

LEGAL BRIEFS

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From the Editor's Desk
Natalie Tan – Editor of Legal Briefs Edition 2

Dear Members,

Welcome to the second edition of Legal Briefs for 2026.

This edition contains a range of articles which directly follow from the Legal Studies Association's Annual Conference from March earlier this year. This year's Conference featured a range of speakers covering core units in our current syllabus, provided an overview of the new syllabus to be implemented for Year 11 in 2027, as well as including workshop sessions which looked at teaching strategies and legal updates related to each of the HSC Options. Our thanks again go to LSA Executive members Jennifer Venhuizen, Justine Hanks and Judy Macdonald for their tireless efforts in organising a highly successful and engaging Conference.

The articles that feature in this edition of Legal Briefs follows on from these conference sessions. They represent a range of ways that the sessions can be applied in the classroom: some from the presenters of the sessions, others from members who have taken inspiration from the many ideas raised and adapted them to their own school and classroom contexts.

The articles in this edition are:

Legal Briefs Submission Title	Author	Topic Areas	Submission Synopsis
Jury Trials in Modern Australia: Relevance, Challenges and the Rule of Law	Ros Murton	HSC Core: Crime (Juries)	Activities relating to the strengths, challenges and future of jury trials, and how it reflects the broader tensions between community participation, justice and the rule of law
Sentencing Considerations: A Media Study	Wayne Gleeson	HSC Core: Crime (Sentencing)	Using media articles, especially from local newspapers, to develop and consolidate student understanding of, and connections between, a range of dot points within the Crime syllabus
Domestic Responses to International Crime: Oliver Schulz	Hannah Hudson	HSC Core: Crime (International Crime)	Resources relating to the case of Oliver Schulz, a former Australian soldier charged with the war crime of murder
Wallumatta Legal	Adam Noronha	HSC Options: Family	A specific example and evaluation of non-legal responses relating to Family Law
Law Reform: Pets and NCAT	Genya Sugowdz	HSC Options: Shelter	An overview of statute law reform surrounding pets in rental properties, and subsequent cases in NCAT

Sexual Harassment and Discrimination in the Workplace	Natalie Tan and Rosie Westland	HSC Options: Workplace	Scaffolded research task relating to sexual harassment and discrimination, reflecting the need to differentiate the purpose and outcome of legal responses
Strategies for Teaching the Preliminary Course	Diega La Grassa	Preliminary: General Writing Strategies	An overview of some literacy strategies to integrate throughout the teaching of the Preliminary Course, to foster students' conceptual and evaluative thinking
Resolving Disputes: The Individual and the Law	Georgia Hayes	Preliminary: The Individual and the Law	Scaffolded evaluation of legal and non-legal responses relating to Robodebt
Embracing AI	Evette Jaajaa	Teaching Preparation Strategies	Examples of AI Prompts and Resources to support preparation, with a focus on Human Rights

Congratulations to **Georgia Hayes and Adam Noronha**, whose articles have won prizes for Legal Briefs #2 submissions.

Thank you very much to LSA Committee member, Genya Sugowdz, for reviewing this edition and assisting me with determining the prize winner. Thanks again to all our contributing members, we really appreciate your efforts!

Next Edition Information

Our next editions of Legal Briefs in 2026 will be focused on the new syllabus, to be implemented for Year 11 from 2027. This will be in conjunction with other supporting events from the LSA. It was great to see many of you at our Skills Day during Term 2, and we encourage you to keep an eye out for information on the Info Nights that will be held.

If you would like to share an item, please note the following **style guide** is as follows:

Content:

- Teaching strategies, worksheets, activities, ideas for teaching Legal Studies
- Formal papers exploring an issue / topic area
- Assessment tasks
- Contemporary issues media, reports, statistics
- Conditions, agencies of mechanisms of law reform
- Tips for students regarding writing, integrating, evaluating, assessing, making judgements and so on
- Any useful resource or strategy that works / engages students

Submission format:

- Include author / contributor's name within the document
- **WORD DOCUMENT (or Power Point) – please NO PDFs.**
- Font: Arial
- Font size: 12

- Font colour: Black
- Layout: portrait
- The less formatting within the article the better

How to submit?

- Email to president@lsa.net.au
- Include your name and your school at start of document

I wish you all a successful Term Three, especially in the lead-up to Trial HSC and Preliminary Exams for our senior students.

Natalie Tan

Jury Trials in Modern Australia: Relevance, Challenges and the Rule of Law

By Ros Murton, HSIE Secondary Curriculum DoE, LSA Committee Member

Deputy Chief Judge Christopher O'Brien delivered an informed presentation entitled Criminal Justice in NSW: A Snapshot at the 2026 LSA Annual Conference. This session provided valuable insights into a range of contemporary issues affecting the criminal justice system, including the role of juries in criminal trials. While jury trials formed only one component of the broader presentation, the discussion prompted reflection on the continuing relevance of juries in modern Australian society and the important role they play in maintaining public confidence in the administration of justice.

To further explore these issues, a range of contemporary sources and perspectives have been drawn upon, including the SBS Insight program Beyond Reasonable Doubt (June 2026) and resources produced by the Rule of Law Education Centre including commentary from Margaret Cunneen SC on the democratic and civic significance of jury service have been drawn on. The Insight program examined the experiences of jurors, judges, victims and those affected by miscarriages of justice; recent high-profile criminal proceedings including the judge-alone trial of Chris Dawson and the jury trial of Erin Patterson. Together, these sources provide a contemporary examination of the strengths, challenges and future of jury trials, while encouraging Legal Studies students to consider the broader relationship between community participation, justice and the rule of law.

The jury system is one of the most enduring and recognisable features of Australia's criminal justice system. For centuries, ordinary citizens have played a direct role in determining criminal responsibility, providing a unique connection between the community and the law. As representatives of the community, jurors bring diverse perspectives and experiences to the courtroom, reinforcing the principle that justice should not be administered solely by legal professionals or the state.

Yet in an era of complex forensic evidence, social media, extensive pre-trial publicity and increasing use of judge-alone trials, questions continue to be asked about whether juries remain fit for purpose in modern Australia. While jury trials are not without their challenges, they continue to play an important role in upholding democratic values, community participation and the rule of law. Examining both the strengths and limitations of jury trials provides an opportunity to consider their continuing relevance within a contemporary criminal justice system.

Juries as a Cornerstone of Criminal Justice

The Australian jury system has its origins in English common law and remains a fundamental feature of the criminal justice process. In New South Wales, jury trials are generally reserved for serious indictable offences heard in the District and Supreme Courts.

A jury's role is to determine questions of fact. Jurors assess the evidence presented during a trial and decide whether the prosecution has proved the accused's guilt beyond reasonable doubt. The judge, by contrast, determines questions of law, rules on the admissibility of evidence, directs the jury on legal principles and ensures that procedural fairness is maintained throughout the proceedings.

Although jury trials operate under different legislation across Australian jurisdictions, they share many common features and principles. The following cases referenced throughout this article illustrate the different legislative frameworks governing jury trials across Australian jurisdictions. Lindy Chamberlain's trial in the Northern Territory was conducted under the *Juries Act 1962* (NT), the Chris Dawson proceedings occurred within the framework of the *Jury Act 1977* (NSW), the Bruce Lehrmann trial in the ACT was governed by the *Juries Act 1967* (ACT), and the Erin Patterson trial was conducted under the *Juries Act 2000* (Vic). While each jurisdiction has its own legislative provisions governing matters such as jury selection, empanelment and jury management, all Australian jury systems are founded on similar principles. Jurors are selected from the community, are required to determine questions of fact based on the evidence presented and must apply the criminal standard of proof beyond reasonable doubt. This consistency reflects a shared commitment across Australian jurisdictions to community participation, procedural fairness and public confidence in the administration of justice.

The jury system reflects several fundamental principles of the criminal justice system, including the presumption of innocence, procedural fairness and proof beyond reasonable doubt. It also provides an important mechanism through which ordinary citizens participate directly in the administration of justice.

Deputy Chief Judge Christopher O'Brien AM highlighted in his presentation the significance of community participation in criminal trials. By involving members of the public in determining criminal responsibility, juries help maintain public confidence in the justice system and ensure that decisions about guilt are not left solely to legal professionals or government officials.

Contemporary Challenges Facing Juries

Although juries remain highly valued, modern criminal trials present challenges that were largely unknown when the jury system was first established. One challenge is the increasing complexity of evidence. Contemporary trials frequently involve DNA evidence, digital communications, financial records and highly specialised expert testimony. The *SBS Insight* program explored concerns about whether jurors are always equipped to understand and evaluate complex forensic evidence.

Although occurring more than four decades ago, the Lindy Chamberlain case remains highly relevant. Her wrongful conviction for the murder of her daughter Azaria remains one of Australia's most significant miscarriages of justice. Chamberlain later reflected on the difficulties jurors faced in understanding the forensic evidence presented at her trial, raising questions about whether juries can always effectively assess highly technical evidence. She argued that even lawyers required extensive assistance from scientists to

interpret the evidence, raising questions about whether jurors can always effectively assess highly technical information.

Media influence presents another challenge. The Chamberlain case attracted intense public scrutiny and media coverage. Former NSW Supreme Court judge Anthony Whealy observed that the pervasive media attention surrounding the case would have made it extremely difficult for jurors to completely disregard public commentary and opinion.

