



# LEGAL STUDIES FOUNDATION 2 TEACHING & LEARNING SUPPLEMENT

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## Teaching and Learning Supplement

# LEGAL STUDIES FOUNDATION 2 (LST215117)

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### ADVICE TO TEACHERS

This document helps to describe the nature and sequence of teaching and learning necessary for students to demonstrate achievement of course outcomes.

It suggests appropriate learning activities to enable students to develop the knowledge and skills identified in the course outcome statements.

Tasks should provide a variety and the mix of tasks should reflect the fact that different types of tasks suit different knowledge and skills, and different learning styles. It is important to note that tasks do not have to be lengthy to make a decision about student demonstration of achievement of an outcome.

### COURSE SPECIFIC ADVICE

This Legal Studies Foundation 2 Teaching and Learning Supplement must be read in conjunction with the Legal Studies Foundation 2 course document. The TASC accredited course document is the sole authoritative source for Legal Studies Foundation 2 LST 215117.

This supplement contains advice to assist teachers delivering the course and can be modified as required. This Teaching and Learning Supplement is designed to support teachers new to or returning to teaching this course.

Legal decisions are fundamental to the lives of people in Tasmania, Australia as well as throughout the world. Developing within learners an appreciation of questions of the differences between rules and laws, and why both exist, the federal arrangements underpinning our system of government, the role and powers of police both within Tasmania and nationally as well as increasing awareness of and knowledge of learners as consumers, family members and employees is an important real world set of learnings which will have a positive and practical impact on learners long term wellbeing and quality of life..

A student who successfully completes Legal Studies Foundation 2 should have knowledge and skills enabling them to:

- communicate legal ideas and information
- use basic research skills to locate and record information
- plan and organise to complete legal-related activities
- identify the need for law, its sources and categories
- describe the roles and responsibilities of the different levels of government in Australia
- describe the powers and jurisdiction of the different levels of policing and law enforcement in Australia
- describe consumer rights and responsibilities, and responsibilities of traders under Australian consumer law
- describe sources of legal advice and assistance in matters of family law
- describe the legal basis and employer and employee rights and obligations under Australian employment law
- describe dispute resolution processes in matters of consumer, family and employment law



## SEQUENCE OF CONTENT

	Unit Title	Indicative Times
Unit 1	Laws, legal and non-legal rules: why do we have them?	22.5 hrs
Unit 2	The three levels of government in Australia	22.5 hrs
Unit 3	Police powers and policing	22.5 hrs
Unit 4	Consumer law	22.5 hrs
Unit 5	Family Law	22.5 hrs
Unit 6	Employment Law	22.5 hrs
Work Requirement	Topical Legal Issue	15 hrs

*Legal Studies Foundation*, Level 2 consists of six (6) topics and a summative work requirement.

All topics and the work requirement are compulsory. Topics will be delivered and assessed in the sequence in which they appear in this course document. It is recommended that each unit be given approximately equal delivery time.

## TEACHING AND LEARNING

### **Unit 1** **Laws, legal and non-legal rules: why do we have them?**

The focus of this unit is the basis of law in Australia. It distinguishes between formal law and rules which are not enforceable under law. This unit covers the origins of Australian law in British law and the two ways in which Australian law is developed, through the courts and through the parliament. The unit also considers how law is influenced by individuals and groups.

This unit introduces learners to:

- the nature of law
- the similarities and differences between legal and non-legal rules
- differences between civil and criminal law, categories of law
- the differences between statute and common law
- the adversarial trial system and the main legal personnel in trials
- the influence of individuals and groups in changing law.

