**Lis Filippin** - Hi everyone, my name is Lisa. The purpose of this video is to take you through the changes to Unit 4 in the new VCE legal study design which is due to commence in 2024. We'll also take a look at some of the new key knowledge and some of the resources and support available to you. These are some key points to note in relation to the implementation date, prerequisites and sequencing.

So, a bit of a snapshot of the changes to Unit 4 and really having a look at the entire area of study. This is primarily where a large portion of the changes have been made, not only in relation to structural changes but also significant changes in terms of the focus of some of the key knowledge. First off, more particularly there has been a movement around the material across the two areas of study in that Courts in parliament have moved from Area of Study 2 into Area of Study 1. There are quite a number of sequencing changes in Unit 4 of Area of Study 1, which we'll take a look at shortly. There has been an additional focus on constitutional reform that sits now at the end of the course. More significantly, there has been a reduction in material and in some of the repetition across the key knowledge. You'll see quite a lot of the key knowledge that has been removed or at least slightly changed in focus. As a result of the movement of courts and parliament into Area of Study 1, there has now been a change in assessment waiting such that Unit 4 Area of Study 1 is now weighted a 60 out of 140 out of a hundred for Unit 4 of Area of Study 2.

So, taking a look first at that Unit 4 structure, as you can see there has been a change in the Unit 4 title and in the Area of Study titles to reflect the slight change in focus for all of the areas of study. The first change is that Area of Study 1 is now called the people and lawmakers and that covers the constitution, parliament and courts and Area of Study 2 is called the people and reform. So that the focus of Area of Study 2 is not only on law reform but on constitutional reform. The Unit 4 title has now been changed so that it captures the people, the law and reform. A final key point to note is that the words "the people" are maintained in the Unit 4 title and in each of the Area of Study titles.

So really emphasising and drawing out what is the relationship between the people and the constitution. What is the relationship between the people and parliament the courts and law and constitutional reform. A bit of a snapshot of the Unit 4 structure, rather than taking you through what each of the changes are to the outcome statement, key knowledge and key skills for this unit, which is quite difficult because there are so many changes that have been made. It's rather best to have a bit of an overview as to what are the structural changes.

So, as you can see in the current study design in Area of Study 1, it was focused on the Roles of Crown & Parliament, law-making powers, checks on parliament, high court cases, a referendum and external affairs power, and then Area of Study 2 was on parliament, courts and law reform. There's been quite a bit of change such that Area of Study 1 is now still a focus on the roles of parliament of courts and law-making. There's still a focus on one high court case about law-making powers, but then it goes into parliament, then checks on parliament and then courts. So, a little bit of sequencing change. And then Area of Study 2 is much more confined and focused on law reform and on constitutional reform including the 1967 referendum and future referendum.

So having a look at some of the shifts rather than looking at one referendum here, there is now a focus on the 1967 referendum here when students look at constitutional reform in relation to parliament and courts, that is now up in here with checks on parliament removed, slightly lower. So, taking a look first at that Area of Study 1 outcome statement and the focus, the focus of this area study of one is to first establish a foundation around what are the roles of parliament and the crown in law-making what are some of the law-making powers before taking a bit of a deeper look at the constitution, parliament and courts. The outcome statement reflects that students are expected to be able to discuss the ability of parliament and courts to make laws.

So, looking at what factors may influence or prevent them from making law and then evaluating the means by which the Australian Constitution acts as a check on parliament in law-making. So really taking a look at three of those means and the strengths and weaknesses of each in acting as a check on law-making. So, taking a look first at the key knowledge, as you can see there is a little bit more in this new study design because there is now incorporation of both parliament and courts.

There are two key subheadings to note which really reflect that there are two key focuses of this Area of Study. First, it's about the parliament and the Australian Constitution, and next it's on the courts. So having a look more specifically at some of the changes and some of the key knowledge, these first three dot points is for teachers that are looking at the changes have really largely remained unchanged. Students look at the crown and houses of parliament in law-making. They look at some of the law-making powers and they look at the significance of section 109. The next key dot point that they look at is they look at one high court case which has had an impact on state and Commonwealth law-making powers.

So that could be for example the Tasmanian Dam case the Brislan case, the Rhodes case any other case that has had an impact on law-making powers. A keynote that it's now looking at the impact on both the state and the Commonwealth law-making powers. That was previously a little bit lower in this Area of Study. So, it's moved up a little bit. So, it sits with the law-making powers section 109 and one high court case. So again, a natural sequencing there in their looking at the law-making powers together.

