



## **VCE INDUCTION PACKAGE 2022**

### **UNITS 1 AND 2**

### **LEGAL STUDIES**



# WELCOME to Year 11 Legal Studies 2022

Like all your other studies, Year 11 Legal Studies comprises two units:

- Unit 1: Guilt and Liability
- Unit 2: Sanctions, Remedies and Rights

A Study Design is a document written by VCAA which outlines the curriculum we need to cover throughout each Unit. The current Study Design asks students to consider the concepts of justice and fairness in relation to the legal system and decide to what extent it is achieved through the processes and procedures used in Criminal and Civil cases.

Each Unit has a number of different Outcomes that you will need to demonstrate knowledge of. Each Outcome is divided into 'key knowledge' and 'key skills'. The 'key knowledge' is the content we will cover. The 'key skills' component emphasises the need for students to think beyond the written word and apply their knowledge to evaluate, assess and analyse amongst other skills. We will work on developing these skills throughout the year so you will be able to effectively address questions in not only Legal Studies, but other studies you undertake in VCE.

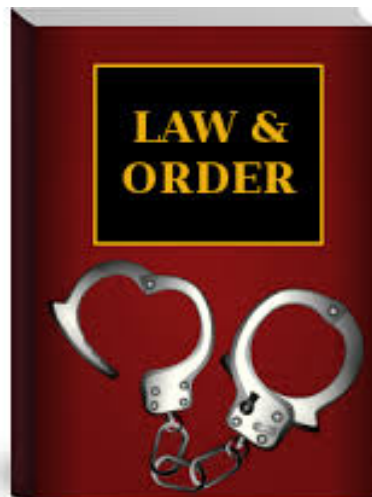
Throughout both units it is important that you complete all work that is set, as it will relate directly to what you need to know.

## Administrative bits and pieces

- ➔ **Absent for a SAC:** On your return, you must complete the appropriate paperwork from your Student Manager (you will be required to show evidence of why you missed the SAC, eg. a medical certificate). You must then see your teacher to arrange a reschedule date for the missed SAC. It would be appreciated by your teacher, and your peers, if you followed up on this in a timely manner.
- ➔ **Authenticity:** All work submitted must be your own. Incidents of cheating will be reported to Student Managers. Please note that the school does have a plagiarism policy and it is taken very seriously.
- ➔ **Due Dates:** Work must be completed by the due date – extensions will not be granted unless approval is given by your Student Manager.
- ➔ **Unsatisfactory results on assessment:** Your first result on a SAC is the one that counts – you do not get the opportunity to do it again if you did not do well on it. If you did not pass a SAC (see assessment scale on next page), you will be required to demonstrate your understanding in a manner that is decided upon by your teacher. Sometimes this may be a resit of a SAC, sometimes it will be a verbal discussion about content with you, sometimes it will be reviewing the coursework you have completed in class. Your teacher will discuss with you what method of redemption will be used as the need arises.
- ➔ **Absences from class:** When you know you will be absent you should see your teacher to obtain the work that you will miss whilst you are away. If this absence is for a non-school related issue, you should also consult your SMs. If you are unexpectedly absent, then an email requesting work or you following up with your teacher when you return should be done. Whilst we encourage you to participate in the co-curricular program of the College, you will always be required to catch up on missed work. All students are required to attend at least 90% of classes and failure to do so may result in the failure of a unit.

➔ **Assessment Scale**

Grade	A+	A	B+	B	C+	C	D+	D	E+	E	UG
%	100 – 90%	89 – 85%	84 – 80%	79 – 75%	74 – 70 %	69 – 60 %	59 – 55%	54 – 50 %	49 – 45 %	44 – 40 %	below 40%
<b>Meets criteria</b>	to a very high standard	to a high standard		to a medium standard			to a low standard		to minimal standard		below minimal standard



## Achieving success in your VCE studies



For a number of you this will be your first experience of VCE. There are a number of things to remember and to adhere to so that you do achieve success not only in Units 1 and 2, but also in Units 3 and 4.

