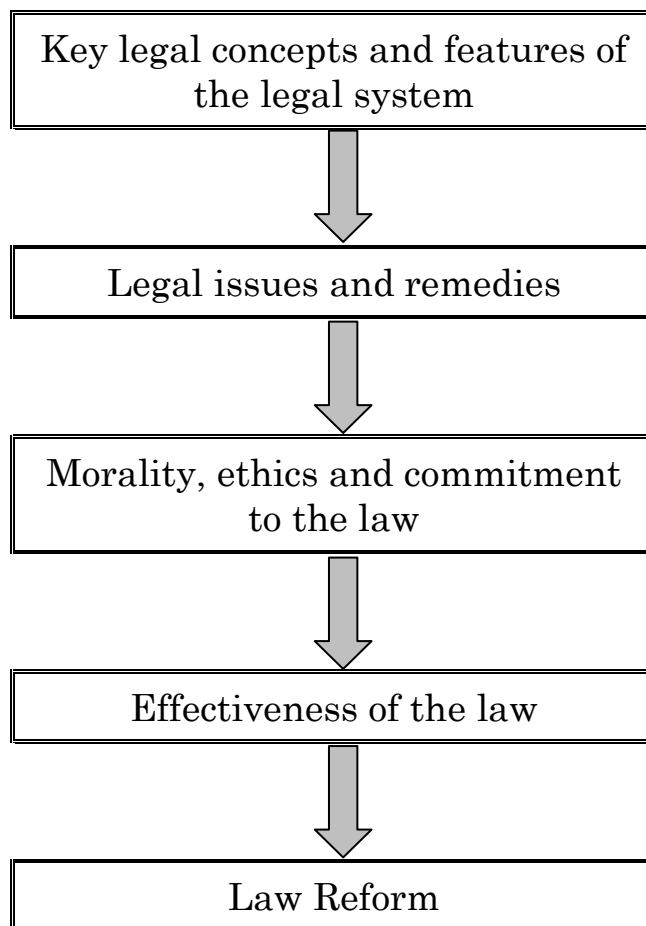


Study of the operation of the legal system through the application of the following framework:

Areas	Themes
Key legal concepts and features of the legal system Legal issues and remedies Morality, ethics and commitment to the law Effectiveness of the law: – for individuals – for society Law reform	Justice, law and society Culture, values and ethics Continuity and change Legal processes and institutions Conflict and cooperation Effectiveness of the legal system

Students apply the areas and themes of the framework to the study of **Focus Study**.

*Syllabus Structure*



Key legal concepts and features of the legal system

**Morality, ethics and commitment to the law**

The extent to which the law reflects moral/ethical; standards.  
Commitment – the issue of compliance and non-compliance.

**Effectiveness of the law**

In achieving justice of individuals and society

**Law reform**

Agencies of law reform:

- law reform commissions
- Parliaments
- Courts

Conditions causing reform:

changing social values, composition of society, new concepts of justice, failure of existing laws, new technology.

Legal issues and remedies

## *The Ongoing Summary*

<b>Focus Study:</b> <i>Family</i> <b>Syllabus Section:</b> <i>Legal Issues and Remedies</i> <b>Dot point:</b> <i>Alternative family arrangements</i>							
Sections  Syllabus Content	Morality, Ethics & Commitment	Effectiveness of the law			Law reform		
		Effective	Ineffective	Case & Statute Law	What reformed?	Who reformed?	Why reformed?

***Outcome***

Students focus on

- Last three sections while doing first three sections
- Higher order thinking
- Providing basis of understanding of evaluation and analysis

## *Final Study Summations*

These are completed at the end of the Focus Study.

### Morality, Ethics and Commitment to the Law

<p><i>The extent to which law reflects moral and ethical standards (OR challenges them)</i></p>	
<p><i>Commitment to the law – the issue of compliance and non-compliance</i></p>	

## Effectiveness of the Law

<i>Factors to be considered when evaluating the effectiveness of the law in achieving justice of individuals.</i>	
<i>Equality</i>	
<i>Accessibility</i>	
<i>Enforceability</i>	
<i>Resource Efficiency</i>	
<i>Protection and recognition of individual rights</i>	

## Effectiveness of the Law

<i>Factors to be considered when evaluating the effectiveness of the law in achieving justice of society.</i>	
<i>Resource efficiency</i>	
<i>Law as a reflection of community standards and expectations</i>	
<i>Opportunities for enforcement</i>	
<i>Appeals and review</i>	
<i>Balance between individual and community rights and values</i>	

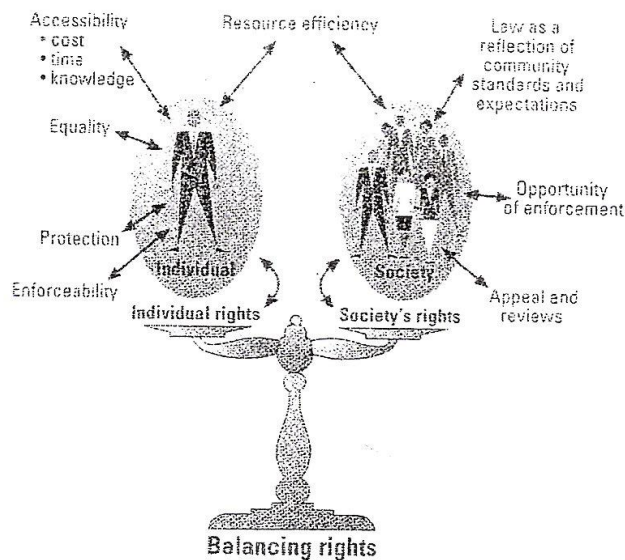
## Law Reform

<i>Agencies of reform</i>	<i>Law Reform Commissions</i>	
	<i>Parliament</i>	
	<i>Courts</i>	
<i>Conditions that give rise to the need for reform</i>	<i>Changing social values</i>	
	<i>Composition of society</i>	
	<i>New concepts of justice</i>	
	<i>Failure of existing law</i>	
	<i>International law</i>	
	<i>New technology</i>	