Then students take a deeper look at factors that affect the ability of parliament to make law. And those three factors, some of them have slightly changed. There are now only three factors, and they are the bicameral structure of parliament. So, looking at how the bicameral structure both enables and potentially prevents parliament from making law, they look at international pressures, previously it was political pressures, which was perhaps potentially a little bit unclear in that what does political pressures mean. Now it's quite clear in that it's a look at what are some of the pressures coming externally in terms of either pressuring parliament to make law or pressuring parliament not to make law.

And the third factor is the representative nature of parliament. That's the only factor that remains unchanged. Then once students have looked at those factors, they then explore the means by which the Australian Constitution acts as a check on parliament in law-making. Previously there were five means and some of the feedback from the consultation process was that that was quite a lot and was significant in terms of workload. So that's now been reduced to three means. They are the role of the high court in protecting the principle of representative government, and we'll talk a little bit later about what that actually means.

And then there are two means that have remained the same: the separation of powers, and the express protection of rights. You will see from that so far that there has been a removal of some of the key knowledge. For example, the factors that affect the ability of parliament and to make law. As mentioned, they have been reduced down from four to three and the means have been reduced down from five to three. There are two key knowledge that have been removed. One is the high court case in relation to sections 7 and 24. There's no longer a requirement to specifically look at that particular case, but section 7 and 24 come in a bit in relation to this means which we'll talk to in a second. The other key knowledge that has been removed is the external affairs power key knowledge that sits at the end of the current Area of Study.

So, students no longer look at international declarations and treaties and their impact on external affairs power. The other one that's been removed is in relation to the one referendum that has protected or changed the Australian Constitution. That has moved into the new Area of Study 2 with a slight change in focus. Moving on now to the last part of this area of study it’s a focus on the Victorian courts and the high court in law-making. There are very few changes to this particular part of the course. A few changes to note: There is now an inclusion of key knowledge which covers the features of the doctrine of precedent including binding precedent, persuasive precedent and so on. Really the feedback from the consultation was that this was one of the assumed knowledge in this Area of Study, students spend a lot of time focusing on the doctrine of precedent because they have to look at it as part of the factors that affect the ability of courts to make law.

So, it seemed necessary to incorporate that into this Area of Study. The factors that affect the ability of courts to make law are the same just judicial conservatism and judicial activism, just combined together as one factor and the features of the relationship between courts and parliament have remained the same but that statutory interpretation has been removed as one of the features. It can still be discussed as one of the features because they already need to look at statutory interpretation, but it was just a removal of some of that repetition.

So, taking a look at some of the key skills and really highlighting where some of the changes have been made. Previously, students were expected to be able to compare the law-making powers of the state in Commonwealth parliaments. It was felt that there was not a lot there in terms of being able to compare. So that's been simplified for students to explain the law-making powers. Rather than students discussing the significance of section 109, again, not a lot there. Students now need to explain the significance of section 109. Students need to discuss the significance of one high court case, which has had an impact on state and Commonwealth law-making powers, the key skill in relation to parliament and courts has been moved into this area of study naturally because the parliament and courts now sit here rather than the use of the word evaluate the ways in which the Australian Constitution acts as a check, it's the means. And then finally in the past there was, it was a bit limited in that the synthesis and application skill was only in relation to actual scenarios, that's now being extended so that you can use both actual and or hypothetical scenarios.

Moving on now to Area of Study 2, this Area of Study is called the people and reform. Really the focus is exactly on that. It's really gets to the end of the course where students have had a look at the criminal justice system, they've looked at the civil justice system, they've looked at the constitution, the parliament and the courts and they now sort of really bring this all together and say, "Well, what are some of the ways in which we can influence legislative or legislative change or reform to the law?" "And what can we do in terms of changing the constitution?"

So, the outcome statement reflects that. Students are expected to be able to explain why law reform and constitutional reform may be necessary. Then also discuss the ability of individuals to change the constitution and influence the change in the law and then evaluate the ability of law reform bodies to influence a change in the law. And those law reform bodies are in relation to the VLRC and either parliamentary committees or royal commissions. Taking a look at the key knowledge, there are two subheadings which very neatly demonstrate the focus of this Area of Study.

The first subheading is on law reform. Students look at the reasons for law reform, the ways in which individuals or groups can influence law reform including through petitions, demonstrations and the use of the courts. They still look at the role of the media in influencing law reform and then they look at two law reform bodies. They can either look at rural commissions or parliamentary commissions and they also have to look at the VLRC. In relation to both of those law reform bodies, they need to look at one recent inquiry. In relation to the Victorian law reform inquiry, the inquiry must be relating to law reform in the civil or criminal justice system, and really the purpose of that change is to focus a little bit more on the connection between Unit 3 and Unit 4. There are lots of Victorian Law Reform Commission inquiries out there. Many of them touch on changes to the civil or criminal justice system.

