

# Legal Studies (Stage 2)

2024 Subject Outline

# Subject outline changes — history

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# Subject description

Legal Studies is a 20-credit subject at Stage 2.

Law is intended to facilitate fairness, justice, and harmony within communities. Legal Studies enables an understanding of the operation of the Australian legal system, its principles and processes, and prepares students to be informed and articulate in matters of the law and society.

Central to Legal Studies is an exploration of the competing tensions that arise between rights and responsibilities, fairness and efficiency, the empowered and the disempowered, and certainty and flexibility. Laws must constantly evolve in order to resolve these tensions, while also responding to changes in community values and circumstances.

Legal Studies is explored through the mechanism of asking ‘big questions’. Big questions stimulate deep thinking and engagement, and the consideration of a range of perspectives. Students must develop an argument in response to these questions, by evaluating, analysing and applying contextually appropriate legal principles, processes, evidence, and cases. Students consider a range of perspectives to make recommendations for reforms to the legal system and laws.

Students explore rights and responsibilities, sources of law, and adversarial and inquisitorial dispute resolution processes. Through Legal Studies, students examine how people, governments and institutions shape the law and how law controls, shapes, and regulates interactions between people, institutions, and government. Students develop an understanding of the ways in which they can influence democratic processes, the importance of critical and conceptual thinking, and the significance of checks and balances in providing lawful mechanisms to control the exercise of power.

Legal Studies empowers students to evaluate evidence in order to make decisions and potentially substantiated recommendations about legal principles and processes. Conceptual understanding and analysis allow transference within and across disciplines and for future learning. This skill development enables students to approach new situations and contexts with an analytical and problem-solving mindset.

The capabilities are deeply embedded in the nature of thinking, learning, and engagement with others.

# Capabilities

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

The SACE identifies seven capabilities.

Literacy

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

* identifying, critiquing, and critically extracting information from a range of sources including online, written, oral, data, and visual
* articulating and communicating ideas and proposing solutions using supporting materials and evidence
* analysing, justifying, and presenting reasoned arguments
* drawing conclusions and defending positions
* decoding the language of law
* cultivating and using specialised and appropriate legal terminology and discourse
* using a variety of language conventions
* enhancing legal research skills and sourcing authoritative materials
* analysing different perspectives to consider context, relevance, purpose, bias, accuracy, and reliability
* using a variety of skills and language conventions to demonstrate thinking, knowledge, and understanding
* presenting material in a range of formats and text types including ICTs
* appropriately acknowledging sources.

Numeracy

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

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

Information and communication technology (ICT) capability

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

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

Critical and creative thinking

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

* developing and/or responding to large, overarching questions to frame their learning and inquiry
* thinking about their thinking and learning (metacognition)
* synthesising information in order to critically compare and contrast elements, principles, or structures of the Australian legal system with that of another country, nation, or international organisation
* critically analysing sources of information for credibility, reliability, bias, and usefulness
* examining and reflecting upon the multiple perspectives that are involved in the development of new laws (both legislature and case law) to respond to questions about justice, fairness, rights and responsibilities, and empowerment
* analysing context, the law, and the changing society to make informed recommendations for change in the legal system
* breaking complex constructs and concepts into smaller manageable components for critical analysis and evaluation
* creating well-reasoned, research-oriented arguments that consider multiple perspectives on current legal issues.

Personal and social capability

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

* deepening their understanding of legal rights and responsibilities of individuals and groups
* developing their personal decision-making skills
* understanding how their decisions might influence others and the legal system
* developing an awareness of the ways in which law regulates and influences the legal relationships between individuals and groups
* developing an awareness and understanding of how individuals, special interest, and minority groups are able to influence the legal system including the creation of laws
* understanding the needs and expectations of all parties to court disputes
* interacting and collaborating with others in order to effectively participate in and utilise the legal system
* planning effectively and managing their time
* developing their understanding of the complexities of justice, freedom, and human rights and empowerment
* understanding notions of power and empowerment.

Ethical understanding

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

* developing an appreciation of the diversity of values within the Australian and international communities and an understanding of how values change over time
* developing an understanding that legal outcomes may conflict with social, environmental, and ethical outcomes
* developing responsible and respectful attitudes towards the Australian legal system and others
* acknowledging and referencing the ideas of others
* considering the consequences of legal decisions from ethical perspectives
* examining the law from ethical perspectives
* providing reasons and evidence to support their conclusions
* understanding how the ethics in one context may be different from ethics in another
* understanding concepts of justice, fairness, and rights as interpreted by the law and by individuals and how they might differ.