Unit 1: Key Concepts:

- Common Law
- Statute Law
- Criminal Law
- Civil law
- Non-legal rules
- Legitimate authority
- Sanctions/penalties

- Adversarial system of trial
- Rule of law
- Court hierarchy
- Magistrates court
- Supreme Court of Tasmania
- High court of Australia
- Jurisdiction
- Summary offence
- Indictable offence

### *Examples of learning activities*

Learners:

conduct a brainstorming activity on the question “Why do we have Laws?”

use stimulus material, such as a video, guest speaker or text extract to promote discussion.

undertake a classroom discussion in the proposition that “Every member of society should conform to rules based on majority rules.”

debate the question “What is power and who really has power in our society?”

produce a poster or brochure distinguishing between common laws and statute law

conduct a lesson for learners in a more junior year level on the differences between criminal and civil law.

visit a hearing of a Magistrates Court or the Supreme Court of Tasmania. Produce a written report on the role of the participants, the nature of the case and the outcome.

critique their school/college rules and propose about how rules can be changed

investigate alternative dispute resolution techniques and processes.

research a practical example of where individuals or groups have sought to change the law

compare and contrast the adversarial and the inquisitorial systems.

research and provide a multimodal report on the role, powers and responsibilities of the High Court of Australia.

## Unit 2

The three levels of

The focus of this unit is Australia’s system of Government. Each level of government in Australia has their own responsibilities and roles. At times the roles of each level of government are separate, such as in defence and immigration at the federal level, while there are, in other areas overlap of responsibility such as in health and



government in Australia

education. Learners consider the advantages and disadvantages of Australia's federal arrangements.

This unit introduces learners to:

- the three levels of government in Australia.
- the roles and responsibilities of each level of government.
- the structure of the three levels of government
- the roles and responsibilities of each level of government

Unit 2 Key Concepts:

- National (Commonwealth) Government
- State and territory Government
- Local Government
- government
- parliament
- Constitution of the Commonwealth of Australia
- Division of powers
- Concurrent powers
- Exclusive powers
- Specific powers
- Residual powers

### *Examples of learning activities*

Learners:

prepare a written speech to present to a younger year level on what the Constitution is and how it can be altered.

undertake a class discussion/debate on the proposition that: 'Australia should abolish one level of Government – the states and territories'

invite a guest speaker in from your local government and ask him/her to outline the work and responsibilities of local government

research the arguments for and against the recognition of local government in the Australian Constitution; produce a poster in two columns which outlines the two arguments.

produce a PowerPoint or digital text which deals with a contemporary issue in government overlap in Australia – for example , Health, Education, Environmental protection.

create a word puzzle including terminology from this unit

undertake a review of the previous weeks newspapers and social media to identify at least one aspect of Australian Federal Constitutional Government

### Unit 3

#### Police powers and policing

The focus of this unit is police and policing at both the local, Tasmanian, and national level. It covers policing at the level of local government by-law enforcement, the investigation of crime by Tasmania Police as well as the roles and powers of the Australian Federal Police at a national level.

This unit introduces learners to:

- the three levels of law enforcement
- roles, powers and jurisdiction of local by-law enforcement
- the roles powers and jurisdiction of state police
- roles powers and jurisdiction of federal police
- arrest powers of non-police.

Key Concepts:

- Tasmania Police
- Australian Federal Police
- Arrest
- detain
- (An) offence
- Police custody
- By-law
- Police powers
- Law enforcement
- Organised crime
- Counter-terrorism
- Arrest
- Arrest powers
- Reasonable force
- Duty of care

#### *Examples of learning activities*

Learners:

examine the powers of both the Australian Federal Police and the Tasmania police in relation to counter-terrorism. Evaluate the extent to which these powers reflect the values and expectations of members of the community.

provide a summary of the major types of offences which Tasmania Police deal with  
provide, in a table, the differences between a summary and an indictable offence.

discuss why writing a book calling for the violent overthrow of the government might be an offence.

conduct a class discussion on how and why police powers are limited.

prepare a wall poster on the use of technology in solving crime

produce a brochure on the search, seizure, arrest and detention powers of the Tasmania Police. Contrast those powers with similar powers of the Australian Federal Police.

#### Unit 4

##### Consumer Law

The focus of this unit is the rights of consumers in the marketplace. It involves an introduction to contract law and the legal rights and responsibilities of consumers in conducting commercial transactions. Sources of advice on consumer matters and the mechanism by which consumer law disputes are heard and settled are additionally considered.