### 1. CLASSWORK IS IMPORTANT WORK!!!

Each task that we set directly relates to the course and the outcome as well as the development of skills. Whilst you may not see that straight away, you need to trust us! Completing classwork gives you an opportunity to discuss with peers and your teacher the content and your understanding of that content. The more effort you put into completing set tasks, the better your understanding will be and the more successful you will be!

### 2. USE CLASS TIME EFFECTIVELY.

Come prepared to learn. Take notes during class discussion, ask questions, use time to complete set tasks wisely. Hopefully this will reduce the amount of 'extra' time at home you need to spend finishing off classwork.

### 3. BE ORGANISED FROM THE START OF THE YEAR.

A common factor in all successful VCE students is that they are organised! Your Legal Studies folder is just that - your LEGAL STUDIES folder. Don't put work from other subjects in this folder (or Legal work in other subject folders!). This is how things get lost. Purchase something to keep your handouts orderly (display books are great). And ensure you have a book or lined paper to write on (whatever works best for you!).

### 4. USE A DIARY

You are going to have regular homework in all your subjects and the only way to manage it all is to have dates and work clearly marked somewhere. A written diary is probably the best way to do this. You can then make your 'to do lists' on a device later.....but put your due dates/work into a diary first!

### 5. COMMUNICATION, COMMUNICATION, COMMUNICATION!!

Whilst we wish we were mind readers, we are not! Please let us know when things are worrying you, you are not sure what is happening, you need some extra help. We got into teaching to help students, not to harass you! But we need you to tell us what is happening. Email, stay after class, find us outside of class, just communicate somehow!!

### 6. LEARN THE 'TASK WORDS'

We will cover this throughout the year but 'task words' are those that tell you what you need to do. For example, 'explain', 'evaluate' and 'analyse' to name but a few. You MUST know what these mean. Practice makes perfect! So keep practicing them ☺

We are looking forward to teaching you in 2021 and wish you all the best for your legal studies as well as your other studies!!

Miss Gerbing and Ms Owen



## Legal Studies Teaching Staff

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TBC		Commerce Office – near the Yr 12 Locker area

## Assessment – Units 1 & 2 Legal Studies

To achieve a **satisfactory** in Legal Studies in Units 1 and 2 you must:

1. Complete all required class work
2. Complete all homework folio tasks
3. Achieve a satisfactory grade on all assessment tasks
4. Attend a minimum of 90% of classes

**Assessment Tasks for Unit 1** that will appear on your report\*\*:

1. Tests
2. Case Studies
3. Research Assignments
4. Examination

**Assessment Tasks for Unit 2** that will appear on your report\*\*:

1. Tests
2. Case Studies
3. Research Assignments
4. Examination

*\*\* Please note that these assessment tasks are a guide only and may change to other options available in the Study Design such as reports, oral presentations, debates, etc. You will always receive plenty of notice regarding what assessment tasks/SACs will be set for each Outcome.*

# OUTLINE OF STUDY

The following information is directly from the VCAA Legal Studies Study Design.

## Unit 1: Guilt and Liability

### Outcome 1

On completion of this unit the student should be able to describe the main sources and types of law, and assess the effectiveness of laws.

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

#### Key knowledge

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

#### Key skills

- define key legal terminology
- research and analyse relevant information about the sources and types of laws
- explain the role of individuals, laws and the legal system in achieving social cohesion and protecting the rights of individuals
- classify a law according to its source and type
- assess whether a law is effective
- explain the relationship between parliament and the courts, using examples
- justify the existence of the Victorian court hierarchy.

### Outcome 2

On completion of this unit the student should be able to explain the purposes and key concepts of criminal law, and use legal reasoning to argue the criminal culpability of an accused based on actual and/or hypothetical scenarios.

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

#### Key knowledge

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

- two criminal offences and for each offence:
  - the elements of the offence
  - possible defences
  - the role of statute law and common law in developing the elements of the offence and the defences
  - trends and statistics in relation to the offence in Victoria and in one other jurisdiction
  - the possible impact of the offence on individuals and society.