Intercultural understanding

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

* considering the different beliefs and values of a range of groups across languages, cultures, and nations
* developing an understanding that successful legal systems reflect these beliefs and values, and reflecting on the extent to which the Australian legal system achieves this imperative
* understanding that culture frames perspectives on justice, rights and responsibilities, and ethics
* considering historical and contemporary impacts on the Australian legal system by other legal systems
* acknowledging and applying understanding of cultures, narratives, and accomplishments as told by Aboriginal and Torres Strait Islander and Indigenous peoples
* showing an understanding of Aboriginal and Torres Strait Islander lore
* understanding that the tension between the concepts and just resolutions may be different for people of diverse perspectives and languages.

# Aboriginal and Torres Strait Islander knowledge, cultures and perspectives

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

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

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

# Learning requirements

The learning requirements summarise the knowledge, skills, and understanding in Legal Studies.

In this subject, students are expected to:

1. demonstrate an understanding of legal principles and processes
2. demonstrate an understanding of ways that legal systems balance competing interests or tensions
3. demonstrate civic literacy through inquiry
4. critically analyse and apply legal principles, processes, and concepts to case studies, the law, and/or issues
5. develop conceptual understanding and application to various contexts
6. communicate and evaluate legal arguments and make informed recommendations.

# Competing tensions

Students develop an understanding of the tension between the following:

•    competing rights and responsibilities

•    fairness and efficiency

•    the empowered and the disempowered

•    certainty and flexibility.

The tensions invite students to consider what laws aim to achieve and why it may be difficult to find the perfect balance.

The competing tensions are also designed to allow for conceptual links across the focus areas and options, and to guide students to consider fundamental questions about laws. Some competing tensions have been aligned with specific focus areas, but teachers may choose to examine different competing tensions and how they relate to big questions.

Together with big questions, these tensions provide a rich platform for discussion and analysis.

Competing rights and responsibilities

Students develop an understanding that laws regulate relationships between people and legal entities. These relationships require rules due to the tensions that arise between conflicting legal rights and responsibilities.

Students are encouraged to explore the different contexts in which a conflict between legal rights may occur. These could include the rights of an individual conflicting with the rights of the community, and the rights of special interest groups conflicting with the rights of the wider community. Other contexts could include the rights of nations, including Australia, conflicting with international human rights, and the rights of people now — and in the past — conflicting with the rights of people in the future.

Students consider the challenges involved in resolving conflicting rights for institutions of government that make laws, enforce and administer laws, and resolve disputes about laws. Students investigate the extent to which laws adequately strike a balance between competing rights and provide an appropriate consequence when rights are breached.

Fairness and efficiency

Students develop an understanding of whether an appropriate balance between fairness and efficiency is struck by the legal system. They consider these competing tensions in the context of the power exercised by institutions of government in the processes of making laws and enforcing and resolving disputes about laws. They evaluate whether the law is fair and/or efficient when Australian citizens are seeking a legal resolution in the court system.

The empowered and the disempowered

Students develop an understanding of how power is shared and divided amongst different arms of government, and statutory bodies across the legal system. Students investigate and analyse whether current power-sharing arrangements are benefiting Australian society.

Students consider different geopolitical spaces (social, cultural, economic, geographic groups) in Australian society that may be disempowered by the current system structure. They investigate possible changes or courses of action that could potentially redress the power imbalance between the individual or group, and the government.

Certainty and flexibility

Students develop an understanding that effective legal systems strive for an appropriate balance between certainty and flexibility. Students are encouraged to inquire into whether this balance is successfully achieved in the Australian legal system.

Certainty is a necessary feature of constitutional government. There must be clarity regarding both the roles and powers of the institutions of government, and the rights and responsibilities of the people. However, there must also be the flexibility to adapt to changing circumstances and needs; the law must evolve to meet the needs of societies now and in the future.

There is a tension between the desire to maintain a stable and known set of legal principles, and the need to adapt the law to reflect the changing values and needs of the people. This tension poses challenges for parliaments, governments, and courts, and leads to an ongoing debate in the community.

