

**Subject: VCE Legal Studies**

**Unit 3**

<b>Week</b>	<b>Area of Study</b>	<b>Learning Focus</b>
1	Area of Study 1: 'The Victorian criminal justice system'	<ul style="list-style-type: none"> <li>• Distinction between civil and criminal law/parliament and judge-made law.</li> <li>• Examine the principles of justice: fairness, equality and access.</li> </ul>
2	AOS 1	<ul style="list-style-type: none"> <li>• Explain the 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 and the presumption of innocence.</li> </ul>
3	AOS 1	<ul style="list-style-type: none"> <li>• Describe 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.</li> <li>• Describe 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.</li> </ul>
4	AOS 1	<ul style="list-style-type: none"> <li>• Examine the role of institutions available to assist an accused, including Victoria Legal Aid and Victorian community legal centres.</li> <li>• Explain the purposes of committal proceedings.</li> <li>• Explain the purposes and appropriateness of plea negotiations and sentence indications in determining criminal cases.</li> </ul>
5	AOS 1	<ul style="list-style-type: none"> <li>• Explain the reasons for a Victorian court hierarchy in determining criminal cases, including specialisation and appeals.</li> <li>• Discuss the responsibilities of key personnel in a criminal trial, including the judge, jury, parties and legal practitioners.</li> </ul>
6	AOS 1	<ul style="list-style-type: none"> <li>• Discuss the purposes of sanctions: rehabilitation, punishment, deterrence, denunciation and protection.</li> <li>• Describe fines, community correction orders and imprisonment, and their specific purposes.</li> </ul>
7	AOS 1	<ul style="list-style-type: none"> <li>• Discuss factors considered in sentencing, including aggravating factors, mitigating factors, guilty pleas and victim impact statements.</li> <li>• Evaluate 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.</li> <li>• Discuss recent reforms and recommended reforms to enhance the ability of the criminal justice system to achieve the principles of justice.</li> <li>• Assessment Task.</li> </ul>
8	AOS 2: 'The Victorian civil justice system'	<ul style="list-style-type: none"> <li>• Evaluate the principles of justice: fairness, equality and access.</li> <li>• Examine key concepts in the Victorian civil justice system, including: the burden of proof, the standard of proof,</li> </ul>

		representative proceedings.
9	AOS 2	<ul style="list-style-type: none"> <li>Examine factors to consider when initiating a civil claim, including negotiation options, costs, limitation of actions, the scope of liability and enforcement issues.</li> </ul>
10	AOS 2	<ul style="list-style-type: none"> <li>Discuss the methods used to resolve civil disputes, including mediation, conciliation and arbitration, and their appropriateness.</li> </ul>
11	AOS 2	<ul style="list-style-type: none"> <li>Explain the purposes and appropriateness of Consumer Affairs Victoria (CAV) and the Victorian Civil and Administrative Tribunal (VCAT) in resolving civil disputes.</li> </ul>
12	AOS 2	<ul style="list-style-type: none"> <li>Discuss the purposes of civil pre-trial procedures.</li> <li>Explain the reasons for a Victorian court hierarchy in determining civil cases, including administrative convenience and appeals.</li> </ul>
13	AOS 2	<ul style="list-style-type: none"> <li>Discuss the responsibilities of key personnel in a civil trial, including the judge, jury, the parties and legal practitioners.</li> </ul>
14	AOS 2	<ul style="list-style-type: none"> <li>Examine judicial powers of case management, including the power to order mediation and give directions.</li> </ul>
15	AOS 2	<ul style="list-style-type: none"> <li>Explain the purposes of remedies.</li> <li>Outline damages and injunctions, and their specific purposes.</li> </ul>
16	AOS 2	<ul style="list-style-type: none"> <li>Discuss factors that affect the ability of the civil justice system to achieve the principles of justice, including in relation to costs, time and accessibility.</li> <li>Discuss recent and recommended reforms to enhance the ability of the civil justice system to achieve the principles of justice.</li> </ul>
17	AOS 2	<ul style="list-style-type: none"> <li>Assessment.</li> </ul>

