migration Act and caused the Offshore Processing and Other Measures Act 2012 to be introduced.
   - After the amendments proposed by the coalition (that asylum seekers could be processed offshore only in one of the 148 countries that signed the Refugee Convention - source 3) were rejected by the labor party the bill was shelved.
   - Gillard then after June of 2012 announced that an expert panel would investigate and report back to the government with recommendations of the form in which offshore processing should be adopted.
   - There were 22 recommendations made according to source 4 including the amendment the Liberal party supposed, which saw this recommendation adopted. The Immigration Minister made clear that the amendment previously proposed by the Government would now be implemented.

2. Explain three methods by which the *Migration Legislation Amendment (Offshore Processing and Other Measures) Act 2012* was, and will be, supervised.

   One method by which the Migration Legislation Amendment act 2012 will be supervised is found in source 5 where it states that to establish that the government is doing what it is suppose to the Minister is required to lay before the house of the parliament a copy of declaration along with several other documents. Any written agreement between Australia and the county who has agreed to accept persons into their country is also needed along with a statement of the Minister’s consultation with the Office of the United Nations. This method assures that the Minister is being held accountable by parliament under responsible government.

   The Joint Committee also plays a role in supervising the new legislation by writing to the Minister seeking information about the human rights compatibility of the Migration Legislation Amendment found in source 9. Source 9 also reads that in order for the legislation to be justifiable under human rights law, such measures of exploring the legislation need to be taken.

   Another way in which the Legislation will be supervised is through the bicameral parliament. The Senate provides further opportunity for the legislation to be
opposed to which according to source 7 The Greens did. They did not agree with the notional view of deterrence of people who were genuine refugees seeking asylum which is their right in a bicameral parliament.

3. With reference to the sources provided, evaluate the role of Parliament in making and supervising legislation.

Comprehensive law making

To achieve a comprehensive piece of legislation the process of law making is important. Parliament- made law is known to be a democratic process, which provides the opportunity for the opposition the senate and anyone in the parliament to oppose and scrutinise a bill and suggest amendments, where as, Court made law is not comprehensive because the courts only deal with the case in front of them. The process of parliament-made law allows for detail to be included in the bill to assure the legislation can be effective such as when Gillard announced that an expert panel would investigate and report back to the government with recommendations. The High Court decision that the bill was unlawful was addressed with the amendments that the expert panel recommended, in order to allow for regional processing of claims of offshore entry persons to be refugees (source 5). This process of addressing the high courts decision is comprehensive and allows for suggested changes to be made.

Time consuming and expensive

The law making process is time consuming and expensive for the government and taxpayers. The recommendations by the expert panel (if adopted) will cost the government $1 billion a year of taxpayers money, according to source 4, resulting in this process being costly. $4.7 billion dollars has already been spent on the government’s border protection emplacements found in source 6, which was before the Malaysian bill was introduced and then shelved. Since the bill was deemed unlawful by the high court in September 2011 (source 1) a timely process continued including much debate in both the upper and lower house. Even though this process is to make sure every aspect of the bill is lawful and justifiable, the time spent on passing the Malaysia Solution Bill consequently resulted in $4.7 billion dollars lost, 22,000 illegal boats arriving and 1000 lives lost (source 6).

Conclusion

While the law making process is democratic and allows for scrutiny and fair debate it is a timely process, which can result in a bill being unresolved and if disagreed on, possibly shelved, like the Malaysia Solution bill was.
Stage 2 Legal Studies – Folio Task 5 – Justice Systems Test

KU2: Knowledge and understanding of legal principles, processes and structures [Q1-8]
A: Comprehensive knowledge and astute understanding of legal principles, processes, and structures.
B: Detailed knowledge and well-considered understanding of legal principles, processes, and structures.
C: Appropriate knowledge and considered understanding of legal principles, processes, and structures.
D: Some awareness of legal principles, processes, or structures.

