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

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.
Should the minimum voting age be lowered?

Student provided an image of a banner supporting a lowering of the voting age.

Image removed due to copyright.
Representative Government

together imply that: All citizens must be seen as equals before the law when voting and standing for elections. However, the country must enforce strict rules regarding the electoral procedure and the ways in which, parliament makes laws to guarantee that all citizens’ legal and political rights are being treated equally.

Student provided an image of a banner supporting a lowering of the voting age.

Image removed due to copyright.
Compulsory voting in Australia

Compulsory voting is required by law for every eligible Australian citizen (18 years or older) to vote. If a person does not vote and is unable to provide a 'valid and sufficient' reason, a penalty is imposed (E. Hamilton, 2011).

Compulsory voting has become a distinctive feature of political culture in many countries. A few countries, which enforce compulsory voting, include: Australia, Argentina, Belgium, Brazil, Cyrus, Chile, Mexico, Greece (Australian Electoral Commission, 2012) and the list goes on. All Australians who are eligible to vote elect people to represent them in the two houses of Parliament: The Senate and the House of Representatives.
16 as the minimum voting age...

It is declared that 16 year olds are able to work, pay taxes, drive a car (under supervision) and make decisions such as whether to stay at school or take an apprenticeship (Fiford. J, 2009), while those who seek the status quo say there is no reason to lower the age limit because many 16 year olds are either not interested in voting or would not be able to make an informed decision. Let’s take a deeper look into what society thinks about this situation...
YES

that the opinions and needs of the youth are being heard. In accordance with the rule of law “all citizens must be considered equal before the law”. Lowering the voting age proves the parliament takes the younger generation’s opinions seriously (E. Hamilton, 2011). Most teenagers would take this as a positive as they would change and take upon more responsibility, showing Australia that they are mature enough for such accountability.
Lowering the voting age would hugely benefit Australia due to the increase voter turnout. This would be a huge advantage to Australia’s Representative Government as they make speak on behalf of their constituents to the government and the public service (Australia Politics, 2003). The higher number of voters would allow a larger range of opinions in which, the Representative Government can see who the public want as their spokesperson and what new laws they can enforce to make a stronger country.
NO

The arguments for lowering the voting age tend to focus on how many young people are skeptical of the two-party system in Australia and question whether they should be forced to vote for candidates they disagree with. A recent survey by the Australian Democrats found that 97 per cent of young Australians do not trust politicians (C. Gribben, 2008).

If Australia’s youth do not trust our politicians, how do we know they will make the right choices when it comes to voting? (C. Gribben, 2008), country must enforce strict rules regarding the electoral procedure...guarantee that all citizens’ legal and political rights are being treated equally”. This indicates that if Australia lowers its voting age the whole voting system would be frowned upon, as our citizens’ legal and political rights would not been seen as equal due to teenagers not taking voting as a serious matter.
Some teenagers are not mature enough, informed or experienced enough when it comes to the nature of Australian politics to make decisions, which contributes to changing the country. Lowering Australia’s voting age would have a negative impact on our Representative Government, as they would be introduced to youth issues and the problem of voters not taking the selection of our Prime Minister seriously enough. This kind of responsibility requires commitment and understanding, which not all teenagers possess.
Evaluation

I believe the voting age in Australia should not be lowered to the age of 16 as not many teenagers are mature enough to make the kind of decision which could depend on Australia’s political future. Yes, there would be many who would be interested in voting but there would also be many who wouldn’t vote for an electorate for the right reasons. I think 18 is an acceptable age to begin voting as we take life more seriously at this age and are more concerned about what goes on in the world.
Bibliography

- **Australian Electoral Commission**
  Compulsory voting in Australia

- **Australianpolitics.com**
  Representative Government | AustralianPolitics.com

- **Fiford, J.**
  Should sixteen year olds be eligible to vote?

- **Media, F.**
  Lowering the voting age is worth debate

- **The New Republic**
  The Case for Lowering the Voting Age ... to Zero

- **Works.bepress.com**
  "The Age of Electoral Majority" by Vivian E. Hamilton

- **Youthcentral.vic.gov.au**
  To vote or not to vote at 16
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.
Constitutional monarchy is an inappropriate system of
government for Australia.

Australia’s formal name is the Commonwealth of Australia. The form of government
used in Australia is the constitutional monarchy; ‘constitutional’ being the powers and
procedures of the Australian Government are defined by a written constitution, and
‘monarchy’ being Australia’s head of state, Queen Elizabeth II.

