

Teaching Legal Studies for the first time

Kate Kempthorne & Vanessa Gilmore



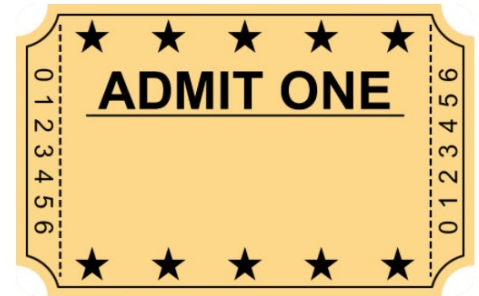
How to get
students
engaged...



Introducing Tom & Grace

Entry Ticket - Year 12 Students 2022

- Describe yourself, your class, the type of learner you are
- What was your favourite topic in Legal? Why”
- You did quite well in Legal Studies, what helped?
- What types of strategies did you use at home that lead to your success?
- How did you get your head around the evidence in Legal Studies?
- Sometimes the content can feel huge. How did you deal with this?
- Assessments and feedback? What works?
- Biggest concern?



Teaching Strategies to engage students



Our Top 20 students in the state suggested that

- engaging students was one of the most important pieces of advice they would give teachers
 - Using cases, raising questions and examining topical issues sparked their interest
-

Teaching strategies to engage

Thinking routines - think/pair/share

Past papers & questions

Media research

Quizzes

Debates and mock trials

Mind maps

Class discussions

Collaboration



Formative Assessment: Exit Tickets

Entry Ticket - 11 Legal 2022



Entry Ticket ...

Posted Jan 28



No due date

1. Why did you choose Legal Studies? What do you hope to get out of it?
2. State ONE thing that you have come to know about the law in the last 12 months OR explain one issue that has really got you interested in law and legal issues over the last 12 months.
3. What is your main source of information about law and legal issues? Try to identify the exact sources i.e - media outlets, social media etc.

21

Turned in

1

Assigned

[View question](#)

I chose legal studies because I am interested in the way that the law works and the consequences of the law to other people. One issue that has got me interested in the law recently was the kidnapping of Cleo Smith. My main source of information about the law and legal issues is the news and true crime shows.

1. I chose legal because I'm very interested in listening to criminal cases and I wanted to be able to learn the legal aspects behind it and how everything works.
2. I have learnt about the new lockdown regulations and what the punishments are if they are breached. A legal issue that got me interested was listening to is true crime podcasts in the last year specifically the Sacramento killer.
3. The media is my biggest source of information about legal issues. Whenever I look at the news I'm able to see all the issues going on currently.

I choose Legal Studies because it seems fun and I am interested in law and discussing controversial issues. I enjoy watching true crime and issues that got me interested in law is any serial killers. My main source of information about legal issues is social media and news.

1. It seemed interesting and I enjoyed doing Commerce
2. I became even more interested about the law after seeing Novak Djokovic lose his visa before the 2022 Australian Open
3. Social media and online news articles

1. Commerce from last year sparked my interest in law, more specifically the one term where we focused on the topic. I hope to gain a deeper understanding in how the world works, and how things are judged and acted upon.
2. I have learnt a lot about lockdown laws, and state laws enacted to keep the public safe. Some issues that have interested me include current affairs, specifically the Brittany Higgins case and the election of Grace Tame as Australian of the Year (2021)
3. My main source of information would be news outlets, including ABC news, and a New York Times newspaper subscription that gives me daily updates in my inbox. I also find that social media plays a large role, and I regularly get updates from there as well.

Where do you start?

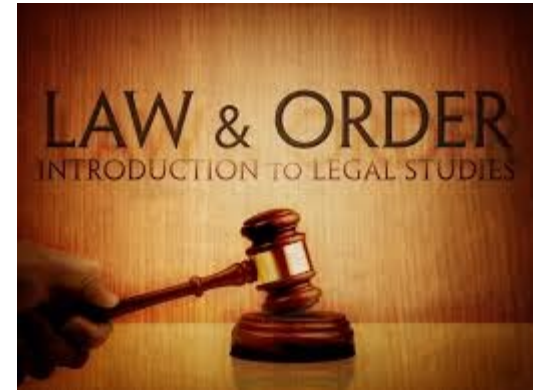




- Start writing from Day One
 - Teach students to make a judgement – to evaluate
 - Read/listen to the news and current affairs and incorporate this into your teaching
 - Find a mentor, a colleague, or a friend who you can ask questions and compare notes
-

Today

- An introduction to the course
- The Syllabus
- Getting organised - Programming
- Engaging students
- The end product - the HSC Exam



An introduction to the course

Legal Studies is a course *about* the law...

Students are not expected to attain the same knowledge and skills as they would in a degree...and the **rationale** within the syllabus outlines that.

There is a lot of loose talk in Australia about democracy, the rule of law and basic rights. Yet unless we educate future citizens concerning the broad outline of our laws, they may grow up feeling that law is alien to their experience. I want them to grow up insisting that the law must be just and modern and accepting the citizen's responsibility to ensure that this is so.

Michael Kirby AC CMG
Former Justice of the High Court of
Australia

Legal Studies should...

Syllabus Aim

Legal Studies develops students' knowledge, understanding and critical thinking skills in relation to the legal system and its effectiveness in promoting a just and fair society, with a view to empowering students to participate effectively as responsible citizens at the local, national and international level.

Pokies to prison: How gambling dragged Andrew into a life of crime

Perry Duffin

March 9, 2023 — 11.45am

 Save

 Share

 [A](#)

**Unarmed Ukrainian prisoner of war
smoking cigarette shot dead by
Russian soldiers**

Greens say more detail on Voice to parliament needed

In the media

As teachers it is important
that we...

Indigenous elders urge expanded Koori courts to help cut juvenile detention time

NSW program helped address unstable accommodation, and lack of engagement in education and employment

- Know and understand the syllabus
- Develop and implement a program
- Create assessment that prepares students
- Be aware of the HSC exam
- Remember that the subject is different to other subjects
- Consider contemporary issues and changes to the law

The syllabus

The syllabus

Preliminary Course - Term 1 - 3

- All core areas
- Law in Practice allows for some choices

HSC Course - Term 4 - Term 3

- Core units - Crime & Human Rights
- Options - Choose 2

6 The structure of Legal Studies

	Preliminary	HSC	
Core 40%	Core Part I: The legal system <ul style="list-style-type: none"> • Basic legal concepts • Sources of contemporary Australian law • Classification of law • Law reform • Law reform in action 	Core Part I: Crime <ul style="list-style-type: none"> • The nature of crime • The criminal investigation process • The criminal trial process • Sentencing and punishment • Young offenders • International crime 	Core 30%
Core 30%	Core Part II: The individual and the law <ul style="list-style-type: none"> • Your rights and responsibilities • Resolving disputes • Contemporary issue: the individual and technology 	Core Part II: Human rights <ul style="list-style-type: none"> • The nature and development of human rights • Promoting and enforcing human rights • Contemporary issue 	Core 20%
Core 30%	Core Part III: Law in practice <p>The Law in practice unit is designed to provide opportunities for students to deepen their understanding of the principles of law covered in the first sections of the course. This section may be integrated with Part I and/or Part II.</p>	Part III: Options <p>Choose Two</p> <ul style="list-style-type: none"> • Consumers • Global environmental protection • Family • Indigenous peoples • Shelter • Workplace • World order 	Option 25% each

The Preliminary course

SCOPE AND SEQUENCE - 2022

Stage 6: Year 11 Legal Studies

<u>TERM 1 – 2022</u>	1	2	3	4	5	6	7	8	9	10	11		
OVERALL TOPIC	Part I: The Legal System												
THEMES	Basic Legal Concepts		Source of contemporary Australian law: Common law and Statute law		The Constitution	ATSI peoples customary law	International law	Classification of the law	Law Reform	Law reform in Action			
OVERVIEW	Students develop an understanding of the nature and functions of law through the examination of the law-making processes and institutions.												
OUTCOMES	P1 P2 P3 P4 P5 P6 P7 P8 P9 P10												
ASSESSMENT	AT #1 Class test (30%) P1 P2 P3 P4 P7 P9												
11 WEEKS 38 HOURS													
<u>TERM 2 - 2022</u>	1	2	3	4	5	6	7	8	9				
OVERALL TOPIC	Part II: Individual and the Law												
THEMES	Your rights and responsibilities		Resolving disputes			Contemporary Issue: The Individual and technology							
OVERVIEW	Students investigate the way in which the law impacts on individuals by referring to legal and non-legal institutions, laws and media reports.												
OUTCOMES	P1 P2 P3 P4 P5 P6 P7 P8 P9 P10												
ASSESSMENT	AT #2 Research task (30%) P4 P5 P6 P8 P9 P10												
9 WEEKS 30 HOURS													
<u>TERM 3 - 2022</u>	1	2	3	4	5	6	7	8	9	10			
OVERALL TOPIC	Part III: Law in Practice												
THEMES	Young offenders in the legal system			Defences to criminal charges			EXAM BLOCK Thursday Wk 7 – Wednesday Wk 9			Assessment for learning			
OVERVIEW	Students investigate contemporary issues which illustrate how the law operates in practice.												
OUTCOMES	H1 H2 H3 H4 H5 H6 H7 H8 H9 H10												
ASSESSMENT	AT#3 Yearly exam 40% P1 P2 P3 P4 P5 P6 P7 P8 P9												
10 WEEKS 35 HOURS													
<u>TERM 4 - 2022</u>	1	2	3	4	5	6	7	8	9				
OVERALL TOPIC	HSC course: Core Part I – Human Rights												
THEMES	Nature and development of human rights		Promoting and enforcing human rights		Contemporary Issue				Nature of crime				
OVERVIEW	Students investigate the notion of human rights and assess the extent to which legal systems embody such human rights and promote them in practice.												
OUTCOMES	H1 H2 H3 H4 H5 H6 H7 H8 H9 H10												
ASSESSMENT	AT#1 Research Based Task 20% H3, H8, H9												
10 WEEKS 35 HOURS													
TEACHING HOURS	Term ONE	38	Term TWO	30	Term THREE	35	Term FOUR	30	TOTAL	155			

