

**Submission  
No 78**

## **INQUIRY INTO REVIEW OF THE NEW SOUTH WALES SCHOOL CURRICULUM**

**Organisation:** Legal Studies Association of NSW Inc

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**Response to Review of the New South Wales School Curriculum**  
**Parliamentary Committee No 3 - Education**

October 2020

The Legal Studies Association of NSW is the peak body supporting the teaching of Legal Studies since 1994. The LSA has provided consistent and high-quality support for teachers and students across NSW and has members from 489 schools representing all educational sectors. The HSC course enrolment for Legal Studies in 2020 is 10,899, representing just over 14% of all students enrolled in HSC courses across the state.<sup>1</sup> Additionally, we also support teachers with the legal system components of the Commerce 7-10 Syllabus.

We would like to make submissions on a number of the terms of reference.

**2. The extent to which the Masters Review meets key Government policy objectives, including:**

**(a) Addressing concerns about the overcrowding of the curriculum**

We agree in principle that the curriculum is overcrowded and needs to be decluttered. Our concern is that further direction is needed on what decluttering would look like. We support a breadth of subjects being on offer in order to support a wide range of student interests. Legal Studies is a Stage 6 subject and allows for student interest and specialisation to be pursued. We do not support any notions of it being grouped with other social science subjects.

The Legal Studies Association advocates for a reduction in the amount of content (syllabus dot points to be covered) in each course in order to facilitate a deeper level of knowledge and understanding. For example, in the Crime topic for HSC Legal

<sup>1</sup> NSW Education and Standards Authority  
<https://educationstandards.nsw.edu.au/wps/portal/nesa/11-12/hsc/about-HSC/HSC-facts-figures/HSC-course-enrolments>

Studies (30% of the course), students are expected to learn about 39 syllabus dot points, some of which include sub dot points in them. They are also required to engage with the principal focus and 6 themes and challenges for the topic as well as address course outcomes.<sup>2</sup> In order to declutter, instead of such prescriptive dot points, the syllabus could dictate broader content areas or themes to cover. Examples of this could be the criminal investigation process, the role of discretion in the criminal justice system and young offenders.

### **3. Other matters of public concern and interest in the development of the NSW curriculum:**

#### **(a) To what extent, if any, 'cross-curriculum priorities' are needed to guide classroom content and teaching**

We support the teaching of civics and citizenship as a cross-curriculum priority. We believe that is important in informing students about the way in which our government and legal system is constructed so that they can make informed decisions about exercising their civic responsibilities after school. Our concern is that many students can complete their education without studying these important concepts which are integral to effective participation in civic society.

It is important to note that both Commerce (7-10) and Legal Studies (11-12) are elective courses which students choose to undertake. There is no mandatory course in Years 7-12 that equips students with knowledge of Australia's legal system and government processes to the same level of depth as our courses do.

The previous Year 7-10 History and Year 7-10 Geography syllabuses incorporated core content which developed an understanding of the development and operation of parliamentary democracy and the role individuals have in bringing about change in society.

The elective Commerce course aims to 'enable young people to develop the knowledge, understanding and skills to research and develop solutions to consumer, financial, economic, business, legal, political and employment issues in order to make informed and responsible decisions as individuals and as part of the community.'<sup>3</sup>

<sup>2</sup> Board of Studies NSW, Legal Studies Syllabus (2009), p 18-20.

<https://educationstandards.nsw.edu.au/wps/portal/nesa/11-12/stage-6-learning-areas/hsie/legal-studies>

<sup>3</sup> NSW Education Standards Authority, *Commerce 7-10 Syllabus (2019)*, p. 12.

<https://educationstandards.nsw.edu.au/wps/portal/nesa/k-10/learning-areas/hsie/commerce-7-10-2019>

The Commerce syllabus directly engages with the civics and citizenship cross-curriculum priority:

*Students investigate the role and structure of local, state and federal governments, the law and legal frameworks, and their rights and responsibilities in relation to the democratic process, in order to be informed, responsible and active citizens. They are provided with opportunities to evaluate decisions made by governments and businesses and the possible impacts on individuals and the wider community. Students consider possible methods of political involvement, redressing economic inequity in society, promoting ethical behaviour and responsible citizenship.*<sup>4</sup>

One of the Core Topics in Commerce is Law, Society and Political Involvement. It informs students on how government and political processes work, enabling them to understand how government is formed, how laws change and how the voting process works. This creates informed citizens who are aware of their democratic rights and responsibilities.

The rationale of the Legal Studies course states:

*Our society is regulated by a complex set of rules and regulations which both guide and protect individual and community rights. Being well informed about legal issues, including the rights and responsibilities integral to our society, **is part of being an active and informed citizen**. Students of Legal Studies Stage 6 will develop an understanding of legal concepts and the way the law functions in our society.*

*The syllabus focuses on the way in which law is generated, how it is structured and how it operates in Australian and international contexts. Learning about our legal system will allow students to investigate the way our society operates and the influences that shape it.*<sup>5</sup>

Similarly, the Legal Studies course integrates concepts of civics and citizenship that are vital to understanding law and government. Civics and citizenship should be maintained as a cross curriculum priority in order to produce students who will be 'active and informed' citizens.

