

# Legal Studies - Foundation

LEVEL 2	15 TCE CREDIT POINTS
COURSE CODE	LST215117
COURSE SPAN	2017 — 2024
READING AND WRITING STANDARD	YES
MATHEMATICS STANDARD	NO
COMPUTERS AND INTERNET STANDARD	NO

This course is current for 2022.

## Legal Studies – Foundation Level 2 enables learners to develop the knowledge and skills necessary to become active and informed citizens

It provides opportunities for learners to develop an awareness of the law as it relates to individuals in Australian society. Legal Studies – Foundation Level 2 provides learners with knowledge and understanding of the Australian legal system and extends their skills of research, investigation, data use and analysis, critical thinking and applied learning. The course will support learners to apply knowledge and skills to real world issues and ideas. Learners also undertake an evaluation of one aspect of Australia's legal and political systems in order to deepen their understanding of Australia's systems of law.

### Rationale

Legal Studies – Foundation Level 2 enables learners to develop the knowledge and skills necessary to become active and informed citizens. It provides opportunities for learners to develop an awareness of the law as it relates to individuals in Australian society.

Legal Studies – Foundation Level 2 provides learners with knowledge and understanding of the Australian legal system and extends their skills of research, investigation, data use and analysis, critical thinking and applied learning. The course will support learners to apply knowledge and skills to real world issues and ideas. Learners also undertake an evaluation of one aspect of Australia's legal and political systems in order to deepen their understanding of Australia's systems of law.

### Learning Outcomes

On successful completion of this course, learners will be able 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.

### Pathways

Legal Studies – Foundation Level 2 provides a pathway into Legal Studies Level 3.

### **Course Size And Complexity**

This course has a complexity level of 2.

At Level 2, the learner is expected to carry out tasks and activities that involve a range of knowledge and skills, including some basic theoretical and/or technical knowledge and skills. Limited judgement is required, such as making an appropriate selection from a range of given rules, guidelines or procedures. VET competencies at this level are often those characteristic of an AQF Certificate II.

This course has a size value of 15.

### **Course Requirements**

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.

## Course Content

Legal Studies – Foundation Level 2 is divided into six (6) **compulsory** Units of study:

- Unit 1 – Laws, legal and non-legal rules: why do we have them? (15 percent of course content)
- Unit 2 – The three levels of government in Australia (15 percent of course content)
- Unit 3 – Police powers and policing (15 percent of course content)
- Unit 4 – Consumer Law (15 percent of course content)
- Unit 5 – Family Law (15 percent of course content)
- Unit 6 – Employment Law (15 percent of course content)

Summative Work Requirement: (10 percent of course content)

### UNIT 1 – LAWS, LEGAL AND NON-LEGAL RULES: WHY DO WE HAVE THEM? (15 PERCENT OF COURSE CONTENT)

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. Considering the origins of Australian law in British law, the Unit considers 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.

Learners will study:

- why we have law
- the similarities and differences between legal and non-legal rules
- civil and criminal law, categories of law
- the sources of law in Australia's system of government
  - describe British common law including; adversarial system of trial (main features of civil and criminal courts, including legal personnel including judge, legal representation, jury, adversaries, nature of justice (equality, fairness, access)); and rule of law
  - Common Law – Courts
    - court hierarchy at state and federal levels
    - jurisdiction of state and federal courts
    - summary and indictable offences
    - court protocols and procedures (with a focus on criminal courts)
  - Statute Law – Parliament
    - legislative process
    - influence of individuals and groups in changing law.

### MINIMUM WORK REQUIREMENTS – UNIT 1

**Two (2)** completed responses, comprising:

- **one (1)** written response on laws, legal and non-legal rules (400 words); and
- **one (1)** written or multimodal response (300 words or equivalent) on an aspect of laws, legal and non-legal rules. Learners are required to provide a copy, in print or digital form, to their teacher, if they select a multimodal response).

### UNIT 2 – THE THREE LEVELS OF GOVERNMENT IN AUSTRALIA (15 PERCENT OF COURSE CONTENT)

The focus of this Unit is Australia's system of Government. Each level of government in Australia have 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 education. Learners consider the advantages and disadvantages of Australia's federal arrangements.

