Overview:

Principal Focus:

- **Principal focus**: Students investigate contemporary issues that illustrate how the law operates in practice.

  **The Law in practice unit can be integrated with Part I and/or Part II of the Preliminary course, or treated as a separate unit.**

  The Law in Practice unit is designed to provide opportunities for students to deepen their understanding of the principles of law covered in Part I and Part II of the Preliminary course. Students will develop the research, analytical and communication skills that underpin the process of investigation.

  At least **TWO** contemporary issues should be studied. Students should synthesise information from a range of sources, including cases, legislation, the media and international instruments, to support a legal argument. Topics should extend particular areas of individual or group interests.

Reference:

BOS (2009) Legal Studies Stage 6 Syllabus

Objectives

Through Legal Studies, students will develop:

**knowledge and understanding** about:

- the nature and institutions of domestic and international law
- the operation of Australian and international legal systems and the significance of the rule of law
- the interrelationship between law, justice and society and the changing nature of the law

**skills** in:

- investigating, analysing and communicating relevant legal information and issues

**interest** in, and informed and responsible **values and attitudes** in regard to:

- legal functions, practices and institutions

Outcomes:

A student:

**P1.** identifies and applies legal concepts and terminology

**P2.** describes the key features of Australian and international law

**P3.** describes the operation of domestic and international legal systems
P4. discusses the effectiveness of the legal system in addressing issues
P5. describes the role of law in encouraging cooperation and resolving conflict, as well as initiating and responding to change
P6. explains the nature of the interrelationship between the legal system and society
P7. evaluates the effectiveness of the law in achieving justice
P8. locates, selects and organises legal information from a variety of sources including legislation, cases, media, international instruments and documents
P9. communicates legal information using well-structured responses
P10. accounts for differing perspectives and interpretations of legal information and issues

Outcomes are applicable to all topics. Some may be more relevant to a particular topic than others. Outcomes may be examined.

Themes

Themes and challenges to be incorporated throughout this topic:

- the relationship between justice, law and society
- the development and reform of law as a reflection of society
- the importance of the rule of law
- the responsiveness of the legal system in dealing with issues
- the effectiveness of legal and non-legal mechanisms in achieving justice for individuals and society.
Issues that involve an Australian in a domestic jurisdiction, or Australian citizen(s) in another jurisdiction, focusing on the mechanisms for achieving justice and the responsiveness of the legal system when attempts are made to achieve justice.

- examine at least two contemporary issues that involve Australian citizen(s) in either a domestic or another jurisdiction

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<tr>
<th>Contemporary Issues 1: Case Study - the detention of David Hicks</th>
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<td>• events which highlight legal issues</td>
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<td>• Note: This topic is not designed to be about the guilt or innocence of Hicks. Rather, the focus should be an examination of the legal process.</td>
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<td>• Background to this issue: ICT activity: Research the case of David Hicks. Students compile a basic timeline to do with his detention, noting the date of the beginning of the detention, the date and nature of the original allegations, the dates and nature of changes to the allegations, the appointment of legal representation, the trial appearances, subsequent developments and his ultimate release.</td>
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<td>• state sovereignty (Part I:</td>
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<td>• Students investigate the mechanisms available to Hicks and the Australian Government to achieve justice, and the</td>
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The legal system

- individuals or groups in conflict with the state
- instruments of international law – conventions (Part I – The legal system)

Themes and Challenges

- relationship between justice, law and society
- the importance of the rule of law

responsiveness of the legal system in attempting to achieve justice. Students also consider the role of sovereignty.

- **Activity:** Review the rights and protection given to citizens in another jurisdiction (from Part II). What assistance was given by the Australian Government to David Hicks as an Australian citizen being held in another jurisdiction?

- **Class discussion:** What made Hick’s circumstances different to other Australians in legal disputes in foreign jurisdictions?

- **Students debate:** Should rights be an automatic entitlement, or should extreme situations remove these rights? Record the major arguments for and against on the board.

- **Activity:** Students investigate the background and major principles of the Geneva Convention, and anti-torture conventions.

- **Resources:**
  3. *The Case Against David Hicks* ABC Four Corners, 31/10/05 [www.abc.net.au/4corners/content/2005/s1491717.htm](http://www.abc.net.au/4corners/content/2005/s1491717.htm)

- **Basic legal concepts - procedural fairness, rule of law, access (Part I)**

- **Activity:** students examine the Hicks case and show deep knowledge of earlier work by highlighting issues about the
<table>
<thead>
<tr>
<th>The legal system)</th>
<th>• evaluate the effectiveness of the legal and non-legal responses to this issue.</th>
<th>legal process under the following points:</th>
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<tbody>
<tr>
<td>Themes and Challenges</td>
<td>• the relationship between rights and responsibilities (from Part II)</td>
<td>1. procedural fairness</td>
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<td>• Resolution disputes (Topic II: the individual and the law)</td>
<td>2. rule of law</td>
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<td>• non-legal methods: role of media, interest groups (including non-government organisations)</td>
<td>3. access to the law</td>
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<td>• the development of law as a reflection of society</td>
<td>4. sovereignty</td>
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<td>• the effectiveness of legal mechanisms in achieving justice for individuals and society</td>
<td>5. balancing the protection of the rights of an individual with those of the state.</td>
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<th>• Criteria to evaluate effectiveness could include:</th>
<th>• Activity: students and teacher discuss the role of the media. Teacher collects for comparison an early and later example of a media article (from the internet). Discuss the extent to which the media can sway public opinion and subsequent political decisions regarding the law.</th>
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<tr>
<td>▪ resource efficiency</td>
<td>• Activity – extended response: “To argue that one should not have preventative detention for suspected terrorists is to avoid the real issues that must be faced involving, among other factors, weighing the risk of wrongful incarceration of one person against the risk of a preventable terrorist attack occurring. The risk of mass destruction and loss of life is clearly a highly relevant consideration. The government claims to have found the appropriate balance”. – David Bennett QC AC. Discuss this statement.</td>
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<td>▪ accessibility</td>
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<td>▪ enforceability</td>
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<td>▪ responsiveness</td>
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<td>▪ protection of individual rights</td>
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<td>▪ meeting society’s needs</td>
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<td>▪ application of the rule of law has justice been achieved?</td>
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Contemporary issue 2: Assessment Task

- Students are required to select a contemporary issue and research the legal and non-legal responses to this issue. Students are to evaluate the effectiveness of the legal and non-legal responses in achieving justice in relation to this issue and present findings in the form of a report of no more than 1000 words.

Topics that may be studied include:

- groups or individuals suffering disadvantage:
  1. Aboriginal and Torres Strait Islander Peoples
  2. people who have a mental illness or an intellectual or physical disability
  3. migrants
  4. people who are socioeconomically disadvantaged
  5. members of other groups covered by human rights legislation, including anti-discrimination legislation
  6. women

- See Assessment Task

Resources

Texts:
• Macmillian Legal Studies 1: McCarthy, Suter, Watt
• Heinemann Legal Studies 2nd Ed: Brogan et al
• Legal Studies Preliminary: Pearson; Hamper, Boeseenberg, Kenny
• Law in Society Book 1: John Wiley; Stephen Chapman
• Dot Point Preliminary Legal Studies: Mohan Dhall, Science Press, 2009
• Preliminary Legal Studies, Teaching Resources Workbook: Karen Devine 2008
• Instant Lessons in Legal Studies
• Legal Date
• Hot Topics