### **Key skills**

- define and use legal terminology
- research and analyse relevant information about criminal law and offences
- explain the purposes and key concepts of criminal law
- distinguish between types of crime, and indictable offences and summary offences, using examples
- synthesise and apply legal information to actual and/or hypothetical scenarios in relation to two offences
- use legal reasoning and principles to identify and argue the elements of an offence, possible defences and culpability in relation to two actual and/or hypothetical scenarios.

## **Outcome 3**

On completion of this unit the student should be able to explain the purposes and key concepts of civil law, and apply legal reasoning to argue the liability of a party in civil law based on actual and/or hypothetical scenarios.

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

### **Key knowledge**

- the purposes and types of civil law
- key concepts of civil law, including:
  - breach
  - causation
  - loss
  - limitation of actions
  - the burden of proof
  - the standard of proof
- possible plaintiffs and defendants to a civil dispute
- two areas of civil law and for each area of law:
  - the rights protected by the law
  - the elements required to establish liability
  - the limitation of actions
  - possible defences
  - the role of statute law and common law in developing the elements and defences
  - the impact of the breach on the parties.

### **Key skills**

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

## Unit 2: Sanctions, Remedies and Rights

### Outcome 1

On completion of this unit the student should be able to explain key concepts in the determination of a criminal case, and discuss the principles of justice in relation to the determination of criminal cases, sanctions and sentencing approaches.

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

#### Key knowledge

- the principles of justice: fairness, equality and access
- institutions that enforce criminal law, such as the police and delegated bodies
- the balance between institutional powers and individual rights
- an overview of the role and criminal jurisdictions of the Victorian courts
- the role of the jury in a criminal trial
- the purposes of sanctions: punishment, deterrence, denunciation, protection and rehabilitation
- types of sanctions such as fines, community correction orders and imprisonment
- factors considered by judges in sentencing
- aspects of sentencing practices in Victoria and in one other jurisdiction
- alternative approaches to sentencing, such as the use of the Drug Court, the Koori Courts and diversion programs
- two recent criminal cases and for each case:
  - an overview of the charges and the central facts of the case
  - courts that may be or were involved
  - sanctions that could be or were imposed and their appropriateness
  - factors that may be or were taken into consideration in sentencing
  - possible avenues of appeal
  - the extent to which the principles of justice could be or were achieved.

#### Key skills

- define and use legal terminology
- research, analyse and apply information in relation to criminal law and two recent criminal cases
- describe the institutions that enforce criminal law
- explain the role of the Victorian courts and juries in criminal cases
- discuss the principles of justice in relation to the enforcement of criminal law and sanctions
- discuss the ability of sanctions to achieve their purposes
- discuss approaches to sentencing
- analyse the extent to which the principles of justice could be or were achieved in two recent criminal cases.

### Outcome 2

On completion of this unit the student should be able to explain key concepts in the resolution of a civil dispute, and discuss the principles of justice in relation to the resolution of civil disputes and remedies.

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

#### Key knowledge

- the principles of justice: fairness, equality and access
- methods used to resolve a civil dispute such as mediation, conciliation and arbitration
- institutions that resolve civil disputes such as tribunals, ombudsmen and complaints bodies
- an overview of the role and civil jurisdictions of the Victorian courts
- the role of the jury in a civil trial
- the purposes of remedies
- types of remedies, such as damages and injunctions
- two recent civil cases and for each case:
  - an overview of the claim and the central facts of the case
  - dispute resolution bodies that may be or were involved
  - methods of dispute resolution and their appropriateness
  - remedies that could be or were awarded and their appropriateness
  - possible avenues of appeal
  - the extent to which the principles of justice were or could be achieved.



**Key skills**

- define and use legal terminology
- research, analyse and apply information in relation to civil law and two recent civil cases
- describe the institutions that resolve civil disputes
- explain the role of the Victorian courts and juries in civil cases
- discuss the principles of justice in relation to the resolution of civil disputes and remedies
- discuss the ability of remedies to achieve their purposes
- analyse the extent to which the principles of justice were or could be achieved in two recent civil cases.