Learners will study the three levels of government in Australia and the roles and responsibilities of each level of government.

Learners will study:

- the structure of the three levels of government:
  - federal – parliament, courts and executive
  - state – parliament, courts and executive
  - local – delegated powers from state parliament
- the roles and responsibilities of each level of government:
  - the exclusive responsibilities of each of the three levels of government in Australia
  - the shared responsibilities between the three levels of government in Australia
  - the advantages and disadvantages of shared responsibilities between levels of government in Australia.

## MINIMUM WORK REQUIREMENTS – UNIT 2

Two (2) completed responses, comprising:

- **one (1)** written response on the three levels of government in Australia (400 words); and
- **one (1)** written or multimodal response (300 words or equivalent) on an aspect of the three levels of government in Australia. Learners are required to provide a copy, in print or digital form, to their teacher, if they select a multimodal response).

## UNIT 3 – POLICE POWERS AND POLICING (15 PERCENT OF COURSE CONTENT)

The focus of this Unit is police and policing at both the local, Tasmanian, and national level. It involves a consideration of 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.

Learners will study the jurisdiction, powers and roles of police in Australia.

Learners will study:

- introduction – the three levels of law enforcement: federal; state; and local. What are the differences between their powers and jurisdictions? What is a 'sworn officer'?
- roles, powers and jurisdiction of local by-law enforcement. E.g.:
  - animal control
  - parking
  - garbage collection and disposal
  - local building, environmental and health issues
- roles, powers and jurisdiction of state police. Case study of Tasmanian Police:
  - powers to investigate crime
  - powers to arrest, detain and charge suspects. Individual's rights (e.g. right to remain silent)
  - the roles police play in criminal courts
  - dealing with juvenile offenders
  - dealing with vulnerable persons
  - firearms control
  - counter-terrorism
  - missing persons
  - traffic offences
  - drug-related crimes and related issues such as, 'should drug users be treated as criminals, or given rehabilitation and health support?'
  - other roles (e.g. Crime Stoppers, Community Policing, Police in Schools Program)
- roles, powers and jurisdiction of federal police:
  - enforcement of Commonwealth law
  - protection of Commonwealth facilities and officials
  - policing in Commonwealth territories
  - organised crime
  - counter terrorism
- arrest powers of non-police (so-called 'citizen's arrest'): in what circumstances can non-police make an arrest? What limitations are there? Issues of reasonable force and duty of care.

### MINIMUM WORK REQUIREMENTS – UNIT 3

Two (2) completed responses, comprising:

- **one (1)** written response on police powers and policing (400 words); and
- **one (1)** written or multimodal response (300 words or equivalent) on an aspect of police powers and policing. Learners are required to provide a copy, in print or digital form, to their teacher, if they select a multimodal response).

### UNIT 4 – CONSUMER LAW (15 PERCENT OF COURSE CONTENT)

The focus of this Unit are 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.

Learners will study the basis of consumer rights and how they are protected by the law.

Learners will study:

- simple contract law
- rights and responsibilities of a trader
- rights and responsibilities of a consumer
- consumer protection issues:
  - private sales vs commercial traders
  - fraud and identity theft
  - your rights (e.g. returning goods, complaints, laybys, two price tickets)
  - internet transactions (e.g. fraud, which consumer laws apply? Legality of goods offered for sale)
  - sources of legal advice and assistance
  - dispute resolution – courts and alternative dispute resolution.

### MINIMUM WORK REQUIREMENTS – UNIT 4

Two (2) completed responses, comprising:

- **one (1)** written response on consumer law (400 words); and
- **one (1)** written or multimodal response (300 words or equivalent) on an aspect of consumer law. Learners are required to provide a copy, in print or digital form, to their teacher, if they select a multimodal response).

### UNIT 5 – FAMILY LAW (15 PERCENT OF COURSE CONTENT)

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.

Learners will study how the law deals with the fundamental issues of family – family, parents and children.