Alternative Scope and Sequence

Year 11 Legal Studies – Scope and Sequence – 2022

Term 1 40%	Topic One – The Legal System									
	Principal focus: Students develop an understanding of the nature and functions of law through the examination of the law-making processes and institutions.									
	Week 1	Week 2	Week 3 Camp	Week 4/5	Week 6/7	Week 8/9	Week 9/10	Week 10/11	Week 12	
Outcomes	P1, P2, P3, P4, P5, P6, P7, P8, P9, P10									
Themes and Challenges	<ul style="list-style-type: none"> the need for law in the operation of society the importance of the rule of law for society 			<ul style="list-style-type: none"> the relationship between different legal institutions and jurisdictions the development of law as a reflection of society 			<ul style="list-style-type: none"> the influences on the Australian legal system. 			
Content	1. Basic Legal Concepts 2. Sources of Contemporary Australian Law			3. Classification of Law 4. Law Reform			5. Law Reform in Action – Native Title and Case Study of Choice			

Assessment = Research Task on a Contemporary Law Reform Issue – Individual Task – 30%

Term 2 30% Course Time	Topic Two – The Individual and the Law									
	Principal focus: Students investigate the way in which the law impacts on individuals by referring to legal and non-legal institutions, laws and media reports.									
	Week 1	Week 2	Week 3	Week 4	Week 5	Week 6	Week 7	Week 8		
Outcomes	H1, H2, H3, H4, H5, H6, H7, H8, H9, H10									
Themes and Challenges	<ul style="list-style-type: none"> relationship between justice, law and society relationship between rights and responsibilities 			<ul style="list-style-type: none"> balancing the rights of individuals with the needs role of the law in regulating technology 			<ul style="list-style-type: none"> effectiveness of legal mechanisms for achieving justice for individuals and society. 			
Content	1. Rights and Responsibilities			2. Resolving Disputes			3. The Individual and Technology			

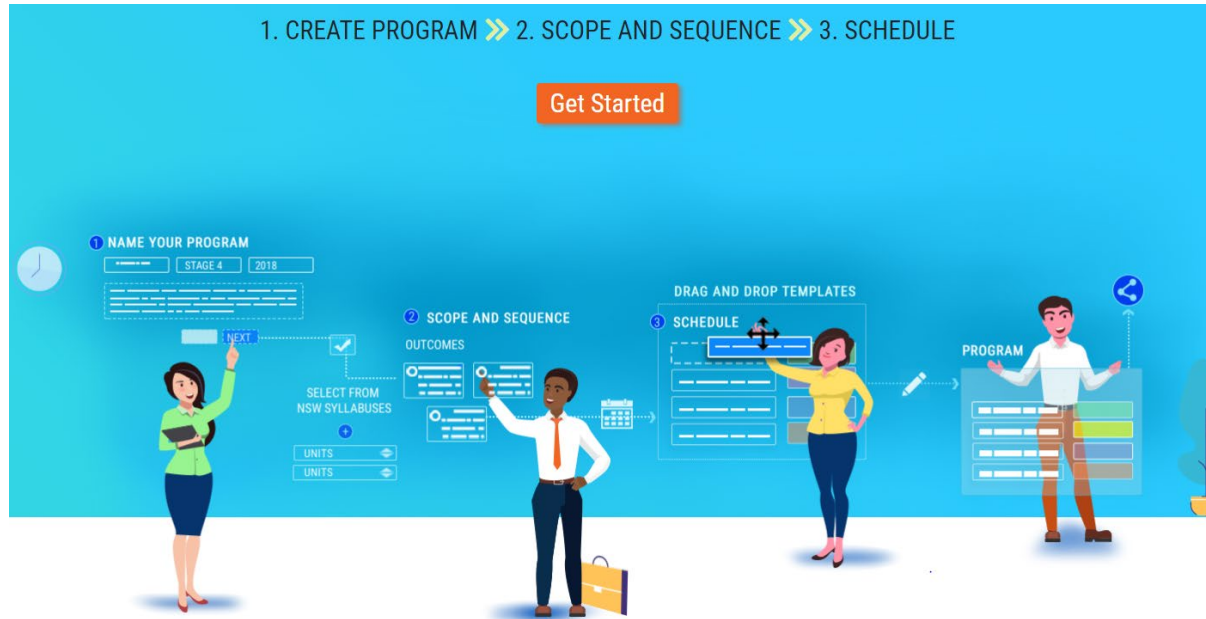
Assessment Task – Collaborative Research and Presentation on a Technology Issue – 30%

Term 3 30% Course Time	Topic Three – Law in Practice									
	Principal focus: students investigate contemporary issues that illustrate how the law operates in practice.									
	Week 1	Week 2	Week 3	Week 4	Week 5	Week 6	Week 7	Week 8	Week 9	Week 10
Outcomes	H1, H2, H3, H4, H5, H6, H7, H8, H9, H10									
Themes and Challenges	<ul style="list-style-type: none"> the relationship between justice, law and society the development and reform of law as a reflection of society 			<ul style="list-style-type: none"> the importance of the rule of law the responsiveness of the legal system in dealing with issues 			<ul style="list-style-type: none"> the effectiveness of legal and non-legal mechanisms in achieving justice for individuals and society. 			
Content	Case Study One:- Outlaw Motor Cycle Gangs			Case Study Two:- Based on student interest and contemporary issues						

Assessment Task – Yearly Examination – 40%

Programming using the NESA program builder

<https://programbuilder.edu.au/>



Create a new program

1

Name

2

List

3

Schedule

1 Name your program

Name your program, select one or more stages, and the calendar year for the program. Give additional context to your program with a short description.

Stages ▾

Sample - 10 week terms ▾

Enter a short program description (optional)

0/150 characters

[Cancel](#)[Next](#)

Content

A program may hold a single scope and sequence or multiple scope and sequences. Select one of these options below.

Single scope and sequence

Program

Mathematics Stage 4 – Year 8 Sample Sample - 10 week terms

Illustrating the completion of Stage 4 by the end of Year 8 referencing substrands Stage 4

Term 1 10 weeks

Week 1	Week 2	Week 3	Week 4	Week 5	Week 6	Week 7
Area of plane shapes				Data collection, representation and analysis		
Duration detail				Duration detail		
MA4-1WM	MA4-2WM	MA3-10MG	MA4-13MG	MA4-1WM	MA4-2WM	MA4-3WM

Select this option to plan a single subject or stage.

Multiple scope and sequences

Term 1

Term 2

Term 3

Term 4

English

Week 1

Week 2

Week 3

Week 4

Week 5

Week 6

Week 7

Responding to literature

Duration detail

EN2-1A

EN2-3A

EN2-4A

EN2-8B

EN2-9B

EN2-10C

Through a variety of shared reading, writing, speaking and listening activities, students investigate effective techniques used by authors to engage readers.

Science and Technology

Week 1

Week 2

Week 3

Week 4

Week 5

Week 6

Week 7

Select this option to plan multiple subjects, stages, or classes at the same time.

[Cancel](#)

[Next](#)

Create a new program

1

2

3




Name

List

Schedule

2 List your units

Make a rough list of the units you plan to teach this year. You can add to and refine this list on the next screen.

	Name	Weeks	Days	
≡	 One	5	0	✓
≡	 Two	5	0	✓
≡	 Three	5	0	✓

Add new

	Name	Weeks	Days	
≡	 Type unit name here	5	0	Add

Or: **Choose existing unit**

[Cancel](#)**Next: Step 3**

Create a new program

1 2 3
Name List Schedu

3 Schedule your units

[Cancel](#)

[Save](#)

Re-order units by dragging a unit up or down. More actions such as 'delete' are available in the actions menu icon to the right of each unit.