So really allowing students to make that connection between what they might have identified in Unit 3, some of the changes that might be necessary, and then bringing in a focus of how a Victorian law reform inquiry has focused on that particular need. In terms of the word recent, it remains four years, so it must be within the past four years. In relation to royal commissions or parliamentary inquiries, there is that choice again of either or, again, there must be also a focus on one recent inquiry in the past four years. That inquiry doesn't need to be in relation to the civil or criminal justice system, it could be any sort of inquiry. Then this is largely new.

The very last part of the course looks at constitutional reform. It looks at reasons why the Constitution might need to be changed. It looks at the process of changing the constitution, both the requirement for the Houses of Parliament to approve and the double majority requirement. It looks at factors affecting the success of a referendum. So, what factors might influence a yes vote or a no vote. And then students look at two particular referendums. They look at the past 1967 referendum about First Nations people, and they look at possible future constitutional reform including reform to establish a First Nations voice in the Australian Constitution.

So, they're looking at both of those, both past and future. In relation to the key skills, just some of the key skills to note. Students need to not only explain the reasons for law reform, but they also need to explain the reasons for constitutional reform. When they're looking at factors affecting this success of the referendum, they need to be able to analyse those factors. In relation to the means by which individuals or groups can influence law reform, again, it's either in individuals or groups. And then this is in relation to the ability of the Australian people to change the Australian Constitution. Students should be able to discuss that ability in relation to both the previous 1967 referendum as well as potential future constitutional reform. This remains the same. Students evaluate the ability of VLRC and parliamentary committees or royal commissions in influencing or changing the law.

And again, as with Area of Study 1, you can now use both actual and or hypothetical scenarios. In relation to the weighting and assessment tasks, as you can see, there is a change in weighting such that Area of Study 1 is now worth 60 and Area of Study 2 is now worth 40 reflecting the shift of parliament and courts into Area of Study 1. These are some of the assessment tasks that you can use, and more details are in the study design in relation to assessment tasks for Unit 4.

So, taking a look at some of the changes to the key knowledge in Unit 4. The first change is in relation to the checks on Parliament law-making in Unit 4 of Area of Study 1. As mentioned, those checks have gone down from five to three. And rather than it being on the role of the high court in interpreting the Constitution, it's now the role of the high court in protecting the principle of representative government. So, it is in and incorporating and understanding of that principle of representative government as protected by the Australian Constitution and a consideration of sections 7 and 24 and some of the ways in which the high court has interpreted those sections.

So really though, what the focus is on is what are the strengths and weaknesses of the high court in protecting that principle. How is the high court enabled in checking the Commonwealth law-making power with respect to, for example, the freedom of political communication and some of the restrictions that might be imposed on that freedom or even on people's ability to choose the members of the Houses of Parliament in the Commonwealth Parliament. In relation to reasons for constitutional reform, which are now in Unit 4 of Area of Study 2, it's worthwhile taking a look at past and future proposals to draw out what those reasons are.

So, for example, the 1999 referendum gives an example of a system change, changes to our system such that people wanted it to change to be a referendum. Another reason is to increase the law-making powers of the Commonwealth Parliament, and there have been a number of previous referendums in which the Commonwealth sought to increase its law-making powers. There might be, for example a reason to recognise and honour First Nations people. There have been past examples in the past, and we also have a current example at the moment. There are others, for example, greater protection of rights. There have been some attempts to increase the protection of rights in the past, and there have also been some calls as well to increase protection. But again, it's worthwhile looking at past and future proposals.

In relation to the future constitutional reform which sits at Unit 4, Area of Study 2, the VCAA recognises that this is a live and ongoing issue in that the current voice to Parliament referendum is currently live right now this year but is currently identified in the study design as a potential future constitutional reform. As it currently sits, there will likely be a referendum before 1 January 2024. VCAA's approach to this is that they will amend the study design, if necessary, as the time comes, as they await the outcome of that First Nations Voice referendum. In relation to the resources and support that will be available, it has this time allocation, so again, reflecting that split in that there will be more time spent on Area of Study 1, less time spent on Area of Study 2.

Teacher resources will be available on the VCAA VCE Legal Studies page which is available through that link. The resources will sit underneath that sub, that section titled "Study Design for Implementation from 2024". Teacher activities will be available underneath that section and on that page, they will include activities for each of the areas of study. There'll be a Q&A webinar on the 8th of August 2023. You can register using that link. It'll be a live Q&A. You can email questions beforehand to Megan Jeffery. And finally, any questions that you have about the study design or if you would like to shoot through any questions for the Q&A webinar, Megan's contact details are on this slide. Megan's the curriculum manager for Business and Economics which includes VCE Legal Studies.

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