KU3: Recognition and understanding of ways in which the Australian legal system responds to diverse groups in the community [Q10]
A: Perceptive recognition and understanding of ways in which the Australian legal system responds to diverse groups in the community.
B: Thoughtful recognition and understanding of ways in which the Australian legal system responds to diverse groups in the community.
C: Considered recognition and understanding of ways in which the Australian legal system responds to diverse groups in the community.
D: Some recognition of ways in which the Australian legal system responds to diverse groups in the community.

J2: Critiquing of legal processes and structures, with informed and considered recommendations for change [Q9-10]
A: Incisive critiquing of legal processes and structures, with well-informed and well-considered recommendations for change.
B: Convincing critiquing of legal processes and structures, with informed and considered recommendations for change.
C: Competent critiquing of legal processes and structures, with some informed and considered recommendations for change.
D: Basic consideration of some legal processes and structures, with simple recommendations for change.

AE3: Evaluation of legal issues or concepts through discussion and illustration of opposing arguments to reach an informed conclusion [Q9-10]
A: Perceptive evaluation of legal issues or concepts through discussion and illustration of opposing arguments to reach an informed conclusion.
B: Thoughtful evaluation of legal issues or concepts through discussion and illustration of opposing arguments to reach an informed conclusion.
C: Considered evaluation of legal issues or concepts through discussion and illustration of opposing arguments to reach a conclusion.
D: Some consideration of legal issues or concepts through discussion and description of some arguments.

C2: Use of legal terminology, indicating understanding [Q1-8]
A: Appropriate and astute use of legal terminology, indicating in-depth understanding.
B: Appropriate and well-considered use of legal terminology, indicating some depth in understanding.
C: Appropriate and considered use of legal terminology, indicating competent understanding.
D: Some use of legal terminology, indicating awareness of the need for appropriate use.
Stage 2 Legal Studies
Justice Systems Test

1. Outline the main features of the conciliation method of alternative dispute resolution.

It is more formal than mediation, is not binding in court but is formally written in the justice system, so it applies to both parties, is compulsory to attend and the conciliator can make suggestions. (1 mark)

2. Outline two differences between criminal and civil law.

Criminal has a prosecutor and defendant whereas civil has a plaintiff and a defendant.

In criminal the defendant is innocent until proven guilty whereas in civil it is on a balance of probability.

Standard of proof - guilt beyond reasonable doubt

liability on balance of probabilities (1 mark)

3. Outline the reasons why potential jurors may be:

a) Disqualified

They would be excused, either voluntarily or under a challenge for cause.

b) Ineligible

If a juror is under 18 or over 70, lives more than 150 km from a court, is mentally or physically unstable, insufficient English

(1 mark)
4. Outline three advantages of, and reasons for having, a court hierarchy.
   
   **(1 mark)**
   - Define or precedent. Higher courts are binding on lower courts in the same hierarchy, creating consistency through the courts in how the law is applied and interpreted.
   
   **(1 mark)**
   - The right to appeal to a higher court to create a lawful and just and fair justice system, also giving the defendant another chance to defend themselves and present their case.
   
   **(1 mark)**
   - Flexibility and choice for the public, who can choose which court would best suit their case in what circumstances?

5. Outline two weaknesses of the inquisitorial system.
   
   **(1 mark)**
   - Judges have influence and a say about the evidence, which is unfair for the defendant. Undemocratic because society doesn't have a say in how justice plays out.
   
   **(1 mark)**
   - A defendant does not have the chance to be tried by his/her peers, meaning...
6. Explain the difference between a committal (preliminary) hearing and a voir dire.

Voir dire is when a sury is asked to have while the defendant argues a piece of the evidence is inadmissible and a preliminary hearing is the hearing before a broad to determine if there is sufficient evidence (a prima facie case) for the defendant to be tried in a higher court.

(2 marks)

7. If a defendant was found guilty of a crime by a jury in the District Court and sentenced to a period of imprisonment, to which court would they appeal?

Majesty's high court or Supreme Court

(1 mark)

8. Outline two grounds on which the defendant might base their appeal?

Law: Judge allowed inadmissible evidence to be heard

(1 mark)

Factual: The balance of the weighing of the evidence more information needed in both answers.

(1 mark)
9. Discuss whether or not strict rules of evidence and procedure lead to just outcomes in the adversarial system. Propose one reform.

