



VCE INDUCTION PACKAGE

UNITS 3 AND 4

LEGAL STUDIES





WELCOME to Year 12 Legal Studies

Like all of your other studies, Legal Studies comprises two units –

- Unit 3: Rights and Justice
- Unit 4: The People and the Law.

In 2018 a new Study Design was introduced. This is significantly different from any of the previous Study Designs as students consider the concepts of justice and fairness in relation to the legal system.

The ‘Key Skills’ component of the Study Design is also heavily emphasized (more so, than in previous years) as students must think beyond the written word and apply their knowledge to evaluate, assess and analyse amongst other skills. For you, this means that you must answer questions as fully as you can giving the information and ideas required. You will need to be able to apply your knowledge to a particular case study and make links between the two.

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. It will also allow you to continue to develop the skills you learnt in Year 11 in terms of how to approach and answer a question. Whilst there will be SACs throughout the year covering both units of the course, if at any point you do not pass one of these, completion of coursework will help to enable you to receive an ‘S’ for that particular outcome.

Both units are assessable in a 2 hour (plus 15 minute reading time) examination to be held in November.

Administrative bits and pieces

- **Absent for a SAC** You must complete appropriate paperwork via Ms Ankenbrand. Rescheduled SACs are on a Wednesday Period 3 or 4, or Monday after-school for approved absences.
- **Authenticity** All work submitted must be your own. Incidents of cheating will be reported to Student Managers. This work will also receive a zero on your VCAA results.
- **Due Dates** Work must be completed by the due date – NO extensions will be granted unless approval is given by both your teacher and SM.
- **Resubmission of unsatisfactory work** SACs cannot be resubmitted to achieve a better grade. However, course work may need to be resubmitted to receive an S for the outcome.
- **Attendance** 90% attendance is required.

If you are absent for any reason you are expected to catch up on the work. You should also discuss absences (especially prolonged absences) with SMs and myself.

- **Getting an S for Legal** You must complete and achieve an ‘S’ on all coursework (questions/classwork) . Progress will be checked regularly throughout the semester. If any work is deemed unsatisfactory, you will need to resubmit this work until it is of a satisfactory level.

Mark Allocation for Units 3 and 4

UNIT 3:

Outcomes	Assessment tasks	Marks allocated/100
Outcome 1	Structured Questions/ Test	50
Outcome 2	Structured Questions/ Test	50

UNIT 4:

Outcomes	Assessment tasks	Marks allocated/100
Outcome 1	Structured Questions / Test	40
Outcome 2	Structured Questions / Test	60

It is important that if you are struggling at any point throughout the year, you must come and see me so that we can find some strategies that will help you.

If there are any problems at all during the year, please communicate this to your teachers:

Mrs Trippett	trippettn@vermontsc.vic.edu.au	Commerce Office
Mrs Owen	Owenk@vermontsc.vic.edu.au	Commerce Office

We look forward to teaching you next year,

Regards,

Mrs Trippett & Mrs Owen

OUTLINE OF STUDY

VCAA Legal Studies Study Design.

Unit 3: Rights and justice

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

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

Area of Study 1

The Victorian criminal justice system

The Victorian criminal justice system is used to determine whether an accused person is guilty beyond reasonable doubt of an offence for which they are charged, and to impose sanctions where guilt has been found or pleaded. The system involves a range of institutions including courts (the Magistrates' Court, County Court and Supreme Court) and others available to assist an accused. In this area of study students explore the criminal justice system, its range of personnel and institutions and the various means it uses to determine a criminal case.

Students investigate the rights of the accused and of victims, and explore the purposes and types of sanctions and sentencing considerations. Students consider factors that affect the ability of the criminal justice system to achieve the principles of justice. They examine recent reforms from the past four years and recommended reforms to enhance the ability of the criminal justice system to achieve the principles of justice. Students synthesise and apply legal principles and information relevant to the criminal justice system to actual and/or hypothetical scenarios.

Outcome 1

On completion of this unit the student should be able to explain the rights of the accused and of victims in the criminal justice system, discuss the means used to determine criminal cases and evaluate the ability of the criminal justice system to achieve the principles of justice.