Term 1

	Name	Weeks	Days	
☰	<div><div></div>One</div>	5	0	☑
☰	<div><div></div>Two</div>	5	0	☑

Term 2

	Name	Weeks	Days	
☰	<div><div></div>Three</div>	5	0	☑

Term 3

Term 4

Term 1

10 weeks



Time remaining: 0 weeks

Term 2

10 weeks



Time remaining: 5 weeks

Term 3

10 weeks



Time remaining: 10 weeks

Term 4

10 weeks



Time remaining: 10 weeks

Program

LSA Conference Sample - 10 week terms

Term 1 10 weeks

Week 1	Week 2	Week 3	Week 4	Week 5	Week 6	Week 7	Week 8	Week 9	Week 10
One					Two				
Duration detail					Duration detail				
Outcomes					Outcomes				
Summary					Summary				

Term 2 10 weeks

Week 1	Week 2	Week 3	Week 4	Week 5	Week 6	Week 7	Week 8	Week 9	Week 10
Three									
Duration detail									
Outcomes									
Summary									



lsa_conference_2022-03-20



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LSA Conference | Sample - 10 week terms

Term 1 - 10 weeks

Week1	Week2	Week3	Week4	Week5	Week6	Week7	Week8	Week9	Week10
One					Two				

Term 2 - 10 weeks

Week1	Week2	Week3	Week4	Week5	Week6	Week7	Week8	Week9	Week10
Three									

Term 3 - 10 weeks

Week1	Week2	Week3	Week4	Week5	Week6	Week7	Week8	Week9	Week10
-------	-------	-------	-------	-------	-------	-------	-------	-------	--------

Term 4 - 10 weeks

Week1	Week2	Week3	Week4	Week5	Week6	Week7	Week8	Week9	Week10
-------	-------	-------	-------	-------	-------	-------	-------	-------	--------

One

Summary			Duration		
			Term 1 5 weeks		
Unit overview			Enter your own title		
Outcomes			Assessment overview		
Content		Teaching, learning and assessment		Resources	
Enter your own title			Evaluation		

Two

Summary	Duration
<p>Week 2 - Basic Legal Concepts</p> <p>Week 3 - Camp</p> <p>Week 4 & 5 - Sources of Australian Contemporary Law - Common Law, Statute Law, Delegated Legislation and the Constitution</p> <p>Week 6 - Classification of Law</p> <p>Week 7 - Law Reform Processes</p> <p>Week 8 & 9 - International Law</p> <p>Week 10 & 11 - Aboriginal and Torres Strait Islander Law</p> <p>Week 12 and 13 - Finish and review</p>	<p>12 - 13 Weeks</p> <p>Detail: 3 lessons per week</p>

Unit overview	Glossary
<p>Students develop an understanding of the nature and functions of law through the examination of the law-making processes and institutions. This includes domestic and international legal systems; and Aboriginal and Torres Strait Islander Customary Law.</p> <p>Themes and Challenges:-</p> <ul style="list-style-type: none"> the need for law in the operation of society the importance of the rule of law for society the relationship between different legal institutions and jurisdictions the development of law as a reflection of society influences on the Australian legal system. 	<p>Law, rules, customs, ethics, values, justice, procedural fairness, rule of law, tyranny, anarchy, common law, statute law, Constitution, precedent, delegated legislation, division of powers, separation of powers, customary law, kinship, native title, state sovereignty, international law, public law, private law, criminal law, contract law, administrative law, constitutional law, tort law, judge, jury, barrister, prosecutor, beyond reasonable doubt, on the balance of probabilities, burden of proof, standard of proof, examination in chief, cross examination, summary offence, indictable offence, amendment, law reform, court hierarchy</p>

Outcomes	Assessment overview
<p>P1. identifies and applies legal concepts and terminology</p> <p>P2. describes the key features of Australian and international law</p> <p>P3. describes the operation of domestic and international legal systems</p>	<p>Students will complete a hand in task researching the agencies of law reform, factors contributing to law reform and an evaluation of a specific contemporary issue in law reform. Weighting is 30%.</p>

Content	Teaching, learning and assessment	Resources	Registration
1. Basic legal concepts <ul style="list-style-type: none"> • meaning of law • customs, rules and law • values and ethics • characteristics of just laws • nature of justice: • – equality – fairness – access • procedural fairness (principles of natural justice) • rule of law • anarchy • tyranny 	<p>Djokoavic Starter Activity – * Do you think this decision was just? Why / why not? Are there other ways to measure justice?</p> <p>What is law? Students to list 5 things they have done today. Which of them do they think were impacted or regulated by law and why? Discuss the nature of law.</p> <p>Table Construction – Read text and construct table to display the differences between a law, rule and custom.</p> <p>Investigation – How are values and ethic reflected in law? Euthanasia Case Study OR Pill Testing at Music Festivals Literacy Activity – Explicit teaching of PEEL or OPEE then construction of two paragraphs on the pros and cons of reforming euthanasia laws.</p> <p>Characteristics of Just Laws – Dudley and Stephens (1884) UK – students create a criteria for just laws after considering the concept of utilitarianism.</p> <p>Procedural Fairness – Stern Hu Newspaper Article – students identify all the problems they have with the procedure used to convict and punish Stern Hu. Then read text extract on procedural fairness.</p>	<p>Novak Djokovic deported, leaves Melbourne's Tullamarine airport after a failed Federal Court fight to play in the Australian Open I Sunrise</p> <p>Cambridge Text (6th Edition) Law in Australian Society – Keiran Hardy</p> <p>Euthanasia: A study in morals and ethics Euthanasia Writing Task Drug Prohibition and Societal Values</p> <p>Harvard Law: Michael Sandel – Utilitarianism as a characteristic of a just law.</p> <p>Procedural Fairness Learning Task includes case study on „Priya, Nadesalingam, Kopika and Tharunicaa Murugappan</p>	
	<p>Rule of Law – Don't you know who I am? Slideshow</p> <p>Research features and consider a case study where Rule of Law has not been upheld. Kylie Moore-Gilbert arrest, prosecution and conviction in Iran as an example OR Witness J</p> <p>Anarchy and Tyranny – Examination of</p>	<p>Don't You Know Who I Am? Slideshow</p> <p>Rule of Law Institute Australia Law Society of NSW – What is the rule of law?</p>	

The HSC course

SCOPE AND SEQUENCE 2021 - 2022

STAGE 6: YEAR 12 LEGAL STUDIES

<u>TERM 4 - 2021</u>	1	2	3	4	5	6	7	8	9		
OVERALL TOPIC	Core Part II: Human Rights							Core Part I: Crime			
THEMES	Nature and development of human rights		Promoting and enforcing human rights			Contemporary Issue		Nature of crime			
OVERVIEW	Through the use of a range of contemporary examples, students investigate the notion of human rights and assess the extent to which legal systems embody such human rights and promote them in practice.										
OUTCOMES	H1 H2 H3 H4 H5 H6 H7 H8 H9 H10							H1 – H10			
ASSESSMENT	AT#1 Research Based Task 20% H3, H8, H9										
	7 WEEKS 23 HOURS							2 WEEKS 7 HOURS			
<u>TERM 1 - 2022</u>	1	2	3	4	5	6	7	8	9	10	11
OVERALL TOPIC	Core Part I: Crime										
THEMES	The Criminal Investigation Process		The criminal trial process		Sentencing and Punishment		Young offenders		International crime	Assessment block	
OVERVIEW	Through the use of a range of contemporary examples, students investigate criminal law, processes and institutions and the tension between community interests and individual rights and freedoms.										
OUTCOMES	H1 H2 H3 H4 H5 H6 H7 H8 H9 H10										
ASSESSMENT	AT#2 In-class Test 25% H1, H4, H6, H7										
	11 WEEKS 35 HOURS										
<u>TERM 2 - 2022</u>	1	2	3	4	5	6	7	8	9		
OVERALL TOPIC	OPTION I: Family							OPTION II: World Order			
THEMES	Nature of family law		Responses to problems in family relationships			Contemporary Issues		Nature of World Order			
OVERVIEW	Through the use of contemporary examples, students investigate the legal nature of family relationships and the effectiveness of the law in achieving justice.										
OUTCOMES	H1 H2 H3 H4 H5 H6 H7 H8 H9 H10							H1 - 10			
ASSESSMENT	AT#3 Research Based Essay 25% H5, H7, H8, H9, H10										
	7 WEEKS 23 HOURS							2 WEEKS 7 HOURS			
<u>TERM 3 - 2022</u>	1	2	3	4	5	6	7	8	9	10	
OVERALL TOPIC	OPTION II: World Order										
THEMES	Responses to World Order		Trial HSC examinations		Responses to World Order		Contemporary Issues		Revision		
OVERVIEW	Through the use of contemporary examples, students investigate the effectiveness of legal and non-legal measures in promoting peace and resolving conflict between nation states.										
OUTCOMES	H1 H2 H3 H4 H5 H6 H7 H8 H9 H10										
ASSESSMENT	AT#4 Trial HSC 30% H1 H2 H3 H4 H5 H6 H7 H9 H10										
	9 WEEKS 33 HOURS										

TEACHING HOURS	Term FOUR	30	Term ONE	35	Term TWO	30	Term THREE	35	TOTAL	130
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CRIME SCOPE AND SEQUENCE | Stage 6 | 2022

HSC Crime is a Core topic that requires 30% of course time.