Strict rules of evidence and procedure do not lead to a just outcome in the adversarial system. The evidence that is allowed to be heard may not provide the full picture the jury needs to make the right decision about the guilt of the accused. Evidence such as illegally obtained evidence is not allowed. If evidence is seen as inadmissible. If the strict procedure is not followed this may influence what evidence the jury may hear which is not fair for the accused. A strength is that the strict procedure applies to both parties making for a just and equal trial.

A reform to make for a just outcome in the adversarial system would be to allow relevant evidence of the case so that the jury can make a more informed decision.

Why are there strict rules of evidence? What categories of evidence are excluded? What procedures are followed? e.g. order of trial, no adjournments.

(5 marks)
10. Discuss whether or not people of all backgrounds are treated fairly by the Australian legal system. Propose one reform.

Not all people from different backgrounds are treated fairly in the Australian legal system. It is thought that both parties are equal under the law in terms of resources, wealth, skill and knowledge, but this is not the case. The DPP has the knowledge, resources, wealth and skill of the state and police whereas the defendant is mostly in legal aid and it may not be in their best interest to represent themselves. People of all backgrounds are not treated fairly in the Australian legal system also if they live more than 150 km from a court because they are not eligible to partake in a jury. Also if a person is not within these zones they also don’t get a chance to have a say in the administration of justice. People from Murray Bridge are not in this zone therefore do not get this chance.

A reform could be to provide a fair chance for both parties by putting a maximum amount of money spent on a case to make it more fair for those who do not have the wealth of some, leaving them at a disadvantage in their case. Putting a cap on the money spent on a case would make for a more equal and just trial.

Are there any features of the adversary system that do promote fairness for all?

eg: Judicial independence, rights of accused persons, existence of legal aid in some areas.
Assessment Type 1: Folio
Task 6: Essay Constitutional Change

You will respond to one of the following three questions in an in-class essay to be held during our double lesson.
Answer one of the following questions:

1. “As a blueprint for government in Australia, the Australian Constitution remains adaptable, flexible, and relevant.”

Using examples, evaluate this statement.

2. “The Parliament is more important than the Executive and the Judiciary in law-making.

Using examples, evaluate this statement.

3. “The adversary system of trial is an ineffective justice system in urgent need of reform.”

Using examples, evaluate this statement.

Method
You will have 50 minutes to write a response.
In order to fully address Inquiry 2, ensure that your conclusion contains at least 1 recommendation for how the processes and structures that you evaluate in your essay could be improved.
Assessment Design Criteria

**Knowledge and Understanding**

The specific features are as follows:

KU1  Knowledge and understanding of relevant influences on the Australian legal system.

KU2  Knowledge and understanding of legal principles, processes, and structures.

KU3  Recognition and understanding of ways in which the Australian legal system responds to diverse groups in the community.

**Inquiry**

The specific features are as follows:

I1  Location, selection, documentation, and application of relevant sources.

I2  Critique of legal processes and structures, with informed and considered recommendations for change.

**Analysis and Evaluation**

The specific features are as follows:

AE1  Analysis of the Australian legal, constitutional, and justice systems.

AE2  Analysis of principles, processes, and structures in legal systems.

AE3  Evaluation of legal issues or concepts through discussion and illustration of opposing arguments to reach an informed conclusion.

**Communication**

The specific features are as follows:

C1  Accuracy and coherence in communication of informed observations and opinions on contemporary legal issues and debates, using different forms.

C2  Use of legal terminology, indicating understanding.

C3  Appropriate acknowledgment of sources.
As a base point for government in Australia, the Australian Constitution remains adaptable, flexible and relevant.

The Constitution was written by the founding fathers in a way which made it difficult to adapt because of the referendum process. The way in which they wrote it however is flexible and therefore easy to interpret differently depending on the situation meaning that the Constitution has not needed to be adapted many times. Because it is flexible it is still possible to interpret the Constitution so it is relevant to today's society. The Constitution is still relevant because of the constitutional monarchy being a supportive and steady system of government in Australia.