The emergence of social media and instant access to information has also created new risks of juror misconduct. Jurors are expected to decide cases solely on the evidence presented in court, yet there have been instances where jurors have conducted independent research or accessed information not admitted as evidence. The Bruce Lehrmann trial provides a recent example, with juror misconduct resulting in the discharge of the jury and the termination of the trial.

Research into jury decision-making further suggests that jurors, like all individuals, bring personal experiences, assumptions and unconscious biases into the courtroom. Professor Blake McKimmie of the University of Queensland argues that complete objectivity may be impossible because jurors are not "blank slates" when they are selected for service. These concerns have led some commentators to question whether juries remain the most effective method of determining criminal responsibility in complex and highly publicised cases.

A Defence of the Jury System

While criticisms of juries are common, supporters argue that many of the perceived weaknesses of juries are, in fact, among their greatest strengths. Margaret Cunneen SC, President of the Rule of Law Education Centre, former Crown Prosecutor and Deputy Senior Crown Prosecutor, provides a strong defence of the jury system. She argues that juries bring community values into the courtroom and enable citizens to determine what conduct society considers acceptable or unacceptable.

According to Cunneen, the diversity of modern juries is one of their greatest strengths. Juries are typically composed of individuals from different cultural backgrounds, age groups, professions and life experiences. This diversity allows a broad range of perspectives to inform deliberations and helps ensure that verdicts reflect contemporary community standards.

Importantly, Cunneen argues that collective decision-making helps reduce the influence of individual bias. While a single decision-maker may hold unconscious assumptions or prejudices, the requirement for twelve jurors to deliberate together means that personal biases can be challenged, questioned and moderated by others. In her view, juries provide a more representative and balanced form of justice than any individual judge or panel of judges could achieve.

This perspective highlights an important tension in debates about jury trials. While critics focus on the potential for misunderstanding, bias or external influence, supporters argue

that diversity and collective deliberation are precisely what make juries an effective safeguard against unfairness.

Jury Trials and Judge-Alone Trials

The modern criminal justice system also recognises that jury trials may not always be the most appropriate mechanism for determining guilt. Under the *Criminal Procedure Act 1986* (NSW), an accused person may apply for a judge-alone trial. Such applications are often considered where there has been extensive media coverage or where concerns exist that publicity may compromise a jury's impartiality.

The prosecution of Chris Dawson provides a prominent example. Following years of public attention generated by media reporting and the popular podcast *The Teacher's Pet*, Dawson elected to be tried by a judge alone in the NSW Supreme Court. Justice Ian Harrison ultimately found Dawson guilty of murdering his wife, Lynette Dawson, and delivered a detailed written judgment explaining the evidence and reasoning that led to the verdict.

Judge-alone trials offer several advantages. They reduce concerns about juror prejudice, provide transparent reasons for decisions and may be particularly useful in cases involving highly complex evidence. However, the continued use of juries in other high-profile cases demonstrates ongoing confidence in the jury system. The 2025 trial of Erin Patterson, relating to the deaths caused by poisonous mushrooms served at a family lunch, attracted extraordinary national and international media attention yet proceeded before a jury. The case reinforced the principle that ordinary citizens remain capable of assessing evidence and reaching verdicts in even the most widely publicised criminal matters.

Rather than representing competing systems, jury trials and judge-alone trials can be viewed as complementary mechanisms designed to promote fairness and confidence in legal outcomes.

Juries and the Rule of Law

Beyond their practical role in determining guilt, juries also serve an important constitutional and democratic function. The Rule of Law Education Centre identifies jury service as a significant expression of the rule of law and democratic participation. Through jury service, citizens contribute directly to the administration of justice and help ensure that criminal convictions cannot be imposed solely by government officials or judicial officers.

Juries support several key principles relating to the rule of law, including accountability, equality before the law and the limitation of power. By requiring community members to determine criminal responsibility, the justice system creates an additional safeguard against arbitrary decision-making and reinforces public confidence in legal institutions. Juries also help ensure that legal outcomes reflect contemporary community values. Their involvement strengthens the legitimacy of verdicts and reinforces the principle that justice should not only be done but should be seen to be done.

The Future of Jury Trials

The debate surrounding jury trials is unlikely to disappear. Advances in forensic science, the growth of digital evidence, increasing media scrutiny and evolving community expectations will continue to test the capacity of juries to fulfil their traditional role. Nevertheless, the continued existence of jury trials reflects a broader principle that justice should involve community participation. While reforms may be necessary to support jurors in understanding complex evidence and managing external influences, the jury system remains a vital feature of Australia's legal system.

The experiences of Lindy Chamberlain, the contrasting approaches taken in the Chris Dawson and Erin Patterson trials, and the ongoing debate among judges, academics and legal practitioners all demonstrate that no system is perfect. However, they also highlight why juries continue to occupy an important place within Australia's criminal justice system.

Ultimately, the relevance of juries extends beyond determining guilt or innocence. Jury service connects citizens to the justice system, reinforces democratic values and provides an important safeguard against the concentration of state power. For these reasons, juries remain not only a feature of criminal procedure, but also an enduring expression of the rule of law in modern Australia.

Activities:

The following activities have been designed to support a range of student levels and progressive complexity. These move from understanding through to comparison, analysis, application and evaluation.

Understanding

Activity – Jury Trials Retrieval Quiz

Students answer short-response questions:

1. What is the role of a jury?
2. What is the role of the judge?
3. What does "beyond reasonable doubt" mean?
4. Why are juries used in criminal trials?
5. What is the presumption of innocence?

Activity – Judge or Jury?

Students sort responsibilities into the correct category.

Responsibility	Judge	Jury
Determines facts		
Directs on law		
Delivers verdict		
Rules on evidence		
Determines guilt		

Extension activity: Explain why these responsibilities are separated.

Activity – The Jury Trial Process

Students create a flowchart sequencing the following legal procedures:

1. Jury selection
2. Opening statements
3. Evidence presented
4. Judicial directions
5. Jury deliberation
6. Verdict

Comparison

Activity – Jury or Judge-alone comparison:

Students use evidence from the article to complete the following comparative table:

Scope	Jury trial	Judge-alone trial
Case examples		
Advantages		
Disadvantages		
Transparency		

Activity – Which Trial Would You Choose?

Provide students with the following scenario:

A high-profile murder case has:

- extensive media coverage
- forensic evidence
- public interest

Students decide: Would a jury trial or judge-alone trial better achieve justice?

Students justify their decision using the following criteria:

- fairness
- impartiality
- public confidence
- accountability.

Activity – Case comparison – Dawson v Patterson

Students compare factors in the Chris Dawson trial and the Erin Patterson trial.

Factor	Chris Dawson	Erin Patterson
Type of trial		
Media attention		
Advantages		
Challenges		

Students answer the following question after completing the comparison table:

What do these cases suggest about the future of criminal trials in Australia?

Analysis

Activity – Stakeholder perspectives:

Using the notes provided, the *Insight* episode *Beyond Reasonable Doubt*, and the following SBS *Insight* article, [Lindy Chamberlain says jurors 'didn't understand' the evidence in her case. She wants change](#) from 8 June 2026, complete the following:

Examine competing perspectives on the effectiveness of jury trials.

Stakeholder	Perspective	Evidence
Lindy Chamberlain		
Yvonne Cain		
Anthony Whealy		
Blake McKimmie		
Saxon Mullins		
Crispin Hull		

Activity – Agree or Disagree?

Students respond to each of the following statements with agree, disagree or unsure. Students justify their position using evidence from the article:

- Juries are better than judges at determining guilt.
- Jurors can remain impartial.
- Complex evidence should be decided by experts.
- Media coverage can influence juries.

Activity – Challenges Facing Juries

Students complete the following table to determine challenges facing juries:

Challenge	Why is it a problem?	Example
Complex evidence		
Media influence		
Juror misconduct		
Bias		

Application:**Activity – Juries and the Rule of Law**

Students examine the broader democratic significance of juries with reference to the rule of law.

Students complete the following, using case examples and evidence to support:

Rule of law principle	How do jury trials support this?
Equality before the law	
Accountability	
Procedural fairness	
Limitation of power	
Public confidence	

Evaluation:**Activity – Evidence Gathering Matrix**

Students use a range of evidence from the article and related sources to complete the following:

Source	Strength of jury trials	Limitation of jury trials
Lecture – Deputy Chief Judge Christopher O'Brien		
SBS <i>Insight</i> Episode, <i>Beyond Reasonable Doubt</i> , June 2026		
Case – Chris Dawson		
Case – Erin Patterson		
Rule of Law Education Centre, Margaret Cunneen SC		

Activity – Extended Response

Students complete a 15-mark extended response addressing the following:

Question: "Jury trials remain an essential feature of the rule of law in modern Australian society."

Evaluate this statement.

In your response:

- refer to the article
- refer to at least one jury trial example and one judge-alone trial example
- use legal terminology and concepts.

Activity – Extension – stimulus responses:

Students use the following stimulus to address the questions:

Stimulus "The jury system survives not because it is perfect, but because it is preferable to the alternatives."

Questions:

- Is justice best achieved by community members or legal experts?
- Can jurors understand modern evidence?
- Does media influence undermine jury trials?
- Should judge-alone trials become more common?