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

Key knowledge

Key concepts

- the principles of justice: fairness, equality and access
- key concepts in the Victorian criminal justice system, including:
 - the distinction between summary offences and indictable offences
 - the burden of proof
 - the standard of proof
 - the presumption of innocence
- the rights of an accused, including the right to be tried without unreasonable delay, the right to a fair hearing, and the right to trial by jury
- the rights of victims, including the right to give evidence as a vulnerable witness, the right to be informed about the proceedings, and the right to be informed of the likely release date of the accused

Determining a criminal case

- the role of institutions available to assist an accused, including Victoria Legal Aid and Victorian community legal centres
- the purposes of committal proceedings
- the purposes and appropriateness of plea negotiations and sentence indications in determining criminal cases
- the reasons for a Victorian court hierarchy in determining criminal cases, including specialisation and appeals
- the responsibilities of key personnel in a criminal trial, including the judge, jury, parties and legal practitioners
- the purposes of sanctions: rehabilitation, punishment, deterrence, denunciation and protection
- fines, community corrections orders and imprisonment, and their specific purposes
- factors considered in sentencing, including aggravating factors, mitigating factors, guilty pleas and victim impact statements

Reforms

- factors that affect the ability of the criminal justice system to achieve the principles of justice including in relation to costs, time and cultural differences
- recent reforms and recommended reforms to enhance the ability of the criminal justice system to achieve the principles of justice.

Key skills

- define and use legal terminology
- discuss, interpret and analyse legal principles and information
- explain the rights of an accused and of victims in the criminal justice system
- explain the purposes of committal proceedings and the roles of institutions available to assist an accused
- explain the reasons for the Victorian court hierarchy in determining criminal cases
- discuss and justify the appropriateness of the means used to determine a criminal case
- discuss the responsibilities of key personnel in a criminal trial
- discuss the ability of sanctions to achieve their purposes
- discuss recent reforms and recommended reforms to the criminal justice system
- evaluate the ability of the criminal justice system to achieve the principles of justice
- synthesise and apply legal principles and information to actual and/or hypothetical scenarios.

Area of Study 2

The Victorian civil justice system

The Victorian civil justice system aims to restore a wronged party to the position they were originally in before the breach of civil law occurred. The system involves a range of institutions to resolve a civil dispute, including courts (the Magistrates' Court, County Court and Supreme Court), complaints bodies and tribunals. In this area of study students consider the factors relevant to commencing a civil claim, examine the institutions and methods used to resolve a civil dispute and explore the purposes and types of remedies.

Students consider factors that affect the ability of the civil justice system to achieve the principles of justice. They examine recent reforms from the past four years and recommended reforms to enhance the ability of the civil justice system to achieve the principles of justice. Students synthesise and apply legal principles and information relevant to the civil justice system to actual and/or hypothetical scenarios

Outcome 2

On completion of this unit the student should be able to analyse the factors to consider when initiating a civil claim, discuss the institutions and methods used to resolve civil disputes and evaluate the ability of the civil justice system to achieve the principles of justice.

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
- key concepts in the Victorian civil justice system, including:
 - the burden of proof
 - the standard of proof
 - representative proceedings

Resolving a civil dispute

- factors to consider when initiating a civil claim, including negotiation options, costs, limitation of actions, the scope of liability and enforcement issues
- the purposes and appropriateness of Consumer Affairs Victoria (CAV) and the Victorian Civil and Administrative

Tribunal (VCAT) in resolving civil disputes

- the purposes of civil pre-trial procedures
 - the reasons for a Victorian court hierarchy in determining civil cases, including administrative convenience and appeals
 - the responsibilities of key personnel in a civil trial, including the judge, jury, the parties and legal practitioners
 - judicial powers of case management, including the power to order mediation and give directions
 - the methods used to resolve civil disputes, including mediation, conciliation and arbitration, and their appropriateness
 - the purposes of remedies
 - damages and injunctions, and their specific purposes

Reforms

- factors that affect the ability of the civil justice system to achieve the principles of justice, including in relation to costs, time and accessibility
- recent and recommended reforms to enhance the ability of the civil justice system to achieve the principles of justice.