Learners will study:

- laws of marriage, process of divorce, differences/similarities between de facto and marriage relationships (formation and breakdown)
- federal jurisdiction – the Federal Circuit and Family Court of Australia: its roles and purpose
- property dispute resolution
- parental responsibility, parenting orders: resolution
- sources of legal advice and assistance.

## MINIMUM WORK REQUIREMENTS – UNIT 5

Two (2) completed responses, comprising:

- **one (1)** written response on family law (400 words); and
- **one (1)** written or multimodal response (300 words or equivalent) on an aspect of family law. Learners are required to provide a copy, in print or digital form, to their teacher, if they select a multimodal response).

## UNIT 6 – EMPLOYMENT LAW (15 PERCENT OF COURSE CONTENT)

The focus of this Unit is a consideration of the legal rights and obligations of both employees and employers in the workplace. Initially considering different categories of work, the Unit 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.

Learners will study the rights and obligations of employers and employees in the workplace.

Learners will study:

- different categories of work – paid and unpaid, casual, permanent, part-time, full time
- legal basis of pay determination in the workplace
  - role of Fair Work Commission, the Fair Work Ombudsman and the Tasmanian Industrial Relations Commission
  - *Fair Work Act 2009* (Cth)
  - awards, enterprise agreements or other registered agreements
- legal basis and range of employee and employer rights and obligations in the workplace
  - National Employment Standards
- legal obligation of employers to ensure a safe working environment
  - the role of Safework Australia
  - WorkSafe Tasmania
- workplace discrimination, bullying and harassment. Forms of discrimination, bullying and harassment occurs in workplaces.  
Legal protections and remedies:
  - *Australian Human Rights Commission Act 1986* (Cth)
  - *Racial Discrimination Act 1975* (Cth)(6.5.b)
  - *Disability Discrimination Act 1992* (Cth)
  - *Sex Discrimination Act 1984* (Cth)
  - *Age Discrimination Act 2004* (Cth)
  - *Anti-Discrimination Act 1998* (Tas).

## MINIMUM WORK REQUIREMENTS – UNIT 6

Two (2) completed responses, comprising:

- **one (1)** written response on employment law (400 words); and
- **one (1)** written or multimodal response (300 words or equivalent) on an aspect of employment law. Learners are required to provide a copy, in print or digital form, to their teacher, if they select a multimodal response).

## Work Requirements

### SUMMATIVE WORK REQUIREMENT (10 PERCENT OF COURSE CONTENT)

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 not the learner's own must be explicitly acknowledged using an appropriate referencing/citation method, and a reference list/bibliography must be provided.

### SUMMARY OF MINIMUM WORK REQUIREMENTS

Unit 1	<b>Two (2)</b> completed responses, comprising: <ul style="list-style-type: none"><li>• <b>one (1)</b> written response on laws, legal and non-legal rules (400 words); and</li><li>• <b>one (1)</b> written or multimodal response (300 words or equivalent) on an aspect of laws, legal and non-legal rules. Learners are required to provide a copy, in print or digital form, to their teacher, if they select a multimodal response).</li></ul>
Unit 2	<b>Two (2)</b> completed responses, comprising: <ul style="list-style-type: none"><li>• <b>one (1)</b> written response on the three levels of government in Australia (400 words); and</li><li>• <b>one (1)</b> written or multimodal response (300 words or equivalent) on an aspect of the three levels of government. Learners are required to provide a copy, in print or digital form, to their teacher, if they select a multimodal response).</li></ul>
Unit 3	<b>Two (2)</b> completed responses, comprising:

	<ul style="list-style-type: none"> <li>• <b>one (1)</b> written response on police powers and policing (400-words); and</li> <li>• <b>one (1)</b> written or multimodal response (300 words or equivalent) on an aspect of police powers. Learners are required to provide a copy, in print or digital form, to their teacher, if they select a multimodal response).</li> </ul>
Unit 4	<p><b>Two (2)</b> completed responses, comprising:</p> <ul style="list-style-type: none"> <li>• <b>one (1)</b> written response on consumer law (400-words); and</li> <li>• <b>one (1)</b> written or multimodal response (300 words or equivalent) on an aspect of consumer law. Learners are required to provide a copy, in print or digital form, to their teacher, if they select a multimodal response).</li> </ul>
Unit 5	<p><b>Two (2)</b> completed responses, comprising:</p> <ul style="list-style-type: none"> <li>• <b>one (1)</b> written response on family law (400 words); and</li> <li>• <b>one (1)</b> written or multimodal response (300 words or equivalent) on an aspect of family law. Learners are required to provide a copy, in print or digital form, to their teacher, if they select a multimodal response).</li> </ul>
Unit 6	<p><b>Two (2)</b> completed responses, comprising:</p> <ul style="list-style-type: none"> <li>• <b>one (1)</b> written response on employment law (400-words); and</li> <li>• <b>one (1)</b> written or multimodal response (300 words or equivalent) on an aspect of employment law. Learners are required to provide a copy, in print or digital form, to their teacher, if they select a multimodal response).</li> </ul>
Summative Work Requirement	<p>Learners will undertake <b>ONE</b> individual (i.e. not group work) research investigation and present their findings in a written report (of approximately 900-words (3 pages) in length).</p> <p>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.</p>

## RECOMMENDATION

It is recommended that learners be given the opportunity to observe the operation of one or more courts or tribunals in civil and/or criminal cases.

## Assessment

Criterion-based assessment is a form of outcomes assessment that identifies the extent of learner achievement at an appropriate end-point of study. Although assessment – as part of the learning program – is continuous, much of it is formative, and is done to help learners identify what they need to do to attain the maximum benefit from their study of the course. Therefore, assessment for summative reporting to TASC will focus on what both teacher and learner understand to reflect end-point achievement.

The standard of achievement each learner attains on each criterion is recorded as a rating 'A', 'B', or 'C', according to the outcomes specified in the standards section of the course.

A 't' notation must be used where a learner demonstrates any achievement against a criterion less than the standard specified for the 'C' rating.

A 'z' notation is to be used where a learner provides no evidence of achievement at all.

Providers offering this course must participate in quality assurance processes specified by TASC to ensure provider validity and comparability of standards across all awards. To learn more, see TASC's [quality assurance processes and assessment information](#).

Internal assessment of all criteria will be made by the provider. Providers will report the learner's rating for each criterion to TASC.



## Quality Assurance Process

The following processes will be facilitated by TASC to ensure there is:

- a match between the standards of achievement specified in the course and the skills and knowledge demonstrated by learners
- community confidence in the integrity and meaning of the qualification.

**Process** – Each provider will submit bodies of learners' work sufficient to allow an assessment against a nominated range of criteria and the overall award to an annual review meeting organised by TASC. The work, while not necessarily fully resolved, will be assessed by the provider against the range of nominated assessment criteria and the overall award. TASC will give each provider guidance regarding the selection of learners and the nominated criteria.

Each body of learner work that providers submit to the meeting should include sufficient and appropriate material for judgements to be made about the learner's standard of literacy skills.

The review meeting will give advice about the provider's assessment standards. Providers are expected to act on this advice.

TASC may require providers to supply further samples of individual learners' work to determine that standards have been applied appropriately when finalising learners' results. The nature and scope of this requirement will be risk-based.

## Criteria

The assessment for Legal Studies – Foundation Level 2 will be based on the degree to which the learner can:

1. communicate legal ideas and information
2. plan and organise to complete legal-related activities
3. describe need for law, its sources and categories
4. describe levels of government in Australia
5. describe powers and jurisdictions of the different levels of law enforcement in Australia
6. describe Australian consumer law and its application
7. describe Australian family law and its application
8. describe Australian employment law and its application

**Standards**

**Criterion 1: communicate legal ideas and information**

The learner:

Rating A	Rating B	Rating C
communicates ideas and information with fluency and consistent control of language and expression appropriate to the purpose and audience	communicates ideas and information using clear and appropriate language and expression suited to the purpose and audience	communicates ideas and information with some control of language and expression appropriate to the purpose and audience
correctly spells common words and correctly uses punctuation and sentence structure to achieve effect (e.g. to highlight a point)	correctly spells common words and correctly uses punctuation and sentence structure	correctly spells most common words, and correctly uses simple punctuation and sentence structure
correctly identifies meaning of simple and some complex legal and political terms and concepts, and appropriately uses a wide range of such terms and concepts to support discussion	correctly identifies meaning of simple legal and political terms and concepts, and appropriately uses a range of such terms	correctly identifies meaning of simple legal and political terms and concepts and appropriately uses a limited range of such terms
draws logical conclusions supported by relevant argument and evidence	draws some relevant conclusions supported by argument and evidence	provides limited support for conclusions
selects and uses appropriate graphs, tables and diagrams to clearly present information	selects and uses graphs, tables and diagrams to present information	uses simple graphs, tables and diagrams to present information as directed
creates reference lists/bibliographies.	creates reference lists/bibliographies.	as directed, creates reference lists/bibliographies.

**Criterion 2: plan and organise to complete legal-related activities**

The learner:

Rating A	Rating B	Rating C
identifies time and resources needed to complete a task, and devises a plan for completion	identifies time and resources needed to complete a task, and devises a basic plan for completion	identifies time and resources needed for a task
sets and meets personal targets and deadlines to achieve goals and completing tasks	sets and meets deadlines to complete tasks	agrees to and meets deadlines set as directed
selects and effectively uses tools and strategies to effectively collect and organise information	selects and uses a range of tools and strategies to collect and organise information	uses a limited range of tools and strategies to collect and organise information
assesses relevance and relative significance of information to an issue or event	identifies relevance and relative significance of information to an issue or event	identifies relevance of information to an issue or event
sets short-, medium- and long-term goals which are measurable, achievable and realistic, and plans effective actions	sets short- and medium-term goals which are measurable, achievable and realistic, and plans accordingly	sets short-term goals which are generally measurable, achievable and realistic, and follows given plans/directions
reflects – orally and/or in writing – on	reflects – orally and/or in writing – on	reflects – orally and/or in writing – on

progress towards meeting goals, evaluates progress and plans future actions	progress towards meeting goals and articulates ways in which goals can be met in the future	progress towards meeting goals in a constructive manner
considers, selects and uses strategies to manage and complete activities within established timelines.	selects and uses strategies to perform tasks within established timelines.	uses strategies as directed to perform tasks within established timelines.

### Criterion 3: describe need for law, its sources and categories

The learner:

Rating A	Rating B	Rating C
explains* reasons for law and rules	correctly describes* reasons for law and rules	correctly identifies* reasons for law and rules
explains differences between legal and non-legal rules, and describes similarities	correctly describes similarities and differences between legal and non-legal rules	correctly identifies similarities and differences between legal and non-legal rules
explains differences between civil and criminal law, identifies categories of law, and describes their characteristics	correctly describes differences between civil and criminal law, and identifies categories of law and their characteristics	correctly positions given laws into given categories of law
explains the different sources of law and describes the differences between Common Law and Statute Law	correctly describes sources of law	correctly identifies sources of law
explains court hierarchy and jurisdiction, types of offenses and court processes	correctly describes court hierarchy and jurisdiction, types of offenses and court processes	correctly identifies court hierarchy and jurisdiction, types of offenses and court processes
explains a variety of ways in which individuals can influence law, and assesses* relative effectiveness of some methods.	describes some ways in which individuals can influence law.	identifies some ways in which individuals can influence law.

\*See glossary of terms used in standards at the end of this section.

### Criterion 4: describe levels of government in Australia

The learner:

Rating A	Rating B	Rating C
explains levels of government in Australia, their roles and responsibilities	correctly describes levels of government in Australia, their roles and responsibilities	correctly identifies levels of government in Australia, with reference to their roles and responsibilities
explains the similarities and differences between the roles and responsibilities of the levels of government in Australia	correctly describes similarities and differences between the roles and responsibilities of the levels of government in Australia	correctly identifies similarities and differences between the roles and responsibilities of the levels of government in Australia
explains the significance of the Constitution of the Commonwealth of Australia in determining the roles and responsibilities of the levels of government in Australia	correctly describes the significance of the Constitution of the Commonwealth of Australia in determining the roles and responsibilities of the levels of government in Australia	correctly identifies the significance of the Constitution of the Commonwealth of Australia in determining the roles and responsibilities of the levels of government in Australia
explains the advantages and disadvantages of shared	describes the advantages and disadvantages of shared responsibilities	identifies the advantages and disadvantages of shared responsibilities

responsibilities between levels of government in Australia.	between levels of government in Australia.	between levels of government in Australia.
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## Criterion 5: describe powers and jurisdictions of the different levels of law enforcement in Australia