Term 4, 2021 - 11 weeks

Week1	Week2	Week3	Week4	Week5	Week6	Week7	Week8	Week9	Week10	Week11
The Nature of Crime		The Criminal Investigation Process		The Criminal Trial Process		Sentencing and Punishment		Assessment Week - No Class	Young Offenders	
Outcomes: H1, H10		Outcomes: H1, H3, H4, H6, H7, H9, H10		Outcomes: H1, H3, H4, H5, H6, H7, H8, H9, H10		Outcomes: H1, H3, H4, H5, H6, H7, H8, H9, H10			Outcomes: H1, H3, H4, H5, H6, H7, H8, H9, H10	
Meaning of crime, elements of a criminal offence, parties to crime, types of offences, strict liability offences, factors that contribute to offending behaviour, types of crime prevention.		Reporting crime, LEPR (2002) powers, nature of investigating crime - gathering evidence, DNA technology and metadata, warrants, arrest, bail, remand, search and seizure including strip search, investigative detention, detention and interrogation, rights of suspects		Court jurisdictions, nature of adversary system, legal personnel, plea and case conferences, legal representation and legal aid, burden and standard of proof, use of evidence and witness testimony, complete and partial defences, juries - role and verdict		Statutory and judicial guidelines, purposes of punishment, aggravating and mitigating factors, VIS, appeals, types of punishment (see syllabus), alternative sentencing methods, post sentencing decisions			Age of criminal responsibility, rights of children when arrested and/or questioned, Children's Court, penalties for children, alternatives to court	
T & Cs - Effectiveness legal and non-legal responses (social and situational crime prevention)		T & Cs - Discretion, Law Reform, Values and Ethics, Balance, Effectiveness		T & Cs - Discretion, Law Reform, Values and Ethics, Balance, Effectiveness		T & Cs - Discretion, Law Reform, Values and Ethics, Balance, Compliance, Effectiveness			T & Cs - Discretion, Law Reform, Values and Ethics, Balance, Compliance, Effectiveness	

Term 1, 2022- 2 weeks

Week1	Week2
International Crime	
Outcomes: H1, H2, H3, H4, H5, H6, H7, H8, H9, H10	
Crimes against the international community. transnational crimes, methods of dealing with these crimes on an international and domestic level and limitations.	
T & Cs - Law Reform, Morals and Ethics, Compliance, Effectiveness	

Term 4 (2021) and Term 1 (2021) 30% Course Time	Topic One - Crime									
	Principal Focus - Through the use of a range of contemporary examples, students investigate criminal law, processes and institutions and the tension between community interests and individual rights and freedoms.									
	Week 1 /2	Week 3	Week 4	Week 5	Week 6	Week 7	Week 8	Week 9	Week 10	Week 11
Outcomes	H1, H2, H3, H4, H5, H6, H7, H8, H9, H10									
Themes and Challenges	<ul style="list-style-type: none"> the role of discretion in the criminal justice system issues of compliance and non-compliance in regard to criminal law 			<ul style="list-style-type: none"> the extent to which law reflects moral and ethical standards the role of law reform in the criminal justice system 			<ul style="list-style-type: none"> the extent to which the law balances the rights of victims, offenders and society the effectiveness of legal and non-legal measures in achieving justice. 			
Content	1. The Nature of Crime 2. The Criminal Investigation Process			3. The Criminal Trial Process 4. Sentencing and Punishment			5. Young Offenders 6. International Crimes			

Term 2 (2022) 25% Course Time	Topic Two – Family							
	Principal Focus – Through the use of contemporary examples, students investigate the effectiveness of legal and non-legal measures in promoting peace and resolving conflict between nation states.							
	Week 1	Week 2	Week 3	Week 4	Week 5	Week 6	Week 7	Week 8
Outcomes	H1, H2, H3, H4, H5, H6, H7, H8, H9, H10							
Themes and Challenges	<ul style="list-style-type: none"> the role of law in encouraging cooperation and resolving conflict in regard to world order issues of compliance and non-compliance 			<ul style="list-style-type: none"> the impact of changing values and ethical standards on world order the role of law reform in promoting and maintaining world order 			<ul style="list-style-type: none"> the effectiveness of legal and non-legal responses in promoting and maintaining world order. 	
Content	1. The Nature of World Order			2. Responses to World Order			3. Contemporary Issues in World Order	

Term 1 & 2 (2022) 25% Course Time	Topic Three – Global Environmental Protection							
	Principal focus: Through the use of contemporary examples, students investigate the effectiveness of legal and non-legal processes in promoting and achieving environmental protection.							
	Week 1	Week 2	Week 3	Week 4	Week 5	Week 6	Week 7	Week 8
Outcomes	H1, H2, H3, H4, H5, H6, H7, H8, H9, H10							
Themes and Challenges	<ul style="list-style-type: none"> the impact of state sovereignty on international cooperation and the resolution of conflict in regard to environmental protection issues of compliance and non-compliance 			<ul style="list-style-type: none"> the impact of changing values and ethical standards on environmental protection the role of law reform in protecting the global environment 			<ul style="list-style-type: none"> The effectiveness of legal and non-legal responses in protecting the environment. 	
Content	Nature of Global Environmental Protection			Responses to Global Environmental Protection			Contemporary issues concerning Global Environmental Protection	



Term 3 (2022) 20% Course Time	Topic Four – Human Rights						
	Principal focus: Through the use of a range of contemporary examples, students investigate the notion of human rights and assess the extent to which legal systems embody such human rights and promote them in practice.						
	Week 1	Week 2	Week 3	Week 4	Week 5	Week 6	
Outcomes	H1, H2, H3, H4, H5, H6, H7, H8, H9, H10						
Themes and Challenges	<ul style="list-style-type: none"> the changing understanding of the relationship between state sovereignty and human rights issues of compliance and non-compliance in relation to human rights 			<ul style="list-style-type: none"> the development of human rights as a reflection of changing values and ethical standards the role of law reform in protecting human rights 			<ul style="list-style-type: none"> The effectiveness of legal and non-legal measures in protecting human rights.
Content	1. The nature and development of human rights			2. Promoting and enforcing human rights			Investigate a contemporary issue which illustrates the promotion and enforcement of human rights

Getting
organised...

Getting Organised

The syllabus was drafted in MARCH 2009 and whilst it is in great need of an update, it is what we have now.

The components:

- Principal Focus
- Themes and Challenges
- Content (Knowledge) - 'Learn about'
- Skills - 'Learn to'



The Principal Focus

Provides a broad overview of the topic.

Questions can come from this part of the syllabus.

**Part I: The legal system
of course time**

40%

Principal focus: Students develop an understanding of the nature and functions of law through the examination of the law-making processes and institutions.

Themes & Challenges

They are the ‘big questions’ to be integrated into the topic.

They can also be the basis for questions

Themes and challenges to be incorporated throughout this topic:

- the need for law in the operation of society
- the importance of the rule of law for society
- the relationship between different legal institutions and jurisdictions
- the development of law as a reflection of society
- influences on the Australian legal system.

The content

- Learn about - the content
- Learn to - how to use the content

Students learn about:	Students learn to:
1. Basic legal concepts <ul style="list-style-type: none">• meaning of law• customs, rules and law• values and ethics• characteristics of just laws• nature of justice:<ul style="list-style-type: none">– equality– fairness– access• procedural fairness (principles of natural justice)• rule of law• anarchy• tyranny	<ul style="list-style-type: none">• define law• distinguish between customs, rules, laws, values and ethics• describe the characteristics of just laws and the nature of justice• define and investigate procedural fairness and the rule of law• define anarchy and tyranny

Let's take a look

This becomes your teaching tool.

- Students have a copy
- Use it as a checklist
- Use it as a to do list
- Link the themes and challenges to the content
- Give the “learn to” questions as HW or revision
- Link HSC questions to the principal focus
- Make note of the directive terms

8 Content – HSC course

Part I of the core – Crime

30% of course time

Principal focus: Through the use of a range of contemporary examples, students investigate criminal law, processes and institutions and the tension between community interests and individual rights and freedoms.

Themes and challenges to be incorporated throughout this topic:

- the role of discretion in the criminal justice system
- issues of compliance and non-compliance in regard to criminal law
- the extent to which law reflects moral and ethical standards
- the role of law reform in the criminal justice system
- the extent to which the law balances the rights of victims, offenders and society
- the effectiveness of legal and non-legal measures in achieving justice.

Students learn about:

1. The nature of crime

- the meaning of crime
- the elements of crime: actus reus, mens rea
- strict liability offences
- causation
- categories of crime including offences against the person, offences against the sovereign, economic offences (property/white collar/computer), drug offences, driving offences, public order offences, preliminary crimes (attempts and conspiracy)
- summary and indictable offences
- parties to a crime including principal in the first degree, principal in the second degree, accessory before the fact, accessory after the fact
- factors affecting criminal behaviour
- crime prevention: situational and social

Students learn to:

- describe the nature of crime
- recognise the different categories of crime
- define summary and indictable offences
- examine a range of factors that may lead to criminal behaviour
- investigate a range of situational and social crime prevention techniques

Objectives

What do we want students to do?

- Define
- Describe
- Recognise
- Examine
- Outline
- Identify
- Distinguish between
- Discuss
- Assess
- Compare
- Evaluate
- To what extent?

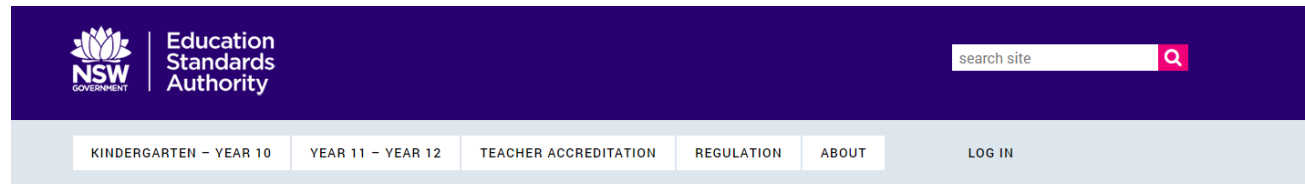
Directive terms are everywhere. They help students to understand just how much they need to know. They link to the 'end game' - the HSC.