Speculations have been raised as to whether or not Australia’s system of
government is inappropriate and if they should abolish the monarchy and commit to
becoming a republic.

A republic is a democratic nation in, which the highest public office is held not by a
monarch, who inherits the position by birth i.e. Queen Elizabeth II, but instead is
chosen by the citizens of its country. A constitutional monarchy is one where a
monarch acts as the head of state but the government of the country is bound by a
written or unwritten constitution. As Australia abides under the colonial constitution,
Australia’s head of state is Queen Elizabeth II. However, many Australians believe
the Queen projects a false and misleading impression to the rest of the world; that
Australia is still connected and largely dependent on Britain. Australia should
therefore have its own Head of State, someone who is an Australian Citizen and who
can look after one country. This argument is often carried further as a constitutional
monarchy suggests that because a foreigner is Head of State, Australia’s
independence and cultural identity is inhibited. Having a head of state that inherits
their position rather than one, who earns it, is inequitable with commonly accepted
Australian values such as fairness, equality and egalitarianism and with Catholics
being specifically ineligible. This is discriminatory, unfair and would not be allowed
under the anti-discrimination provisions of Australian law, yet it is the method of
selection for the Australian Head of State.

As a consequence of insisting on a Republic Government, scare campaigns indicate
that Australia cannot afford the cost of becoming a republic, that as a republic
Australia would become a failed state, that Australia would be unable to defend itself
without Britain and that Australia would not remain a member of the Commonwealth

---

1 Wiki, 2013
2 D. Whitemore, 2000
3 An Australian Republic, 2012
if it became a republic. All these declarations are not only false, but are calculated to reinforce and exaggerate the current misconceptions of many Australians.4

The reoccurring argument against making Australia a republic enforces that Australia being a constitutional monarchy has worked well and should not be changed. Australians formulated the system of Constitutional Monarchy in the late nineteenth century to suit the conditions of what was to be the new nation of Australia5. Since then, it has worked extraordinarily well for over a hundred years. It has not been shown that the establishment of a Federal Republic of Australia would be a change for the better. It should not be forgotten that Australia has been a monarchy for its whole modern history. For more than 200 years Australians have had a King or Queen, it has become and is part of Australia’s nature. This indisputable historical fact of its sovereignty is part of what it is to be an Australian. The Royal family is committed to service and does genuine good in representing not only Australia but also all countries in the Commonwealth. As the Queen’s power is inherited her experience is admirable and many Australian’s believe there is on one who could do the job better than a member of the Royal Family as they have generations of knowledge.

Australia’s present federal system works well and therefore there is no need to have it changed. If a monarch is in power, decisions concerning the response or reaction to a decisive issue are quickly determined without delay from legislative or external governing bodies. Where as in a republic, each issue goes through a process, which cannot be implemented quickly6. The monarch has no political preference so is unbiased and is able to guide the Prime Minister in running the country to protect the needs of its citizens. For Australia to stay a Constitutional Monarchy would be more appropriate as the Royal Family has represented Australia immensely. The Queens public serves and long-term experience has worked greatly to the benefit of Australia and in return Australia should stick by what has already been successful.

Word Count: 862

---

4 ABC.net.au, 2010
5 Monarchist.org.au, 1991
6 Advantages of Monarchy, 2013
Bibliography:


CONSTITUTIONAL GOVERNMENT TEST

Instructions to students

1. You have the double lesson to complete the test

2. Answer all questions 1-3 in the spaces provided. There is an overflow space on page 12 for any answers that you could not complete in the space provided.

3. Write in blue or black pen only

Notes for moderators

Q1 assesses KU1
Q2 assesses KU2
Q3 assesses KU3

Q1(e), Q3(c) & (e) assess AE1
Q2 (e) & (f) assess AE2

All questions assess C2

On balance grade: D
QUESTION 1 – GLOBAL AND OTHER INFLUENCES

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

The Executive is responsible __________________________ (1 mark)

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

The JSCOT notifies the parliament that
the Executive has 'put forward' a treaty
and read the treaty out in Parliament. (1 mark)

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

Australia signs treaties because they are one
of the 60 original countries of the United
Nations. Signing international treaties allows
Australia to 'have a say' in international
issues/disputes, helping us be more powerful
and form international relationships. (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.

The parliament can pass a law to implement
a treaty when the law has been passed
through the house of representatives and
handed over to the Executive.