The learner:

Rating A	Rating B	Rating C
explains* powers and jurisdiction of local government by-law enforcement	correctly describes* powers and jurisdiction of local government by-law enforcement	correctly identifies* powers and jurisdiction of local government by-law enforcement
explains powers and jurisdiction of state police	correctly describes powers and jurisdiction of state police	correctly identifies powers and jurisdiction of state police
explains powers and jurisdiction of federal police	correctly describes powers and jurisdiction of federal police	correctly identifies powers and jurisdiction of federal police
explains circumstances and limitations on arrest powers of non-police, including assessment* of issues of reasonable force and duty of care	correctly describes circumstances and limitations on arrest powers of non-police, identifying issues of reasonable force and duty of care	correctly identifies circumstances and limitations on arrest powers of non-police
makes valid argument and draws conclusions accounting for differences between powers and jurisdiction of differing levels of enforcement.	makes valid arguments to account for differences between powers and jurisdiction of differing levels of enforcement.	correctly matches jurisdiction to simple, given contexts.

\*See glossary of terms used in standards at the end of this section.

## Criterion 6: describe Australian consumer law and its application

The learner:

Rating A	Rating B	Rating C
explains* rights of consumer under Australian consumer law, and explains why consumers are not protected by such law in all situations	correctly describes* rights of consumer under Australian consumer law, and identifies situations when consumers are not protected by such law**	correctly identifies* rights of consumer under Australian consumer law
explains responsibilities of consumers and traders, and applies these to a wide range of contexts	correctly describes responsibilities of consumers and traders in a range of given contexts	correctly identifies responsibilities of consumers and traders in simple, given contexts***
explains sources of legal advice and assistance available to consumers, and compares their relative effectiveness to meet specific needs	correctly describes sources of legal advice and assistance available to consumers	correctly identifies sources of legal advice and assistance available to consumers
explains consumer law dispute resolution processes, and assesses* appropriateness of disputes to processes.	correctly describes consumer law dispute resolution processes, and discusses appropriateness of disputes to processes.	correctly identifies consumer law dispute resolution processes, and appropriateness of process to simple, given disputes.

\*See glossary of terms used in standards at the end of this section.

\*\* For example, when purchasing from overseas via the internet or when purchasing goods that are not legal in Australia.

\*\*\* A simple given context might be an over-the-counter purchase from a shop. Other contexts might include: laybys; refunds/replacements; private sales; warranties; vouchers; two price tickets; and on-line shopping.

## Criterion 7: describe Australian family law and its application

The learner:

Rating A	Rating B	Rating C
explains legal requirements for marriage in Australia, and divorce process. The similarities and differences between formation and breakdown of marriage and de facto relationships	correctly describes legal requirements for marriage in Australia, and divorce process	correctly identifies legal requirements for marriage in Australia, and steps in divorce process
explains the roles and responsibilities of the Federal Circuit and Family Court of Australia	correctly describes the roles and responsibilities of the Federal Circuit and Family Court of Australia	correctly identifies the roles and responsibilities of the Federal Circuit and Family Court of Australia
explains sources of legal advice and assistance available regarding family law matters, and compares their relative effectiveness to meet specific needs	correctly describes sources of legal advice and assistance available regarding family law matters	correctly identifies sources of legal advice and assistance available regarding family law matters
explains property dispute resolution processes related to family law, and assesses appropriateness of processes to disputes	correctly describes property dispute resolution processes related to family law, and discusses appropriateness of disputes to processes	correctly identifies property dispute resolution processes related to family law, and appropriateness of process to simple, given disputes
explains parental responsibility and parenting order dispute resolution processes, and assesses appropriateness of processes to disputes.	correctly describes parental responsibility and parenting order dispute resolution processes, and discusses appropriateness of processes to disputes.	correctly identifies parental responsibility and parenting order dispute resolution processes.