What is essential?

- Case Studies
- Contemporary Issues
- Legal and Non Legal Responses
- Domestic Law (State and Federal)
- International Law

Programming a HSC Topic



[NESA home](#) > [Resource Finder](#) > [HSC Exam Papers](#) > 2020

HSC Exam Papers

2021
2020
2019
2018
2017
2016
2015

LEGAL STUDIES 2020 HSC EXAM PACK



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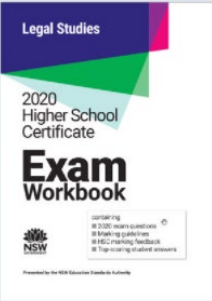
Share

Marking guidelines are developed with the examination paper and are used by markers to guide their marking of a student's response. The table shows each question and the criteria with each mark or mark range. Sample answers may also be developed and included in the guidelines to make sure questions assess a student's knowledge and skills, and guide the Supervisor of Marking on the expected nature and scope of a student's response. They are not intended to be exemplary or even complete answers or responses.

Feedback on written examination

Sections II and III

Sections II and III



Legal Studies

2020
Higher School
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• 2020 exam questions
• Exam marking guidelines
• HSC marking feedback
• Top marking student answers

Presented by the NSW Education Standards Authority

**2020 HSC Legal Studies
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ADD TO CART

ADD TO WISHLIST

Question 26(a) Global Environment Protection

In better responses, students were able to:

- identify and provide a detailed and supported commentary on the use of legal processes at both international and domestic level to address issues
- clearly identify and name threats to the global environment, such as loss of biodiversity and climate change
- integrate contemporary examples throughout the response with clear links to the content, including the use of statistics and reports
- make logical and qualified judgements on effectiveness addressing areas of effectiveness as well as ineffectiveness.

Areas for students to improve include:

- using terms specified by the question, for example, referring to legal processes not legal measures or the legal system
- using specific information related to legislation, cases and documents rather than making passing reference. For example, when referencing the Paris Agreement, identifying the goals of targets within the agreement
- providing an international perspective in relation to global environmental issues, threats and examples and what countries, other than Australia, do to combat these.

Analysis of marking centre feedback between 2011 and 2018 shows that criteria could include:-

- Impact of state sovereignty
- Enforceability of both International and Domestic law
- The level of cooperation between nation states
- How well the law balances economic interests against environmental protection
- Funding
- Aligning with UN treaties and framework principles i.e - Intergenerational Equity, Intragenerational Equity, The Precautionary Principle
- Issues of compliance
- Global values
- Responsiveness
- Adequacy of law reform

How it looks in teaching ...

How effective is the Paris Agreement as an international instrument in responding to the need for global environmental protection?


Aim: Write ONE page that responds to the question above. Try to use the terminology provided.

Sovereignty	Cooperation	Enforcement
Targets	European Union	Multilateral Fund
Treaty	Intragenerational Equity	Intergenerational Equity
Values and Ethics	Net-zero emissions	Pre-industrial levels

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Australia a 'holdout' for refusing to do more on climate change

The UN Secretary-General has branded Australia a 'holdout' for refusing to do more to cut greenhouse gas emissions this decade.




United Nations Secretary-General António Guterres speaks at a press conference.

The United Nations secretary-general has called Australia a 'holdout' after Scott Morrison refused to strengthen the nation's 2050 emissions reduction target.

António Guterres has used an address to a sustainability summit to take an extraordinary public swipe at Australia's climate change efforts.

"A growing number of G20 developed economies have announced meaningful emissions reductions by 2050 – with a handful of holdouts, such as Australia," he said.

See how we compare with this free guide



Australia and NZ v Japan (International Court of Justice) 2014

ABC Media Article

- Australia's claim?
- Japan's defence?
- ICJ ruling?
- Impact / effectiveness?
- Australia's role?
- Media's role?

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[Link](#) | [Follow our live coverage for the latest news on the coronavirus pandemic](#)

Japan ordered to immediately stop whaling in Antarctic as International Court of Justice rules program was not carried out for scientific purposes

Updated 1 Apr 2014, 4:08pm

The International Court of Justice (ICJ) has ruled Japan must immediately stop its whaling program in the Antarctic.

The ICJ's 16-judge panel ruled 12 votes to four in favour of Australia's argument that Japan's whaling program was not in fact designed and carried out for scientific purposes.

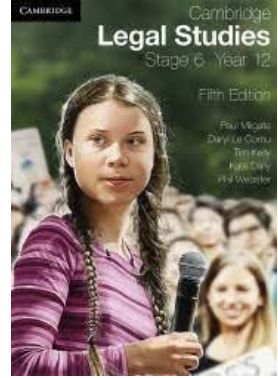
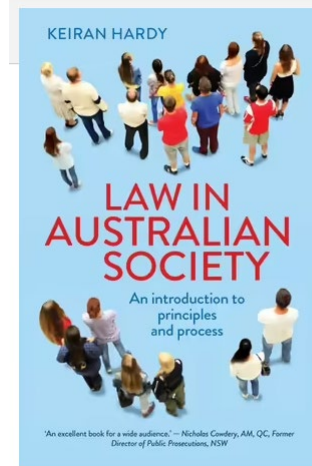
The court ruled that Japan must revoke current whaling permits and refrain from issuing any more. Japan has used the 1946 International Convention



Also consider

Alongside the syllabus, you will also need:

- A program
- Scope & Sequence
- Assessment tasks
- Teaching resources
- Guest speakers
- A text





Digital Learning Selector

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Featured activities and tools

Virtual manipulatives



Students actively engage with concrete materials using digital devices.

[Go to activity](#)

Design thinking



Students create innovative solutions to real world problems.

[Go to activity](#)

Daily check-ins



Quickly identify students' wellbeing with a daily check-in.

[Go to activity](#)

Canva for Education

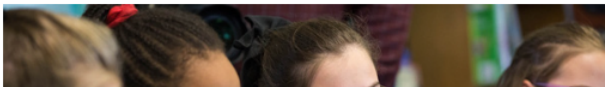


Create and publish visual content, such as presentations, posters and infographics, using customisable templates.

[Go to tool](#)

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- Access 40+ activities to support purposeful ICT integration in your teaching practice
- Filter by Bloom's Taxonomy
- Download free digital Google and Microsoft templates
- Edit, remix and share templates to suit your context



Explore Learning tools

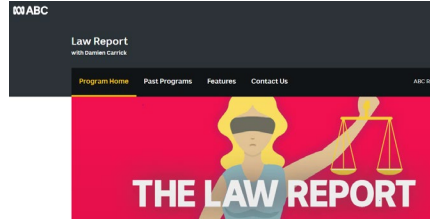
- Discover 90+ innovative tools to enhance your lessons and increase engagement
- Navigate by ICT capability
- Access support, links to tutorials and tips to get started
- Explore tools for different devices and platforms



Current Resources

- NSW Parliament
- Rule of Law Institute (virtual court excursion)
- BOCSAR
- Sentencing Council
- Justice and Communities NSW
- Australian Human Rights Commission
- The Guardian
- ABC
- The Law Report
- LSA website and social media

Doco's, programs and newsletters



Bravery and strength: How Sarah escaped torture to build a life in Australia

IMMIGRATION





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1 The Supreme Court of New South Wales is the superior court in the state. Find out more at www.supremecourtjustice.nsw.gov.au/


1 This is the official Facebook page of the Supreme Court of New South Wales. The Supreme Court of New South Wales administers this Facebook page to pos... [See more](#)

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Courthouse




Supreme Court of New South Wales
17 March at 15:28 · 🌐

Judgment Just In:


The Supreme Court has found that the elections for each of Kempsey Shire Council, Singleton Council and Shellharbour City Council-Ward A held on 4 December 2021 are void and fresh elections will be required for all Councillors' positions. The Electoral Commissioner for New South Wales applied for orders declaring void in whole or in part the elections, conducted on 4 December 2021, because of a failure of the "Vote" system for technology assisted voting. T... [See more](#)





Human Rights Watch Australia
19 March at 11:00 · 🌐

There will be hurdles to bringing perpetrators of war crimes in Ukraine to justice, not least #Russia's resistance. But the world should continue to send a clear message that serious crimes will not be tolerated. Ukraine's civilians are counting on it.



HRW.ORG

World Must Send a Clear Message After Brutal Use of Cluster Bombs

3

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António Guterres · @antonioguterres · 16h

We are sleepwalking to climate catastrophe.

Our planet has already warmed by as much as 1.2 degrees – and we see the devastating consequences everywhere.

We need a 45% reduction in global emissions by 2030 and carbon neutrality by mid-century to keep our climate goals alive.

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BOCSAR · @BOCSAR · 8h

New Publication: Have the 2018 Sentencing reforms reduced the risk of reoffending? - mailchl.mp@justice.nsw.gov.au

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Be careful...balance the content

Material in Legal Studies can be confronting, so ensure you read the room. Consent, Coercive Control, DV, female circumcision, forced marriage etc- all topical and interesting HOWEVER there are sometimes issues for students.

How do we deal with this?

