

Legal Studies marking guide and response

External assessment 2023

Combination response (47 marks)

Assessment objectives

This assessment instrument is used to determine student achievement in the following objectives:

1. comprehend legal concepts, principles and processes of Australian human rights laws
3. analyse a legal issue involving human rights in Australia
4. evaluate a legal situation relevant to human rights in Australia.

Note: Objectives 2 and 5 are not assessed in this instrument.

Purpose

This document consists of a marking guide and a sample response.

The marking guide:

- provides a tool for calibrating external assessment markers to ensure reliability of results
- indicates the correlation, for each question, between mark allocation and qualities at each level of the mark range
- informs schools and students about how marks are matched to qualities in student responses.

The sample response:

- demonstrates the qualities of a high-level response
- has been annotated using the marking guide.

Mark allocation

Where a response does not meet any of the descriptors for a question or a criterion, a mark of '0' will be recorded.

Where no response to a question has been made, a mark of 'N' will be recorded.

Marking guide

Short response

Q	Sample response	The response:
1	<p>Under the <i>Convention on the Rights of the Child 1989</i>, a child is defined as any human being who is under the age of 18. This definition does not apply when there is law relevant to the child that provides for the age of majority to be attained earlier.</p> <p>Children are awarded special protection under international law because they lack the maturity to be independent. This means they need to be supported and protected as they develop the physical and mental maturity to reach their potential.</p>	<ul style="list-style-type: none">• states<ul style="list-style-type: none">– a child is anyone under the age of 18 [1 mark]– a law can specify a lower age of majority in certain circumstances [1 mark]• identifies why children are awarded special protection under international law [1 mark]• explains why this protection is needed [1 mark]

Q	Sample response	The response:
2	<p>The primary role of the UNHCR is to protect the rights, health and safety of people who have been forced to flee from their homes. They do this by coordinating international action to address refugee crises and attempting to resolve refugee problems.</p> <p>They provide advocacy and financial support to refugees and asylum seekers and run refugee camps for people displaced by war and natural disasters.</p> <p>The UNHCR supports both refugees, i.e. those fleeing conflict or persecution who fit the international definition of 'refugee', and internally displaced people, i.e. those who are seeking refuge within the borders of their home country.</p>	<ul style="list-style-type: none"> • identifies one role of the UNHCR [1 mark] • explains the identified role [1 mark] • describes one way the UNHCR achieves the identified role [1 mark] • describes a second way the UNHCR achieves the identified role [1 mark] • describes one category of people supported by the UNHCR [1 mark] • describes a second category of people supported by the UNHCR [1 mark]

Q	Sample response	The response:
3	<p>One restriction on the right to protest in Australia is the requirement that permission must be sought and a permit. Once granted, a permit outlining details of the protest, e.g. march route and time, is issued. This restriction applies because protests can cause disruption to public safety and order. For example, a protest on a main thoroughfare during peak-hour traffic would cause serious disruption to the community. Permission to protest could therefore be subject to requirements, such as changing the timing, route or location.</p>	<ul style="list-style-type: none"> • identifies a restriction on the right to protest in Australia [1 mark] • describes the identified restriction on the right to protest in Australia [1 mark] • explains why the identified restriction applies [1 mark] • provides an example of the identified restriction to support the explanation [1 mark]

Q	Sample response	The response:
4	<p>The Australian Human Rights Commission (AHRC) is a federal independent statutory body established under the <i>Australian Human Rights Commission Act 1986</i>. The Commission is responsible for monitoring, promoting and protecting human rights in Australia.</p> <p>It does this by advising the federal government about laws and policies, creating education programs to raise awareness of human rights and conducting research into human rights issues.</p> <p>Under Australia's anti-discrimination legislation, including the <i>Race Discrimination Act</i> and the <i>Age Discrimination Act</i>, the AHRC has the power to investigate and attempt to conciliate complaints of unlawful discrimination based on essential human rights, including sex, disability, race and age. The AHRC also investigates and resolves complaints about alleged breaches of human rights by the Commonwealth and its agencies.</p>	<ul style="list-style-type: none"> • provides one description of the AHRC [1 mark] • provides a second description of the AHRC [1 mark] • states the role of the AHRC [1 mark] • explains the role of the AHRC [1 mark] • identifies the Commission's powers under anti-discrimination legislation [1 mark] • explains the Commission's powers under anti-discrimination legislation [1 mark]