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

Global influences were very significant in the development of the Australian Constitution as it helped put our system in place. Australia had a federal system, and in the Australian constitution, there are many aspects which are influenced from other countries. From the UK: Constitutional Monarchy and responsible government. From USA: The Senate, House of Reps, equal representation of all states, representative government, written Constitution. From Switzerland: The referendum procedure. All the aspects Australia have adopted from other countries have had a great deal of influence in the way Australia's Federal system is run and the ways in which our Constitution is operated. Australia's geography was also influenced, with the first five lines.

(5 marks) 3
(f) Outline the role of the United Nations.

The UN is an international organization which addresses global conflicts and issues.
Made up of 60 original countries (1 mark) 

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

International Criminal Court (ICC) addresses international disputes against humanity and war crimes. (1 mark)

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

Relationship between ICC and Australian courts. Crimes against humanity and war crimes are implemented through Australian laws meaning the ICC sets out 'punishments' in accordance with Australian domestic laws. e.g. punishments may not consist of death penalty due to Australia not having the death penalty law.

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.


(2 marks)

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


(1 mark)

(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 Commonwealth has assumed power over powers originally given to the States.

eg. Tax laws


(1 mark)

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

________________________________________________________________________
________________________________________________________________________
________________________________________________________________________
________________________________________________________________________
________________________________________________________________________

(3 marks)

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

The High court of Australia has too much power. Judges who Australian citizens have not even voted for are passing laws the people do not even know. They represent the people but now when the judges of the High court have no relation to the youth's needs/wants? The High court have interpreted the constitution in a way which 'benefits' them in having so much power making decisions on behalf of the Australian people.

(3 marks)
(f) Discuss whether or not the Governor-General has too much power in the executive arm of government.

The Governor-General does in a sense have too much power. However, that power is restricted by our Head of State, the Queen. To pass a law the Governor-General must approve it before that law is passed onto the Queen for final approval. The Governor-General does exercise the Queen’s power as its duty however must do so under the laws obligation. Therefore, the Governor-General does have ‘restricted’ power all in the benefit of Australia and the Monarchy.

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

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

The law-making responsibilities have changed as a consequence of the 1967 referendum as now all laws go through a much stricter process. (1 mark)

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

(i) *Koowarta v Bjelke-Petersen* (1982)

This case high court decision impacted the rights of Indigenous people as it violated the racial discrimination act. The Queensland Minister of land had refused to hand over land to the Koowarta people. The HC’s decision resulted in favour of ‘Bjelke-petersen’ and therefore the rights of the Indigenous people had been impacted as they no longer had the rights to their land. (2 marks)

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

The decision of the High Court was that the land that was previously granted to the Indigenous people was now owned by the Commonwealth. This decision impacted the rights of Indigenous people as they were no longer able to claim the land that was previously theirs. (2 marks)
(c) Discuss whether or not there should be further constitutional amendments in relation to Indigenous Australians.

Yes, there should be further constitutional amendments in relation to Indigenous Australians as this is their land and they should be treated as equal. Indigenous people should have equal the same rights and the same representation in parliament as all Australian citizens do. More is being done to help Indigenous Australians nowadays e.g. voting rights, but there is still ways in which Australia can help them as (3 marks) they are too Australian.

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

Express rights protect the Australian parliament from implementing laws which are compatible with the old laws.

Implied rights are rights put in place to protect democratic laws. (3 marks)
(e) Discuss whether or not Australia needs a Bill of Rights.

*Australia needs a bill of rights to pass legislations. Without a bill of rights, new laws would not be able to be adapted to Australia.*

Yes there are referendums but a bill of rights is a much thorough process and there fore is much more reliable.

(4 marks)

TOTAL: 15 marks

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%3Ahansardr,hansards%20Title%3A%22second%20reading%22%20Speaker_Phrase%3A%22roxon,%20nicola,%20mp%22%3Brec=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%3Ahansardr,hansards%20Title%3A%22second%20reading%22%20Speaker_Phrase%3A%22southcott,%20dr%20andrew,%20mp%22%3Brec=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.

This is section 108 from the Tobacco Plain Packaging Act

Kirrin Binnie, ‘Plain packaging hearing wraps up in High Court’, ABC News Online,

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.
Stage 2 Legal Studies  
Assessment Type: Folio Task 4

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.

