

Legal Studies

2010 ASSESSMENT REPORT

Society and Environment Learning Area



Government
of South Australia

SACE
Board of SA

LEGAL STUDIES

2010 ASSESSMENT REPORT

GENERAL COMMENTS

This year saw a large increase in the number of students undertaking this Stage 2 subject. It is to be hoped that this trend will continue into the future. It is pleasing to note that this increase did not affect the quality of work — the examination mean continued at a similar level, and the moderated work showed a slight rise in standard.

ASSESSMENT COMPONENT 1: COURSE WORK

As in previous years, this component was statistically moderated by the exam, a system that will not continue into next year.

ASSESSMENT COMPONENT 2: CIVIC PARTICIPATION TASK

Teachers with experience in this component prepared well-scaffolded materials and this was reflected in the improved standard of student work. All samples submitted this year reflected the more 'traditional' written report genre. Moderators expressed general approval of the standard of work and the range of topics covered, highlighting in particular a marked reduction in the use of surveys, and an effective level of written communication.

Selection of topics by students related more specifically to the actual areas under study. In particular, a number of schools used an approach whereby topics were chosen from discussion questions appearing in the curriculum statement — a valid approach and one that has advantages for teachers managing large cohorts of students, and for the students themselves. An effective range of participation was demonstrated.

Students need to be aware of the stated word-limit (maximum of 1500 words). In most cases, reports that were too brief (less than 1000 words) did not enable students to meet all of the stated learning outcomes at high levels of performance. Similarly, students need to be aware that excessively long reports could result in important material past the word-limit being ignored by markers and moderators.

Teachers remain an important source of guidance in the refinement of questions and topics, and where there was clear evidence of ongoing two-way exchange between teacher and student, the outcomes were more successful. Teachers need to actively intervene in the selection of topics by students to ensure that the topics will enable successful outcomes when measured against the criteria for judging performance for the civic participation task. It is advisable that teachers negotiate with students to address a variety of topics to avoid duplication of material by class members.

There are a number of topics that appear every year and there is some doubt about whether or not they are contemporary. The curriculum statement requires them to have been of public interest in the preceding twelve months. Students need to be able to provide material from that period in relation to the topic, such as a recent commentary on the need to become a republic.

In attempting to access personal communication from primary sources, students need to be aware of the broad range of people who may be accessed, rather than confining attempts to sitting members of parliament or judges at the bench. In many cases, students may become frustrated by a lack of response and need to have contingencies in place to avoid reliance on limited sources.

Tables are most effectively utilised when not overloaded with text. The number of graphs should be kept to a minimum unless they add significantly to the report.

Student-based surveys should not be submitted for this assessment component because the responses usually do not all sufficient depth of material for analysis.

ASSESSMENT COMPONENT 3: EXAMINATION

General Comments

The examination provided students with ample opportunity to demonstrate their level of knowledge and understanding. The Section 2 extended-response questions enabled more successful students to demonstrate high-order understanding of subject content. The mean for the exam was consistent with previous years.

It is imperative that students read questions carefully. In this paper there was a deliberate attempt to be more explicit to students where questions required more than a single response or reason. While this contributed to fewer instances of students answering only part of a question, there were still times when students neglected to address all parts of the question. While the pressure of examination conditions imposes stress on students, careful reading of the question can help them to avoid errors such as these.

As with past examinations, there were areas where the answers suggested many students have not understood fundamental concepts of the course. Common errors included confusion between the two concepts of government and parliament, and confusion between state and federal powers, with significant numbers of students asserting that all laws are in the Australian Constitution. As in previous years, a significant number of students wrote that all members of parliament are ministers, or that ministers are in the lower house and senators in the upper house. Similar confusion existed in distinguishing between civil and criminal law. It also seems that, while many students may be able to explain specific concepts taken in isolation, a significant number could not logically or correctly demonstrate the link or relationship between them.