Focus areas and optional areas

Focus and optional areas provide a rich context to consider big questions and examine competing tensions. Competing tensions can apply to more than one area.

Teachers are required to teach both focus areas 1 and 2, and must choose one optional topic listed below for exploring the questions and tensions:

* Focus area 1: Sources of law
* Focus area 2: Dispute resolution
* Optional area 1: The constitution
* Optional area 2: When rights collide.

Teachers should focus on the following issues when planning for each focus and optional area:

* development of big questions to frame inquiry, engagement, and learning
* development of inquiry questions to focus research
* connection to the competing tensions of:
* rights and responsibilities
* fairness and efficiency
* the empowered and the disempowered
* certainty and flexibility
* current/relevant structures and processes
* current legislation
* relevant cases
* a variety of contemporary sources
* engagement with the capabilities
* consideration of assessment including the specific feature(s) to be addressed
* time allocation.

Why do we use the concept of competing tensions, big questions, and inquiry questions?

Competing tensions articulate the diametrically opposed ideals that laws are designed to resolve. Laws and legal institutions are formed with the purpose of striking a balance between these ideals in a way that satisfies the community. Competing tensions exemplify why reasonable people can have different opinions about legal issues and show the importance of critical thinking in Legal Studies.

Big questions encourage learner agency and curiosity. They are a mechanism to stimulate deep thinking, analysis and evaluation, and the consideration of a range of perspectives. Big questions require a judgement, a point of view, and an argument.

These questions are open-ended and require research into legal principles, processes, evidence, and cases to provide the material to support discussion and a synthesised conclusion. One or more competing tensions may be evident in a big question.

Inquiry questions arise from the deconstruction of big questions into smaller research questions. Inquiry questions are content specific and often require a factual response. Answers to the inquiry question provide the building blocks for a big question response.

An example of how this is done is provided after Optional area 2.

Focus area 1: Sources of law

In their response to selected big questions, students consider the competing tensions. Teachers may choose to develop alternative big questions to frame the units of work, discussion, and inquiry.

Big questions

* How adequately do laws provide for future generations? *(Consider: competing rights and responsibilities)*
* Are the institutions of government fair and efficient? *(Consider: fairness and efficiency)*
* Is a power imbalance between a government and its people necessary for a democratic government to be effective and functional? *(Consider: the empowered and the disempowered)*
* Are laws responsive to change? (Consider: certainty and flexibility)
* To what extent does case law and legislation adequately compensate for the lack of explicit human rights in the Constitution?*(Consider: certainty and flexibility)*
* Do judges have too much power? (Consider: the empowered and the disempowered)
* How do courts balance the need to facilitate predictability, certainty and fairness, while also re-examining established legal principles to ensure a progressive society? *(Consider: certainty and flexibility)*
* Is the law fair if it is subject to interpretation? *(Consider: fairness and efficiency)*
* Are traditions worth maintaining?
* How adequately does the Australian legal system achieve the rule of law?
* Do the institutions of government, and its laws, adequately reflect the people?
* Do people influence laws, or do laws influence people?
* Should Australia have a complete separation of powers?
* How effective are the mechanisms for supervising the exercise of power by government institutions?
* What is the distinction between rule of law and rule by law?
* Should judges make law?
* Does the court hierarchy facilitate just outcomes?

Inquiry questions

Students use inquiry questions to focus research, and investigate and analyse some key principles and institutions that form the foundation of the legal system. The answers to the inquiry questions form a basis for knowing and understanding the context (for example the focus or optional area) and provide the foundation for a response to big questions.

The suggested inquiry questions are not compulsory but provide a guide for research.

* Why are the following underlying principles of the Australian legal system important?
* rule of law
* separation of powers
* responsible government
* representative government
* judicial independence
* What is the structure, composition, and role of the Commonwealth parliament, and one state or territory parliament?
* What is the structure and purpose of one state or territory court hierarchy?
* How and why are laws made by Commonwealth parliament, and one state or territory parliament, and delegated bodies?
* How and why are laws made by the Commonwealth courts, and one state or territory court, including the High Court?
* What is the relationship between the three arms of government, and the laws they make?
* How and why are laws supervised?
* What are the strengths and weaknesses of different law-making processes and the laws that result?
* How do the institutions of government protect the rights of groups and individuals in the Australian community, including Aboriginal and Torres Strait Islanders?