The Constitution is not adapted easily because of the referendum processes, which needs to pass through both houses and then for it to succeed, needs a double majority because of section 128 of the Constitution. This states that a double majority, (50% +1) majority of votes plus a 4/6 state majority to illuminate discrimination between individual states, is needed for a referendum to succeed. This has proven difficult since only 3/4 referenda have succeeded. Even though it is difficult for a referendum to succeed, it does succeed when a change to the Constitution is needed. An example is the 1967 referendum which proposed to include Aboriginals in the census. This succeeded because the treatment of Aboriginal people and their rights were upheld at the time of the referendum. This shows that change was needed and this referendum seems because of this. An example of a referendum that did not succeed, because it was not a change of urgent need was the 1999 referendum which proposed that Australia should become a republic. This failed as and did not succeed a majority in any state; the attempt to because this change was not needed and the change was being made for the sake of being a democratic republic, did not work. Some argue that this referendum did not succeed because the Liberal Party were instead not decided on opinion. John Howard (PM at the time) made it publicly clear would be the model.
Whereas Peter Costello, deputy leader of the Liberal party and treasurer (at the time) was for the republic proposal. Even though the constitution is not adaptable because of the difficult process of referendum and succeeding a double majority, referendums have succeeded when a change has been needed.

The Constitution is flexible because of the way the founding fathers wrote the constitution, to be interpreted flexible, allowing for it to still be relevant to the present day. An example is the Boston case (1975) when the commonwealth wanted to have a tax levy on wireless (radios). They were allowed to do this because the communication power included the broad and flexible words “and other like services” meaning that included wireless. Further more supporting that the Constitution remains flexible is the Tasmanian dams case 1983 when a dam was wanting to be built on a heritage listed site. The High Court held that this was valid because the environment remains a residual power of the state. But under the Constitution the government signed the UNESCO treaty the dam was not allowed to be built under the external affairs power. Implied rights such as freedom of political communication are also an example of how the Constitution is flexible because these implied rights are not written in the Constitution but are implied.

The Australian Constitution remains to still be relevant in the present day because of the ongoing support of the constitutional monarchy. Since federation in 1901 the royal family have stayed relevant to this day by changing with the changing society. An example happened this year in February when they changed their usual tradition of the next in line having to be the eldest male to being the female.
Before February they were also not allowed to marry a Catholic, but now, they are allowed to marry a person of any race or religion. The vulnerability free from discrimination because of sex or religion. This shows that they can stay relevant in a changing society, a reason why they are so popular. There is also no certain alternative for if we become a republic it whether a head of state will be appointed or elected and whether or not an elected head of state will end up having conflict with the Prime minister. This on going debate has been a factor why we have not yet become a republic. There is no reason to change to a republic when the current system of monarchy is stable and supportable. and still able to stay relevant in our society.

The Constitution is not easily adapted because of theVenereal process which makes changes to the constitution difficult but there have not been many a time where urgent changes are needed. This is because the founding fathers wrote the constitution flexibly so its interpretation is broad enough to stay relevant in today's society. The System of government Constitutional Monarchy is still a relevant system of government because of its adaptability, stability and support. Even though the Constitution is still relevant a recommendation is to include Aborigines. As reconciliation Aborigines should be included in the preamble stating that we acknowledge that they were on this land before us. Another recommendation would be to change the race power section 51 (xxvi) which allows the Commonwealth to make laws about any race, including aborigines. An amendment which should be made is to make sure the legislation being made to only be beneficial, to illuminate & desensitize towards particular races.
Because the constitution is not easily adapted their amendment may pose difficult but even so, something that has not yet been taken on board.