Key skills

- define and use legal terminology
- discuss, interpret and analyse legal principles and information
- analyse factors to consider when initiating a civil claim
- explain the purposes of pre-trial procedures, using examples
- explain the reasons for the Victorian court hierarchy in determining civil cases
- discuss and justify the appropriateness of institutions and methods used to resolve a civil dispute
- discuss the responsibilities of key personnel in a civil trial
- discuss the ability of remedies to achieve their purposes
- discuss recent reforms and recommended reforms to the civil justice system
- evaluate the ability of the civil justice system to achieve the principles of justice
- synthesise and apply legal principles and information to actual and/or hypothetical scenarios.

Unit 4: The people and the law

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

Area of Study 1

The people and the Australian Constitution

The Australian Constitution establishes Australia's parliamentary system and provides mechanisms to ensure that parliament does not make laws beyond its powers. In this area of study students examine the relationship between the Australian people and the Australian Constitution and the ways in which the Australian Constitution acts as a check on parliament in law-making. Students investigate the involvement of the Australian people in the referendum process and the role of the High Court in acting as the guardian of the Australian Constitution.

Outcome 1

On completion of this unit the student should be able to discuss the significance of High Court cases involving the interpretation of the Australian Constitution and evaluate the ways in which the Australian Constitution acts as a check on parliament in law-making.

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

Key knowledge

- the roles of the Crown and the Houses of Parliament (Victorian and Commonwealth) in law-making
- the division of constitutional law-making powers of the state and Commonwealth parliaments, including exclusive, concurrent and residual powers
- the significance of section 109 of the Australian Constitution
- the means by which the Australian Constitution acts as a check on parliament in law-making, including:
 - the bicameral structure of the Commonwealth parliament
 - the separation of the legislative, executive and judicial powers
 - the express protection of rights
 - the role of the High Court in interpreting the Australian Constitution
 - the requirement for a double majority in a referendum
- the significance of one High Court case interpreting sections 7 and 24 of the Australian Constitution
- the significance of one referendum in which the Australian people have protected or changed the Australian Constitution
- the significance of one High Court case which has had an impact on the division of constitutional law-making powers
- the impact of international declarations and treaties on the interpretation of the external affairs power.

Key skills

- define and use legal terminology
- discuss, interpret and analyse legal principles and information
- compare the constitutional law-making powers of the state and Commonwealth parliaments, using examples
- discuss the significance of section 109 of the Australian Constitution
- evaluate the ways in which the Australian Constitution acts as a check on parliament in law-making
- analyse the ability of the Australian people to protect or change the Australian Constitution
- discuss the significance of High Court cases involving the interpretation of the Australian Constitution
- discuss the impact of international declarations and treaties on the interpretation of the external affairs power
- synthesise and apply legal principles to actual scenarios.

Area of Study 2

The people, the parliament and the courts

Parliament is the supreme law-making body, and courts have a complementary role to parliament in making laws. Courts can make laws through the doctrine of precedent and through statutory interpretation when determining cases. In this area of study students investigate factors that affect the ability of parliament and courts to make law. They examine the relationship between parliament and courts in law-making and consider the capacity of both institutions to respond to the need for law reform. In exploring the influences on law reform, students draw on examples of individuals and the media, as well as examples from the past four years of law reform bodies recommending legislative change.

Outcome 2

On completion of this unit the student should be able to discuss the factors that affect the ability of parliament and courts to make law, evaluate the ability of these law-makers to respond to the need for law reform, and analyse how individuals, the media and law reform bodies can influence a change in the law.

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

Key knowledge

Parliament and courts

- factors that affect the ability of parliament to make law, including:
 - the roles of the houses of parliament
 - the representative nature of parliament
 - political pressures
 - restrictions on the law-making powers of parliament
- the roles of the Victorian courts and the High Court in law-making
- the reasons for, and effects of, statutory interpretation
- factors that affect the ability of courts to make law, including:
 - the doctrine of precedent
 - judicial conservatism
 - judicial activism
 - costs and time in bringing a case to court
 - the requirement for standing
- features of the relationship between courts and parliament in law-making, including:
 - the supremacy of parliament
 - the ability of courts to influence parliament
 - the interpretation of statutes by courts
 - the codification of common law
 - the abrogation of common law

Law reform

- reasons for law reform
- the ability and means by which individuals can influence law reform including through petitions, demonstrations and the use of the courts
- the role of the media, including social media, in law reform
- the role of the Victorian Law Reform Commission and its ability to influence law reform
- one recent example of the Victorian Law Reform Commission recommending law reform
- the role of one parliamentary committee or one Royal Commission, and its ability to influence law reform
- one recent example of a recommendation for law reform by one parliamentary committee or one Royal Commission
- the ability of parliament and the courts to respond to the need for law reform.

