



GLADSTONE PARK SECONDARY COLLEGE

LEGAL STUDIES COURSE OUTLINE 2018

UNIT 3: Rights and justice

Area of Study 1 The Victorian criminal justice system

The Victorian criminal justice system is used to determine whether an accused person is guilty beyond reasonable doubt of an offence for which they are charged, and to impose sanctions where guilt has been found or pleaded. The system involves a range of institutions including courts (the Magistrates' Court, County Court and Supreme Court) and others available to assist an accused. In this area of study students explore the criminal justice system, its range of personnel and institutions and the various means it uses to determine a criminal case. Students investigate the rights of the accused and of victims, and explore the purposes and types of sanctions and sentencing considerations. Students consider factors that affect the ability of the criminal justice system to achieve the principles of justice. They examine recent reforms from the past four years and recommended reforms to enhance the ability of the criminal justice system to achieve the principles of justice. Students synthesise and apply legal principles and information relevant to the criminal justice system to actual and/or hypothetical scenarios.

Outcome 1

On completion of this unit the student should be able to explain the rights of the accused and of victims in the criminal justice system, discuss the means used to determine criminal cases and evaluate the ability of the criminal justice system to achieve the principles of justice. To achieve this outcome the student will draw on key knowledge and key skills outlined in Area of Study 1.

<u>TASK NUMBER</u>	<u>ASSESSMENT TASK</u>	<u>DUE DATE</u>
SAC 1	TEST	WEEK 6 – TERM 1

Area of Study 2 The Victorian civil justice system

The Victorian civil justice system aims to restore a wronged party to the position they were originally in before the breach of civil law occurred. The system involves a range of institutions to resolve a civil dispute, including courts (the Magistrates' Court, County Court and Supreme Court), complaints bodies and tribunals. In this area of study students consider the factors relevant to commencing a civil claim, examine the institutions and methods used to resolve a civil dispute and explore the purposes and types of remedies. Students consider factors that affect the ability of the civil justice system to achieve the principles of justice. They examine recent reforms from the past four years and recommended reforms to enhance the ability of the civil justice system to achieve the principles of justice. Students synthesise and apply legal principles and information relevant to the civil justice system to actual and/or hypothetical scenarios.

Outcome 2

On completion of this unit the student should be able to analyse the factors to consider when initiating a civil claim, discuss the institutions and methods used to resolve civil disputes and evaluate the ability of the civil justice system to achieve the principles of justice. To achieve this outcome the student will draw on key knowledge and key skills outlined in Area of Study 2.

<u>TASK NUMBER</u>	<u>ASSESSMENT TASK</u>	<u>DUE DATE</u>
SAC 2	TEST	WEEK 4-5 – TERM 2



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AREAS OF STUDY – UNIT 3	WEEKS	ASSESSMENT TASKS
<p>Outcome 1: Key knowledge- Key concepts</p> <ul style="list-style-type: none"> • the principles of justice: fairness, equality and access • key concepts in the Victorian criminal justice system, including: – the distinction between summary offences and indictable offences – the burden of proof – the standard of proof – the presumption of innocence • the rights of an accused, including the right to be tried without unreasonable delay, the right to a fair hearing, and the right to trial by jury • the rights of victims, including the right to give evidence as a vulnerable witness, the right to be informed about the proceedings, and the right to be informed of the likely release date of the accused • the role of institutions available to assist an accused, including Victoria Legal Aid and Victorian community legal centres • the purposes of committal proceedings • the purposes and appropriateness of plea negotiations and sentence indications in determining criminal case • the reasons for a Victorian court hierarchy in determining criminal cases, including specialisation and appeals • the responsibilities of key personnel in a criminal trial, including the judge, jury, parties and legal practitioners • the purposes of sanctions: rehabilitation, punishment, deterrence, denunciation and protection • fines, community corrections orders and imprisonment, and their specific purposes • factors considered in sentencing, including aggravating factors, mitigating factors, guilty pleas and victim impact statements • factors that affect the ability of the criminal justice system to achieve the principles of justice including in relation to costs, time and cultural differences • recent reforms and recommended reforms to enhance the ability of the criminal justice system to achieve the principles of justice. 	<p>Orientation- Holiday Homework & Weeks 1- 6</p>	<p>OUTCOME 1: SAC 1: TEST</p>
<p>Outcome 2: Key knowledge - Key concepts</p> <ul style="list-style-type: none"> • the principles of justice: fairness, equality and access • key concepts in the Victorian civil justice system, including: – the burden of proof – the standard of proof – representative proceedings • factors to consider when initiating a civil claim, including negotiation options, costs, limitation of actions, the scope of liability and enforcement issues • the purposes and appropriateness of Consumer Affairs Victoria (CAV) and the Victorian Civil and Administrative Tribunal (VCAT) in resolving civil disputes • the purposes of civil pre-trial procedures • the reasons for a Victorian court hierarchy in determining civil cases, including administrative convenience and appeals <ul style="list-style-type: none"> • the responsibilities of key personnel in a civil trial, including the judge, jury, the parties and legal practitioners • judicial powers of case management, including the power to order mediation and give directions • the methods used to resolve civil disputes, including mediation, conciliation and arbitration, and their appropriateness • the purposes of remedies • damages and injunctions, and their specific purposes • factors that affect the ability of the civil justice system to achieve the principles of justice, including in relation to costs, time and accessibility • recent and recommended reforms to enhance the ability of the civil justice system to achieve the principles of justice. 	<p>Wk 6 Term1 To Wk 5 Term2</p>	<p>OUTCOME 2: SAC 2: TEST</p>