The fact that Aborigines are not acknowledged on the constitution is something that action needs to be taken on. The flexibility of the constitution allows the High Court to interpret the constitution broadly which is why it is still relevant and not much need for adopting is needed.
Assessment Comments

Grade: B-

This Folio comprises 6 Tasks:

1. Multimedia presentation: should election dates be fixed?
2. Critical Analysis, extended response: Constitutional Monarchy
3. Constitutional government: Test
4. Law-making, sources analysis: Migration Legislation Amendment Act 2012
5. Justice systems: Test

Knowledge and understanding

Tasks 3 and 4 reveal ‘detailed knowledge and well-considered understanding’ of influences on the Australian legal system (KU 1). In Task 3, the Constitutional Government Test, this is evident in the response to the question on global influences on the development of the Australian Constitution and in the response to Question 3 which explores the impact of the outcome of the 1967 Referendum on laws relating to the land ownership rights of indigenous people. In Task 4 there is evidence of knowledge of two factors of initiation – court decisions and expert panels. The influence of the High Court of Australia decision on the ‘Malaysia solution’ is well explained but the role and impact of the expert panel could have been more accurately explained.

In Tasks 1 and 2 there is evidence of ‘comprehensive knowledge and astute understanding of legal principles, processes and structures’ (KU 2). The Multimedia Presentation reveals high level knowledge and understanding associated with the question of fixed term governments and elections. Task 2 is similarly comprehensive and astute regarding the nature of the constitutional monarchy as well as the process of amending the Constitution by referendum. In other Tasks the knowledge and understanding may be seen as ‘detailed and well-considered’. For example, in Task 4 detailed knowledge is demonstrated of 3 processes by which legislation is supervised: responsible government, parliamentary committee and bicameral scrutiny. The level of scrutiny offered by the Joint Committee could have been more clearly explained and the discussion of bicameral scrutiny might have benefitted from more detail about the Greens’ opposition to the Bill. In the Essay, Task 6, the referendum process is clearly outlined and there is evidence of knowledge of the events of the 1999 Referendum although the explanation of the 1967 Referendum somewhat misses the main point. In the discussion of the Brislan and Tasmanian Dams cases more detail is needed to demonstrate the highest standard. The nature and role of the constitutional monarchy is reasonably well discussed but the specific role of the Governor General should have been addressed.

The Folio demonstrates ‘thoughtful recognition and understanding of the ways in which the Australian legal system responds to diverse groups in the community’ (KU 3). This is shown in the Constitutional Government Test, Task 3, in the response to Question 3 which shows how the 1967 Referendum result ultimately led to changes in the legal system for indigenous Australians. In the Justice Systems Test, Task 5, the response to Question 10 shows recognition and understanding that is ‘considered’ rather than ‘thoughtful’.

Inquiry

Task 1, the Multimedia Presentation, shows ‘astute and critical location, selection, documentation and application’ of sources to support the competing arguments about fixed term elections (I 1). Quotations are appropriately incorporated. In Task 2, however, performance against this Standard is more ‘considered’ than ‘astute’. There could have been more specific reference to a variety of sources in the Essay and quotations could have been more appropriately incorporated. The Essay relies to a degree on paraphrase where quotation would have been more appropriate and persuasive.

There is a ‘convincing critique of legal processes and structures’ (I 2) in the Essay (Task 6) mostly in a way that praises rather than criticises the current system. However, in the conclusion there is an ‘informed and considered’ recommendation of the recognition of indigenous Australians in the preamble to the Constitution and an alteration to the race power. This would have been stronger if, in the body of the essay, there had been discussion of why the Constitution is currently inadequate in this respect. In response to Question 10 in Task 5, the Justice Systems Test, the critique is ‘competent’ rather than ‘convincing’.

