Stage 1 Legal Studies Focus Area: Law-making Assessment Type 2: Inquiry

# Task: Inquiry Essay

## Task Description:

Students craft an inquiry question of choice within the context of the focus area. The issue must address State or Federal legislation and/or international obligations. Students will offer recommendations for change to lawmakers. In developing their response, students research a legal issue in depth, providing relevant and appropriate acknowledgement of sources.

Examples of ‘Inquiry Questions’ include:

* To what extent does the Australian Legal System support [1 focus group] through legislation?
* To what extent is [legislation title] beneficial to Australians?
* To what extent are Australian legislators taking action for future generations?
* Should the Australian Legal System adopt/make changes to support [issue]?

## Assessment Conditions:

Students will craft a written response, with a maximum of 1,200 words.

Students are required to complete research and reference their sources within a ‘Reference List.’

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| **Assessment Design Criteria** |
| **Understanding and Application**UA1 Understanding and application of concepts.UA2 Understanding and application of legal principles and processes. UA3 Research, selection, and acknowledgement of relevant sources. **Analysis and Evaluation**AE1 Analysis of legal principles, processes, and concepts or problems.AE2 Evaluation of legal arguments to reach a conclusion and, where appropriate, make recommendations.**Communication, Collaboration, and Reflection**CC1 Communication of legal concepts, legal principles, and arguments. CC2 Collaboration.CC3 Reflection on learning. |

Performance Standards for Stage 1 Legal Studies

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| Understanding and Application | Analysis and Evaluation | Communication, Collaboration, and Reflection |
| A | Astute application of concepts to demonstrate understanding.Astute application of legal principles and processes to demonstrate understanding.Thorough and focused research to select and appropriately acknowledge a range of relevant sources. | Perceptive analysis of legal principles, processes, and concepts or problems.Sophisticated evaluation of legal arguments to reach a convincing conclusion and, where appropriate, make persuasive recommendations. | Highly effective communication of concepts, legal principles, and arguments.Highly effective and consistent collaboration to achieve insightful and effective outcomes.Insightful and perceptive reflection on learning, and the personal and group skills required to achieve a successful collaborative outcome. |
| B | Substantial application of concepts to demonstrate considerable understanding.Substantial application of legal principles and processes to demonstrate considerable understanding.Substantial research to select and appropriately acknowledge a range of relevant sources. | Substantial analysis and application of legal principles, processes, and concepts or problems.Well-considered evaluation of legal arguments to reach a mostly convincing conclusion and, where appropriate, make appropriate recommendations. | Effective communication of concepts, legal principles, and arguments.Effective and consistent collaboration to achieve effective outcomes.Well-considered reflection on learning, and the personal and group skills required to achieve a successful collaborative outcome. |
| C | Adequate application of concepts to demonstrate generally sound understanding.Adequate application of legal principles and processes to demonstrate generally sound understanding.Adequate research, selection, and acknowledgement of a range of relevant sources. | Moderately considered analysis and application of legal principles, processes, and concepts or problems.Mostly sound evaluation of legal arguments to reach a conclusion and, where appropriate, make recommendations. | Moderately effective in the communication of concepts, legal principles, and arguments.Moderately effective collaboration to achieve satisfactory outcomes.Adequate reflection on learning, and the personal and group skills required to achieve a successful collaborative outcome. |
| D | Some application of concepts to demonstrate partial understanding.Some application of legal principles and processes to demonstrate partial understanding.Basic research, selection, and acknowledgement of a range of relevant sources. | Some analysis and application of some legal principles, processes, and concepts or problems.Partial evaluation of legal arguments and, where appropriate, some substantiated recommendations. | Some communication of concepts, legal principles, and arguments.Some collaboration with other students.Some reflection on learning, and the personal and group skills required to achieve a successful collaborative outcome. |
| E | Limited application of concepts to demonstrate emerging understanding.Limited application of legal principles and processes to demonstrate emerging understanding.Rudimentary research, selection, and acknowledgement of a range of sources | Limited analysis of some legal principles, processes, and concepts or problems.Limited consideration of some legal arguments with no or uninformed recommendations. | Limited success in the communication of concepts, legal principles, and arguments.Limited collaboration with other students.Rudimentary reflection on learning, and the personal and group skills required to achieve a successful collaborative outcome. |
|  | Comment: | Grade: |