Part A: Short Responses

Marker observations suggested that, compared with previous years, there was a higher rate of attempts to answer questions in Part A. The allocation of dedicated space to multiple-part questions may have contributed to this. Parts of questions demanding higher-order responses within each question did discriminate across the range of student abilities.

There were instances where careful reading of the question would have resulted in more successful responses. Unsuccessful answers suggested students did not really understand what the questions were asking. Students also need to be aware of the meaning of directive terms (for example, 'identify', 'suggest', 'describe', 'outline', and 'discuss') used in examination questions. This problem occurred throughout many questions in Part A.

Question 1

All parts of this question except the last were successfully answered by a majority of students.

- (f) Successful students read the instruction to 'describe the function' and elaborated on how criminal law aided 'social cohesion and social progress'. A significant number of students disregarded the instruction, which resulted in them gaining few, if any, marks for this part.

Question 2

The incorrect answers to parts (e) and (f) suggested that many students lack the ability to address an area of law in a consistent and logical manner.

- (a) and (b) Successfully answered by a majority of students.
- (c) Generally successfully answered. It is pleasing to see how successfully students can apply precedents to specific situations.
- (d) Generally successfully answered.
- (e) This simple question was not answered correctly by a number of students who had successfully answered parts (a) to (d) related to civil law, as they stated that the appellate court in part (e) would be the Court of Criminal Appeal.
- (f) An overwhelming response suggested that the South Australian Government should enact remedial legislation to override the court's decision, failing to distinguish between government and parliament. A number of students wrote 'appeal', demonstrating a lack of understanding of the role of government.

Question 3

- (a) A significant number of students wrote that all members of the lower house are ministers or that ministers only come from the lower house. This is a mistake that has frequently appeared in the exam in recent years.
- (b) and (c) Generally well answered.
- (d) Generally well answered. Students demonstrated an understanding of the bicameral parliament.
- (e) Generally well answered.
- (f) This was not well answered. Students typically gave social answers, such as 'the legislation was disgusting, who would drink recycled water?', and failed to address the legal issues.
- (g) and (h) Generally well answered.

Question 4

The answers to parts(c), (e), and (f) highlighted almost a complete lack of understanding, or a muddled and contradictory comprehension of the concepts. Many students confused ministers with members of parliament, and often quoted irrelevant extracts from the text as their answer.

- (a) Generally well answered.
- (b) A number of students wrote 'elected by the people'. Students must gain an appreciation of the difference between members of parliament and ministers/premiers.
- (c) This straightforward question was not well answered. Many students could not identify two features.
- (d) Generally well answered.
- (e) Students struggled with this question and could not identify conventions of responsible government and did not follow the instruction of 'referring to the table and the extract'.

Question 5

- (a) and (b) Well answered by a majority of students.
- (c) Successful students distinguished between the role of parliament and the role of the executive.
- (d) Successful students demonstrated understanding of the differences between the role of the parliament and the executive in supervising delegated legislation.
- (e) A few students successfully identified weaknesses in the system that could be used to suggest an improvement. However, most answers simply repeated steps in the making of delegated legislation. The most common response was the suggestion that the executive should consult with the community before making regulations. Of course, this is already one of the steps in the regulation-making process.

Question 6

- (a) and (b) Generally well answered.
- (c) The majority of students gave reasons for federation and did not answer the question.
- (d) A number of students wrote about referendums and referral of powers, but did not address the question.
- (e) and (f) Generally well answered.

Part B: Extended Responses: Section 1

In general, the responses to these questions represented a slight improvement on previous years. However, the perennial problem occurred where students selected questions without careful consideration of whether or not each part could be answered fully. It is also evident that not all students are accessing current materials, with a number of responses using dated information or 'rote-learned' responses tailored to fit a topic rather than the actual question asked.

Question 7

- (a) and (b) Generally well answered.

- (c) The majority of students simply described the features of the adversary system and did not address the 'provide for just outcomes' part of the question.

Question 8

- (a) Generally well answered, but a number of students simply listed the steps instead of describing the process.
- (b) Generally well answered. Students appeared to appreciate the instruction of 'describing three functions', which gave them direction and assisted in writing a good answer. A number of students simply wrote 'social cohesion and social progress'.
- (c) Generally well answered.