<sup>4</sup> NSW Education Standards Authority, *Commerce 7-10 Syllabus (2019)*, p. 23.  
<https://educationstandards.nsw.edu.au/wps/portal/nesa/k-10/learning-areas/hsie/commerce-7-10-2019>

<sup>5</sup> Board of Studies NSW, *Legal Studies Syllabus (2009)*, p 6.  
<https://educationstandards.nsw.edu.au/wps/portal/nesa/11-12/stage-6-learning-areas/hsie/legal-studies>

### 3. Other matters of public concern and interest in the development of the NSW curriculum:

**(b) To what extent, if any, knowledge and the curriculum are ‘socially constructed’, requiring the teaching of source verification and fluidity principles.**

We reject the Chair’s Discussion paper recommendation:

- Removing all post-modernist and political content from syllabuses<sup>6</sup>

We also reject the Chair’s commentary as below:<sup>7</sup>

#### *2.3 The culprits walk into schools every day:*

*1. The rise of post-modernism, perpetuating the myth that everything we know about ourselves and our society and its history has been ‘socially constructed’; that there is no fixed understanding of the facts and records of our civilisation. The purpose of schooling must be to teach truth through knowledge, not to tell students there are no clear-cut facts, that somewhere behind-the-scenes there is a conspiracy to ‘socially construct’ information. Post-modernism is an anti-educational doctrine: trying to replace knowledge with confusion in the minds of students. It undermines student confidence in what they are being taught, and distracts them with endless, time-wasting source verification exercises. Why would any student trust in the content of their 13 years of schooling if they are taught that the information has been ‘socially constructed’ and manipulated?*

Source verification is crucial to critical thinking skills. Our courses rely on and imbed these skills throughout in order to develop critical and rational thinkers. The notion of prescribing agreed facts takes away from equipping students with the skills and ability to gather information, analyse it and develop reasoned conclusions. Giving students the skills required to comprehend, compare and analyse sources of information is and always has been an inherent part of education. With wide exposure and easy access to the media, students need to be able to check their sources of information in order to make informed choices about their participation in all aspects of their lives, from exercising their vote, to choosing their work.

<sup>6</sup> New South Wales. Parliament. Legislative Council. Portfolio Committee No. 3 – Education. Review of the New South Wales School Curriculum: Chair’s discussion paper (October 2020) p. 2. <https://www.parliament.nsw.gov.au/lcdocs/other/13670/Chair%20Discussion%20Paper.pdf>

<sup>7</sup> New South Wales. Parliament. Legislative Council. Portfolio Committee No. 3 – Education. Review of the New South Wales School Curriculum: Chair’s discussion paper (October 2020) p. 5. <https://www.parliament.nsw.gov.au/lcdocs/other/13670/Chair%20Discussion%20Paper.pdf>

The Commerce syllabus rationale focuses on building these skills:

*In the study of Commerce, students develop critical thinking, reflective learning and the opportunity to participate in the community.*

*Developing skills of research, evaluation and collaborative decision-making through the study of Commerce enables students to contribute to our democratic and pluralistic society as well as develop the skills to become self-directed lifelong learners.<sup>8</sup>*

The Legal Studies course objectives include ‘developing skills in investigating, analysing and communicating legal information and issues’<sup>9</sup> with the rationale focusing on developing an ‘understanding of the implications that legal decisions can have for Australian society and the ways in which the legal system can affect the lives of Australian citizens. A critical understanding of the processes of reform and change will help students to contribute to making our society more equitable for all.’<sup>10</sup>

The course rationale, objectives and skills are the basis for the building blocks for preparing students for their future. These are vital for students when they enter the workforce - comprehension, analysis and communication are essential for the knowledge economy. The courses provide students with the opportunity to be adaptable, flexible and dynamic learners, equipping them with the skills needed to be a positive contributor to the changing workplace and economy.

The Legal Studies Stage 6 course also provides learning that prepares students for further education and training, employment and full and active participation as citizens in Australia and in the global society. Students gain the skills of critical analysis, independent research, collaboration, and effective communication which are essential skills for the 21st century workforce

#### **4. Any other related matters.**

The New South Wales Curriculum final report <sup>11</sup> proposes new Learning Areas without identifying which courses will be included in each. A strength of Legal Studies is the holistic nature of learning which allows students to develop core understandings about the operation of our civil society and the role of international

<sup>8</sup> NSW Education Standards Authority, *Commerce 7-10 Syllabus (2019)*, p. 10.  
<https://educationstandards.nsw.edu.au/wps/portal/nesa/k-10/learning-areas/hsie/commerce-7-10-2019>

<sup>9</sup> Board of Studies NSW, *Legal Studies Syllabus (2009)*, p 7.  
<https://educationstandards.nsw.edu.au/wps/portal/nesa/11-12/stage-6-learning-areas/hsie/legal-studies>

<sup>10</sup> Board of Studies NSW, *Legal Studies Syllabus (2009)*, p 6.  
<https://educationstandards.nsw.edu.au/wps/portal/nesa/11-12/stage-6-learning-areas/hsie/legal-studies>

<sup>11</sup> New South Wales Curriculum Final Report N.E.S.A 2019

law as well as provide an opportunity to study some areas in depth based on student choice. Some subjects such as Business Studies cover areas of law. Legal Studies includes content which may be placed in the new learning areas of either Humanities, Society and Social and Community Services or the Business, Economics and Financial Services.

Our association supports the requirement for every student to undertake a major investigative project in a subject of their choosing. Legal Studies provides opportunities for students to investigate issues in a range of contexts, locally, nationally and internationally and develop strategies for real world change. If a major investigative project is a mandatory component of study by senior learning, additional support for teachers will be necessary and best provided through the Professional Teachers Associations with the additional funds being necessary.

Legal Studies has continued to provide high quality learning for students since its introduction in the late 1980s. Student numbers undertaking this subject have continued to increase over this time, reflecting increasing student interest and teacher expertise. Our association welcomes a review of the New South Wales curriculum but has concerns about the lack of clarity regarding individual subject areas considered in the review.

Thank you for your consideration of our submission.

Prepared by the Legal Studies Association NSW Inc, October 2020.