Focus area 2: Dispute resolution

In their response to selected big questions, students consider the competing tensions. Teachers may choose to develop alternative big questions to frame the units of work, discussion, and inquiry.

Big questions

* What is justice? (Consider: the empowered and the disempowered, competing rights and responsibilities)
* Is justice accessible? (Consider: the empowered and the disempowered)
* Is justice reliant on the abilities of lawyers/interpretation of judges? *(Consider: fairness and efficiency)*
* Are too many rights afforded to an accused person in the adversarial system of trial?*(Consider: competing rights and responsibilities)*
* Do common understandings of fairness have a place in the legal system? *(Consider: fairness and efficiency)*
* Do courts resolve disputes fairly? Fairly for whom? *(Consider: fairness and efficiency)*
* Is being fair and being lawful the same thing? *(Consider: fairness and efficiency)*
* Would fairness be better achieved by another justice system? *(Consider: fairness and efficiency)*
* Are the rules of evidence too strict to allow just outcomes? *(Consider: certainty and flexibility)*
* Is the adversarial system or inquisitorial system of trial more likely to result in just outcomes? *(Consider: fairness and efficiency)*
* Should juries be used in the justice system? *(Consider: fairness and efficiency)*

Students use inquiry questions to focus research, and investigate and analyse adversarial and inquisitorial justice systems. Courts in Australia incorporate features of both systems but are typically more adversarial.

Inquiry questions

* What is the role of the following features of the adversary system, and why are they important?
* burden and standard of proof
* rule of law
* role of the judge
* role of parties, witnesses, and other participants, including juries
* rules of evidence and procedure
* How are criminal and civil disputes resolved with and without a trial?
* What are the key features and principles of criminal and civil law(s)?
* How effective is the adversary system of trial compared with inquisitorial systems?
* How does the adversary system of trial protect the rights of groups and individuals in the community, including Aboriginal and Torres Strait Islanders?

Option area 1: The Australian constitution

In their response to selected big questions, students consider the competing tensions. Teachers may choose to develop alternative big questions to frame the units of work, discussion, and inquiry.

Big questions

* Does the Australian High Court have too much power? *(Consider: the empowered and the disempowered)*
* Does the Australian constitutional system adequately protect the rights of individuals and groups? *(Consider: competing rights and responsibilities)*
* To what extent should Australia be required to comply with its international human rights obligations? *(Consider: competing rights and responsibilities)*
* Did the Constitution adopt the best features of other countries’ constitutional systems?
* Does the Constitution reflect the needs of contemporary society?
* How does the Constitution provide for both certainty and flexibility?
* Does the original purpose of the Senate as a ‘States’ house’ adequately serve contemporary Australia?
* How has the division of power between the Commonwealth and the States changed since Federation, and what is the significance of this?
* Has the High Court of Australia been an effective guardian of the Constitution?
* Should Australia have a constitutional Bill of Rights?
* Should Australia become a republic?

Students use inquiry questions to investigate and analyse aspects of the Constitution.

Students are not required to quote or recall section numbers from the Constitution.

Inquiry questions

* What are the origins of Australia’s constitutional system?
* What are the underlying principles and key features of Australia’s constitutional system?
* separation of powers
* division of powers
* preservation of state powers
* representative government
* responsible government
* constitutional monarchy
* referendum procedures
* High Court of Australia
* What are the strengths and weaknesses of Australia’s constitutional system?
* How have decisions made by the High Court of Australia impacted on the Australian legal system and society?
* How does the Constitution influence Australia’s relationship with other countries?
* How does the Constitution protect groups and individuals in the Australian community, including Aboriginal and Torres Strait Islanders?

Option area 2: When rights collide

In this option, teachers develop their own unit of work to reflect the context and interests of their students. Teachers may create their own big questions by drawing on one or more areas of law from Australia and/or overseas, or use the examples below to frame the unit of work, discussion, and inquiry.

Teachers and students generate inquiry questions to focus the research and provide the basis for further exploration. In their response to selected big questions, students consider the competing tensions. The examples of competing tensions are given below as a guide; however, the context chosen by the teacher will determine which are appropriate.