Students are to integrate evidence into each question response and conclude with judgement statements.

Students create an overarching judgement paragraph that addresses the stimulus and combines as many of the question responses as possible into this paragraph.

References:

Deputy Chief Judge Christopher O'Brien AM, *Criminal Justice in NSW A snapshot*, LSA Conference, 26 March 2026

Rule of Law Education Centre, *What type of cases require juries? Interview with Margaret Cunneen* SC, YouTube, 4 December 2025

<https://www.youtube.com/watch?v=WSVGZvMVhgM&t=7s>

SBS Insight: *Lindy Chamberlain says jurors 'didn't understand' the evidence in her case. She wants change*, 8 June 2026

<https://www.sbs.com.au/news/insight/article/lindy-chamberlain-says-jurors-didnt-understand-evidence-in-her-case/vqetd5cn2>

SBS Insight: Season 26 Episode 15, *Beyond Reasonable Doubt*

<https://www.sbs.com.au/ondemand/news-series/insight/season-2026/insight-s2026-ep15/2500625475846>

Sentencing Considerations – A Media Study

By Wayne Gleeson, LSA Life Member

The following media article comes from The Bay Post, a local south coast newspaper. The Bay Post and Moruya Mail have regular articles on current cases before the Local Court in Batemans Bay, Moruya, Narooma and Bega. Whilst only brief, they often give some great detail on the cases facing our judges in the local court. The main travelling judge is Judge Doug Dick OAM who often gives a wonderful insight to his reasoning and often delivered with a sense of humour.

The activities that follow the article help cement a student's background knowledge of the crime topic and also helps develop some expansion of that knowledge.

Police pursuit driver given jail term despite 'glowing' pre-sentence report

By Ben Smyth, The Bay Post, 11 June 2026.

Two drink-drivers who received "glowing reports" from a court-based diversion program have received encouragement from a judge while being sentenced.

On Tuesday, June 9, Bega Local Court heard the separate matters of Xavier Smith and Darcy William Kellett, who had both taken part in the Magistrates Early Referral Into Treatment (MERIT) program prior to sentencing.

Smith, 32, was charged with a high-speed police pursuit, driving with a middle-range prescribed concentration of alcohol (PCA) - both of which the court heard were not first offences - and having custody of a knife in public.

He entered guilty pleas to all three.

Smith's defence solicitor said the offences were "very concerning, and exacerbated by the pursuit", but that he had received a "glowing report" from MERIT.

"It talks about his involvement in the program as exemplary so I ask Your Honour to give him the benefit of someone who has taken a bad situation and put himself in a better place," they said.

Judge Doug Dick OAM said he was "very impressed" with the MERIT report, as well as the multiple references and Smith's letter of apology that had been tendered to the court.

"However, my job is to punish you and to protect the community," Judge Dick added. "The mid-range drink-driving was probably one of the catalysts for you panicking [and speeding away from police].

"The court's not going to crush you, but we have to get the message across."

Smith was disqualified from driving for two years, backdated to February 16, the day of his arrest.

He was also sentenced to a one-year jail sentence, to be served in the community via an intensive corrections order (ICO), and ordered to complete 200 hours of community service and abstain from alcohol for the duration.

For having a knife in public, Smith was fined \$1000 and the knife was forfeited to be destroyed.

Meanwhile, Kellett, 37, pleaded guilty to being an excluded person failing to leave a licensed premises, and common assault.

The court heard the offending meant Kellett was in breach of three community corrections orders (CCO) previously imposed by a local court for mid-range drink-driving, drug possession and an assault occasioning actual bodily harm.

Judge Dick pointed out Kellett's MERIT report was "favourable" as he considered suitable penalties.

For the prior drink-driving matter, the CCO was revoked and the breach established, with a \$1000 fine imposed in its place.

Similarly the drug possession CCO was revoked and a \$600 fine imposed, and the CCO for an assault was revoked and Kellett was re-sentenced to a new CCO.

For failing to leave the premises - the Lakeview Hotel in Merimbula - he was fined \$500.

For the more recent assault, he was convicted and sentenced to a two-year CCO, with conditions he actively engage with rehabilitation programs. He was also ordered to perform 200 hours of community service.

"Don't get your priorities skewed," Judge Dick told him.

Accessed at: www.batemansbaypost.com.au/story/9289117/judge-doug-dick-merit-program-success-against-public-safety-needs/

Activities

The nature of crime

1. Group the offences that Mr Smith and Mr Kellet are charged with into the different categories of crime.
2. Likewise group these offences into summary and indictable offences and explain why you have grouped them like this.
3. Which of the parties to a crime mentioned in the syllabus would Mr Smith and Mr Kellet appear to be? Explain your reasoning.

The criminal investigation process

4. Would you expect these offenders to be on bail or remand? Explain why you have made this observation.

Criminal trial process

5. This is the Local Court, so why does the article keep referring to Judge Dick rather than Magistrate Dick? If you have difficulty in answering this check the following link: <https://localcourt.nsw.gov.au/>
6. List the different legal personnel mentioned in the article.
7. Each of the offenders has made guilty pleas. What are the advantages of such pleas to the offenders and the criminal justice system?
8. Why is the standard of proof not an issue for these charges?

Sentencing and punishment

9. List the purposes of punishment mentioned in the syllabus. Which of these did Judge Dick refer to and why do you think he specifically mentioned these two?
10. Aggravating and mitigating circumstances are factors that impact upon a sentencing decision. Explain what each of these mean and were any of these applicable to the punishments given to these offenders.
11. What is a 'pre-sentence report'?
12. What is mean by the term 'court-based diversion program'?

Follow the following link to The MERIT Program and answer the following questions.

<https://dcj.nsw.gov.au/legal-and-justice/diversion-and-therapeutic-programs/the-magistrates-early-referral-into-treatment-merit-program.html>

13. What does MERIT stand for and what is the program?
14. What are the eligibility criteria to be part of the MERIT Program?
15. What are the benefits of such a program?
16. Can you identify any possible limitations of the MERIT Program?
17. The article mentions that Mr Smith "was also sentenced to a one-year jail (sic) sentence ..." but he was sentenced to an Intensive Corrections Order (ICO). Explain what an ICO is and why it is referred to as a "jail (sic) sentence".
18. What conditions were imposed on the ICO that Mr Smith received? What could be a consequence if Mr Smith breaches his ICO by not following the conditions and/or re-offending?
19. What punishments were imposed on each offender?
20. Explain what a Community Corrections Order (CCO) is?
21. Each offender has been ordered to perform 200 hours of Community Service. What does this involve?
22. Can you think of any post-sentencing considerations applicable to these offenders? Hint: think past those mentioned in the syllabus.

Extended Response.

23. Evaluate the effectiveness of different types of penalties, including diversionary programs, to achieve justice for society but to also assist in the rehabilitation of offenders.

Domestic Responses to International Crime: The Oliver Schulz Case

By Hannah Hudson, Central Coast Grammar School and LSA Committee Member

Oliver Schulz, a former Australian SAS soldier, was charged with the war crime of murder following an incident in Afghanistan in May 2012. The charge stems from the alleged unlawful killing of Afghan civilian Dad Mohammad during a military operation in Uruzgan Province. This case marks the first time an Australian serviceman or veteran has been charged with a war crime under Australian law.

SAS veteran Oliver Schulz charged with war crime of murder over killing of Afghan man in field

By Sean Rubinsztein-Dunlop, ABC News, Monday 20 March 2023

A decorated former SAS soldier shown in a Four Corners story shooting an Afghan man in a wheat field has become the first Australian serviceman or veteran to be charged with a war crime under Australian law.

In a statement, the AFP said it would be alleged he murdered an Afghan man while deployed to Afghanistan with the Australian Defence Force (ADF).

Mr Schulz has been charged with the war crime of murder under the Commonwealth Criminal Code.

His case was mentioned in Queanbeyan Local Court this afternoon, where his solicitor made no application for bail. He has been remanded in custody to appear at Sydney's Downing Centre Local Court on May 16.

His charge, the ABC understands, relates to the shooting death of Afghan man Dad Mohammad during an ADF raid in May 2012 in Uruzgan Province in southern Afghanistan.

That killing was revealed in March 2020 by the ABC's Four Corners program, which broadcast footage showing Mr Schulz shooting Mr Mohammad while the Afghan man lay on the ground.

If found guilty, Mr Schulz could face life in prison.

Case could set international precedent, legal expert says

His arrest marks a historic shift in the response to suspected military wrongdoing, both in Australia and among Western allies, who have avoided holding war crimes trials in civilian courts, according to international law experts.

"It's unprecedented," said University of Tasmania law professor Tim McCormack, a special adviser on war crimes to the prosecutor of the International Criminal Court (ICC) in The Hague.

"We've never had a situation in the past where a member of the ADF, either current or former, has been charged with a war crime and slated for trial in a civilian court.

"I suspect that this will be an important precedent for the British, for the Canadians, for the New Zealanders and, hopefully, for other state parties [to the ICC]."

Mr Schulz was awarded the Commendation for Gallantry for his service in Afghanistan, where he completed multiple tours.

He was stood down by the ADF after the killing was revealed by ABC Investigations and Four Corners.