## Criterion 8: describe Australian employment law and its application

The learner:

Rating A	Rating B	Rating C
explains the differences between paid and unpaid, casual, permanent, part-time and full-time employment	correctly describes the differences between paid and unpaid, casual, permanent, part-time and full-time employment	correctly identifies the differences between paid and unpaid, casual, permanent, part-time and full-time employment
explains the roles and responsibilities of the Fair Work Commission and the Tasmanian Industrial Commission	correctly describes the roles and responsibilities of the Fair Work Commission and the Tasmanian Industrial Commission	correctly identifies the roles and responsibilities of the Fair Work Commission and the Tasmanian Industrial Commission
explains the relationship between minimum conditions at work, provided by registered agreements, awards or legislation, and correctly describes the contents of the National Employment Standards	correctly describes the relationship between minimum conditions at work, provided by registered agreements, awards or legislation, and the National Employment standards	correctly identifies that minimum conditions at work are provided by registered agreements, awards or legislation
explains wage determination, employment	correctly describes wage determination,	correctly identifies wage

conditions and dispute resolution processes, and assesses appropriateness of process to complex industrial disputes	employment conditions and dispute resolution processes, and appropriateness of process to simple, given industrial disputes	determination, employment conditions and dispute resolution processes
explains the legal basis and range of employer and employee rights and obligations in the workplace.	correctly describes the legal basis and range of employer and employee rights and obligations in the workplace.	correctly identifies the legal basis and range of employer and employee rights and obligations in the workplace.

### Qualifications Available

Legal Studies – Foundation Level 2 (with the award of):

EXCEPTIONAL ACHIEVEMENT

HIGH ACHIEVEMENT

COMMENDABLE ACHIEVEMENT

SATISFACTORY ACHIEVEMENT

PRELIMINARY ACHIEVEMENT

### Award Requirements

The final award will be determined by the Office of Tasmanian Assessment, Standards and Certification from 8 ratings.

The minimum requirements for an award in Legal Studies – Foundation Level 2 are as follows:

EXCEPTIONAL ACHIEVEMENT (EA)

6 'A' ratings, 2 'B' ratings

HIGH ACHIEVEMENT (HA)

3 'A' ratings, 4 'B' ratings, 1 'C' rating

COMMENDABLE ACHIEVEMENT (CA)

4 'B' ratings, 3 'C' ratings

SATISFACTORY ACHIEVEMENT (SA)

7 'C' ratings

PRELIMINARY ACHIEVEMENT (PA)

5 'C' ratings

A learner who otherwise achieves the rating for a SA (Satisfactory Achievement) award but who fails to show any evidence of achievement in one or more criteria ('z' notation) will be issued with a PA (Preliminary Achievement) award.

## Course Evaluation

The Department of Education's Curriculum Services will develop and regularly revise the curriculum. This evaluation will be informed by the experience of the course's implementation, delivery and assessment.

In addition, stakeholders may request Curriculum Services to review a particular aspect of an accredited course.

Requests for amendments to an accredited course will be forwarded by Curriculum Services to the Office of TASC for formal consideration.

Such requests for amendment will be considered in terms of the likely improvements to the outcomes for learners, possible consequences for delivery and assessment of the course, and alignment with Australian Curriculum materials.

A course is formally analysed prior to the expiry of its accreditation as part of the process to develop specifications to guide the development of any replacement course.

## Course Developer

The Department of Education acknowledges the significant leadership of Professor Margaret Otlowski (UTAS), Dr Matt Killingsworth (UTAS), Dr Adam Grover, Margaret Shearer, Susan Hawkins and Simon Bennett in the development of this course.

## Expectations Defined By National Standards

There are no statements of national standards relevant to this course.

## Accreditation

The accreditation period for this course has been renewed from 1 January 2022 until 31 December 2024.

During the accreditation period required amendments can be considered via established processes.