Big questions

* How can the tension between conflicting rights be fairly resolved? *(Consider: competing rights and responsibilities)*
* How does the legal system protect rights and enforce obligations? *(Consider: certainty and flexibility)*
* Should rights and obligations vary in different contexts? *(Consider: the empowered and the disempowered)*
* Whose values are reflected in our laws? (Consider: the empowered and the disempowered)
* Do the values currently reflected in our laws meet the needs of contemporary society?
* How do laws provide for future generations?
* How are minority groups impacted by laws?
* How effectively do laws set standards of behaviour in society?
* Why and how do legal systems vary across the world?
* Do laws influence people, or do people influence laws?
* Can we trust our government to protect our rights?
* Does the existence of a right guarantee its enforcement?
* What is the value of rights if you don’t know that you have them?

Example of a unit of work

Focus area 2:  Dispute resolution

Big question: Do courts resolve disputes fairly? Fairly for whom?

How might the competing tensions underpin the inquiry into this question? If we take the right to appeal as an example:

The right to appeal a court's decision raises all the competing tensions. It makes a court's decision more uncertain, but promotes flexibility. It may be said to privilege the empowered (who have resources to appeal) over the disempowered. It privileges the rights of the losing party over those of the winning party.

If we focus on fairness and efficiency as the competing tension, the following inquiry questions will help students to gather the knowledge and understanding they need to be able to think critically and analytically — and answer the big question.

* What is the role of the following aspects of the adversary system, and why are they important?
* burden and standard of proof
* rule of law
* role of the judge
* role of parties, witnesses, and other participants, including juries
* rules of evidence and procedure
* How are criminal and civil disputes resolved both with and without a trial?
* What are the key features and principles of criminal and civil law(s)?
* How effective is the adversary system of trial compared with inquisitorial systems?
* How does the adversary system of trial protect the rights of groups and individuals in the community, including Aboriginal and Torres Strait Islanders?

Students will need to evaluate whether the law is fair and/or efficient when Australian citizens are seeking a legal resolution in the court system.

# Evidence of learning

All Stage 2 subjects have a school assessment component and an external assessment component.

The following assessment types enable students to demonstrate their learning in Stage 2 Legal Studies.

*School assessment (70%)*

* Assessment Type 1: Folio (40%)
* Assessment Type 2: Inquiry (30%).

*External assessment (30%)*

* Assessment Type 3: Examination

Students provide evidence of their learning through six assessments, including the external assessment component. Students complete:

* four folio tasks
* one inquiry
* one examination.

# Assessment design criteria

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

* teachers to clarify for students what they need to investigate, learn, and demonstrate
* teachers and assessors to design opportunities for students to provide evidence of their learning at the highest possible level of achievement.

The assessment design criteria consist of specific features that:

* students should demonstrate in their learning
* teachers and assessors look for as evidence that students have met the learning requirements.

For this subject the assessment design criteria are:

* understanding and application
* analysis and evaluation
* communication.

The specific features of these criteria are described below.

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

## Understanding and Application

The specific features are as follows:

UA1 Understanding of ways that the legal system balances competing tensions to specific contexts.

UA2 Understanding and application of legal principles and processes.

UA3 Research, selection, application, and acknowledgement of relevant sources.

## Analysis and Evaluation

The specific features are as follows:

AE1 Analysis and evaluation of legal principles, processes, or problems.

AE2 Evaluation of legal issues or arguments to reach a resolution and, where appropriate, make recommendations.

## Communication

The specific features are as follows:

C1 Communication of legal concepts and arguments.

# School assessment

The school assessment component for Stage 2 Legal Studies consists of two assessment types:

* Assessment Type 1: Folio
* Assessment Type 2: Inquiry.

Assessment Type 1: Folio (40%)

Students undertake four assessments for the folio. At least one folio assessment must be conducted under direct supervision. A minimum of one task must correspond to the option study of choice.

Every task should be designed so that students can demonstrate their conceptual and contextual learning. Students must have the opportunity to analyse and evaluate in each assessment.

The program of assessments should include different forms, for example:

* debates
* essays
* reports
* media analysis exercises
* multimodal presentations
* oral presentations
* short-answer questions
* short responses to stimuli
* responses to case studies
* simplified mock trials
* forum discussion
* response to sources
* tests.

Assessment conditions such as word limits, time limits, and presentation length should be clearly communicated to students. Each task does not need to have the same word limit or time limit. However, the combined folio assessments should be a maximum of 4000 words if written, or the equivalent of 24 minutes in oral or multimodal form.

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

* understanding and application
* analysis and evaluation
* communication.