Question 9

- (a) Generally well answered.
- (b) This type of question has not been well answered in the past, but in this exam there was an improvement in the quality of the answers. Although many students ignored the question and wrote at length about the 1967 referendum, there were other students who demonstrated an understanding and referred to recent examples.
- (c) Generally well answered.

Question 10

- (a) A number of students discussed the state parliament instead of the Commonwealth, but generally this was well answered.
- (b) Generally well answered.
- (c) Many students described how human rights were protected, rather than answering the question by discussing whether there was adequate protection.

Question 11

- (a) Generally well answered.
- (b) Students struggled to answer this 10 mark question. There were a number of very brief answers, but few with detail.
- (c) This was not well answered. Students struggled to come to terms with this question and few could give thoughtful responses.

Part B: Extended Responses: Section 2

These questions distinguished the more capable students from those with a limited understanding of the course. Common problems included a lack of depth across the range of responses and a lack of relevant examples to support arguments put forward. Students with sound literacy skills were able to demonstrate their skills to a high level.

It was evident that students who spent a little time 'unpacking' the question and planning their response performed better. These students were more likely to provide responses that addressed all aspects of the question.

Teachers need to discourage students from using rote-learned responses to fit a question, rather than interpreting the question. Often this was the difference between an average or good response and an outstanding one. In particular, there was an absence of examples in response to the direction 'using examples' or 'evaluate this statement'. A number of students appeared to rely on using keyword cues to produce rote-learned responses, rather than considering the range of possible topics or themes to cover in a response.

Markers were impressed by the range and contemporary nature of examples used by successful students, suggesting that teachers are exposing students to sources outside the scope of a single text. However, many students continue to have difficulty using examples to aid in demonstrating their understanding of some of the basic concepts. These students used a 'shotgun approach', whereby they loaded their answers with an array of concepts and examples and presented them in an unstructured manner. There were, moreover, some students who referred to fictitious case examples from previous exams, or indeed from this exam, as the basis for their explanation or response.

A common problem among the average and below-average responses was the lack of information. Many students simply did not write enough. Others presented answers in dense prose with no paragraphing and spacing to suggest a logical structure. This approach was usually associated with no examples presented to illustrate their answer.

Question 12

Question 12 did not generate many successful responses. It was often so vaguely and randomly answered that it was difficult to award an appropriate grade. The majority of students answered the question as if it were asking about the functions of the law (that is, they had prepared answers), and as such did not address the question. Very few gave examples.

Question 13

This was a reasonably popular question and there were a number of successful, well-written answers. Students gave appropriate examples and evaluated the statement.

Question 14

This was a difficult question and far too many students simply recounted everything they knew about the concepts related to the questions (for example, explaining the different ways parliaments, delegated authorities, and courts make law), without addressing the specific question or making attempts at evaluation. A number of students did not address the key component of the question ('the role of judges in law-making becomes less important'), and very few students used examples in their answers.

Question 15

This question was generally successfully answered, as most responses outlined the main features of the adversary system with an attempt to point out its strengths and, to a lesser extent, its weaknesses. A number of students interpreted the question to evaluate the inquisitorial system of justice and many of these were strong answers. Successful students followed the instruction 'using examples', leading them to receiving a higher mark. A minority of students turned the question into one about the jury and little else, and, as a

consequence, did not achieve a high mark. Not many students addressed the part of the question that stated that the legal system was in need of urgent change, perhaps suggesting that prepared answers were once again present.

Question 16

This was not well answered because many students tended to write down everything they knew about family law, without addressing the precise question. When an effort was made, it often involved making a generalised statement without adequate explanation or support. It appeared that students had a prepared answer to this question and, as a result, students did not address various components of the actual question. A number of students did not link family law with the division of powers and changing family values in their answers. The more successful responses highlighted areas within family law and explained why change has taken place and why this is beneficial. Few addressed the division of powers here.

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