Currently the Australian Government is introducing amendments to the Migration Act to make the Parliaments intention comprehensible. The reasoning for these amendments is to set out a new section; 198AA, which formulates a direct understanding of how these amendments, are designed to tackle people smuggling. As of the 31st of August 2011, the High Court of Australia delivered judgment, in which it held by majority that under the Migration Act (Plaintiff; M70/2011 v Minister of Immigration and Citizenship) Australia will accept 4000 refugees from Malaysia as agreed to with their Federal government’s refugee swap deal, with these refugees not being additional to Australia’s annual refugee intake.

The extensive role of an Investigative Committee is to research specific areas of law and make recommendations to authorities, which established them. The investigative committees influence within this legislation is shown in sources 4 and 5 where the Investigative committee had made 22 recommendations, one of which included processing asylum seekers in both Nauru and Papua New Guinea. These recommendations relate to certain arrangements, which allow for regional processing of irregular maritime arrivals.

The high court ruled with a six-to-one majority that the Malaysian deal fails protection that Australia is bound by in contemplation to asylum seekers. With reference to source 1, under s 198A of the Migration Act 1958; the Minister cannot declare as a country to which asylum seekers can be taken for processing, unless international law or its domestic law legally binds that country. In addition to this, the Migration Act requires that the country meet certain human rights standards in providing intensive protection for asylum seekers.

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

The Australian human rights commission is a national human rights institution funded by the Australian Government. It has the responsibility for investigating alleged infringements under Australia’s anti-discrimination legislation. The Human Rights commission supervised this act as the Australian Government had to follow Human rights protocol throughout the process of the Migration bill as identified in source 9.
Stage 2 Legal Studies  
Assessment Type: Folio Task 4

With reference to source 9 the Parliamentary Joint Committee on Human rights plays a large role in supervising the bill. Their role is to inquire into and report upon matters referred to them by the senate. This committee among others is comprised of members from all political parties. Throughout this bill, the committee recognized that under international law every state has the sovereign right to determine who may enter its territory. However, the exercise of this right is subject to any obligations the state accepts under international treaties, including human rights treaties, or treaties, which binds it under traditional international law. The committee’s main role, identified in source 9 is to make sure that the bill abides by all appropriate laws.

Ministers of government are directly accountable to parliament for the administration of legislation within their department. To ensure that laws are effectively administrated, Ministers have set up systems within their subdivisions to oversee the control of legislation. The ministers are kept informed so they can take the necessary steps as well as accurately report to parliament when questioned. As Tony Burke is minister of immigration he is held liable to the parliament for this specific area. With reference to source 5, the parliament relies on Mr. Burke to provide them with sufficient information and keep on top of any issues regarding this area by laying before each House of the Parliament specified paperwork.

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

Under the protection of parliamentary privilege, the Parliament should be able to overrule a court decision. The parliament gains its authority from the constitution and its approval from the people therefore, has the authority to override the legal principles created in courts, if it is necessary to achieve a more impartial outcome. The parliament is free to explore any approach necessary to make the best laws for the community. This is shown throughout all the articles as the parliament is debating this bill in the best interest of Australia and its people.

The law-making process is time consuming and expensive. In a number of cases, these cost millions of dollars of taxpayers’ money. With reference to source 4, the recommendations put forward by the expert panel, should they be adopted will cost the Australian Government $1 billion a year. Australian parliaments go through hundreds of bills a year resulting in millions of dollars spent on issues. The fact that these bills take such a long time and are expensive makes this procedure a great weakness to have in our law-making process.
Stage 2 Legal Studies
Assessment Type: Folio Task 4

The parliament's role throughout this legislation has been impartial. The Australian Government believes it is doing what is best for Australia, its reputation and its people. With reference from source 3, Tony Abbott's statement, "No serious, self-respecting country would allow itself to be a dumping ground for other countries problems", initiates how the Australian people feel about asylum seekers and how Australia as a whole would look in regards to taking care of other countries issues. 'This has been a long time coming but if something is worth doing it is worth doing belatedly'. Referring to the proclamation made by Tony Abbott in source 6, which highlights the outcome of this bill and how time consuming passing the migration legislating amendment is, however, in the end all the time and money spent, its all worth it.

Therefore, in some respects Australia's law-making process benefits in how thoroughly the process is examined and how in-depth bills are looked at. However, the law-making process disadvantages in the cost and time-consuming perspective.