Killed man was father of two young girls

The Four Corners program, Killing Field, broadcast explosive footage taken from a helmet camera worn by the dog handler from Mr Schulz's patrol.

It shows an SAS dog mauling Mr Mohammad in a field, before the dog is called off and Mr Schulz is seen training his weapon on the man.

Mr Mohammad was a father of two, in his 20s, from the village of Deh Jawz-e Hasanzai.

Four Corners identified the dead man and tracked down his father and brother during its investigation.

"They can arrest him," his father, Abul Malik, told the program in 2020. "Why did they have to kill him?"

"He was married and had two daughters," said Dad Mohammad's brother, Jamshid. "The youngest one was about a month old and the other was three years old at the time."

Four Corners also revealed that the ADF had investigated the killing months after the 2012 incident, following complaints from Afghan villagers.

However, ADF investigators cleared Mr Schulz after being told Mr Mohammad had been "tactically manoeuvring", was carrying a radio, and had been shot in self-defence.

After Four Corners' story, the incident was broadcast around the world.

The then-prime minister, Scott Morrison, described it as "shocking and alarming" and then-defence minister Linda Reynolds referred the incident to the AFP for investigation.

That investigation was later taken over by the Office of the Special Investigator (OSI), the body set up to probe alleged war crimes after the Inspector-General of the Australian Defence Force inquiry, which was led by Paul Brereton, an Army Reserve Major General and New South Wales Supreme Court judge.

The Brereton inquiry handed down its findings in November 2020, recommending that 23 incidents and 19 individuals be referred for further investigation by police.

That inquiry recommended that any alleged war crime should be prosecuted in a civilian criminal court in a trial by jury, rather than in a military tribunal.

During Senate estimates hearings in February, the Director-General of the OSI, Chris Moraitis, said the agency was investigating between 40 and 50 alleged offences. Attorney-General's consent required for war crime prosecution

ABC Investigations understands that a dedicated OSI team made up of homicide detectives and an intelligence officer examined the Killing Field incident for more than two years.

This year, a brief of evidence was signed off by the Commonwealth Director of Public Prosecutions and Attorney-General Mark Dreyfus, whose consent is required to start a war crime prosecution.

"The willingness of the Commonwealth Director of Public Prosecutions to use that legislative framework is a very significant thing," Professor McCormack said.

"If states don't take seriously their national obligations and responsibilities, then it's left to the International Criminal Court [to prosecute], and the work is so overwhelming, the ICC doesn't have the resources to deal with all of that. "Not a lot of states have got great track records in taking their national responsibility seriously."

In a statement, the AFP said it was working with the OSI "to investigate allegations of criminal offences under Australian law related to breaches of the Laws of Armed Conflict by Australian Defence Force personnel in Afghanistan between 2005 and 2016".

"As the matter will be before the court and the investigation is ongoing, no further comment will be made," the statement said.

War crimes charges must be tried before a jury under Australian law.

Under the Commonwealth Criminal Code, a killing constitutes the war crime of murder if the victim is neither a combatant nor out of action due to injury or damage.

Prosecutors must also prove that the perpetrator knew, or was reckless to, this fact. The killing does not constitute a war crime if it occurred as a result of an attack on a military objective, during which the perpetrator did not expect excessive civilian casualties.

Accessed at: <https://www.abc.net.au/news/2023-03-20/former-sas-soldier-arrested-over-afghanistan-killing/102119554> See also: <https://www.abc.net.au/news/2020-03-16/killing-field/12060538>

Key Legislation and Legal Terms

Below are key legal responses relevant to this case. Give a description using the links provided.

Legal Responses (Link)	Description of Response
<u>Geneva Conventions Act 1957 (Cth)</u>	
<u>International Criminal Court (ICC) and the Rome Statute 2002</u> <u>ICC: How the Court Works</u>	
<u>Universal Declaration of Human Rights 1948</u>	
<u>Criminal Code Act 1995 (Cth)</u>	

Comprehension Questions

1. Define what a war crime is.
2. Identify the war crime Oliver Schulz is accused of.
3. Outline some international laws or treaties apply to prosecuting war crimes.
4. Outline domestic laws that apply to prosecuting war crimes.
5. Explain the challenges prosecutors face when trying to bring alleged war criminals like Schulz to justice.
6. Explain why prosecuting war crimes is important for global justice and peace.
7. Discuss how international courts like the ICC are limited in prosecuting war crimes.
8. Consider the difficulties victims might face in seeking justice for war crimes. What barriers exist?

Extension and Related Articles

- <https://www.abc.net.au/news/2024-03-25/david-mcbride-afghan-files-dan-oakes-four-corners/103542714> **Whistle-blower David McBride**
- <https://www.youtube.com/watch?v=mfJbCfsT0vI> **Four Corners David McBride**
- [https://www.aph.gov.au/About Parliament/Parliamentary departments/Parliamentary Library/Research/Briefing Book/47th Parliament/BreretonReport](https://www.aph.gov.au/About_Parliament/Parliamentary_departments/Parliamentary_Library/Research/Briefing_Book/47th_Parliament/BreretonReport) **Brereton Report 2020**
- <https://www.abc.net.au/news/2023-06-01/ben-roberts-smith-war-crimes-established-in-federal-court/102422952> **Ben Roberts-Smith Case**

Wallumatta Legal: Non-Legal Responses to Family Law

By Adam Noronha, Concord High School

This activity uses the case study of Wallumatta Legal to examine how non-government organisations support families through the family law system. Students investigate the organisation's role, services and impact before evaluating its effectiveness, addressing both the 2009 syllabus focus on NGO responses to family relationship issues and the 2025 syllabus focus on the role and impact of NGOs in supporting families.

Relevant syllabus dot-points

2009 Syllabus	2025 Syllabus
Responses to problems in family relationships • The roles of: - Non-government organisations	The nature of family law • The role and impact of non-government organisations and the media in promoting and supporting families

Uni-based law firm offers low-fee services and graduate pathways

By Sue White, Sydney Morning Herald, March 4, 2022

Legal aid aside, legal advice can be expensive. And as those going through a divorce well know, finding a low-cost family law firm is a bit like searching for a needle in a haystack.

Wallumatta Legal, created by Macquarie University and international law firm DLA Piper, may not see itself as a needle. But the academics and legal professionals behind this low fee, not-for-profit family law firm agree its creation heralds a new day for legal services in Australia.

Located within Macquarie University's new arts precinct, the firm will provide family law services to the "missing middle" – parents who aren't eligible for legal aid or other free services but cannot readily afford the fees charged by most commercial lawyers. "The missing middle covers most essential workers in aged care, as well as nurses, teachers, cleaners and delivery drivers. They are very capable and are the people we relied on to get us through the COVID-19 pandemic," says Daniel Ghezelbash, an associate professor at Macquarie Law School and board member of Wallumatta Legal.

"They have full-time, part-time or casual work and can meet their daily expenses, but they just don't have the savings to address events like a marriage breakdown and the potential debt problems that can bring," Ghezelbash says.

The new law firm also provides several wins for Macquarie University's law students. Six students are currently interning at Wallumatta Legal as part of their studies, a number that will grow as the not-for-profit business scales.

For law student Perri Hutchings, the intern experience has been eye-opening. She participated in client meetings on divorce proceedings, property settlements and family violence protection orders.

“It was amazing to finally be able to see the law in practice and to see client interview techniques and how lawyers actually engage with clients,” Hutchings says. According to Hutchings, the opportunity to help people who aren’t eligible for legal aid was a highlight of the role. It’s a sentiment Ghezelbash says many young lawyers will understand.

“The only way to attract the top law graduates to commercial law firms is to offer meaningful pro bono activities that make the top students feel they’re giving back at the same time as doing commercial work. It’s essential to good recruitment,” he says.

There’s currently a shortage of family lawyers in Australia, so Wallamutta Legal will provide its student interns an advantage in the job market while addressing social inequity through the services themselves. The firm is currently hiring for its own professional positions: there are jobs for two experienced family lawyers to play a supervisory role in the clinic.

While Wallamutta Legal’s offerings are compelling, for Ghezelbash the technologies in operation behind the scenes are another game changer. He says the legal profession is becoming increasingly reliant on technology to streamline tasks for clients.

Hutchings can see how the experience with Wallamutta’s job-specific software will pay off: “One of the big challenges for me was learning about legal software because in university you don’t have the opportunity to use programs that are used in the workforce. That will be really beneficial for my career,” Hutchings says.

In fact, Hutchings found the whole experience so inspiring that she’s now changed those career plans. Before her placement, the double degree law and security studies student had been leaning towards working in the latter.

“But I liked the work so much at Wallamutta Legal, and I liked to be able to help people, so I’m going to go on to do my practical legal training, and I’m considering a role in law,” Hutchings says.

Accessed at: <https://www.smh.com.au/business/workplace/uni-based-law-firm-offers-low-fee-services-and-graduate-pathways-20220301-p5a0rk.html>

For additional information: <https://wallumattalegal.org.au/>

Activities:

Role and Purpose

1. What is Wallumatta Legal, and which institutions created it?
2. Who is the target demographic for Wallumatta Legal's services?
3. Why is there a need for low-fee family law services like those offered by Wallumatta Legal?
4. How does Wallumatta Legal address the legal needs of the "missing middle"?