Stage 1 Legal Studies (2022 Sample)

*To what extent is the Australian Legal System taking action on climate change for future generations?*

The growing threat of climate change is a concerning issue in not only Australia but the world. This is fast becoming a legislative issue, which if not dealt with, will affect the future generations of Australians. Whether the Australian Legal System is taking sufficient action on this issue is contentious across the country. Through investigating this issue, Australia’s commitment to external affairs and democracy is controversial. The Australian Government’s endorsement of the current *Climate Change Bill 2022* and the passing of the *Clean Air Agreement 2015* will highlight evidence of climate change action. Opposingly, Australia's lack of action compared to other countries and the

government’s support of the coal and gas industry will illustrate detrimental conduct. Following analysis, a recommendation will be presented to pass the *Climate Change Bill* into an Act; and therefore, influence the legislative to support future generations.

The Australian Government has shown support for taking action on climate change for future generations through the current *Climate Change Bill 2022*. Creating this bill, therefore, supports Australia's strides towards progress, looking to make changes for the future, thus improving the lives of many Australians. As seen, the *Climate Change Bill 2022* fosters the nation's commitment to reduce greenhouse gas emissions by 2030, aligning with the targets of the *Paris Agreement 2015,* in making changes for the future.1 The Minister for Climate Change and Energy of Australia, Chris Bowen, spoke in support of this bill, emphasising the issues around Australia's global energy markets and how this long-term bill would be important for the future. In addition, the Climate Council CEO, Amanda McKenzie, explained how this new bill can springboard Australia and open many opportunities for the future generations, which shows support towards progress.2 By introducing the *Climate Change Bill 2022*, it is clear that the Australian Legal System is responding to environmental threats for future generations.

Contrastingly, Australian has shown a lack of climate change action in comparison to other international countries. The Australian Government has been perceived as passive on the issue of climate change, which causes a strain on external affairs and decreases the ability to sustain relationships with individuals and organisations to benefit the public. This could therefore result in other countries critiquing Australia’s economic and legislative decisions.

Recently, New Zealand joined a small group of countries that have passed laws in relation to carbon emissions and climate change. These other countries include Sweden, France, The United Kingdom, and Scotland which are all countries that have a well sustained and economic relationship with Australia.3 This shows that other countries are making changes for the future while Australia is acting stagnant on this pressing issue. Australia’s reputation in the international community is receiving criticism, harming external affairs, and pressuring our federal government to take further action.

The federal government has, in recent years, endorsed the *National Clean Air Agreement 2015,* highlighting the success of a representative government across the nation through the prioritisation of citizens’ health. This agreement as stated, “further seeks to foster partnership opportunities with business and the community,” showing a benefit the community.4 In creating this agreement in 2015, the Australian Government has shown a willingness to support the environment and address the air quality issues in Australia. Also, they have shown that they have a plan moving forward in relation to not only Australians’ health but the environmental and economic outcomes that take place. This can be seen in the climate change agreements as one of the main objectives moving forward.

Furthermore, this agreement will provide each of Australia’s states and territories with the ability to maintain air quality and develop a practical and cost-effective outcome for climate issues. The making of the *National Clean Air Agreement 2015* and the objectives for the future that are stated within it, strengthens environmental actions made through the Australian Legal System.

1 *Climate Change Bill 2022 (Cth)*

2 Climate Council (2022), *What the climate change bill is and what it’s not.* Climate Council [online].

3 Flemming, S (2019), *These are the countries that have made their climate commitments law.* World Economic Forum. [online].

4 *National Clean Air Agreement 2015 (Cth).* Department of Climate Change, Energy, the Environment and Water [online].