- Sticking to only the necessary facts
- Careful preparation of questions to focus on syllabus outcomes
- Setting up conversations
- Debriefing conversations
- Ensuring focus on positives
- Student choice
- Differentiation of strategies for teaching and learning
- Recognition of our own thoughts and feelings
- Child Care and Protection - what do you do?



Example - Domestic Violence (Family)

Learning Intentions:

- You will be able to accurately define domestic violence and list behaviours
- You will be able to outline THREE legal responses to DV
- You will be able to evaluate the effectiveness of THREE legal responses to DV
- You will be able to make informed judgements about the extent to which legal responses to DV achieve justice.

Success Criteria:

- I can write an accurate definition of domestic violence and list examples of behaviours
- I can construct THREE paragraphs which outline legal responses to DV.
- I can make explicit evaluation points about the effectiveness of legal responses with reference to sources.
- I can reflect on what sources demonstrate about legal responses to DV to create an informed argument.

Why don't victims report?

Read this [article](#):

- What surprises you?
- Why aren't people reporting DV?
- What is the role of the media in articles like this?

Calls for more funding as most domestic violence victims don't go to police, says damning new report

By Miriela Aron

Posted Fri 12 Mar 2021 at 5:50am, updated Fri 12 Mar 2021 at 8:17am



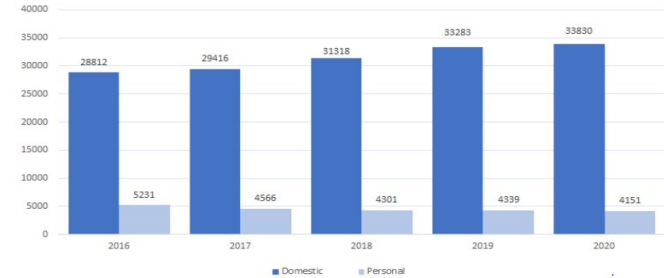
BOCSAR ADVO grants NSW

The next update will be available: June 2021

1. Current trends

The graph below shows the number of final AVOs granted in NSW by the type of order granted.

Number of final AVOs granted by NSW Courts by order type - 2016 to 2020



Case Study - The Edwards Family

7.30 Report

- Brief Casenote using IRAC
- What does this demonstrate about the effectiveness of DV legislation and legal responses when a determined offender is the perpetrator?

John Edwards, who shot dead two children, should not have had gun licence, coroner finds

By James McInerney

Posted Wed 7 Apr 2021 at 4:01pm, updated Wed 7 Apr 2021 at 5:14pm



John Edwards killed himself after shooting dead his son and daughter. (Supplied)

**NSW Bureau of Crime Statistics and Research**

SEARCH

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Department of Justice is now the Department of Communities and Justice. [Find out more >](#)

Media Releases
2022
2021
2020

Apprehended violence orders more effective than critics claim
Full report - Breach rate of Apprehended Domestic Violence Orders in NSW (pdf, 321Kb)
Release date: Thursday 20 October, 2016

Reform

Police may disclose domestic violence history under new 'Right to Ask' trial



Jenny Noyes

January 23, 2023 — 10:55am

Save

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A A A

Reform is an excellent way to evaluate the legal system

- Is there a need for reform?
- Why has there been a recent reform?

Looking at domestic violence - The 'right to ask' Scheme will provide NSW Police the opportunity to disclose information to a person who is a potential victim of DV about their partner's previous abusive or violent offending. A [12 month trial](#) will take place with a review. Penalties will be in place for malicious applications.

Tried & tested strategies



- Fun facts...what do you know?
 - Collaborative work
 - Mind maps & posters
 - Experts..quotes...statistics
 - Music
 - Headlines & media analysis
 - Photographs/cartoons
 - Writing & feedback
 - Case Studies
 - Hypotheticals and problem solving
-

Help them get organised



- Graphic organisers
 - Copies of the syllabus
 - In their folders
 - On the wall
 - As part of worksheets
 - At the beginning of every lesson
 - Repeat, repeat, repeat
 - Link content
 - Link themes & challenges
 - Link the principal focus
-

Classroom Posters

- Rights of Accused



RIGHT TO SILENCE

Right not to say anything to police or while on trial for a criminal offence. Fundamental right - reflects the right not to self-incriminate. Also the state has the burden to prove the case against the accused.



SEARCH AND SEIZURE

Individuals have a right only to be searched if police have reasonable grounds to suspect that someone has committed a crime, has a dangerous item or drugs on their person or is in possession of stolen items.



PRESUMPTION OF INNOCENCE

The accused has the right to be considered innocent until proven guilty in a court of law.

RIGHT TO TRIAL BY JURY

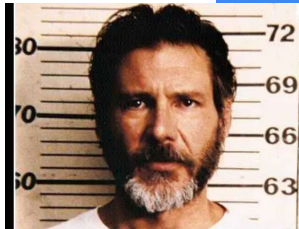


The accused has a right to trial by jury when charged with a serious indictable offence. In Australia this is an express right in the Constitution.

RIGHT TO LEGAL REPRESENTATION



The accused's right to a lawyer is a limited one in Australia. There is no express guarantee in the Constitution and states recognised it to a limited extent. Indigenous Australians and people aged under 18 years have an automatic right to Legal Aid though.



ARREST



Police can only arrest a person on reasonable grounds to suspect (see other sign about liberty). They cannot arrest just to ask you questions as this would contravene your presumption of innocence. When arresting a person they may use reasonable force to do so.

RIGHT NOT TO BE ARBITRARILY DETAINED



A person can only be detained by police with good reason i.e - on reasonable grounds to suspect (LEPRA - 2002). This is important because of the presumption of innocence. It is also an ICCPR provision.

Your Paragraph Should Include:

P

Point

Make
your point



E

Evidence

Back it up:
Support your
point with
evidence &
examples

E

Explanation

Explain how
the evidence
supports
your point

L

Link

Link this
point to the
next point in
the following
paragraph
Or back to
main point

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Case studies

In both 11 & 12, students will need to refer to a range of case studies, but they are also a useful way to engage students.



Cleared of murder, after 12 years in jail

Link case law to the themes and challenges

Often the use of case law helps to demonstrate the ***effectiveness of the criminal justice system....***

Balance between community interests and individual rights and freedoms

Case Studies (Year 11) - Keli Lane

1. Identify FIVE pieces of evidence that you think demonstrates **guilt beyond reasonable doubt**.

Evidence of Guilt	Why is it convincing?

2. Identify FIVE pieces of evidence that you think demonstrates **reasonable doubt** that Keli Lane is guilty.

Evidence that shows reasonable doubt	Why is it convincing?



3. Keli Lane was found guilty by a majority verdict. Research how these work in NSW.

4. What does beyond reasonable doubt mean?

5. Read the [“Rule of Law Casenote”](#) - On what grounds was Keli Lane's appeal rejected by the Court of Criminal Appeal?

6. How does the evidence presented at trial differ from the evidence presented in the media? Can media reporting create a level of misunderstanding in the community? How?

Using Keli Lane

--	--	--	--	--	--	--	--

Student Number

Question 17 (7 marks)

“Tried and convicted on no evidence at all simply because a decision to prosecute was made. Miscarriages of justice do happen.”

Dr Ruyters RMIT University

Examine the difficulties associated in achieving a fair trial.

Refer to the stimulus and the Keli Lane case in your response.

7

Refer to the stimulus and the Keli Lane case in your response.

7

2022 Year 11

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Inside the case of Keli Lane



What happened?

Keli Lane: 'Where Is Baby Tegan?'

Criminologist reveals the one big question we're all missing in the infamous Keli Lane case—and what she believes should happen now.

The Keli Lane case has captured the attention of the Australian public since 2011. The disappearance of baby Tegan in 2005 and her mother's conviction for her murder has raised a number of legal and social issues.

Lane was found guilty of one count of murder and three counts of false swearing on December 13, 2010. She is currently serving an 18-year prison sentence and will be eligible for parole on 12 May 2024, after serving a period of 13 years and five months. Lane has always maintained her innocence. On 18 April 2011, Lane's lawyers lodged an appeal against her conviction at the same time as a Sydney taxi driver alleged he saw Lane dispose of the child.

INCREASING
PRISON
POPULATION

Same Sex Relationships

Pill testing

Domestic Violence

Treatment of Young Offenders

Topics that may be studied include:

- groups or individuals suffering disadvantage:
 - Aboriginal and Torres Strait Islander Peoples
 - people who have a mental illness or an intellectual or physical disability
 - migrants
 - people who are socioeconomically disadvantaged
 - members of other groups covered by human rights legislation, including anti-discrimination legislation
 - women
- events which highlight legal issues
- individuals or groups in conflict with the state
- criminal or civil cases that raise issues of interest to students.

Contemporary Issues... are carried throughout the course
LAW IN PRACTICE & IN THE OPTIONS



Law in Practice: Cases of Interest - Bronson Blessington and Life Imprisonment



Vanessa Gilmore • Sep 8, 2021 (Edited Sep 9, 2021)



Bronson Blessington
Google Docs



Second Chance Kids - Click...
<https://clickv.ie/w/mljr>



Class comments



Alternatives - Early Intervention - Can we intervene to prevent young offenders from committing serious crime?