Services Provided

5. What specific types of family law cases does Wallumatta Legal handle?
6. How does Wallumatta Legal contribute to addressing the shortage of family lawyers in Australia?
7. How is technology utilised at Wallumatta Legal to streamline tasks for clients and students?

Assess the effectiveness of the Wallumatta Legal Centre as a non-legal response to Family Law.

Use the scaffold below to plan your response.

Paragraph Topic - Wallumatta Legal Centre (NGO)	
Point Identify the paragraph topic; state your topic sentence (judgement, relevant to Q)	
Explain Describe and explain: Who, what, when, how? (Be concise)	<i>Overview of the services provided and their purpose</i>
Source Provide evidence: use specific statistics, legislation, cases, or expert opinions (LCMID)	<i>Read through some of the publications shared on the website and integrate data that highlight impact e.g., "To date we have provided assistance on more than 400 family law matters – both through representation in court (33%) and providing out of court assistance."</i>
Analyse Critically analyse: Positive & negative implications; For whom/what?	
Link Link ideas back to the main point and question	

Shelter: Law Reform – Pets and NCAT

By Genya Sugowdz, Inner Sydney High School and LSA Committee Member

This is a summary of recent law reform surrounding the legality of having a pet in a rental property, focussing on the rights and responsibilities of both landlords and tenants. Relevant cases regarding pets from NCAT, published on the NSW Caselaw website (<https://ncat.nsw.gov.au/publications-and-resources/published-decisions.html>), have also been condensed for students to use as evidence in their responses. There is an additional case, also focussed on animal ownership in a biodiversity scheme, that links to the syllabus dot point of purchasing.

This content will have continued relevance for the incoming syllabus Year 12 option of Housing as residential tenancy agreements and ways to manage conflict remain as key focus areas.

Syllabus Links:

- leasing including:
 - rights and obligations of landlords and tenants
 - protection for tenants, landlords, boarders and lodgers
- purchasing including:
 - separate dwelling or shared space

Themes and challenges

- the role of the law in encouraging cooperation and resolving conflict in regard to shelter
- issues of compliance and non-compliance
- laws relating to shelter as a reflection of changing values and ethical standards
- the role of law reform in protecting the rights of those seeking shelter
- the effectiveness of the legal and non-legal responses in achieving just outcomes in regard to the provision of shelter.

The Residential Tenancies Amendment Act 2024 changes

The Residential Tenancies Amendment Act 2024 came into effect in New South Wales in 2025, introducing significant changes to how pets are handled in rental properties. Prior to this amendment, landlords held broad discretion to refuse pets without needing to provide justification. The new law fundamentally shifts this dynamic by requiring landlords and agents to have a valid, evidence-based reason before declining a pet request. It is now unlawful for a landlord or agent to advertise that pets will not be permitted at the premises. This means rental listings that previously stated "no pets" must be revised to comply with the new legislation. The change reflects a broader policy intent to normalise pet ownership within the rental market and ensure that pet requests are assessed on their individual merits rather than dismissed out of hand through advertising restrictions.

These provisions sit within the broader framework of the Residential Tenancies Act 2010 (NSW), which governs the rights and obligations of both landlords and tenants. The amendments also formalise the role of the NSW Civil and Administrative Tribunal (NCAT) in resolving pet-related disputes. Where a tenant believes a landlord's refusal is unreasonable, or where a landlord believes a pet is causing genuine harm, NCAT provides the forum for resolution.

NSW Fair Trading



Apply to keep a pet in a rental property

What's this form for?

- Tenants must use part A of this form to ask for approval to keep pet/s in a rental property.
- The landlord must fill out part B of this form to respond to the tenant's request.

How to use this form

- Tenants must provide information about the pet/s they want to keep.
- The landlord must respond within 21 days after the tenant gives them this form. If they don't respond, the pet is approved.
- If the landlord approves the pet, they can ask the tenant to agree to reasonable conditions for the pet (section B2).
- If the landlord refuses the pet, they must explain their refusal. They can only refuse for certain reasons (section B3).
- You can complete this form using a PDF reader and add your electronic signature, or you can print it out.
- If there is not enough space anywhere on this form, you can add **attachments**.

Exceptions

- Tenants **do not** need to submit this form or ask for landlord approval for an assistance animal. Tenants with an assistance animal should notify the landlord of the animal.
- Tenants who have already received consent for their animal **do not** need to submit this form.
- Tenants who live in purpose-built student accommodation **do not** need to use this form.

Terms used in this form

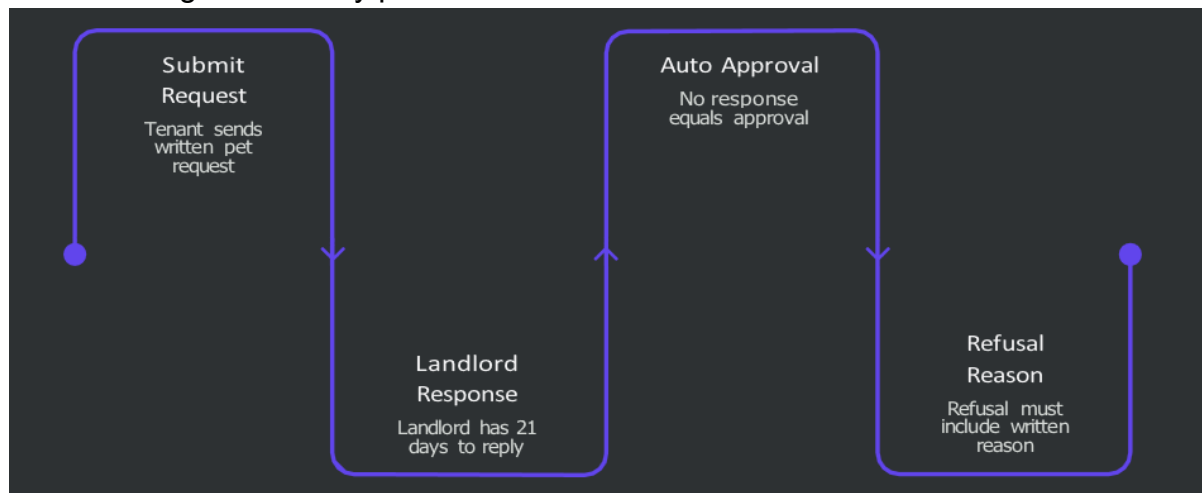
- **The Act** means the *Residential Tenancies Act 2010*.
- **Tenant** means a tenant that has entered into a residential tenancy agreement.
- **Co-tenants** means all tenants listed on the residential tenancy agreement.
- **Landlord** means a person who grants the right to occupy residential premises.
- **Rental property** means a rented residential premises under the Act.
- **Pet** means an animal. It does not include an assistance animal. The type of animal that can be a pet is not limited by the Act.
- **Assistance animal** means an animal trained or accredited to assist a person with a disability, as in the *Disability Discrimination Act 1992* (Cth).

The Pet Request Process

Tenant responsibility: tenants who wish to keep a pet at a rental property must submit a formal written request to their landlord or agent. This request should include relevant details about the animal: its type, breed, size, age, and any other information that may assist the landlord in making an informed decision.

Landlord obligation: once a request is received, the landlord or agent has 21 days to provide a written response. If no response is provided within 21 days, the request is automatically deemed approved. This default approval mechanism is one of the most significant features of the new law, as it prevents landlords from using silence or delay refusal.

If a landlord wishes to refuse a pet request, they must do so in writing and must provide a valid reason. Landlords cannot simply state a preference against pets — they must articulate a specific concern that is grounded in the facts of the property, the animal, or the tenancy. Common valid reasons include concerns about the animal's welfare given the property's characteristics, the number of animals already on the premises, or evidence of previous damage caused by pets.



When Can a Landlord Refuse a Pet?

While the 2024 amendments significantly curtail a landlord's ability to refuse pets arbitrarily, the legislation does preserve specific grounds on which a refusal is considered valid.

1. Landlords may refuse a request where the tenant already has, or is seeking to keep, more than four animals at the premises. This threshold reflects a practical concern about overcrowding and the potential impact on the property and neighbours.
2. welfare of the animal itself. Where a property lacks adequate fencing or open space, and this deficiency would negatively affect the animal's welfare, a landlord may refuse the request on that basis.

Beyond these specific grounds, the general principle is that any refusal must be *reasonable*. This is a flexible standard that will depend on the circumstances of each case. Factors that may be relevant include the type and size of the animal, the nature of the property, any history of pet-related damage, and the impact on other residents or neighbours.

Tenants who receive a refusal they believe to be unreasonable should first seek to understand the landlord's reasoning and consider whether it can be addressed. If the matter cannot be resolved informally, tenants have the right to apply to NCAT for a determination.

Case Study: Casey Munro 2025

Key facts:

- Mr Munro sought to keep his border collie, Elsie, at his rental property.

- His property manager refused the request, raising concerns that Elsie was likely to cause more damage to the property than his bond would cover.
- This refusal was subsequently challenged before the NSW Civil and Administrative Tribunal (NCAT).

NCAT Outcome - unreasonableness:

- NCAT found the refusal to be unreasonable, primarily on the basis that the property manager had failed to provide sufficient evidence to support the assertion that Elsie would cause excessive damage.
- The Tribunal's reasoning reflects a key principle embedded in the 2024 amendments: a landlord or agent cannot rely on speculation or generalised assumptions about a breed or type of animal. There must be evidence, whether in the form of the animal's past behaviour, the specific characteristics of the property, or other relevant factors, to justify a refusal.

