**Stage 2 Legal Studies (from 2021)**

**Example unit of work**

Focus Area 2: Dispute Resolution – Two options modelled

Big Question 1: **Are too many rights afforded to an accused person in the adversarial system of trial?**

When evaluating rights of the accused, students develop an understanding of the legal rights and responsibilities different dispute resolution systems value. When we investigate diverse relationships between legal entities, we can evaluate the necessity of individual legal rights where they conflict with the rights of another.

In focusing on **competing rights and responsibilities** as the competing tension, the following inquiry questions will help students gather the knowledge and understanding needed to think critically and analytically to answer the Big Question.

**Inquiry Questions**

What is the role of the following in the adversary system, and why are they important?

* Burden and standard of proof
* Rule of law
* Role of the judge
* Role of the parties, witnesses and other participants, including juries
* Rules of evidence and procedure

What are the key features and principles of criminal and civil law(s)?

How does the justice system balance the rights of legal entities when they conflict with rights of the community?

How effective is the adversary system of trial compared to the inquisitorial system?

How does the adversary system of trial protect the rights of groups and individuals in the community, including Aboriginal and Torres Strait Islanders?

OR

Big Question 2: **Should rights and obligations vary in different contexts?**

When we investigate opposing rights and responsibilities afforded by our adversarial system, competing tensions arise between individuals, groups and the government. Students consider diverse geopolitical spaces that may be disempowered by our current dispute resolution systems and explore conflicting rights of an individual with the rights of the community. When we investigate features of the adversarial system compared to other systems around the world, we are able to make informed evaluations of how the ALS has evolved – or could evolve – to balance rights and responsibilities afforded by our justice system. By thoroughly investigating dispute resolution mechanisms, we can suggest possible reforms that could better equalise any imbalance of power.

In focusing on **the empowered and the disempowered** as the competing tension, the following inquiry questions will help students gather the knowledge and understanding needed to think critically and analytically to answer the Big Question.

**Inquiry Questions**

How and where are crime victim rights reflected in our laws?

* Explicit rights
* Constitution interpretation
* Customary international law
* International agreements (treaties)

What is the role of the following in the adversary system, and why are they important?

* Burden and standard of proof
* Rule of law
* Role of the judge
* Role of the parties, witnesses and other participants, including juries
* Rules of evidence and procedure

What rights do international justice systems, including community or customary justice practices, afford crime victims and an accused?

What are the strengths and weaknesses of different types of dispute resolution to protect the rights of opposing legal parties?

How could the ALS adapt to better uphold the rights of victims of crime?

Students will need to explore and evaluate the underpinning principles and processes of the adversarial system compared to other forms of dispute resolution. Some additional considerations to explore can include but is not limited to:

Legislation:

* Sentencing Act 1995 (NT)
* Victims of Crime Rights and Services Act 2006 (NT)
* Victims of Crime Assistance Act 2006 (NT)
* Criminal Code Act 1983 (NT)

Treaties

* Basic Principles of Justice for Victims of Crime and Abuse of Power