## *Some final points to consider.*

Review the important points

- Fairness
- Equality
- Justice
- Public and Private law
- Common and Statute law
- The relationship to society and individual



Students should ask:

1. *Is there an actual law?*
2. *Is society aware of the law and is there a commitment to obeying the law?*
3. *Is there a legal process?*
4. *Is there an intention and desire to implement and enforce the law?*
5. *Is there an ability to change (reform) the law?*

Students need to look at all 5 questions before making a judgement as to whether a law is effective or ineffective.



## Law Reform

### **Where is it?**

#### **The syllabus ...**

*“The agencies of reform and the conditions which give rise to the need for reform, law reform conditions, parliament, courts, changing social values and composition of society, new concepts of justice, failure of existing law, international law and new technology”.*

It is found in the syllabus at the end of each Focus Study, therefore if you do it well the first time (ie Crime) then it is going to help with the second & third.

### **What is it?**

For justice to be done and seen to be done, the law must adapt to accommodate society's changing needs and attitudes. This is law reform. It can be addressed in three main ways:

#### **1. The conditions that give rise to law reform:**

- Changing social values
- Changing composition of society
- International law
- New Technology
- New concepts of justice
- Failure of existing system

#### **2. The Agencies of Reform:**

- Law reform commissions – ALRC & NSW LRC
- Lobby groups
- The Media
- Royal commissions
- Parliamentary committees
- Churches
- Government departments
- UN, IGO's & NGO's

#### **3. Mechanisms:**

- Parliament
- Court
- UN

#### **• Teaching Options:**

- Use the syllabus
- Newspaper Articles
- Diagrams and Tables
- Keeping a record of changes throughout the year
- Discussion

## Law Reform

- Why is law reform necessary?
- What do we mean by "law"?
- Who calls for change
- Agents of change
- What is the role of a Law Reform Commission?
- The Australian Law Reform Commission
- The Law reform Process
  
- Why is law reform necessary?
  - ◆ Change in social attitudes
  - ◆ New Technology, new problems
  - ◆ Old institutions, new demands
  - ◆ Changes in International law
  - ◆ Protecting the most vulnerable
  - ◆ Removing the obsolete
  
- What do we mean by "law"?
  - ◆ Statutory law
  - ◆ Constitutional law
  - ◆ Judge-made law
  - ◆ Policies and practices
  
- Who calls for change?
  - ◆ Government policy & parliament
  - ◆ Government departments
  - ◆ Mass media & public pressure
  - ◆ Peak bodies
  - ◆ The judiciary
  - ◆ Law reform & similar bodies
  
- Agents of change
  - ◆ Ministerial calls
  - ◆ Government departments (internal review)
  - ◆ Ad hoc advisory bodies - royal commissions, other committees of enquires
  - ◆ Permanent advisory bodies
  - ◆ Parliamentary committees
  - ◆ Law reform bodies, NGO's

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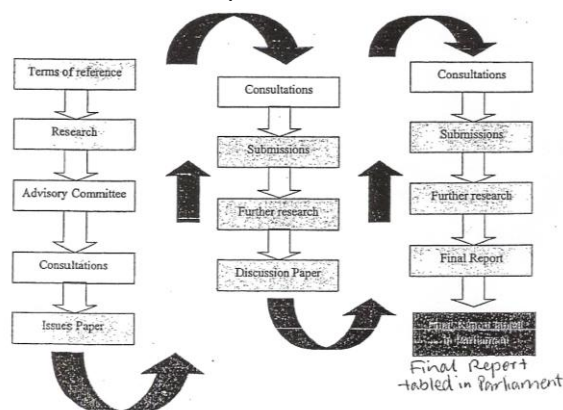
□ What is the role of a law reform commission?

- ◆ Permanent
- ◆ Full time
- ◆ Independent
- ◆ Authoritative
- ◆ Generalist
- ◆ Interdisciplinary
- ◆ Implementation-minded
- ◆ Consultative

□ Australian Law Reform Commission

- ◆ Established in 1975
- ◆ Independent - reports to parliament via the A-G
- ◆ Acts only on references from the A-G
- ◆ Implements around 50 - 60% of proposals
- ◆ Charter
  - To simplify and modernise law
  - To harmonise, complement State & Territory law
  - Improve access to justice
  - Pay attention to human rights
  - Remove obsolete or unnecessary laws
  - Eliminate defects and anachronisms in the law
  - Consolidate, codify and revise common law

□ The Law Reform Process



# LAW REFORM

Changes to the Law & New Cases

Date	Topic Area	Details

## USEFUL WEBSITES

The NSW Law Reform Commission  
NSW Drug Court  
The Australian Law Reform Commission  
Austlii  
Law Quick Issues

[www.lawlink.nsw.gov.au/lrc](http://www.lawlink.nsw.gov.au/lrc)  
[www.lawlink.nsw.gov.au/drugcrt](http://www.lawlink.nsw.gov.au/drugcrt)  
[www.alrc.gov.au](http://www.alrc.gov.au)  
[www.austlii.edu.au](http://www.austlii.edu.au)  
[www.lawquick.com.au](http://www.lawquick.com.au)

## RESOURCES

Textbooks & Study Guides  
Current Newspapers  
ALRC -Journal "Reform"