Tribunal sides with tenant in test of new laws on pets in NSW rental properties

By Sarah Moss ABC Illawarra Pets

Sun 17 Aug 2025



Casey Munro is now allowed to keep his border collie Elsie at his flat. (ABC Illawarra: Sarah Moss)

Significance of the Munro case:

- it demonstrates that NCAT is willing to intervene where refusals are not properly grounded.
- it sends a clear message to property managers and landlords that the burden of justification rests with them
- it illustrates the practical value of the dispute resolution pathway now available to tenants under the amended legislation.

Case Study: Stockton v Gray [2025]

The case of Stockton v Gray; Gray v Stockton [2025] is an example of how the pet approval process can go wrong when procedural requirements are not properly followed.

Key facts:

- The landlord in this matter sought to terminate the tenancy on multiple grounds, including unlawful short-term accommodation, rent arrears, and — critically — unapproved pets.
- Two dogs, Pepsi and Flick, had been the subject of complaints from other residents about defecating in the common areas of a strata unit complex.
- The strata complex 'House Rules' that prohibited pets, although many other tenants were also in breach of these rules.
- The tenant advised that she had received verbal permission from the owner for one of the dogs and had filed a pet application for the other.

NCAT outcome: verbal approval and incomplete applications

- The Tribunal confirmed that any approval for a pet must be in writing. Tenants should always insist on written confirmation of any agreement relating to pets.
- Incomplete Applications Are "Incompetent." The Tribunal found that if a pet application form is not completed correctly, it may be deemed "incompetent," meaning it is not a valid request under the legislation. This is a critical procedural point that tenants must take seriously.
- A properly filed application would have been reasonable as the strata by-laws were not upheld more generally within the scheme

Significance:

- the responsibility for ensuring a pet application is properly completed rests primarily with the tenant.

Case Study: Helmich v Murch [2025] — Biodiversity Community Schemes

Key facts:

- This case arose in the context of a community land scheme at Byron Bay that was specifically designated as koala habitat, with many other endangered native animals also living within the scheme.
- The question before NCAT was whether two miniature cavoodles, Rubi and Rosie — the latter described as a loud barker — were in breach of the scheme's by-laws.



Relevant legislation - the Community Land Management Act 2021 (NSW), which provides the legal framework for community schemes and their by-laws.

Unlike standard residential tenancies, community schemes involve governance through the community association, which has the power to make by-laws regulating the use of common property and individual lots. These by-laws can restrict or prohibit the keeping of animals, even where the general tenancy legislation would otherwise permit them.

NCAT outcome – removal ordered:

- NCAT found the by-law to be clear and reasonable in the context of the biodiversity scheme.
- The Tribunal ordered the removal of the dogs, finding that the environmental purpose of the scheme justified the restriction.

Significance of the Helmich v Murch decision

- Where a property is subject to additional regulatory frameworks, such as strata by-laws, community scheme rules, or environmental protections, these may impose restrictions that go beyond what the tenancy legislation requires. Tenants considering a pet in a community scheme, strata property, or environmentally sensitive area should carefully review all applicable rules and by-laws before making an application.

Suggested Activities:

- Create a mindmap showing how the 2024 amendments and/or NCAT decisions show rights being balanced between landlords and tenants
- Draft a paragraph answering, *“How does pet law reform protect the rights of those seeking shelter?”*
- Review past HSC questions noting where this content could be relevant

Scaffolded Research and Evaluative Task on Sexual Harassment and Discrimination in the Workplace

By Natalie Tan and Rosie Westland, Burwood Girls High School

The following task comprised part of the assessment task for HSC Option: Workplace Law. Students were required to research contemporary developments relating to sexual harassment and discrimination in the Workplace, and the relevant legal and non-legal responses.

The skill of written evaluation forms a central component in students' essays in HSC Legal Studies. A central focus of our teaching throughout the Preliminary and HSC courses is on the presentation of evidence in an analytical manner; moving beyond the description – or the explanation – of successive law reforms, but towards the analysis of both the purpose, and outcome, of such reform. This is particularly necessary for students to move into the higher essay mark ranges, as it enables them to demonstrate their integration of specific legal detail (A range), rather than the use (B range) or reference (C range) of such details.

HSC Marking Feedback from the Workplace questions from the 2025 HSC (accessible from <https://www.nsw.gov.au/education-and-training/nesa/curriculum/hsc-exam-papers/legal-studies/2025>) specifically noted that areas for students to improve included:

- developing an analysis of how non-compliance limits the effectiveness of the law by **linking examples**, such as ongoing wage theft or unsafe working conditions, **to weaknesses in enforcement and regulation**
- sustaining evaluation throughout their response, rather than relying on description of laws or processes, for example, by **analysing the success or limitations of specific legislation rather than simply outlining its purpose**

To address some of those skills, the following scaffold was provided for students to complete when completing their research. We have focused on asking students to explain the idea of a legal 'problem', so that they are continuously framing issues of the ineffectiveness of the law through the language of justice or rights. Subsequently, they then consider the legal (or non-legal) 'response'. The emphasis has been on articulating the purpose – as well as, in the words of HSC marking feedback – the successes or limitations of such a response.

Models were provided relating to other discrimination issues (racial discrimination and age-based discrimination). Students were able to include additional legal and non-legal responses in their research, but these were provided as a starting point.

A broad 'problem' was also included as a brief sample statement, to assist students to identify the specific nature of the issue, and therefore, the ongoing requirement for reforms and responses in this area of the law.

PROBLEM: The Fair Work Act 2009 (Cth) faced criticism for lacking explicit, standalone prohibitions on sexual harassment.

RESPONSE 1: Australian Human Rights Commission Inquiry - Respect@Work 2020

- *Key Findings*
- *Statistics*
- *Recommendations*

RESPONSE 2: Fair Work (Respect at Work) Amendment Act 2021 (Cth)

- *Purpose*
- *Successes/Limitations*

RESPONSE 3: Anti-Discrimination Human Rights Legislation Amendment (Respect at Work) Act 2022 (Cth)

- *Purpose*
- *Successes/Limitations*

PROBLEM: *What are the continuing issues despite the presence of reform?*

RESPONSE 4: Code of Practice on Sexual and Gender-based Harassment (Safe Work)

- *Purpose*
- *Successes/Limitations*

Strategies For Teaching the Preliminary Course

By Diega La Grassa, Canterbury Girls High School and LSA Committee Member

The syllabus “Themes and Challenges” (T&Cs) can be effectively integrated into learning through the following strategies:

- **Practice Questions:** Turn each T&C into a question using the NESA verbs (e.g. “Explain the importance of the rule of law for society)
- **Debate Topics:** Use some T&Cs as debate topics to foster critical thinking in class (e.g. ‘Law is developed as a reflection of society)
- **Mindmaps:** Use a T&C as the centre of a mindmap and have students write relevant content, examples and terminology which relates to it. Great as a revision activity.

Building literacy skills is very important in a course such as Legal Studies where the nature of the language used is highly academic. Some strategies to help build lexical density in students writing are:

- **Word Association:** Taking words that students may already know and linking them to a ‘legal studies version’ (e.g. levels of government -> division of powers)
- **Modelling:** When giving a practice question, discuss options for answering the question with the class and as a teacher condense what they have discussed into a sample response
- Start the year by writing the entire answer for students to see what is required
- Transition to starting the response and allowing students to complete the paragraph on their own
- End the prelim course with fostering the discussion needed for students to then write the entire response on their own
- **Is it Worthy?:** Instilling in students early that every word must ‘earn its place’ in a response forces them to critically analyse what they are writing

Strategy Spotlight: Legal Links

The concept: Giving students legal terminology that they must then find ways to connect in a response.

The benefits: Forces students to consider how concepts can relate to each other and then elaborate on the connection for an entire paragraph.

How it works: Every week, set aside the first 10 minutes of a lesson and give the students 3-4 words that they have learnt which may or may not link to each other. Students then write a paragraph on how they relate to each other, integrating the content they have learnt.

Progression of difficulty: Start with words that have a clear connection to each other, and as the year continues, choose words which at surface level do not have a connection. This forces students to think across the syllabus rather than within each topic.

Student sample:

Term 4 Week 9 - The Legal Link

Using the words below, write ONE paragraph (at least 4 sentences) which utilises all of the words listed, in relation to crime.

Crime

Community

State

Crimes are an act or omission committed against the community, punishable by the state. This involves the deliberate intent to commit a crime, and its effects therefore extend from an individual victim to the wider community. This allows for prosecution by the state, represented as the crown (R) or director of public prosecutions (DPP). A criminal case must prove guilt to the standard of 'beyond reasonable doubt'; and this burden is on the state to prove.