Section 2: Extended response — Question 5

Criterion: Analysing

The response:	M	The response:	M	The response:	M	The response:	M
Nature and scope		Viewpoint 1		Viewpoint 2		Use of evidence	
<ul style="list-style-type: none"> provides an accurate explanation of the nature and scope of the legal issue 	3	<ul style="list-style-type: none"> provides a perceptive explanation of a valid viewpoint and its consequence/s, related to the legal issue 	4	<ul style="list-style-type: none"> provides a perceptive explanation of a different valid viewpoint and its consequence/s, related to the legal issue 	4	<ul style="list-style-type: none"> makes discerning use of a range of relevant information from the stimulus to support the analysis 	4
<ul style="list-style-type: none"> describes the nature and scope of the legal issue 	2	<ul style="list-style-type: none"> provides an effective explanation of a valid viewpoint and its consequence/s, related to the legal issue 	3	<ul style="list-style-type: none"> provides an effective explanation of a different valid viewpoint and its consequence/s, related to the legal issue 	3	<ul style="list-style-type: none"> makes effective use of some relevant information from the stimulus to support the analysis 	3
<ul style="list-style-type: none"> identifies the legal issue 	1	<ul style="list-style-type: none"> provides an adequate explanation of a valid viewpoint related to the legal issue 	2	<ul style="list-style-type: none"> provides an adequate explanation of a different valid viewpoint related to the legal issue 	2	<ul style="list-style-type: none"> makes satisfactory use of information from the stimulus to support the analysis 	2
<ul style="list-style-type: none"> does not satisfy any of the descriptors above. 	0	<ul style="list-style-type: none"> describes a viewpoint related to the legal issue 	1	<ul style="list-style-type: none"> describes a different viewpoint related to the legal issue 	1	<ul style="list-style-type: none"> refers to evidence from the stimulus 	1
		<ul style="list-style-type: none"> does not satisfy any of the descriptors above. 	0	<ul style="list-style-type: none"> does not satisfy any of the descriptors above. 	0	<ul style="list-style-type: none"> does not satisfy any of the descriptors above. 	0

Criterion: Evaluating

The response:	M	The response:	M	The response:	M	The response:	M
Legal alternative 1		Legal alternative 2		Decision and justification		Implications	
<ul style="list-style-type: none"> effectively uses information from the analysis to present a relevant legal alternative 	3	<ul style="list-style-type: none"> effectively uses information from the analysis to present a second relevant legal alternative 	3	<ul style="list-style-type: none"> justifies a valid decision through effective use of relevant legal criteria 	3	<ul style="list-style-type: none"> effectively discusses a plausible implication of the decision 	3
<ul style="list-style-type: none"> uses information from the analysis to present a relevant legal alternative 	2	<ul style="list-style-type: none"> uses information from the analysis to present a second relevant legal alternative 	2	<ul style="list-style-type: none"> justifies a valid decision using relevant legal criteria 	2	<ul style="list-style-type: none"> discusses a plausible implication of the decision 	2
<ul style="list-style-type: none"> presents a legal alternative 	1	<ul style="list-style-type: none"> presents a second legal alternative 	1	<ul style="list-style-type: none"> makes a valid decision 	1	<ul style="list-style-type: none"> identifies an implication of the decision 	1
<ul style="list-style-type: none"> does not satisfy any of the descriptors above. 	0	<ul style="list-style-type: none"> does not satisfy any of the descriptors above. 	0	<ul style="list-style-type: none"> does not satisfy any of the descriptors above. 	0	<ul style="list-style-type: none"> does not satisfy any of the descriptors above. 	0