Should outcomes of the Years 9-12 Review process find this course unsuitable for inclusion in the Tasmanian senior secondary curriculum, its accreditation may be cancelled. Any such cancellation would not occur during an academic year.

## Version History

Version 1 – Accredited on 20 October 2016 for use from 1 January 2017. This course replaces Legal Studies – Foundation (LST215115).

Version 1.1 – Renewal of accreditation on 13 August 2017 for use in 2018.

Version 1.2 – Amendment to work requirements (second task in Units 1 - 6) 2 Feb 2018.

Accreditation renewed on 22 November 2018 for the period 1 January 2019 until 31 December 2021.

Version 1.3 – Renewal of Accreditation on 14 July 2021 for the period 31 December 2021 until 31 December 2024, without amendments.

Version 1.4 – Minor amendments to the wording of Element 2 of Criterion 7 and the second bullet point of Unit five to reflect the new court structure resulting from the merger of the Federal Circuit Court and the Family Court of Australia into the *Federal Circuit and Family Court of Australia (FCFCOA)* on 1 September 2021.

## Appendix 1

### GLOSSARY

*Analyse*: Consider in detail for the purpose of defining meaning or relationships, and identify patterns, similarities and differences

*Assess*: Determine the value, significance or extent of (something)

*Critically analyse*: Examine the component parts of an issue or information, for example the premise of an argument and its plausibility, illogical reasons or faulty conclusions

*Critically evaluate*: Evaluation of an issue or information that includes considering important factors and available evidence in making critical judgement that can be justified

*Describe*: Give an account of characteristics or features

*Evaluate*: Provide a detailed examination and substantiated judgement concerning the merit, significance or value of something

*Explain*: Provide additional information that demonstrates understanding of reasoning and/or application

*Identify*: Establish or indicate who or what someone or something is

*Range of sources*: has dimensions of type (primary and secondary), number (how many sources) and scope (books, academic articles, internet, film/video, etc...)

*Task characteristics* may include, but are not limited to: word limits; format of response; mode of response; and presentation requirements

*Terms*: word or phrase used to describe abstract aspects or features of legal and political systems

*Tools and strategies* used to collect and organise information include, but are not limited to:

- graphic organisers
- note taking
- use of categories to organise information.



## Appendix 2

### LINE OF SIGHT – Legal Studies-Foundation Level 2

Learning Outcome	Criterion	Content
<ul style="list-style-type: none"> <li>communicate legal ideas and information</li> </ul>	1. Communicate legal ideas and information	Units 1–6
<ul style="list-style-type: none"> <li>use basic research skills to locate and record information</li> </ul>	2. Plan and organise to complete legal-related activities	Units 1–6 Work Requirement
<ul style="list-style-type: none"> <li>plan and organise to complete legal-related activities</li> </ul>	2. Plan and organise to complete legal-related activities	Units 1–6 Work Requirement
<ul style="list-style-type: none"> <li>identify the need for law, its sources and categories</li> </ul>	3. Describe need for law, its sources and categories	Unit 1
<ul style="list-style-type: none"> <li>describe the roles and responsibilities of the different levels of government in Australia</li> </ul>	4. Describe levels of government in Australia	Unit 2
<ul style="list-style-type: none"> <li>describe the powers and jurisdiction of the different levels of policing and law enforcement in Australia</li> </ul>	5. Describe powers and jurisdictions of the different levels of law enforcement in Australia	Unit 3
<ul style="list-style-type: none"> <li>describe consumer rights and responsibilities, and responsibilities of traders under Australian consumer law</li> </ul>	6. Describe Australian consumer law and its application	Unit 4
<ul style="list-style-type: none"> <li>describe sources of legal advice and assistance in matters of family law</li> </ul>	7. Describe Australian family law and its application	Unit 5
<ul style="list-style-type: none"> <li>describe the legal basis and employer and employee rights and obligations under Australian employment law</li> </ul>	8. Describe Australian employment law and its application	Unit 6
<ul style="list-style-type: none"> <li>describe dispute resolution processes in matters of consumer, family and employment law</li> </ul>	6. Describe Australian consumer law and its application 7. Describe Australian family law and its application 8. Describe Australian employment law and its application	Units 4–6