**Outcome 3**

On completion of this unit the student should be able to evaluate the ways in which rights are protected in Australia, compare this approach with that adopted by another country and discuss the impact of an Australian case on the rights of individuals and the legal system.

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

**Key knowledge**

- an overview of the ways in which rights are protected in Australia, such as through the Australian Constitution, the Victorian Charter of Human Rights and Responsibilities, statute law and common law
- the influence of international declarations and treaties on the protection of rights in Australia
- the approach adopted by one other country in protecting rights
- possible reforms to the protection of rights in Australia
- one Australian case that has had an impact on the protection of rights in Australia, including:
  - the role of the individual in taking a case to court
  - the facts and issues central to the case, including the rights in question
  - the laws that applied to the case
  - the outcome of the case and its impact on the rights of individuals and on the legal system
  - possible conflicting attitudes in relation to the case.

**Key skills**

- define and use legal terminology
- research and analyse relevant information about the protection of rights
- compare Australia's approach to the protection of rights with the approach of another country
- evaluate the ways in which rights are protected in Australia
- discuss possible reforms to the protection of rights in Australia
- describe the role of individuals in bringing about changes in the protection of rights through cases
- analyse the impact of a case on the rights of individuals and on the legal system
- apply legal principles to actual cases.

## Timelines of Topics, Outcomes and Activities - 2022

<b>Legal Studies Unit 1: Guilt and Liability</b>				
Area of Study	Description	Outcome	Description	No. of Weeks of Study
1	Legal Foundations	1	‘Describe the main sources and types of law, and assess the effectiveness of laws.’	4
2	The Presumption of Innocence	2	‘Explain the purposes and key concepts of criminal law, and use legal reasoning to argue the criminal culpability of an accused based on actual and/or hypothetical scenarios.’	7
3	Civil Liability	3	‘Explain the purposes and key concepts of civil law, and apply legal reasoning to argue the liability of a party in civil law based on actual and/or hypothetical scenarios.’	6
<b>Legal Studies Unit 2: Sanctions, Remedies and Rights</b>				
1	Sanctions	1	Explain key concepts in the determination of a criminal case, and discuss the principles of justice in relation to the determination of criminal cases, sanctions and sentencing approaches.	5
2	Remedies	2	Explain key concepts in the resolution of a civil dispute, and discuss the principles of justice in relation to the resolution of civil disputes and remedies.	5
3	Rights	3	Evaluate the ways in which rights are protected in Australia, compare this approach with that adopted by another country and discuss the impact of an Australian case on the rights of individuals and the legal system.	6

- *Please note that this is a provisional timeline only and may be subject to change over the course of the year. It is intended to give you an indication of the timetable for each Outcome.*
- *There is a more detailed breakdown that will also be made available to you shortly.*

## Sources of support for the Study

### Useful Websites

VCAA	<a href="http://www.vcaa.vic.edu.au">www.vcaa.vic.edu.au</a>
VCEnet.com.au	<a href="http://www.vcenet.com.au/index.cfm?sec=81&amp;ms=2&amp;sb=81&amp;sbi=1">http://www.vcenet.com.au/index.cfm?sec=81&amp;ms=2&amp;sb=81&amp;sbi=1</a>
VCEhelp.com.au	<a href="http://www.vcehelp.com.au/vce-legal-studies-resources-147/">http://www.vcehelp.com.au/vce-legal-studies-resources-147/</a>
Australian Government Parliamentary Education Office	<a href="http://www.fed.gov.au">http://www.fed.gov.au</a>  <a href="http://www.peo.gov.au">http://www.peo.gov.au</a>
Parliament of Australia	<a href="http://www.aph.gov.au">http://www.aph.gov.au</a>
Victorian Parliament	<a href="http://www.parliament.vic.gov.au">http://www.parliament.vic.gov.au</a>
VCAT	<a href="http://www.vcat.vic.gov.au">http://www.vcat.vic.gov.au</a>
Victorian Law Reform Commission	<a href="http://www.lawreform.vic.gov.au">http://www.lawreform.vic.gov.au</a>
Magistrates' Court	<a href="http://www.magistratescourt.vic.gov.au/">http://www.magistratescourt.vic.gov.au/</a>
County Court	<a href="http://www.countycourt.vic.gov.au">http://www.countycourt.vic.gov.au</a>
Supreme Court	<a href="http://www.supremecourt.vic.gov.au">http://www.supremecourt.vic.gov.au</a>
High Court	<a href="http://www.hcourt.gov.au">http://www.hcourt.gov.au</a>

