



# Legal Studies

**General Subject**

# General Subjects

- General Subjects are suited to students who are interested in pathways beyond senior secondary schooling that lead to tertiary studies.
- Results in General subjects contribute to the awarded of a QCE and can contribute to an ATAR.
- Students will need high level underpinning skills in literacy, numeracy and 21<sup>st</sup> century skills to be successful in these subjects.
- Students must have undertaken **Investigating Global Connections, Advanced Maths Science, Physical Education** in year 10 and achieved **a grade of a B** to enter this subject.

# Frequently Asked Questions

Question:

- Why are there pre-requisites to enter this subject?

Answer:

- Investigating Global Connections is a pre-requisite for Legal Studies and students are required to achieve a B in the subject.
- Legal Studies requires students to complete in-depth research and complete extended responses in report and essay format and therefore to succeed in this subject students require the skills from Investigating Global Connections to be successful.

# Frequently Asked Questions

Question:

- What assessment will I have to complete?

Answer:

- The ATAR contribution from Legal Studies is from Units 3 and 4. In units 3 and 4 you will complete 4 assessment items:
  - IA1 – Examination - Combination Response (25% of your mark)
  - IA2 – Investigation - Inquiry Report (25% of your mark)
  - IA3 – Investigation - Argumentative Essay (25% of your mark)
  - EA4 – Examination - Combination Response (25% of your mark)
- Assessments for Units 1 and 2 will mirror that of Units 3 and 4.

# Frequently Asked Questions

Question:

- What topics are covered in Legal Studies?

Answer:

- Over the two year course students cover the following topics:
  - Beyond reasonable doubt – Criminal law
  - Balance of probabilities – Tort and contract law
  - Law, governance and change
  - Human rights in legal contexts

# Frequently Asked Questions

Question:

- What resources do I have available to help me do my work?

Answer:

- All senior students will be required to have their own laptops as students will have access to an online textbook and resources.
- Students will also be required to complete assessments and class work on their laptops.

# Student Work Samples

## Inquiry report

### The legal issue of surrogacy in Queensland

Examine the nature and scope of the legal issue of surrogacy in Queensland, and analyse the viewpoints of two groups of stakeholders regarding the commercialisation of surrogacy. Using this analysis, evaluate two legal alternatives to reform existing laws in Queensland and their implications. Provide justification for recommendation/s to ensure just and equitable legal outcomes.

1500 – 2000 words

March 2018

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#### Introduction

The issue of surrogacy, the impregnating of a woman who carries another's child with no intention of being a part of the child's care or upbringing, is creating legal debate in Australia. Currently, legislation exists in every Australian state and the Australian Capital Territory that makes commercial surrogacy illegal and altruistic surrogacy legal in certain circumstances. The purpose of this report is to examine the legal concept of parenthood to determine the nature and scope of commercial surrogacy and analyse opposing viewpoints. The alternative of changing existing legislation in Queensland will be considered and a recommendation made based on the fulfilment of equity and justice.

#### Nature and scope of the issue

The concept of parenthood is a legal issue that reflects ethical and philosophical values. Perceptions of right and wrong can vary between countries and within a country, and this is demonstrated clearly with the right to be a parent in contemporary society. There is a commonality of laws in developed countries such as France and Switzerland to ban all forms of surrogacy, whereas Russia and some states in the United States of America (e.g. California) permit commercial surrogacy. In lesser developed countries (e.g. Cambodia, Thailand and India) there is an absence of such laws. Recent international debate in Thailand and India involving Australian parents have resulted in laws banning the use of commercial surrogacy by international visitors (Preiss and Shahi, 2016). Australia, the United Kingdom and Denmark have limited surrogacy, to balance the right to parenthood and strong views that babies and wombs are not the subject of commercial commoditisation.

# Student Work Samples

## Argumentative essay

Globalisation has caused businesses to increasingly look to international supply chains that take advantage of cheaper labour rates in different countries. In extreme forms, this can result in working conditions that are essentially slavery. The proposed Commonwealth Modern Slavery Bill 2018 (the Bill) creates a legal obligation for Australian businesses to report if and where slavery is involved in their supply chains – however, it is arguable how effective the new Bill is to address human rights found in international supply chains where the incidence is outside of Australia. The fishing industry of Thailand will be the case study for the arguments analysed and evaluated, with a recommendation proposed to improve human rights outcomes for the international workers involved.

Modern slavery is more than poor working conditions or payments: it is a crime of exploitation demonstrating a lack of humanity towards workers. The key right is from Human Rights Declaration article 4 “No-one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms” (United Nations, 1948), and similar statements in Article 8 of the International Covenant on Civil and Political Rights (ICCPR). International human rights laws identify the freedom from slavery and servitude as an ‘absolute right’, which cannot be limited, qualified or suspended (Australian Government: Attorney General's Department, n.d.). This is further supported by the Protocol of 2014 to the Forced Labour Convention, 1930, signed by 187 signatory countries including Thailand and Australia. This protocol requires signatories to use action to suppress, prevent and eliminate forced labour and to sanction the perpetrators (Article 1), and to support “due diligence” by governments and private companies to “present and respond to risks of forced or compulsory labour” (Article 2e) (International Labour Organisation, 2016). Note that by signing the protocol, countries do not have a legal obligation – instead, they are recognised as statements of intention to be bound by the protocol, and they do not take effect until the protocol is ratified at a national level.



# Contact Details

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