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Unit 4: The people and the law

Area of Study 1

The people and the Australian Constitution

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

Outcome 1

On completion of this unit the student should be able to discuss the significance of High Court cases involving the interpretation of the Australian Constitution and evaluate the ways in which the Australian Constitution acts as a check on parliament in law-making. To achieve this outcome the student will draw on key knowledge and key skills outlined in Area of Study 1.

<u>TASK NUMBER</u>	<u>ASSESSMENT TASK</u>	<u>DUE DATE</u>
SAC 3	TEST	WEEK 2 – TERM 3

Area of Study 2

The people, the parliament and the courts

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

Outcome 2

On completion of this unit the student should be able to discuss the factors that affect the ability of parliament and courts to make law, evaluate the ability of these law-makers to respond to the need for law reform, and analyse how individuals, the media and law reform bodies can influence a change in the law. To achieve this outcome the student will draw on key knowledge and key skills outlined in Area of Study 2.

<u>TASK NUMBER</u>	<u>ASSESSMENT TASK</u>	<u>DUE DATE</u>
SAC 4	TEST	WEEK 9 - TERM 3



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AREAS OF STUDY – UNIT 4	WEEKS	ASSESSMENT TASKS
<p>Outcome 1: Key knowledge</p> <ul style="list-style-type: none"> • the roles of the Crown and the Houses of Parliament (Victorian and Commonwealth) in law-making • the division of constitutional law-making powers of the state and Commonwealth parliaments, including exclusive, concurrent and residual powers • the significance of section 109 of the Australian Constitution • the means by which the Australian Constitution acts as a check on parliament in law-making, including: – the bicameral structure of the Commonwealth parliament – the separation of the legislative, executive and judicial powers – the express protection of rights – the role of the High Court in interpreting the Australian Constitution – the requirement for a double majority in a referendum • the significance of one High Court case interpreting sections 7 and 24 of the Australian Constitution • the significance of one referendum in which the Australian people have protected or changed the Australian Constitution • the significance of one High Court case which has had an impact on the division of constitutional law-making powers • the impact of international declarations and treaties on the interpretation of the external affairs power. 	<p>Wk6 Term 2 To Wk2 Term 3</p>	<p>OUTCOME 1: SAC 3:TEST</p>
<p>Outcome 2: Key knowledge</p> <ul style="list-style-type: none"> • factors that affect the ability of parliament to make law, including: – the roles of the houses of parliament – the representative nature of parliament – political pressures – restrictions on the law-making powers of parliament • the roles of the Victorian courts and the High Court in law-making • the reasons for, and effects of, statutory interpretation • factors that affect the ability of courts to make law, including: – the doctrine of precedent – judicial conservatism – judicial activism – costs and time in bringing a case to court – the requirement for standing • features of the relationship between courts and parliament in law-making, including: – the supremacy of parliament – the ability of courts to influence parliament – the interpretation of statutes by courts – the codification of common law – the abrogation of common law • reasons for law reform • the ability and means by which individuals can influence law reform including through petitions, demonstrations and the use of the courts • the role of the media, including social media, in law reform • the role of the Victorian Law Reform Commission and its ability to influence law reform • one recent example of the Victorian Law Reform Commission recommending law reform • the role of one parliamentary committee or one Royal Commission, and its ability to influence law reform • one recent example of a recommendation for law reform by one parliamentary committee or one Royal Commission • the ability of parliament and the courts to respond to the need for law reform. 	<p>Weeks 2 –9 Term 3</p>	<p>OUTCOME 2: SAC 4: TEST</p>