Assessment Type 2: Inquiry (30%)

Students complete one inquiry task.

In this assessment type, students develop a range of capabilities by posing a big question that encourages consideration of a range of competing perspectives or arguments. The inquiry is a critical response to the question.

Through self-directed inquiry, students develop deep learning that allows them to transfer skills, extend civic literacy skills, and gain an understanding of the Australian legal system and its complexities. Students respond to a legal issue by researching it in depth and providing relevant and appropriate acknowledgment of sources. They also synthesise and analyse information and opinions and, where appropriate, offer actions for change and/or recommendations.

The focus of the inquiry must be a contemporary legal issue of public interest in the 12 months before the assessment began and related to one of the competing tensions and focus areas of this subject.

Students present a report on their inquiry. The report could take the form of, for example:

* a multimodal presentation
* an oral presentation
* a written report
* any combination of the above.

The report should be a maximum of 2000 words if written, and a maximum of 12 minutes for an oral or multimodal presentation.

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

* understanding and application
* analysis and evaluation
* communication.

# External assessment

The external assessment component for Stage 2 Legal Studies consists of an examination.

## Assessment Type 3: Examination (30%)

Students undertake a 130-minute external examination that is divided into two parts.

* Part A: Response to sources (65 minutes — 30 marks)
* Part B: Extended Response (65 minutes — 30 marks)

Part A consists of several sources and/or case studies. Students answer set questions based on one or both compulsory focus areas: Sources of law, or Dispute resolution.

Part B requires students to answer one essay question from a choice of four questions. Students select from:

* Focus area 1:  Sources of law
* Focus area 2:  Dispute resolution
* Optional area 1:  The Australian Constitution
* Optional area 2:  When rights collide

The following specific features of the assessment design criteria for this subject will be assessed in the examination:

* understanding and application
* analysis and evaluation
* communication.

# Performance standards

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

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

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

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

* referring to the performance standards
* assigning a subject grade between A+ and E— for the assessment type.

The student’s school assessment and external assessment are combined for a final result, which is reported as a grade between A+ and E—.

Performance standards for Legal Studies Stage 2

|  |  |  |  |
| --- | --- | --- | --- |
| - | Understanding and Application | Analysis and Evaluation | Communication |
| A | Perceptive understanding of the ways that the legal system balances competing tensions.Astute application of legal principles and processes to specific contexts.Thorough and focused research to select, apply, and appropriately acknowledge a range of relevant sources. | Perceptive analysis and evaluation of concepts, legal principles, processes, or problems.Insightful evaluation of arguments or issues to reach a convincing conclusion and/or make informed recommendations. | Clear and effective communication of legal concepts, opinions, and arguments. |
| B | Substantial understanding of the ways that the legal system balances competing tensions.Proficient application of legal principles and processes to specific contexts.Well-informed research to select and appropriately acknowledge a range of relevant sources. | Well-considered analysis and evaluation of concepts, legal principles, processes, or problems.Well-considered evaluation of legal arguments or issues to reach a mostly convincing conclusion and/or make mostly informed recommendations. | Mostly clear and effective communication of legal concepts, opinions, and arguments. |
| C | Sound understanding of the ways that the legal system balances competing tensions.Generally informed application of legal principles and processes to specific contexts.Adequate research to select and appropriately acknowledge a range of relevant sources. | Adequate analysis and evaluation of concepts, legal principles, processes, or problems.Sound evaluation of legal arguments or issues to reach a conclusion and/or make recommendations. | Generally effective communication of legal concepts, opinions, and arguments. |
| D | Some understanding of the ways that the legal system balances competing tensions.Partial application of legal principles and processes to specific contexts.Some research to select and appropriately acknowledge a range of relevant sources. | Some analysis and evaluation of concepts, legal principles, processes, or problems.Partial evaluation of legal arguments or issues to reach a conclusion and/or make recommendations. | Some communication of legal concepts, opinions, and arguments. |
| E | Limited understanding of the ways that the legal system balances competing tensions.Limited application of legal principles and processes to specific contexts.Rudimentary research, selection, and acknowledgement of a range of sources. | Limited analysis of concepts, legal principles, processes, or problems.Limited consideration of legal arguments or issues to reach a vague or unsubstantiated conclusion and/or recommendation. | Limited communication of legal concepts, opinions, and arguments. |