Word Count: 900
STAGE 2 LEGAL STUDIES 2013

JUSTICE SYSTEMS TEST

NAME

Instructions to students

1. You have 45 minutes to complete the test

2. Answer all questions in the spaces provided

3. Write in blue or black pen
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.
1. Outline the main features of the *conciliation* method of alternative dispute resolution.

____________________________________________________________________________________

____________________________________________________________________________________

____________________________________________________________________________________

(1 mark)

2. Outline two differences between criminal and civil law.

*In criminal law the accused is sentenced and in civil law held liable.*

____________________________________________________________________________________

(1 mark)

*criminal -> prosecution and defense*  
*civil -> plaintiff and defense*

____________________________________________________________________________________

(1 mark)

3. Outline the reasons why potential jurors may be:

a) Disqualified

*Jurors are disqualified from a jury when knowing or having any connection with the people involved in the trial.*  

(1 mark)

b) Ineligible

*If one is a judge, lawyer or police officer (works for Government)*  

(1 mark)
4. Outline three advantages of, and reasons for having, a court hierarchy.

Court hierarchy is a system where having higher and lower levels of courts allows 'level of offense' to be heard before the court most relevant. (1 mark)

Having a variety of courts allows disputes to be solved in a more effective and efficient manner. (1 mark)

Courts hear cases similar of nature and therefore trials are done quickly saving money and getting through more disputes. (1 mark)

5. Outline two weaknesses of the inquisitorial system.

Judges are forced to actively investigate a case to find more evidence. (working with police) (1 mark)

This could lead to an unfair trial for the defense as the judge is working with the prosecution throughout the trial. (1 mark)
6. Explain the difference between a committal (preliminary) hearing and a voir dire.

A committal hearing is where a judge decides if there is enough evidence in place for a the case to go to trial. Voir dire occurs at any point between the prosecution and defense in closing case. There is evidence that should be inadmissible but hasn't been. (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?

Court of Criminal Appeal

Supreme Court. (1 mark)

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

May appeal on the grounds of 'there was not enough evidence to prove defendant was guilty.' (1 mark)

On grounds of accepting their punishment and can prove they have 'changed' or 'will not commit this crime again' (occurs mostly for minor convictions) (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 are put in place to make a trial equal and fair for all parties involved. Only reliable and relevant evidence must be put forward. This component of the adversarial system leads to just outcomes as the defendant is tried before a jury who only see and hear what is put before them in the trial. If the defendant has past a criminal record or any past convictions, all evidence which is given before the court is only relevant to the case in process. Allowing the defense and just to have a fair trial ‘innocent until proven guilty’. A reform of strict rules and procedure could be allowing juries to be more involved, asking witnesses questions and demanding more evidence. This could help juries get a better understanding of the case and decide a verdict quicker and more accurately. This could benefit in shorter trials, just verdicts and a more cost-effective outcome. The recommendation relates to juries but is not overly relevant to the issue of rules of evidence and procedure. (5 marks)
10. Discuss whether or not people of all backgrounds are treated fairly by the Australian legal system. Propose one reform.

The question is asking you to evaluate the features of the adversarial system, in particular, those that relate to providing fair hearings for people no matter what their background.

In Australia's legal system, not people of all backgrounds are not always treated fairly. Australia is a multi-cultural country and prides itself on this statement, yet people do not feel they are being treated the same due to their backgrounds/nationality. Australia's biggest and most known issue evident of this is Asylum Seekers. People from third world countries are fleeing their homes in fear of their lives in order for a safe and fresh start in Australia. However the Australian Government is treating these people as flux fugitives, refusing their entry to Australia and sending them to off-shore detention camps. Women, children and men are being treated as criminals for trying to have a better life. With this example Australia and its legal system is not treating people of different backgrounds fairly, but instead treating them as if they are criminals. A reform of this is to help Asylum Seekers and compromise in ways for everyone to be safe and feel they are being treated fairly.

(5 marks)

TOTAL: 25 marks
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.
"The adversary system of trial is an ineffective justice system in urgent need of reform."

The adversary system is a judicial process that countries who inherit the British legal system use. (AUS, NZ, USA, Canada) Although there are strengths of the adversary system there are significant weaknesses meaning the system is in need of reform.