This unit introduces learners to:

- simple contract law
- rights and responsibilities of a trader
- rights and responsibilities of a consumer
- consumer protection issues
- sources of legal advice and assistance
- dispute resolution

Key Concepts:

- Australian Consumer Law (ACL)
- Consumer Affairs and Fair Trading
- *Caveat Emptor*
- Negligence
- remedy
- Minor Civil Claims
- Magistrates Court – Civil Division
- Contract
- Consumer Contract
- Contract Law
- Identity theft
- Identity Fraud
- Consumer returns
- Consumer refunds
- Offer
- Offeree
- offeror
- Warranty

#### *Examples of learning activities*

Learners:

conduct a class discussion on the *need* for legal protections for Australian consumers

produce a poster on the elements of Australian Consumer Law

outline examples of the types and terms in a standard form consumer contract that are unfair under the Australian Consumer Law



produce a brochure for primary students on consumer law

discuss and document what is a contract and how contracts apply in consumer law

research two examples of common law which establish precedent in consumer law matters

role play examples of 'unconscionable conduct' in consumer law matters. Draw up a list of some of the forms it can take during negotiations for a contract.

review the Australian Contract Law website:  
<http://www.australiancontractlaw.com/index.html>

prepare a class presentation on Australian Contract and Consumer Law

research and document negligence in Australian Consumer Law. Provide three examples of statute law with respect to negligence in Australian consumer law.

prepare a brochure entitled: 'Self-help for Consumers'

invite a member of the Tasmanian Office of Consumer Affairs and Fair Trading to your school to discuss the application of consumer law in Tasmania.

invite an officer of the Australian Securities & Investments Commission to your school to discuss the application of consumer law in Australia.

in your class, discuss the types of assistance offered by the various non-government organisations to Australian consumers.

evaluate the effectiveness of industry self-regulation in protecting consumers, compared with government regulation.

conduct a series of class role plays around the concept of *Caveat Emptor*

watch episodes of the ABC show 'The Checkout' and highlight information relating to Australian Consumer Law.

## Unit 5

### Family Law

The focus of this unit is the way the law deals with the fundamental issues of family relationships in Australia – family, parents and children. It considers the basis of relationships both in marriage and de facto as well as the legal basis and procedures involved in relationship formation and breakdown. The unit further considers the law associated with children and parental responsibility.

This unit introduces learners to:

- laws of marriage
- federal jurisdiction over family matters
- property dispute resolution
- parental responsibilities
- sources of legal advice and assistance

Key Concepts:

- Family
- Marriage





- Family Court of Australia
- Family Law Act 1975 (Cth)
- Marriage Act 1961 (Cth)
- Children, Young Persons and Their Families Act 1997 (Tas)
- Parenting orders
- Property settlement
- Court Orders
- Divorce
- Parenting plan
- Legal Aid
- Family Consultant

#### *Examples of learning activities*

Learners:

provide definitions of marriage, de facto relationship, blended family and extended family

initiate a class discussion on the main function of families

provide a checklist of the requirements of a valid marriage ceremony

construct a multimodal text with the title 'legal consequences and responsibilities of marriage'

research and draw up a list of Commonwealth and Tasmania legislation concerning families and children

evaluate the impact and influence of the *UN Convention on the Rights of the Child* on family law in Australia.

research what are the legal requirements relating to adoption in Tasmania?

identify the sole ground for divorce in Australia and the consequences of there being only one ground.

identify and discuss the issues that the Family Court must take into account when determining the best interests of the child

construct a wall poster on the topic of 'family dispute resolution'.

conduct a class debate/discussion on the proposition 'that there should be legal recognition for Same-Sex marriages in Australia'.

undertake research and conduct a class discussion on the question:

'What weight should be given to children's views with respect to parental responsibility?'

## Unit 6

The focus of this unit is the legal rights and obligations of both employees and employers in the workplace. Covering different categories of work, the unit



## Employment Law

considers the legal basis of pay determination and minimum employment conditions in the workplace as well as addressing the legal basis of employment issues including workplace health and safety, workplace harassment and dismissal procedures.

This unit introduces learners to:

- the nature of work
- the legal basis of pay determination
- legal basis of employer and employee rights and obligations
- legal obligation to ensure a safe working environment
- workplace discrimination, bullying and harassment.