Individual and the Law: Resolving Disputes Case File

By Georgia Hayes, St John XXIII Catholic College

Syllabus Links:

Individual and the Law: Resolving Disputes with the State

- Non-legal methods:
 - The Media
 - Members of parliament
 - Trade unions
 - Interest groups, including NGO's
- Legal Methods:
 - Internal review
 - External review: administrative, judicial, ombudsman, statutory bodies including AHRC, Independent Commission against Corruption (ICAC), Royal Commissions

Law Reforms

- Administrative Appeals Tribunal Act 1975
- Administrative Review Tribunal (Consequential and Transitional Provision No. 1) Bill 2023
- Administrative Review Tribunal (Consequential and Transitional Provision No. 2) Bill 2024

Key Events/Cases

- Madeline Masterton (2019)
- Deanna Amato (2019)

Full List of Articles

1. Australia's Robodebt scheme: A tragic case of public policy failure
2. Janine's story – 'That letter was the start of a hellish process'
3. The rise of #Robodebt: how Twitter activists pushed a government scandal from hashtags to a royal commission
4. Centrelink's debt collection 'pushed him over the edge' (Rhys Cauzzo)
5. Commonwealth Ombudsman - Centrelink's automated debt raising and recovery system Review & Recommendations
6. First Interim Report - Design, scope, cost-benefit analysis, contracts awarded and implementation associated with the Better Management of the Social Welfare System initiative
7. Madeline Masterton - Centrelink wipes 'robo-debt' at centre of test case
8. Commonwealth Ombudsman - Centrelink's Automated Debt Raising and Recovery System
9. Deanna Amato - Robodebt is 'Unlawful', Federal Court rules
10. Robodebt faces a reckoning as royal commission begins
11. Class Action - Katherine Prygodicz & Ors v The Commonwealth of Australia (No 2) [2021] FCA 634
12. Class Action - The Beginning of the End of the 'Robodebt' Saga

13. Accountability and justice: Why we need a Royal Commission into Robodebt
14. Royal Commission into the Robodebt Scheme - Summary of Recommendations
15. Advocacy Groups - Advocacy by the Australian Council of Social Service to the Royal Commission
16. Advocacy Groups - Advocacy by #NotMyDebt
17. 'Amateurish, rushed and disastrous': royal commission exposes robodebt as ethically indefensible policy targeting vulnerable people
18. Robodebt Royal Commission: Recommended Legislative Actions
19. Union alarmed over Robodebt legal adviser's appointment to high-level ACT directorate role
20. National Anti-Corruption Commission decides not to pursue Robodebt Royal Commission referrals but focus on ensuring lessons learnt
21. Australian Human Rights Commission - The human rights risk of digital decision making
22. Government to publish secret section of Robodebt report, but timing is uncertain
23. After nearly three years, the robodebt report's secret chapter has been unsealed. What does it reveal?
24. Hansard: STATEMENTS ON SIGNIFICANT MATTERS - Royal Commission into the Robodebt Scheme

Activities – Complete using the articles (two samples provided below) and the SBS Docuseries 'People vs Robodebt'

Method of Resolving Dispute	Outline the role and purpose of this method	Describe how it is used by individuals to resolve disputes <i>with the state</i>	Discuss TWO points of effectiveness and limitations of the method <i>regarding Robodebt</i>
The Media			
Members of Parliament			
Trade Unions			
Interest (Advocacy) Groups			
Internal Review			
External Review: administrative			
External			

Review: judicial review			
External Review: Ombudsman			
External Review: Statutory bodies including AHRC			
External Review: Independent Commission against Corruption (ICAC)			
External Review: Royal Commissions			

Janine's story – ‘That letter was the start of a hellish process’
Victoria Legal Aid (February, 2026)

“I’m 64 years old. My husband died of cancer seven years ago in 2012. We had to use all of our savings to survive during that time and pay medical bills. I was also nursing my elderly mother with dementia. It was a really challenging time.

I’d never been on Centrelink before all that happened, but then I needed some support to get by. I was still working a day or two a week casually as well. If I could get more work, I would take it, but it’s difficult at my age to get people to give me more shifts.

This year, Centrelink sent me a letter saying I have a debt going all way the way back to 2014. That letter was the start of a hellish process. I don’t trust the Government anymore. Especially for an older person who has never had a debt to the government or anything like that, it’s just shocking.

I think our government should treat people fairly. It should have transparent and honest processes. You should be able to talk to a person on the phone who can

explain what's happened and tell you why you got this debt.

If you've made a mistake, then fair enough that you have to pay back money. But, with robo-debt, no one can explain whether you've made a mistake. No one tells you anything. They just say you've got a debt and you have to pay.

One time, I held on the phone from 3 pm until 5 pm just to talk to someone. Then, at 5 pm, the phone just disconnected and they said they were closing for the day and that I had to ring back the next day. It just feels awful to be treated like that.

It was only after I got help from Victoria Legal Aid that Centrelink actually got back to me. They did reduce the debt, but they still say I owe some money. I'm just paying it off now, because I'm scared of getting charged more fees.

You know, it's not the money, it's the principle. After a life of working and paying taxes, I didn't expect to be treated like this. I felt totally intimidated by the government, instead of feeling like it's ok to get a little support at this time in my life.

It's so hard to talk about it to other people, because everyone assumes you have done something wrong and the government wouldn't do this to people. I used to think that too.

But, now I know that the government tries to make people pay debts that they don't understand and might not owe. It harasses and intimidates people. It's just so upsetting."

Accessed at: <https://www.legalaid.vic.gov.au/robo-debt-client-stories>

The rise of #Robodebt: how Twitter activists pushed a government scandal from hashtags to a royal commission

The Conversation, July 2023

The royal commission into the unlawful robodebt scheme has delivered its findings. On the final day of public hearings, Commissioner Catherine Holmes highlighted the crucial role of citizen journalists and activists on Twitter. She described the mainstream media reporting as "patchy", and noted the "remarkably useful and important public service" provided by tweeters covering the scandal from its emergence to the royal commission's final hearings.

We have been monitoring this Twitter activity closely since 2016. While the nation digests the commissioner's findings, it's worth reviewing how a small but committed

group of Twitter users tracked the faulty robodebt scheme and helped generate the pressure for a royal commission.

As Twitter declines under Elon Musk's ownership, the #Robodebt saga is a useful reminder of the platform's potential for social good.

The beginnings

Around July 2016, after a small pilot program, Centrelink deployed a data-matching algorithm to compare its own datasets against the data held by the Australian Tax Office, to find over-payments to welfare recipients. The algorithm was faulty and unlawful, resulting in the automatic issuing of thousands of incorrect debt letters, some demanding four- and five-figure sums of money.

Vulnerable people reported stories of mental and financial hardship, of long Centrelink call centre queues, and of deep confusion about these debt notices. The Department of Human Services released [private information](#) about the few who dared to speak publicly. But there was no framework for collating the accounts of robodebt victims. The very term "robodebt" hadn't yet been coined.

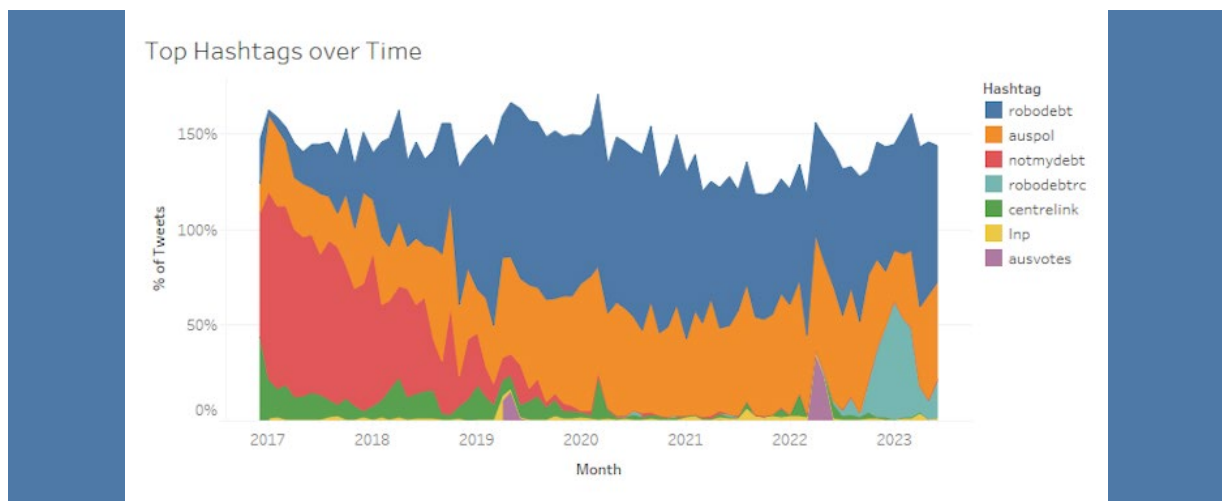
The task of documenting the flaws, failures and [fatal consequences](#) largely fell to activists who initiated a Twitter campaign under the #NotMyDebt hashtag. In late 2016, they also introduced the "robodebt" moniker, which eventually became the official title of the royal commission.

Almost seven years later, we can document the role of activists like [Asher Wolf](#) and their Twitter network in highlighting robodebt's faults.

The evolution

The robodebt campaign began on Boxing Day 2016, as the first debt notices came to light and #NotMyDebt first trended on Twitter. Over the months to May 2017, a small group of digital activists dedicated their time to tweeting about the issue, setting up the [Not My Debt](#) website, and curating stories, evidence and information.