The adversary system is a system of trial controlled by the parties. Strengths of party control include parties being able to control their own destiny. Deciding upon what and evidence to present, what witnesses to call, and cases. Although this is a powerful strength in terms of party control upheld, there are weaknesses. The defence and prosecution are seen as equals before the law, having the same opportunities. However in reality this is not entirely true. The DPP have the knowledge, understanding, money and resources all provided by the legal system all provided to them by the Australian Government. The defence however is not as privileged, having to support themselves financially and resourcefully. As it may seem that both parties are treated as equals there is no guarantee that both parties will have the same access to the law. Another weakness of party control is that not everyone has the ability to hire experienced lawyers and therefore cannot settle
for inexperienced representation. This is shown through the statistic that 20,000 people have applied for legal aid in the past year; a 10% increase of 5 years ago. A reform should be put in place for party control as more legal aid should be given out to help create a more equitable outcome.

The law is very strict on what evidence is shown in courts. A strength of strict evidence and procedure is that both parties are given the same rules on what evidence is allowed to be shown at trials, all of which must be relevant and reliable. However, there are many weaknesses of strict evidence and procedure. Although all evidence is fair, relevant and fair in some cases relevant evidence is considered inadmissible evidence as it shows the past the accused's past convictions etc. This was shown in the Courtney case where a photo of Mr. Courtney holding a gun was held inadmissible to the jury as the judge felt there this evidence was irrelevant to the trial because the photo was taken 5 years earlier. If this piece of evidence had been revealed to the jury, they would have been able to make a decision about Mr. Courtney's conviction much sooner. It was shown that the examination is not always conducted in a more just and time-efficient manner. Another weakness of the system is that...
Evidence is the prerequisite of adjournments. A strength of adjournments is that parties can make stronger evidence with more time, for example a lesser, convicting the accused on technicality. However, there are weaknesses to this. A weakness includes the prosecution being allowed to find more evidence against the accused without not resulting in a fair trial. A reform for strict rules of evidence and procedure is that juries should be allowed to demand more evidence and ask witnesses questions, resulting in a better understanding of the case.

By Threw

The adversary system accommodates for the accused to be heard by their peers. A jury is a strength of juries is that there are 12 people deciding one's guilt or liability, as opposed to only being tried in front of a judge. The jury make their decision upon the accused based on the evidence heard, instructions made by the judge and upon the values of the community. However, there are weaknesses to juries. You have 12 people with their own beliefs, rules and mind sets deciding the future of the convicted. Guilt or innocence of the convicted. As juries are of random selection a jury is full of different genders, ages, races and personalities. Anyone under the age of 18 and over the age of 70 are automatically excluded from.
Jury duty. Meaning the upper age limit are of those who are excluded are some of the most experienced community members. Others who are also excluded are judges, lawyers and police officers all of which have the experience and knowledge of the justice system. According to ACT Government statistics 40% of people have been excused from jury duty between May 2013 and April 2014. Another weakness of juries is that trials are costly and justice comes at a price. By giving someone a fair trial who may well have committed a crime comes at a price of everyone has to pay so they can receive a fair trial. Law society SMS president Ralph Boing says that a trial of Robbery or any sort of criminal matters, which goes for 10 days would nowadays cost $100,000 whereas a decade ago the same trial would cost have cost $40,000 - $60,000. The entire trial process is expensive. A reform of juries could be that juries are given training on the specifically evidence before they enter a trial therefore allowing juries to understand the procedure and their roles better. Resulting more time efficient and costly trials. Jurors could also have stricter rules on ‘exclusion’ therefore we have more juries and more people understanding the way the justice system works.
In conclusion the adversary system works well but there is room for improvement in particular areas such as party control, strict evidence and procedure and juries. With this room to improve and the weaknesses significantly outweighing the strengths the Adversary System is in urgent need of reform.
Assessment Comments

Grade: C

This Folio comprises 6 tasks:

1. Multimedia presentation: should the voting age be lowered to 16?
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

In Task 4, the evidence suggests ‘appropriate knowledge’ of two factors of initiation: court decisions and investigative committees. ‘Considered understanding’ is evident in references to the sources that show the role these factors played in provoking the legislative amendment (KU 1). The role and significance of the expert panel is well-explained. There could have been a clearer explanation of the relationship between the court decision and the subsequent amendment. In Task 3, the Constitutional Government Test, some of the knowledge revealed is ‘appropriate’ and some of the understanding ‘considered’, mainly in responses to Question 1.