### Key Concepts:

- Categories of work
- Employer
- Employee
- Fair Work Commission
- Fair Work Ombudsman
- Tasmanian Industrial Relations Commission
- Fair Work Act (Commonwealth)
- Industrial Award
- Enterprise agreement
- Registered Agreement
- National Employment Standards
- Unfair dismissal
- Trade union
- mediation
- Strike
- Harassment
- Sexual Harassment
- Wrongful dismissal
- Safework Australia
- WorkSafe Tasmania
- Australian Human Rights Commission
- Workplace discrimination
- Workplace bullying
- Workplace harassment

- Australian Human Rights Commission Act 1986 (Commonwealth)
- Racial Discrimination Act 1975 (Commonwealth)
- Disability Discrimination Act 1992 (Commonwealth)
- Sex Discrimination Act 1984 (Commonwealth)
- Age Discrimination Act 2004 (Commonwealth)
- Anti-Discrimination Act 1998 (Tasmania).

### *Examples of learning activities*

Learners:

prepare a multimodal text explaining the emergence of workers' rights since the Industrial Revolution

conduct a class discussion on the need to strengthen the regulation of workers' rights in modern Australian workplaces

invite an organiser or a senior member of a Trade Union into the class and discuss the roles of trade unions in workplaces

draw up a 'Guide for new employers' outlining their responsibilities to uphold the National Employment Standards

prepare a brochure entitled: '*You're fired...the fair way*'

construct a table illustrating the differing forms of employment.

construct a classroom poster which provides specific details of the duties of employers and the duties of employees in Australian workplaces

invite a representative from Equal Opportunity Tasmania into the classroom to discuss the law relating to harassment, bullying and discrimination in Tasmania workplaces

use the internet to research a recent Australia industrial dispute and how it was resolved.

outline the role of Fair Work Australia and the Tasmanian Industrial Relations Commission in protecting to act employee entitlements

conduct a class discussion/debate on the proposition that 'Equal work for equal pay has never really existed'.

prepare a pamphlet for new employees to a workplace of your choice on employees responsibilities in relation to workplace health and safety.

discuss the advantages and disadvantages to employers and employees of a employer-funded paid parental leave scheme.

### **Summative Work Requirement**

Learners will undertake ONE individual (i.e. not group work) research investigation and present their findings in a written report (of approximately 900 words (3 pages) in length).

The investigation will take the form of a written report. Learners will negotiate a topic for investigation. The topic will be drawn from the content of this course. Learners are to describe and assess one aspect of Australian law taken from one of the six units



of the course. The learner will undertake the report regarding the topic in the Australian legal context, and will refer to, where relevant, aspects of comparative and/or international law.

Focus of the investigation and report will be to:

- describe and evaluate the situation in an Australian state or territory by reference to that jurisdiction's law
- accurately identify and compare the situation in the state or territory with similar and relevant laws in other Australian jurisdictions
- where applicable, accurately identify relevant international law relevant to the case study (including international declarations, treaties, conventions and covenants)

Example topics include, but are not limited to:

- treatment of juvenile offenders in different states and territories in Australia
- family law in Australia regarding child custody and / or marriage
- Australian judicial responses to violence against women and children, and relevant international law
- the adversarial system of trial used in Australia
- Australia's three-level, Federal system of government, and possible alternatives to it
- roles and powers of police in Australia (Tasmania Police and/or Australian Federal Police)
- consumer protection legislation in different states and territories in Australia.

Learners must negotiate and reach agreement with their teacher on a suitable topic before undertaking substantial work in relation to their selected topic. Learner ability to plan and organise to complete this activity (Criterion 2) forms a part of the overall assessment of this task.

Report format:

- have a title, headings and sub-headings
- use a numbering system for sections/sub-sections
- use dot points and paragraphs where appropriate. When dot points are used they must provide clear information, not an over simplistic summary or a single word
- have an introduction and a conclusion
- graphs, diagrams, tables and charts may be included within the report or attached as appendices. They must to be referred to, and discussed within, the report

The source of the information, images, ideas or words that are not the learner's own must be explicitly acknowledged using an appropriate referencing/citation method, and a reference list/bibliography must be provided.

The work requirement requires learners to demonstrate their level of engagement with Criterion 1, *communicate legal ideas and information* and Criterion 2. *Plan and*

*organise to complete legal –related activities.* Accordingly learning activities must be designed to allow students to demonstrate their achievement against these two criteria.