About 100 Twitter accounts initially produced around 50% of the posts, garnering engagement from some 10,000 others. Much of this early activity was dominated by the #NotMyDebt hashtag, but in 2017 #Robodebt gradually took over.



Twitter hashtags tell the story of how the robodebt campaign became entwined with party politics.
QUT Digital Media Research Centre

By late 2018, #Robodebt was well established – and overlapped considerably with Australia’s perennial hashtag for political discussion, #auspol. Some prominent Labor politicians (Bill Shorten, Anthony Albanese, Mark Dreyfus) also became active during this early timeframe.

This shows how robodebt gradually became a major political – rather than merely administrative – issue, and was increasingly linked with the Liberal/National Coalition government. The first calls for a royal commission to investigate the scheme also appeared during this time.

These early activists were central to the early campaign, but also assumed a critical role again as the royal commission commenced in August 2022. Since then, central members of this group – and other core participants who emerged subsequently – have initiated some 40% of all robodebt-related tweets.

From early 2019, particularly after Labor’s loss in the May 2019 election, the composition of the community discussing robodebt changed notably. A second wave of accounts with a strongly pro-Labor stance, including prominent Labor politicians, joined the online campaign.

Highlighting robodebt as a failure of the Coalition government, they mobilised their Twitter networks and became increasingly active before the 2022 election. This advocacy continued through to the establishment of the royal commission.

A third group of “new” activists became more active in the final years of the Morrison government. They argued robodebt indicated not only a failure of Centrelink, but of the previous government’s policies. This reflected an overall hardening of anti- Coalition sentiment.

The future

The robodebt scheme was illegal, and its continuation despite legal advice was a

scandal. Its detrimental impact on thousands of lives has been documented by the royal commission's hearings.

But much of what we now know about the scheme is thanks to pressure substantially maintained by the initially small number of activists who curated information about the scheme, and popularised the name by which it is now known. As Commissioner Holmes has acknowledged, Australians have benefited from the unpaid public service of these activists.

But what about the next such scandal? Under Musk's chaotic leadership, Twitter is losing its authentic user base, being overrun by trolls and fake accounts, blocking and shadow-banning critical activists, dropping its moderation teams, and facing technological decay.

Where else will such activism go? None of the other major social media platforms provide the same opportunities for highly public engagement. Few bring together activists, experts, journalists and politicians in the same open space.

If mainstream media coverage is "patchy" and unreliable, if social media communities are under threat from platform owners and unchecked hordes of trolls, where will activists go now to speak truth to power?

Accessed at: <https://theconversation.com/the-rise-of-robodebt-how-twitter-activists-pushed-a-government-scandal-from-hashtags-to-a-royal-commission-209131>

Embracing AI

By Evette Jaajaa, Cumberland High School and LSA Committee Member

Why AI Is Useful in Legal Studies:

As teachers, effective use of AI has the potential to reduce our workload by assisting in the generation of resources, lesson planning and content mapping. It also has the capacity to assist with differentiation of tasks and activities to cater to the needs of our students.

It can be of use to Legal Studies teachers through the following areas:

- Generating hypothetical legal questions
- Creating practice exam questions
- Explain legislation in simpler terms
- Develop debate topics on contemporary legal issues
- Provide summaries of legal cases

Helpful Website: <https://teachbetter.ai/top-ai-platforms-for-teachers-2026/>

While AI can be a useful tool, it requires careful consideration of the prompts used to build resources, break down information or differentiate tasks. The general guide for prompting AI is to give it as much information as possible with explicit instruction. This can take time to perfect, and teacher discretion remains essential for all AI generated work. AI also needs to be used in accordance with school system policies.

Examples of AI prompts which can be used for Legal Studies:

You are a Legal Studies teacher. Use the following learn about statement (**insert learn about statement**) and the following learn to statements (**learn to statement**) and ensure it aligns with these outcomes (**insert outcomes**) while also incorporating one or more of the following themes and challenges (**insert themes and challenges for topic**) to generate a list of challenging questions for Year (**insert year**) students.
(Source: Educhat DET)

You are a Year 12 Legal Studies teacher. Develop a list of questions based on (**insert written source**) that focuses on (**insert content/topic**). Ensure you refer to the concepts continuum (insert relevant legal concept, e.g., justice, law reform, rights and responsibilities, or legal institutions, along with examples of how students' understanding of this concept may be developed in Year 12 Legal Studies and the skills continuum (**insert relevant skill, e.g., legal inquiry, analysis, evaluation, communication, or application, with examples of how students' understanding of this skill may be developed in Year 12 Legal Studies**). Align your questions to one or more of the following syllabus outcomes (**insert outcome/s**)

AI Prompt for Legal Studies Sample:

The following prompt was input into both EduChat and ChatGPT:

You are a Legal Studies teacher. Use the following learn about statement state sovereignty and the following learn to statements assess the role of state sovereignty in

promoting and enforcing human rights and ensure it aligns with these outcomes (H8) while also incorporating one or more of the following themes and challenges (issues of compliance and non-compliance in relation to human rights) to generate a list of challenging questions for Year (12) students.



Response from EduChat:

Topic: State Sovereignty and Human Rights

Learning About: State sovereignty

Learning To: Assess the role of state sovereignty in promoting and enforcing human rights

Outcome: H8 - Understand and evaluate the operation of legal and non-legal responses to human rights issues

Theme: Issues of compliance and non-compliance in relation to human rights

Challenging Questions

1. How does the principle of state sovereignty impact a state's willingness and ability to comply with international human rights obligations? Provide examples to support your argument.
2. In what ways can the assertion of state sovereignty both promote and hinder the enforcement of human rights protections globally?
3. Evaluate the effectiveness of international mechanisms in influencing states that prioritise sovereignty over human rights enforcement.
4. Discuss the challenges faced by the international community in addressing human rights violations when states claim sovereignty as a defence against external intervention.
5. To what extent can state sovereignty be reconciled with the enforcement of universal human rights standards? Illustrate your response with case studies.
6. Analyse how issues of non-compliance with human rights obligations can undermine the international human rights system, especially when states assert their sovereignty.
7. How do non-legal responses (such as diplomatic pressure, sanctions, or advocacy by NGOs) address the challenges of state sovereignty in promoting human rights?
8. Assess whether the current international legal framework adequately balances respect for state sovereignty with the need to promote and protect human rights.
9. Compare the approaches of two different states in handling human rights issues in the context of their sovereignty rights. How do these approaches reflect issues of compliance or non-compliance?
10. Discuss the role of state sovereignty in the debate over humanitarian intervention and its implications for upholding human rights.



Response from ChatGPT:

- **Learn About Statement:** State sovereignty
- **Learn To Statements:** Assess the role of state sovereignty in promoting and enforcing human rights
- **Outcome:** H8 (explore contemporary legal issues, including human rights)
- **Themes/Challenges:** Issues of compliance and non-compliance with human rights

Challenging Questions on State Sovereignty and Human Rights

1. **Conceptual Understanding:** How does the principle of state sovereignty both enable and restrict a state's ability to promote and enforce human rights within its borders?
2. **Comparative Analysis:** Compare two states with differing approaches to human rights. How does their interpretation of state sovereignty affect their compliance with international human rights obligations?
3. **Case Study Application:** In light of the Universal Declaration of Human Rights, evaluate a situation where a state invoked sovereignty to justify non-compliance with human rights norms. Was this legally or morally defensible?
4. **Critical Evaluation:** To what extent does state sovereignty challenge the effectiveness of international human rights treaties in ensuring compliance?
5. **Conflict Analysis:** Examine a scenario where enforcing international human rights norms conflicts with a state's sovereign powers. Should international law override state sovereignty in such cases? Why or why not?
6. **Policy Implications:** Assess how the tension between state sovereignty and global human rights enforcement impacts the credibility of international organisations such as the United Nations.
7. **Theoretical Exploration:** Some argue that absolute state sovereignty undermines human rights protection, while others claim it is necessary for self-determination. Critically analyse both positions.
8. **Debate/Opinion Question:** "State sovereignty is the greatest obstacle to protecting human rights globally." To what extent do you agree? Use examples of compliance and non-compliance to justify your position.
9. **Predictive/Scenario Question:** If a state consistently breaches human rights under the guise of sovereignty, what mechanisms exist to compel compliance, and how effective are they?
10. **Reflection Question:** Reflect on the balance between respecting state sovereignty and the international community's responsibility to intervene in human rights violations. Can an equilibrium realistically exist?

AI Resource Worth Exploring: Notebook LM

<https://notebooklm.google.com/>

Powered by Google's Gemini, Notebook LM differs from the typical AI formats in that it allows you to input resources that you would like it to use when creating material. When you give prompts to the AI, it fulfils the request using only the sources you have provided for it to use. This becomes handy when you want to restrict the scope of the AI's knowledge to trusted websites, textbooks or journals.

Notebook LM also contains many features within its 'Studio' function that allow you to convert what the AI has generated into mindmaps, flashcards, quizzes, infographics, video overviews and audio overviews, presented as a podcast format. These functions are great for teachers, but also useful for students to develop their own revision material from the notes they might have.

To hear an audio sample generated by Notebook LM click [here](#). The only inputs for this audio overview were the current Legal Studies Syllabus and the new syllabus to be implemented in 2027. We prompted the AI to create an outline of what the Legal Studies course covers in terms of broad concepts.