In Task 1, the Multimedia Presentation, there is some evidence of ‘detailed knowledge and well-considered understanding of legal principles, processes and structures’ (KU 2), especially relating to the principles of representative government and the nature of the voting system. There are however some elements that detract from this level of achievement, notably the comment about ‘voting for the Prime Minister’. Material in the folio reveals mainly ‘appropriate knowledge’ and ‘considered understanding’, for example in Task 2, regarding the nature of the constitutional monarchy and how a republic might differ from it. The outline of the features of a constitutional monarchy is accurate but mainly at the theoretical level: the use of illustrative examples would have demonstrated a higher level of knowledge and understanding. The response needed to explain in more detail the role of the Governor General and how this would change in the context of a republic. In Task 4, Question 2, there is evidence of ‘appropriate knowledge’ of the processes by which legislation is made and supervised. The importance of the joint committee and the principles of responsible government are reasonably well-understood. The response might have identified the precise nature of the supervision performed by the joint committee. In the essay, Task 6, ‘appropriate knowledge’ of the key features of the adversarial system is demonstrated. There is accurate explanation of direct party control, strict rules of evidence and procedure, and juries. Each paragraph contains a relevant example to support understanding. In both Tests (Tasks 3 and 5), however, there is very uneven knowledge and understanding revealed. In Task 3 there is some evidence of ‘appropriate knowledge’ mainly in responses to Question 1. In Task 5 there is some knowledge and understanding evident in response to most questions, but not at a sophisticated level.

In the Tests, there is ‘some recognition of the ways in which the Australian legal system responds to diverse groups in the community’ (KU 3). In the Constitutional Government Test this is evident in the response to Question 3, where there are also, however, significant gaps revealed in knowledge and understanding. In Task 5 the response to Question 10 is heartfelt but there is no real focus on the features of the adversarial system that relate to the provision of fair hearings for people whatever their backgrounds.

Inquiry

In Tasks 1 and 2 there is evidence of ‘considered and critical location, selection, documentation and application of relevant sources’. In both Tasks a range of sources have been used and applied appropriately (I 1).

In Task 5 there is only a ‘basic consideration of some legal processes and structures’ (I 2) relating to the rules of evidence and procedure; the recommendation for change relates to jury practices rather than rules of evidence and procedure. In the response to Question 10 it is not clear what reform is proposed. In Task 6, however, there is ‘a competent critique’ of the adversarial system and the provision of adequate evidence and examples in support of the argument. The reforms are ‘informed and considered’ and are a response to the weaknesses identified, but they could have been explored in more depth and detail.
Analysis and Evaluation

In Task 2 there is a ‘detailed analysis’ of the Australian constitutional system (AE 1). The response explores the argument that monarchy is inconsistent with Australian values and laws that promote fairness and equality, yet it also identifies the stability that the monarchy has provided. More specific examples would have benefited the analysis. There are however enough well formed observations for the analysis to be considered ‘detailed’. However in the Constitutional Government Test, Task 3, there is only ‘some’ consideration and analysis of the Australian constitutional and justice systems. Many evident gaps in knowledge and understanding render the analysis very thin for the most part.

In Task 1, the Multimedia Presentation, the ‘analysis of the principles, processes and structures in legal systems’ is ‘considered’ (AE 2). Advantages and disadvantages of lowering the voting age are outlined with some detail and analysis. However, the argument presented needs more supporting evidence. In Task 4 there is a similar level of achievement. The importance of Parliament being sovereign and representing the interests of the people is quite well-argued. The costs identified however relate more to the end result of the Act rather than the process of achieving the legislative decision. There could have been more substance to support the conclusion. The response to Task 3, the Constitutional Government Test, however, reveals throughout a very superficial consideration of principles, processes and structures in thin and often only partially correct answers.

In Task 2, the evaluation of legal issues and concepts (AE 3) is ‘thoughtful’: the arguments for and against becoming a republic are discussed and an informed conclusion arrived at. The evaluation would have benefitted from reference to and discussion of slightly more credible and authoritative sources than the ones used. In Task 6, the essay, however the evaluation of legal issues and concepts is only ‘considered’: strengths and weaknesses are appropriately identified and on the whole it is clear that a range of arguments re the effectiveness of the system have been covered but some of the judgments are limited. In the Justice Systems Test, Task 5, there is little evaluation evident, particularly in response to Question 10.

Communication

In Tasks 1 and 2 there is ‘mostly accurate and coherent communication of well-informed observations and opinions’ (C 1). However, in Task 2 the structure is at times difficult to follow and closer attention to topic sentences in each paragraph would have made the presentation of the argument clearer. Tasks 4 and 6, where there is a noticeable loss of fluency, demonstrate ‘generally accurate and coherent expression of ideas and opinions’.