Learners may require specific and scaffolded support from teachers in order to engage with the work requirement. The earlier this process occurs the better served the stronger the possible learning outcomes for learners.

## **SUPPORTING STUDENT RESPONSES AND ELABORATIONS**

There is scope in all course modules for teachers to select learning activities which will engage their learners and challenge them appropriately. All suggested learning activities in this course supplement can be adapted to allow learners to develop the required knowledge and skills.

Teaching strategies that are particularly relevant and effective in *Legal Studies Foundation*, either individually or in combination, include:

### Oral skills

- debate and discussion
- games and simulations
- group work
- brainstorming
- presentations

### Written skills

- short responses
- extended responses
- research and analytical essays
- projects and inquiries
- classroom displays
- timelines
- graphic organisers

### Community based learning

- specialist speakers and lectures
- excursions including galleries and museums
- forums
- cooperative learning

### Analysis

- statistics and data
- graphical representations



- interpretation of historical analysis
- audio, visual and television reviews
- research and inquiry

#### Applications

- applied practical exercises
- software packages or applications
- interactive and multimedia packages
- podcasts, wikis, blogs
- social media, e.g. twitter

Examples of assessment tasks across all modules include:

- Multiple choice items
- Short response items
- Extended written responses
- Debate
- Timelines, Crosswords, Venn Diagrams and other Graphic organisers
- Review of documentaries, film and written reports

#### *Specific Approaches*

Establishing the relevance of Legal Studies Foundation 2 and engaging with the big ideas of the subject are important ways of establishing student 'buy-in' to the course.

Part of establishing commitment from learners, as well as ensuring topicality and relevance, is to ensure that classroom discussion is influenced by observations of the practice of the law in the local, regional and national communities and point out how the study of Legal Studies Foundation may assist in exploring and explaining these observations.

Student understanding of the practical nature of Legal Studies is an important disposition to develop. Students should be encouraged to develop a deep practical understanding of the course content. This is particularly the case when students are considering Units 4 - Consumer Law, 5 - Family Law, and 6 - Employment Law. By a detailed study of these units, and the others, students will gain a practical and important understanding of how the law, and legal and political institutions, shape their everyday lives.

The suggested learning activities within this supplement are specifically designed to provide a practical correlation between the course content and the real world practical experiences of learners.

It is important to keep in mind that each unit has specific work requirements. In aligning the course content with work requirements there is an opportunity to embed formative assessment principles and practices into teacher pedagogical practice. In this way assessment by learning can reinforce assessment of learning. This will further ensure learner engagement and improve learner outcomes.

While additional support may be required to be provided to learners in the initiation of their work requirement, it is important to note that the course document now includes a specific criterion associated with learner planning and organisational skills (*Criterion 2: Plan and organise to compete legal-related activities*). This means that learners are explicitly required to provide evidence of their planning, time-management, goal-setting and reflective skills and attributes. Learners should be encouraged early in the delivery of the course to both begin the work requirement and to demonstrate evidence of achievement against the standards contained within this criterion.



## RESOURCES

There are a number of highly accessible resources which introduce the principles of Legal Studies in ways that relate to everyday life. Students beginning Legal Studies should be encouraged to read this material. Examples of this sort of material includes:

Aldous, J, Blakston, V, Lapsanas, K & Shaw G, 2010, *Making and Breaking the Law*, 9th edn, Macmillan, Melbourne.

Milgate, P, Le Cornu, D, et al Cambridge Legal Studies HSC Fourth Edition. Cambridge Melbourne

Carvan, J 2005, *Understanding the Australian Legal System*, 6th Edition Lawbook Co of Australasia., Sydney.