Analysis and Evaluation

Tasks 2 and 3 demonstrate ‘detailed analysis of the Australian legal, constitutional and justice systems’ (AE1). For example, in Task 2 the response contains a detailed analysis of the Australian constitutional system. The first paragraph identifies the inconsistency of a monarchy with Australian values; the remaining paragraphs explain both the strength of the monarchy and also the issues associated with becoming a republic. A similar standard of response is demonstrated in the Constitutional Government Test (Task 3), particularly in the response to Question 3.
In Task 1 there is evidence of ‘perceptive analysis of principles, processes and structures in legal systems’ (AE 2). Logical arguments for and against changing to fixed term elections are explored. The conclusion balances the advantages and disadvantages in a thoughtful manner. In Task 6, The Essay, the analysis is more ‘well-considered’ than ‘perceptive’. In the context of the ‘adaptability’ issue there is a well-reasoned argument that the Constitution is adaptable if the need for change arises. The ‘flexibility’ and ‘relevance’ paragraphs needed more detail and substance. The analysis of how the Constitution responds to indigenous people, made in the conclusion, is quite strong and should have come out in the body of the essay. In Task 4, regarding the Migration Legislation Amendment (Offshore Processing and Other Measures) Act 2012 the evaluation of the law-making process is ‘considered’. The broad ideas that the legislation was comprehensive but also time-consuming and costly are logical assessments and evidence from the sources is introduced in support. There needs to be a clearer explanation of the link between the High Court decision and the eventual legislation. The second paragraph in response to Question 3 needs a stronger focus on the failure of the process to deliver a timely outcome. The focus on costs associated with the implementation of the outcome is a distraction. The conclusion could have been more carefully considered, taking into account that an outcome was ultimately reached.

In Task 2 there is evidence of ‘thoughtful evaluation of legal issues’ (AE 3) in the consideration of whether the constitutional monarchy is an appropriate system of government for Australia. The response illustrates both sides of the argument and the informed conclusion emerges out of the evidence presented. The argument for maintaining the monarchy tackles some of the criticisms introduced in the first main paragraph. The same capacity to consider opposing arguments is illustrated also in the response to Question 10 in Task 5, but in this case the evaluation is ‘considered’ rather than ‘thoughtful’.

**Communication**

Across the 6 Tasks the communication is ‘mostly accurate and coherent’ (C 1) and the ‘observations and opinions on legal issues and debates’ are mostly ‘well-informed’. There is evidence of this level of communication in both Tests and also in the Essay done under timed conditions (Task 6). In Tasks 2 and 4 more careful editing would have conveyed the reasonably high level of understanding in a more coherent way. In Task 1, however, the communication is ‘consistently accurate and coherent’ and there are some ‘highly informed’ observations on the issue of fixed term governments.

There is ‘appropriate and well-considered’ use of legal terminology to be observed in Tasks 3 and 4, whereas in the Justice Systems test (Task 5) the use of such terminology is ‘mostly consistent’ (C 2). The acknowledgement of sources is ‘consistent and appropriate’ in Task 1, The Multimedia presentation, but not so consistent in Task 2 (C 3).

The evidence in this Folio shows that the communication in work done under test conditions is not as coherent and accurate as that to be found in prepared assignment tasks.

**Overall Comments**

Grade: B-

For the most part, this Folio of work sits in the B Band against assessed Performance Standards. There is some A Band performance, notably in Task 1, the Multimedia Presentation. However there is comparatively more C Band performance, particularly in Tasks 4 and 5.
## Performance Standards for Stage 2 Legal Studies