### **Subject: VCE Legal Studies**

#### **Unit 4**

<b>Week</b>	<b>Area of Study</b>	<b>Learning Focus</b>
18	AOS 1: 'The people and the Australian Constitution'	<ul style="list-style-type: none"> <li>Compare the roles of the Crown and the houses of parliament (Victorian and Commonwealth) in law-making.</li> </ul>
19	AOS 1	<ul style="list-style-type: none"> <li>Analyse the division of constitutional law-making powers of the state and Commonwealth parliaments, including exclusive, concurrent and residual powers</li> <li>Discuss the significance of Section 109 of the Australian Constitution.</li> </ul>
20	AOS 1	<ul style="list-style-type: none"> <li>Evaluate the means by which the Australian Constitution acts as a check on parliament in law-making, including:           <ul style="list-style-type: none"> <li>the bicameral structure of the Commonwealth parliament; and</li> <li>the separation of the legislative, executive and judicial powers.</li> </ul> </li> </ul>
21	AOS 1	<ul style="list-style-type: none"> <li>Evaluate the means by which the Australian Constitution acts as a check on parliament in law-making, including:</li> </ul>

		<ul style="list-style-type: none"> <li>❖ the express protection of rights; and</li> <li>❖ the role of the High Court in interpreting the Australian Constitution.</li> </ul>
22	AOS 1	<ul style="list-style-type: none"> <li>• Evaluate the means by which the Australian Constitution acts as a check on parliament in law-making, including:           <ul style="list-style-type: none"> <li>❖ the role of the High Court in interpreting the Australian Constitution; and</li> <li>❖ the requirement for a double majority in a referendum.</li> </ul> </li> </ul>
23	AOS 1	<ul style="list-style-type: none"> <li>• Discuss the significance of one High Court case interpreting sections 7 and 24 of the Australian Constitution.</li> <li>• Analyse the significance of one referendum in which the Australian people have protected or changed the Australian Constitution.</li> </ul>
24	AOS 1	<ul style="list-style-type: none"> <li>• Discuss the significance of one High Court case which has had an impact on the division of constitutional law-making powers.</li> <li>• Discuss the impact of international declarations and treaties on the interpretation of the external affairs power.</li> <li>• SAC.</li> </ul>
25	AOS 2: The people, the parliament and the courts'	<p>Parliaments and courts</p> <ul style="list-style-type: none"> <li>• Discuss the factors that affect the ability of parliament to make law, including:           <ul style="list-style-type: none"> <li>❖ the roles of the houses of parliament;</li> <li>❖ the representative nature of parliament;</li> <li>❖ political pressures; and</li> <li>❖ restrictions on the law-making powers of parliament.</li> </ul> </li> </ul>
26	AOS 2	<ul style="list-style-type: none"> <li>• Analyse the roles of the Victorian courts and the High Court in law-making.</li> <li>• Analyse the reasons for, and effects of, statutory interpretation.</li> <li>• Discuss the factors that affect the ability of courts to make law, including:           <ul style="list-style-type: none"> <li>❖ the doctrine of precedent;</li> <li>❖ judicial conservatism;</li> <li>❖ judicial activism;</li> <li>❖ costs and time in bringing a case to court; and</li> <li>❖ the requirement for standing.</li> </ul> </li> </ul>
27	AOS 2	<ul style="list-style-type: none"> <li>• Analyse the features of the relationship between courts and parliament in law-making, including:           <ul style="list-style-type: none"> <li>❖ the supremacy of parliament;</li> <li>❖ the ability of courts to influence parliament;</li> <li>❖ the interpretation of statutes by courts;</li> <li>❖ the codification of common law; and</li> <li>❖ the abrogation of common law.</li> </ul> </li> </ul>
28	AOS 2	<p>Law reform</p> <ul style="list-style-type: none"> <li>• Explain the reasons for law reform.</li> <li>• Discuss the ability and means by which individuals can influence law reform including through petitions, demonstrations and the use of the courts.</li> </ul>

		<ul style="list-style-type: none"> <li>• Analyse the role of the media, including social media, in law reform.</li> </ul>
29	AOS 2	<ul style="list-style-type: none"> <li>• Evaluate the role of the Victorian Law Reform Commission and its ability to influence law reform.</li> <li>• Evaluate one recent example of the Victorian Law Reform Commission recommending law reform.</li> <li>• Evaluate the role of one parliamentary committee or one Royal Commission, and its ability to influence law reform.</li> <li>• Discuss one recent example of a recommendation for law reform by one parliamentary committee or one Royal Commission.</li> </ul>
30	AOS 2	<ul style="list-style-type: none"> <li>• Evaluate the ability of parliament and the courts to respond to the need for law reform.</li> <li>• Assessment</li> </ul>
31	Exam Prep	<ul style="list-style-type: none"> <li>• Exam prep and practice exams.</li> </ul>
32	Exam Prep	<ul style="list-style-type: none"> <li>• Exam prep and practice exams.</li> </ul>