Vanessa Gilmore • Sep 13, 2021

Investigate the following:

- * Who is eligible and how are they referred? (1-2 sentences only)
- * How does the program work and what is its aim? (2- 3 sentences only)
- * How well does it align with community values regarding young people? (2 sentences)
- * One positive argument about the program with evidence to support
- * One limitation of the program with evidence to support
- * What is your final conclusion about the effectiveness of this program?



Link
<http://www.youthontrack.justice....>



Link
<http://www.youthontrack.justice....>



Link
<https://www.bocsar.nsw.gov.au/...>

Teen killers of Janine Balding have received 'cruel, inhumane and degrading' punishment: UN

It was a barbaric murder that shocked Sydney. Now the UN says the teen killers of Janine Balding should have the opportunity of a parole hearing. Tom Allard reports.

Law in Practice with application in HSC Legal

R v Jamieson; R v Elliott; R v Blessington

On 8 September 1988 Janine Balding was abducted from the car park at Sutherland railway station by a group of street kids. She was forced into her car at knifepoint and driven to a dam in Minchinbury. After being repeatedly sexually assaulted Janine Balding was tied up and drowned in the dam.

Her attackers were a group of street kids: Bronson Blessington (ages 14), Matthew Elliott (aged 16) and Stephen Jamieson (aged 22). Two others were also in the car.

Blessington, Elliott and Jamieson were convicted of murder, abduction, sexual assault, robbery and other charges. All three were sentenced to life imprisonment.

In sentencing Justice Newman stated:-

"In the case of the two youths, Elliott and Blessington, I find this to be a difficult task, difficult because of their extreme youth, difficult in terms of the principles of law to which I have to apply. To sentence prisoners so young to a long term of imprisonment is, of course, a heavy task. However, the facts surrounding the commission of these crimes are so barbaric that I believe I have no alternative other than to impose upon both young prisoners, even despite their age, a life sentence. So grave is the nature of this case that I recommend that none of the prisoners in the matter should ever be released."

An appeal against the life sentences was dismissed in 1992.

In 1997 Blessington applied for a redetermination of his sentence. Legislation amending the [*Crimes \(Sentencing Procedure\) Act*](#) 1999 (NSW) was passed to extend the period before review to 30 years, but Blessington's application had not been finalised. An amendment was made to the Act to extend it to cover Blessington. There has been some controversy over this legislation, particularly as Blessington and Elliott were juveniles at the time of the crime.

Bronson Blessington is now aged 46 years old and remains in prison.

Should Bronson Blessington's sentence stand or should it be reduced?

- Perspectives work - students collaboratively research ONE perspective and collate ideas. Perspectives include family, offender, Australian Human Rights Commission, the community, politicians, The Sentencing Council, Law Society of NSW, media, experts (Nicholas Cowdery), The United Nations
- Criteria for evaluation:
 - evaluate the effectiveness of the legal and non-legal responses to this issue.
Criteria to evaluate effectiveness could include:
 - resource efficiency
 - accessibility
 - enforceability
 - responsiveness
 - protection of individual rights
 - meeting society's needs
 - application of the rule of law
 - has justice been achieved?



WHY WE NEED TO RAISE THE MINIMUM AGE OF CRIMINAL RESPONSIBILITY

The Minimum Age of Criminal Responsibility



In each jurisdiction in Australia, the law provides a conclusive presumption that a child under the age of 10 cannot commit an offence on the basis that they are not criminally responsible for that offence.¹

The minimum age of criminal responsibility in Australia is low compared with other countries.²

In addition to the minimum age, the principle of *doli incapax* operates throughout Australia. This principle assumes that children aged 10 to 14 are 'criminally incapable' unless proven otherwise. If properly applied, *doli incapax* may serve to avoid unnecessary incarceration of children at a young age. However, in the 2019 [Children's Rights Report](#), the Commission found that there is

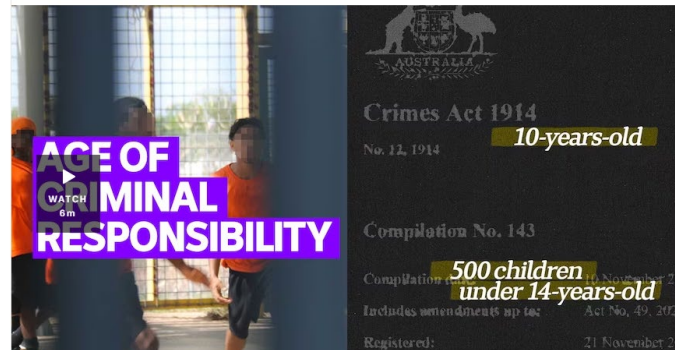
There are many reasons the Commission advocates for raising the age of criminal responsibility, including that:

- Many children involved in the criminal justice system come from disadvantaged backgrounds and have complex needs better addressed outside the criminal justice system³
- Raising the age would help decrease the rate of overrepresentation of Aboriginal and Torres Strait Islander children in detention.⁴ The [Productivity Commission's latest figures](#) tell us Aboriginal and Torres Strait Islander youth are detained at a rate of 23 times that of non-Indigenous young people

Raising the Age of Criminal Responsibility

By Michelle Wakim

Posted 1 Feb 2023, updated 14 Feb 2023



GREENS ANNOUNCE PLAN TO RAISE THE AGE OF CRIMINAL RESPONSIBILITY IN NSW

2023-02-24

The Greens have today announced plans to raise the age of criminal responsibility in NSW to 14 years of age with no one under the age of 16 eligible for a custodial sentence.

The current age of criminal responsibility in NSW is 10 years of age, with the NSW Government presently spending \$713 940 per child per year of detention and almost \$250 million on youth justice annually.

NSW CUSTODY STATISTICS

December 2022



YOUTH DETENTION POPULATION

160

in December 2021

174

in December 2022



CUSTODY STATUS

Between December 2021 and December 2022



0.0%

Remand population no change 0.0% or 0 young people to 112



Sentenced population increased 29.2% or 14 young people to 62

QUARTERLY TRENDS

■ Sentenced ■ Remand



Current statistics



Safety Mechanism



Vanessa Gilmore • 10:10 AM (Edited 10:14 AM)

1. Can you explain what the safety mechanism is?
2. Why is it needed in the climate change legislation?
3. Can you describe the nature of the debate around the safety mechanism?
4. 5 minute research - what perspectives can you find on the mechanism? Government, Greens, Opposition, Independent MPs, Climate Scientists, Industry and Business, Climate Council and Environmental NGOs?



Labor's new safeguard mec...

<https://www.abc.net.au/news/2023>



6 class comments



Vanessa Gilmore

Jul 19, 2022 (Edited Jul 19, 2022)



Just because it is interesting and topical ... Covid-19 fines challenge

5 minute snapshot ... is this just?



Link

<https://rlc.org.au/sites/default/fil>



NSW COVID fine data reve...

<https://www.abc.net.au/news/20>



NSW COVID: Supreme Co...

<https://www.smh.com.au/nation>



I challenged my COVID pu...

<https://www.smh.com.au/nation>

3. Contemporary issues concerning family law

Issues that must be studied:

- recognition of same-sex relationships
 - the changing nature of parental responsibility
 - surrogacy and birth technologies
 - care and protection of children.
- identify and investigate these contemporary issues relating to family law and evaluate the effectiveness of legal and non-legal responses to these issues.

Contemporary Issues... are carried throughout the course
LAW IN PRACTICE & IN THE OPTIONS

Assessment

Internal and External Assessment

Year 11 Legal Studies School-based Assessment Requirements

The components and weightings for Year 11 are mandatory.

Component	Weighting %
Knowledge and understanding of course content	40
Analysis and evaluation	20
Inquiry and research	20
Communication of legal information, issues and ideas in appropriate forms	20
	100

The Year 11 formal school-based assessment program is to reflect the following requirements:

- three assessment tasks
- the minimum weighting for an individual task is 20%
- the maximum weighting for an individual task is 40%
- only one task may be a formal written examination.

Internal and External Assessment

The components and weightings for Year 12 are mandatory.

Component	Weighting %
Knowledge and understanding of course content	40
Analysis and evaluation	20
Inquiry and research	20
Communication of legal information, issues and ideas in appropriate forms	20
	100

The Year 12 formal school-based assessment program is to reflect the following requirements:

- a maximum of four assessment tasks
- the minimum weighting for an individual task is 10%
- the maximum weighting for an individual task is 40%
- only one task may be a formal written examination with a maximum weighting of 30%.