Key skills

- define and use legal terminology
- discuss, interpret and analyse legal principles and information
- discuss the factors that affect the ability of parliament and courts to make laws
- analyse the features of the relationship between parliament and courts
- explain the reasons for law reform, using examples
- analyse the influence of the media, including social media, in law reform, using examples
- discuss the means by which individuals can influence law reform, using examples
- evaluate the ability of law reform bodies to influence a change in the law, using recent examples
- evaluate the ability of parliament and the courts to respond to the need for law reform
- synthesise and apply legal principles to actual scenarios

Timelines of Topics and Outcomes – Units 3 and 4

Legal Studies Unit 3: Rights and Justice				
Area of Study	Description	Outcome	Description	SACs
1	The Victorian Criminal Justice System	1	Explain the rights of the accused and of victims in the criminal justice system, discuss the means used to determine criminal cases and evaluate the ability of the criminal justice system to achieve the principles of justice.	Term 1: SAC 1.1 Week 7 (30 marks) SAC 1.2 Week 8 (20 marks)
2	The Victorian Civil Justice System	2	Analyse the factors to consider when initiating a civil claim, discuss the institutions and methods used to resolve civil disputes and evaluate the ability of the civil justice system to achieve the principles of justice.	Term 2: SAC 2.1 Week 4 (30 marks) SAC 2.2 Week 5 (20 marks)
Legal Studies Unit 4: The People and the Law				
1	The People and the Australian Constitution	1	Discuss the significance of High Court cases involving the interpretation of the Australian Constitution and evaluate the ways in which the Australian Constitution acts as a check on parliament in law-making.	Term 3: SAC 1 Week 4 (40 marks)
2	The People, the Parliament and the Courts	2	Discuss the factors that affect the ability of parliament and courts to make law, evaluate the ability of these law-makers to respond to the need for law reform, and analyse how individuals, the media and law reform bodies can influence a change in the law.	Term 3: SAC 2.1 Week 8 (35 marks) SAC 2.2 Week 10 (25 marks)

- 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 timing of SACS and other assessment tasks.

Assessment

UNIT 3 and 4 - COURSEWORK AND SAC REQUIREMENTS:

In order to successfully pass a Unit, all students are required to;

- complete all set coursework (classwork, folio work and any set homework)
- obtain a pass in all scheduled School Assessed Coursework (SACS).

Where a student does not pass a SAC they will be given the opportunity to redeem the task in order to reach a satisfactory standard, however where this occurs the students will retain their original mark for VCAA purposes.

All students are required to be up to date with their coursework prior to sitting a SAC.

Percentage contributions to the study score in LEGAL STUDIES are as follows:

Unit 3 School-assessed Coursework:	25%
Unit 4 School-assessed Coursework:	25%
End-of-year examination:	50%

Coursework Requirements

For an outcome to be scored, complete the prescribed coursework questions **before** the date of the outcome.

Satisfactory Requirements

To obtain an S for each unit students are to:

- Attend a minimum of 90% of classes
- Complete the coursework
- Obtain at least 40% on all outcomes.

Sources of support for the Study – inc. key staff, websites, documentation

Useful Websites

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

Materials Required – Texts, Stationery, and other Resources

Required Materials to be brought to each class

- Writing materials (including pens, highlighters, something to write in/on).
- Binder Books or paper – your preference
- Display book

Text: *Justice and Outcomes 15 edition*, Oxford University Press.

NOTE: *A+ Notes* are very good for their study notes.

Transition and Holiday Homework

Please see separate booklet.

The holiday homework will be begun in class and completed over the holidays by all students.

All questions must be answered in full sentences. Dot-points are not acceptable.