## Materials Required – Texts, Stationery, and other Resources

### Required Materials to be brought to each class

#### *Textbook*

Beazer et al, *Justice and Outcomes, VCE Legal Studies 1 & 2*, Oxford University Press (14<sup>th</sup> edition)

#### *Classroom Materials*

- Folder
- Loose Leaf Paper or Book
- Stationery/highlighters
- Plastic Pockets/Display Book – One per Unit is advisab



## Legal Studies – Unit 1: Guilt and Liability

### Introduction to Area of Study 1: Legal Foundations



# Laws v Rules

Rules tell us what we can and cannot do or what we can expect in dealing with others. They help to resolve the conflicts that are inevitable when people live or interact in groups.

Throughout life we are bound by rules – some of these are legal rules, known as laws, whereas some are non-legal rules.

**Laws:** Legal rules made by a legal authority that are enforceable by the police and other agencies.

**Non-legal rules:** Laws made by private individuals or groups in society, such as parents and schools, which are not enforceable by the courts.

## Activity 1: Classifying rules as laws or non-legal rules.

(a) Place the following rules into their correct category in the table.

- Tennis competitors have 1 minute to sit down between the change of ends
- P-plate drivers must have a 0.00 BAC level when driving a vehicle
- You cannot murder your neighbor because their dog barks non-stop
- Students must leave their phones in lockers between 8.40am and 3.10pm
- You have a 11pm curfew on the weekends
- Teachers cannot wear beanies to work
- Jaywalking – crossing the road 10 meters from a pedestrian crossing
- A player cannot make purposeful contact with the head of another player in AFL
- Phones need to be left in the lounge room on charge overnight
- Lightweight plastic bags have been banned for use by suppliers and retailers

Laws (legal rules)	Non-legal rules

(b) Add three more laws or non-legal rules of your choice to the table above.

(c) Read the following article on Legal and Non-Legal Rules and complete the questions.

Nicole is a high school student aged 17 years. She has finally finished Year 12 and wants to attend 'Schoolies' in Queensland. Her father tells her she must be back at the hotel each night by 12pm and that she must call him each day. She also wants to leave home when she gets back from her trip. She works part-time at a local photographer's, 'Pixie Photos', but wants to work full-time, and study photography at TAFE. Nicole has been offered a job on a full-time basis. It's the state election but Nicole forgets to vote.

Her parents go away for the weekend and Nicole decides to have a party and invite all her friends. Alcohol is consumed and Tom aged 18, a friend of Nicole's supplies cigarettes. Nicole wants to impress her friends and although she has held a Learner's Permit for 6 months she drives her father's sports car up and down the street. The party gets out of hand and a neighbor calls the police describing the teenagers as drunk and disorderly.

i. **Identify** three legal and three non-legal rules from the case study.

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ii. **Identify** the possible sanctions (penalties) for each of the legal and non-legal rules broken.

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What is the dictionary definition provided in the textbook?

*Laws must be fair.*

Provide an example of an unfair Penalty.

**"PRINCIPLE OF JUSTICE"**

***FAIRNESS***

Give 3 examples of fair legal processes.

What human right is protected by the Human Rights Charter?

What other aspects of the legal system does 'fairness' apply to?

What is the dictionary definition provided in the textbook?

All people should be treated equally regardless of.....

**"PRINCIPLE OF JUSTICE"**

***EQUALITY***

Laws should not be discriminatory. What does this mean?

List 5 ways the legal system can show equality.



What is the dictionary definition provided in the textbook?

Laws and the legal system should make it possible for people to.....

**"PRINCIPLE OF JUSTICE"**

*ACCESS*

People should have access to their legal rights. Why?

How does access apply to victims of crime?