In Tasks 4 and 5 there is evidence of the ‘appropriate and considered use of legal terminology’ (C 2) that indicates ‘competent understanding’. In Task 3, however, there is less competent use of legal terminology and there is some struggle to demonstrate understanding, especially in Question 2.

In Task 1 there is ‘consistent and appropriate acknowledgement of a diverse range of sources’ (C 3) through in-text referencing and the bibliography. In Task 2, achievement against this performance standard is ‘mostly appropriate’.

Overall grade: C

For the most part achievement against performance standards in this folio of work sits within the C Band. Notably, however, performance in the two tests, Tasks 3 and 5, is significantly weaker than in assignment tasks, for example Tasks 1 and 2, where some achievement lies within the B Band.
## 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>Comprehensive knowledge and perceptive understanding of relevant influences on the Australian legal system. Comprehensive knowledge and astute understanding of legal principles, processes, and structures. Perceptive recognition and understanding of ways in which the Australian legal system responds to diverse groups in the community.</td>
<td>Astute and critical location, selection, documentation, and application of relevant sources. Incisive critiquing of legal processes and structures, with well-informed and well-considered recommendations for change.</td>
<td>Consistently accurate and coherent communication of highly informed observations and opinions on contemporary legal issues and debates, using a range of forms. Appropriate and astute use of legal terminology, indicating in-depth understanding. Consistent and appropriate acknowledgment of a diverse range of sources.</td>
</tr>
<tr>
<td><strong>B</strong></td>
<td>Detailed knowledge and well-considered understanding of relevant influences on the Australian legal system. Detailed knowledge and well-considered understanding of legal principles, processes, and structures. Thoughtful recognition and understanding of ways in which the Australian legal system responds to diverse groups in the community.</td>
<td>Considered and critical location, selection, documentation, and application of relevant sources. Convincing critiquing of legal processes and structures, with informed and considered recommendations for change.</td>
<td>Mostly accurate and coherent communication of well-informed observations and opinions on contemporary legal issues and debates, using a range of forms. Appropiate and well-considered use of legal terminology, indicating some depth in understanding. Mostly consistent and appropriate acknowledgment of a range of sources.</td>
</tr>
<tr>
<td><strong>C</strong></td>
<td>Appropriate knowledge and considered understanding of relevant influences on the Australian legal system. Appropriate knowledge and considered understanding of legal principles, processes, and structures. Considered recognition and understanding of ways in which the Australian legal system responds to diverse groups in the community.</td>
<td>Considered location, selection, documentation, and application of relevant sources. Competent critiquing of legal processes and structures, with some informed and considered recommendations for change.</td>
<td>Generally accurate and coherent communication of informed observations and opinions on contemporary legal issues and debates, using different forms. Appropriate and considered use of legal terminology, indicating competent understanding. Mostly appropriate acknowledgment of sources.</td>
</tr>
<tr>
<td><strong>D</strong></td>
<td>Some recognition and awareness of one or more influences on the Australian legal system. Some awareness of legal principles, processes, or structures. Some recognition of ways in which the Australian legal system responds to diverse groups in the community.</td>
<td>Some thought given to the location, selection, documentation, and/or application of sources. Basic consideration of some legal processes and structures, with simple recommendations for change.</td>
<td>Some accuracy in communication of basic observations or opinions on contemporary legal issues or debates, in one or more forms. Some use of legal terminology, indicating awareness of the need for appropriate use. Some inconsistent acknowledgment of sources.</td>
</tr>
<tr>
<td><strong>E</strong></td>
<td>Limited awareness of influences on the Australian legal system. Limited awareness of any legal principles, processes, or structures. Emerging awareness of one or more ways in which the Australian legal system responds to diverse groups in the community.</td>
<td>Attempted location, selection, documentation, or application of sources that may be relevant. Limited awareness of legal processes or structures.</td>
<td>Limited accuracy in communication through a selected form, with few observations or opinions on contemporary legal issues. Restricted use of legal terminology, indicating limited awareness of the need for appropriate use. Limited acknowledgment of sources.</td>
</tr>
</tbody>
</table>

---

### Analysis and Evaluation
- **Stage 2 Legal Studies Student Response**
- Ref: A386704 (September 2014)
- © SACE Board of South Australia 2014

---

### Communication
- **Stage 2 Legal Studies Student Response**
- Ref: A386704 (September 2014)
- © SACE Board of South Australia 2014