The HSC Exam

2019 HIGHER SCHOOL CERTIFICATE EXAMINATION

Legal Studies

General Instructions

- Reading time – 5 minutes
- Working time – 3 hours
- Write using black pen

Total marks: 100

Section I – 20 marks (pages 2–6)

- Attempt Questions 1–20
- Allow about 30 minutes for this section

Section II – 30 marks (pages 9–21)

This section has two parts, Part A and Part B

- Allow about 1 hour for this section

Part A – 15 marks

- Attempt Questions 21–23

Part B – 15 marks

- Attempt Question 24

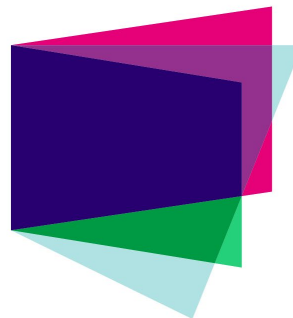
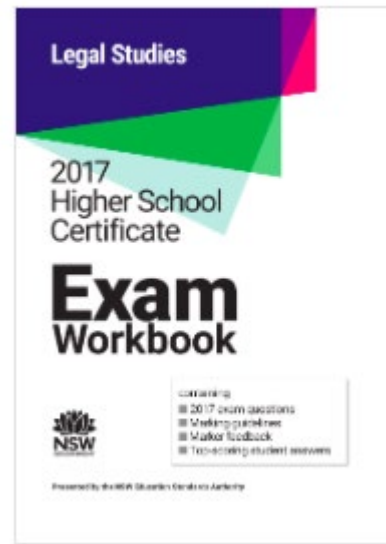
Section III – 50 marks (pages 22–23)

- Attempt TWO questions from Questions 25–31, each from a different Option
- Allow about 1 hour and 30 minutes for this section

Preparing students for the exam

Page 41 of the syllabus provides some guidance for the exam, as does NESAs

- **Extended Response** - Crime - 15 marks (approx 600 words)
- **Essays x 2** - Options - 25 marks (approx 1000 words)



NSW
EDUCATION
STANDARDS
AUTHORITY

HSC Exam

2022 CRIME

QUESTION

Question 25 (15 marks)

The following comment was made about a proposal to raise the age of criminal responsibility in New South Wales.

Any reform in this area would need to be in the best interests of the community, with the safety of the community a key consideration.

The Honourable MARK SPEAKMAN
NSW Attorney General
21 November 2021
The Sydney Morning Herald

Assess the effectiveness of criminal law reform in balancing individual rights and community interests. In your answer, refer to the above stimulus and other examples.

Answers could include:

- The role of law reform in the criminal justice system
- How the law balances the rights of victims, offenders and society

Reference to criminal law reform issues such as:

- Age of criminal responsibility
- Police powers
- Bail and/or remand
- Defences
- Juries
- Right to silence
- Sentencing
- Parole
- Use of evidence.

Exam feedback

Section II – Part B – Crime

Question 25

In better responses, students were able to:

- provide clearly reasoned judgements that articulate the balancing of individual rights and community interests as relevant to the content addressed
- make a clear judgement supported by a range of legislation, cases, media, international instruments and documents
- engage with the concept of law reform as a mechanism of/or need for change
- demonstrate knowledge of law reform through reference to appropriate examples regarding the consideration of individual rights and community interests and the tensions that may exist with change.

Areas for students to improve include:

- ensuring the response includes examples of criminal law reform and the balancing of individual rights and community interests
- linking the response to the stimulus and the question
- strengthening the reason or justification for the judgement regarding criminal law reform balancing individual rights and community interests.

The Rubric

Section III — Options

50 marks

Attempt TWO questions from Questions 25–31, each from a different Option

Allow about 1 hour and 30 minutes for this section

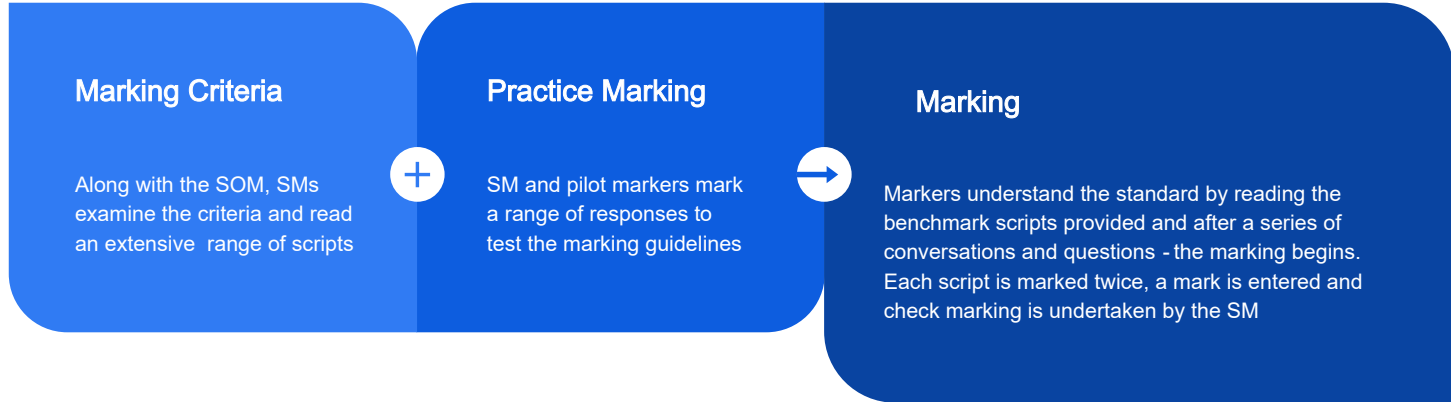
Answer both questions in the Section III Writing Booklet. Extra writing booklets are available.

Your answers will be assessed on how well you:

- demonstrate knowledge and understanding of legal issues relevant to the question
 - communicate using relevant legal terminology and concepts
 - refer to relevant examples such as legislation, cases, media, international instruments and documents
 - present a sustained, logical and cohesive response
-

HSC marking

The process



In particular - how do you do 'LCMIDs'

When students are writing, they **must** support their ideas with a range of examples. It isn't about how many, but how well the examples are integrated throughout.

These include:

- Legislation
- Cases
- Media
- International Instruments
- Documents
- Expert Opinions
- Statistics



Explicitly demonstrating integration of LCM DI's

State ONE - "In *R v Singh* (2012) NSW SC, Mr Singh killed his wife after she told him that she wanted to end the marriage and that she would have him deported. He responded by stabbing her 8 times and she died as a result of her injuries. At trial he argued the defence that he was provoked by his wife and this led to him killing her. He was convicted of manslaughter and sentenced to 6 years imprisonment."

Statement TWO - "The community were outraged by the case of *R v Singh* (2012) NSW SC as the ability of the defendant to successfully use the defence of provocation did not reflect contemporary social values in that the community believes that words alone should not be enough to reduce murder to manslaughter. The 6 year sentence in this case amounted to blaming the victim for her own death and this is unacceptable to community standards. Consequently the law has been significantly reformed and words including threats to leave a relationship cannot amount to provoking behaviour. Thus the law is much more reflective of societal values and appropriate punishments for those who commit serious violent offences."

Expert opinion

“It would not be wise to give to the actors in the criminal justice process unfettered and unaccountable discretion to do as they please. That is why rules of conduct are prescribed by legislation... that is why any one of us may be subject to the glare of the public spotlight through Parliament, the media or established mechanisms. It is useful to be able to exercise discretion at many turns – but that must be done in the overriding general public interest, fairly and in pursuit of justice – and in an accountable manner.”



Paraphrasing long quotes ...

Nicholas Cowdery (ABC AM)

Question: Doesn't it act as a deterrent?

No, it doesn't. I think it is a touching faith that our politicians have in the general deterrent power of sentencing. The evidence is, does not support that proposition at all. Deterrence lies principally in the certainty of being detected for offending. If people know that they are going to be detected and dealt with then that can act as a deterrent against offending.

Paraphrasing:

According to Former DPP, Nicholas Cowdery mandatory sentences do not deter people from crime and that effective detection and enforcement can 'act as a deterrent against offending'.

Media and statistics

Divorce rate in Australia

As of 2017, the divorce rate in Australia is 2 divorces per 1,000 people [1]. Since the introduction of no fault divorce under the Family Law Act in 1975, the crude number of divorces per 1000 residents has dropped from 4.6 divorces to just 2 in 2017. In 1976, there were 63,230 recorded divorces in Australia out of a population of 14 million people. In 2017, the population increased to 24.6 million people, but the number of divorces dropped to 49,032.

There are several contributing factors to the decreasing divorce rate in Australia [2]:

- Less people are getting married to start with
- More couples are cohabiting before marriage
- The average marriage age has increased

3 March 2020



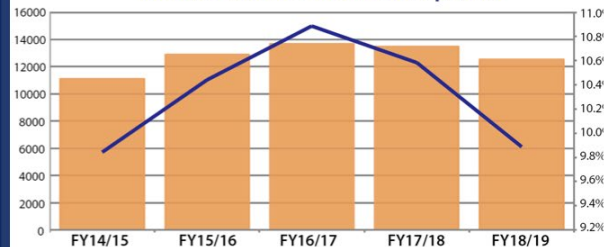
Russia committed war crimes in Syria, finds UN report

The country was also blamed for indiscriminate attacks in civilian areas without 'a specific military objective'

🕒 10:30 AM

NSW Criminal Courts Statistics June 2019

Number and % sentenced to prison



Resources

- Legal Studies Syllabus - NESA
<https://www.educationstandards.nsw.edu.au/wps/portal/nesa/home>
- BOCSAR <https://www.bocsar.nsw.gov.au>
- Legal Briefs - LSA <https://www.ruleoflaw.org.au>
- Rule of Law Institute <https://www.ruleoflaw.org.au>
- Find Legal Answers (State Library of NSW) <https://legalanswers.sl.nsw.gov.au>
- Textbook: Cambridge
- Multitude of media sites: SMH; The Guardian; ABC
 - <https://www.theguardian.com/world/unitednations>
 - <https://www.smh.com.au>
- The UN <https://www.un.org/en/>

Q & A



The marking process...

Referencing legislation...

Which case studies?

Timing...

How to integrate LCMIDs