<table>
<thead>
<tr>
<th>Knowledge and Understanding</th>
<th>Inquiry</th>
<th>Analysis and Evaluation</th>
<th>Communication</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>A</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Comprehensive knowledge and perceptive understanding of relevant influences on the Australian legal system.</td>
<td>Astute and critical location, selection, documentation, and application of relevant sources.</td>
<td>Comprehensive analysis of the Australian legal, constitutional, and justice systems.</td>
<td>Consistently accurate and coherent communication of highly informed observations and opinions on contemporary legal issues and debates, using different forms.</td>
</tr>
<tr>
<td>Comprehensive knowledge and astute understanding of legal principles, processes, and structures.</td>
<td>Incisive critique of legal processes and structures, with well-informed and well-considered recommendations for change.</td>
<td>Perceptive analysis of principles, processes, and structures in legal systems.</td>
<td>Appropriate and astute use of legal terminology, indicating in-depth understanding.</td>
</tr>
<tr>
<td>Perceptive recognition and understanding of ways in which the Australian legal system responds to diverse groups in the community.</td>
<td></td>
<td>Perceptive evaluation of legal issues or concepts through discussion and illustration of opposing arguments to reach an informed conclusion.</td>
<td>Consistent and appropriate acknowledgment of a diverse range of sources.</td>
</tr>
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<td><strong>B</strong></td>
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<tr>
<td>Detailed knowledge and well-considered understanding of relevant influences on the Australian legal system.</td>
<td>Considered and critical location, selection, documentation, and application of relevant sources.</td>
<td>Detailed analysis of the Australian legal, constitutional, and justice systems.</td>
<td>Mostly accurate and coherent communication of well-informed observations and opinions on contemporary legal issues and debates, using different forms.</td>
</tr>
<tr>
<td>Detailed knowledge and well-considered understanding of legal principles, processes, and structures.</td>
<td>Convincing critique of legal processes and structures, with informed and considered recommendations for change.</td>
<td>Well-considered analysis of principles, processes, and structures in legal systems.</td>
<td>Appropriate and well-considered use of legal terminology, indicating some depth in understanding.</td>
</tr>
<tr>
<td>Thoughtful recognition and understanding of ways in which the Australian legal system responds to diverse groups in the community.</td>
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<td>Thoughtful evaluation of legal issues or concepts through discussion and illustration of opposing arguments to reach an informed conclusion.</td>
<td>Mostly consistent and appropriate acknowledgment of a range of sources.</td>
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<tr>
<td>Appropriate knowledge and considered understanding of relevant influences on the Australian legal system.</td>
<td>Considered location, selection, documentation, and application of relevant sources.</td>
<td>Informed analysis of the Australian legal, constitutional, and justice systems.</td>
<td>Generally accurate and coherent communication of informed observations and opinions on contemporary legal issues and debates, using different forms.</td>
</tr>
<tr>
<td>Appropriate knowledge and considered understanding of legal principles, processes, and structures.</td>
<td>Competent critique of legal processes and structures, with some informed and considered recommendations for change.</td>
<td>Considered analysis of principles, processes, and structures in legal systems.</td>
<td>Appropriate and considered use of legal terminology, indicating competent understanding.</td>
</tr>
<tr>
<td>Considered recognition and understanding of ways in which the Australian legal system responds to diverse groups in the community.</td>
<td></td>
<td>Considered evaluation of legal issues or concepts through discussion and illustration of opposing arguments to reach a conclusion.</td>
<td>Mostly appropriate acknowledgment of sources.</td>
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<td><strong>D</strong></td>
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<tr>
<td>Some recognition and awareness of one or more influences on the Australian legal system.</td>
<td>Some thought given to the location, selection, documentation, and/or application of sources.</td>
<td>Some consideration of analysis of the Australian legal, constitutional, and justice systems.</td>
<td>Some accuracy in communication of basic observations or opinions on contemporary legal issues or debates, in one or more forms.</td>
</tr>
<tr>
<td>Some awareness of legal principles, processes, or structures.</td>
<td>Basic consideration of some legal processes and structures, with simple recommendations for change.</td>
<td>Superficial consideration of principles, processes, and structures in legal systems.</td>
<td>Some use of legal terminology, indicating awareness of the need for appropriate use.</td>
</tr>
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<td>Some recognition of ways in which the Australian legal system responds to diverse groups in the community.</td>
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<td>Some consideration of legal issues or concepts through discussion and description of some arguments.</td>
<td>Some inconsistent acknowledgment of sources.</td>
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<tr>
<td>Limited awareness of influences on the Australian legal system.</td>
<td>Attempted location, selection, documentation, or application of sources that may be relevant.</td>
<td>Brief description of an aspect of analysis of the Australian legal, constitutional, and justice systems.</td>
<td>Limited accuracy in communication through a selected form, with few observations or opinions on contemporary legal issues.</td>
</tr>
<tr>
<td>Limited awareness of any legal principles, processes, or structures.</td>
<td>Limited awareness of legal processes or structures.</td>
<td>Brief description of one or more principles, structures, or processes in legal systems.</td>
<td>Restricted use of legal terminology, indicating limited awareness of the need for appropriate use.</td>
</tr>
<tr>
<td>Emerging awareness of one or more ways in which the Australian legal system responds to diverse groups in the community.</td>
<td></td>
<td>Limited consideration of a legal issue or concept through observation of a discussion.</td>
<td>Limited acknowledgment of sources.</td>
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