On the other hand, the Australian Government has shown a lack of support in acting on climate change through their support of the coal and gas industry. Democracy is diminished by the Australian Government in not supporting the citizens' demands around the changing climate. This can be seen in a recent protest that took place in Sydney in which protestors were blocking key roads and tunnels throughout rush hour.5 As well as this, last year the same group of protestors did a similar act in forcing a stoppage to the biggest coal port in Newcastle near Sydney. This highlights how the citizens of Australia feel about the issue of climate change. Young generations are fearful of the detriments this will cause and have accessed the justice system to address their concerns. In the case of *Minister for Environment v Sharma [2022] FCAFC 35,* an appeal was successful and established that the Environment Minister did not have a duty of care for future harm to young people in their support for the expansion of the coal mine.6 Furthermore, a former member of the executive has received criticism for their statement that, “coal power stations should run as long as they possibly can''. This indicates support towards the coal industry and therefore a lack of thought towards its impact on climate change.7 The support towards the coal and gas industry by the members of the executive, shows a lack of support for change from the Australian Legal System.

Through the initiation of the current *Climate Change Bill 2022* and the *National Clean Air Agreement 2015,* it is clear the Australian Government has acted for future generations. Opposingly, Australia is lacking commitment on environmental action compared to other countries and the Government's support towards the coal and gas industry does not support climate protection. As a result of this, Australia’s commitment to external affairs and democracy is controversial, highlighting strengths and weaknesses across our nation and the globe. The Australian Legal System is taking action towards climate change to a minimal extent, as the extent of their current actions have not initiated sufficient protections for future generations. It is recommended that the *Climate Change Bill 2022* should be passed through both Houses of Parliament to become an Act and become part of Australian law. Accordingly, this would strengthen external relationships and support the democratic actions taken across the nation. In actioning this recommendation, the Australian Legal System will succeed in making changes for the future generations of our country.

Word Count: 1,132

5 Turnbull, T (2022), *Sydney climate protests: Activists block streets and harbour tunnel.* BBC News, Sydney [online].

6 Morton, A, Rose, T (2022), *Sussan Ley does not have duty of care to protect young from climate crisis, appeal court rules.* The Guardian [online].

7 Karp, P (2022), *[…] coal power stations should ‘run as long as they possibly can’*. The Guardian [online].

# OFFICIAL

Reference List:

*Climate Change Bill 2022 (Cth)*

Climate Council. (2022). *What the climate bill is and what it’s not*. [online] Available at: https://[www.climatecouncil.org.au/what-](http://www.climatecouncil.org.au/what-the-climate-bill-is-and-what-its-not/) [the-climate-bill-is-and-what-its-not/.](http://www.climatecouncil.org.au/what-the-climate-bill-is-and-what-its-not/)

Flemming, S (2019), *These are the countries that have made their climate commitments law*. World Economic Forum. [online]. Available at: https://[www.weforum.org/agenda/2019/11/new-zealand-net-zero-2050/.](http://www.weforum.org/agenda/2019/11/new-zealand-net-zero-2050/)

Karp, P (2022), *[…] coal power stations should ‘run as long as they possibly can’*. The Guardian [online]. Available at: https://[www.theguardian.com/australia-news/2022/mar/14/scott-morrison-says-coal-power-station](http://www.theguardian.com/australia-news/2022/mar/14/scott-morrison-says-coal-power-station) s-should-run-as-long-as-they- possibly-can.

Morton, A, Rose, T (2022), *Sussan Ley does not have duty of care to protect young from climate crisis, appeal court rules*. The Guardian [online]. Available at: https://[www.theguardian.com/australia-news/2022/mar/15/sussan-ley-does-not-have-duty-of-](http://www.theguardian.com/australia-news/2022/mar/15/sussan-ley-does-not-have-duty-of-care-) [care-](http://www.theguardian.com/australia-news/2022/mar/15/sussan-ley-does-not-have-duty-of-care-) to-protect-young-from-climate-crisis-appeal-court-rules.

*National Clean Air Agreement 2015 (Cth).* Department of Climate Change, Energy, the Environment and Water [online]. Available at: https://dcceew.gov.au/environment/protection/air-quality/national-clean-air-agreement

Turnbull, T (2022), *Sydney climate protests: Activists block streets and harbour tunnel.* BBC News, Sydney [online]. Available at: https://[www.bbc.com/news/world-australia-61947201.](http://www.bbc.com/news/world-australia-61947201)