### JOURNALS

Alternative Law Journal: [www.altlj.org](http://www.altlj.org)

Compak, Victorian Commercial Teachers' Association: [www.vcta.asn.au](http://www.vcta.asn.au)

E-Law: [www.murdoch.edu.au/elaw](http://www.murdoch.edu.au/elaw)

Federal Law Review: [www.federallawreview.com.au](http://www.federallawreview.com.au)

Law Institute Journal: [www.liv.asn.au](http://www.liv.asn.au)

### WEBSITES

#### Unit 1

The Australian Legal System

[https://essentialseducation.com.au/wp-content/uploads/SACE2\\_Legal\\_Studies\\_Workbook\\_Sample\\_Pages.pdf](https://essentialseducation.com.au/wp-content/uploads/SACE2_Legal_Studies_Workbook_Sample_Pages.pdf)

Parliament of Australia

<http://www.aph.gov.au/>

Parliamentary Library – Parliament of Australia

[http://www.aph.gov.au/About\\_Parliament/Parliamentary\\_Departments/Parliamentary\\_Library](http://www.aph.gov.au/About_Parliament/Parliamentary_Departments/Parliamentary_Library)

Supreme Court of Tasmania: <http://www.supremecourt.tas.gov.au/>

Magistrates Court of Tasmania: <http://www.magistratescourt.tas.gov.au/>

High Court of Australia: <http://www.hcourt.gov.au/>

Parliament of Australia: <http://www.aph.gov.au/>

#### Unit 2

Australian Government: <http://www.australia.gov.au/>

Tasmanian Government: <http://tas.gov.au/>

Parliament of Australia: <http://www.aph.gov.au/>

Australian Politics: <http://australianpolitics.com/>

National Archives of Australia: Australian Constitution and Federation:

<http://www.naa.gov.au/collection/explore/federation/>

#### Unit 3

Australian Federal Police: <https://www.afp.gov.au/>

Tasmania Police: <http://www.police.tas.gov.au/>

Australian Institute of Criminology: <http://www.aic.gov.au/index.html>



Australia's counter-terrorism laws

<https://www.ag.gov.au/NationalSecurity/Counterterrorismlaw/Pages/Australiascounterterrorismlaws.aspx>

Organised crime: <https://www.ag.gov.au/CrimeAndCorruption/OrganisedCrime/Pages/default.aspx>

Citizens' arrests OK but 'risky': <http://www.examiner.com.au/story/2880840/citizens-arrests-ok-but-risky/>

#### Unit 4

Australian Consumer Law: <http://consumerlaw.gov.au/>

ACCC Consumer rights : <https://www.accc.gov.au/consumers/consumer-rights-guarantees>

Tasmanian Consumer Affairs and Fair Trading: <http://www.consumer.tas.gov.au/>

Tasmanian law Handbook: <http://www.hobartlegal.org.au/tasmanian-law-handbook>

Alternative Dispute Resolution: <http://www.hobartlegal.org.au/tasmanian-law-handbook/courts-lawyers-and-law/legal-assistance/alternative-dispute-resolution>

#### Unit 5

Australian Government – Attorney General's Department: Families:  
<https://www.ag.gov.au/familiesandmarriage/families/pages/default.aspx>

Family Court of Australia: <http://www.familycourt.gov.au/wps/wcm/connect/fcoaweb/home>

Federal Court of Australia: <http://www.fedcourt.gov.au/>

Family Relationships online: <http://www.familyrelationships.gov.au/Pages/default.aspx>

Tasmanian law Handbook: <http://www.hobartlegal.org.au/tasmanian-law-handbook>

#### Unit 6

Australian Council of Trade Unions: <http://www.actu.org.au/>

ACTU worksite: <http://worksite.actu.org.au/>

Australian Government: Department of Employment: <https://www.employment.gov.au/>

Fair Work Commission: <https://www.fwc.gov.au/>

Fair Work Ombudsman: <https://www.fairwork.gov.au/>

Tasmanian Industrial Commission: <http://www.tic.tas.gov.au/>

National Employment Standards: <https://www.fairwork.gov.au/employee-entitlements/national-employment-standards>

Tasmania chamber of commerce and industry: <http://www.tcci.com.au/home>

Australian chamber of commerce and industry: <https://www.acci.asn.au/>

Australian Human Rights Commission: <https://www.humanrights.gov.au/>

Equal opportunity Tasmania: <http://equalopportunity.tas.gov.au/>

Safe work Australia: <http://www.safeworkaustralia.gov.au/sites/SWA>

Worksafe Tasmania: <http://www.worksafe.tas.gov.au/>





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