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LEGAL STUDIES TEXTBOOKS FOR VCE

THE NEW ESSENTIALS OF LEGAL STUDIES

by Tony Kuc and Leanne Newson;
3rd edition; VCTA, Melbourne,
1990; \$18.50.

APPROACHES TO LEGAL STUDIES

by Margaret Beazer, Edward
Arnold, 1991; rrp \$17.95.

A TEACHERS GUIDE TO VCE LEGAL STUDIES

Janet Hartnett (ed); first edition;
VCTA, Melbourne, 1991; \$50.00.

Legal education has occupied an important place in the school curriculum in Victoria for 20 years. This has been so particularly at Years 11 and 12 where legal studies has long been one of the more popular subjects, attracting large numbers of students.

Victoria is currently implementing major curriculum reform in the senior school with the development of the new Victorian Certificate of Education (VCE). These three books have been written to serve the needs of students and teachers engaged in VCE legal studies.

The New Essentials of Legal Studies (Kuc and Newson) is subtitled 'The Individual and the Law in Operation'. This reflects the aim of this work, namely to serve as a student text for Unit One legal studies which examines 'The Individual and the Law', and Unit Two which looks at 'The Law in Operation'.

The new VCE requires students to

undertake a number of Work Requirements. *Approaches to Legal Studies* (Beazer) is a students' guide to the Work Requirements and so is designed to be used in conjunction with text-books and other resources. Unlike Kuc and Newson, it is not confined to Units One and Two, but goes on to examine the Work Requirements in Units Three and Four, as well as the all-important Common Assessment Tasks (CATs).

A Teachers Guide to VCE Legal Studies (Hartnett) goes further. It outlines the content of all four Units, incorporating many examples and providing teachers with a variety of approaches suitable for teaching the subject. It also examines the CATs but from a teacher's perspective.

Hartnett is a joint publication of the Victorian Commercial Teachers Association and the Fitzroy Legal Service. This liaison is reflected in Part C which provides information on community resources and how they might best be used. In particular, it shows how the *Law Handbook* may be used as a resource in each Unit. The *Law Handbook* is an important resource, published annually by the Fitzroy Legal Service.

The three publications are linked to the extent that they are all involved with VCE legal studies. Also Beazer and Hartnett cover similar territory in respect of the Work Requirements. However, they are pitched at different target audiences and are best examined separately.

All three texts have been prepared by very experienced and well-respected legal studies teachers and thus are sensitive to the needs of students and teachers alike.

Kuc and Newson follows the successful approach of earlier editions in presenting a very readable account of the legal system, liberally illustrated with diagrams, statistics, photographs, cartoons sample documents and newspaper clippings.

Chapters 1 to 5 deal with Unit One, covering:

- the need for, and nature of, law,
- an overview of the legal system,
- access to the law,
- criminal law, and
- civil law.

All the essential information required by the Study Design is included, but unlike some other texts it does not get over-technical nor is it cluttered with masses of legal detail. Among the areas covered are law-making by Parliament; delegated legislation; law-making by courts; the court hierarchy and the jurisdiction of the various courts. None of these is expressly required by the Study Design but they are essential as part of an overview and as background to other topics. As many teachers have found, one cannot properly assess civil and criminal law without knowing how the law is made, nor can one examine civil and criminal procedure without some knowledge of courts and their jurisdictions.

A range of appropriate activities is included and there are plenty of examples which bring the text to life. Some teachers may feel that more detailed comment is necessary, but this is freely available elsewhere. My view is that the content is about right for the average Year 11 student in terms of depth.

The above comments are basically applicable to Chapters 6 to 10, which focus on five of the suggested areas of law for Unit 2. These are:

- compensation,
- consumer rights and responsibilities,
- marriage and divorce,
- protecting road users, and
- tenancy issues.

These chapters cover the key issues in a lucid, informative manner, and would also be of considerable interest to the more general reader.

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From a teacher's viewpoint there are two possible weaknesses in the Unit Two section. First, it only deals with five of the 11 areas of law in the Study Design (students must study three). Inevitably the authors have to make a decision as to the number of topics to be presented. Considerations of size and cost must be paramount. I suspect that for many teachers the choice of text may depend on whether the selection of Unit Two areas of law corresponds to their particular choice. One would hope that teachers and students are drawing on more than one text, however.

The second criticism is that Kuc and Newson tend to present the areas of law in a descriptive manner as per the Study Design without really incorporating the four areas of study that constitute the framework for Unit Two. (The areas of study are the role of law, the role of the community, dilemmas for the law, appropriateness of the law.) I believe that the relationship between areas of law and areas of study ought to have been made more explicit, as this relationship is fundamental to the Work Requirements. In fairness to the authors this criticism can be levelled at most of the available texts covering Unit Two.

On balance, I would highly recommend Kuc and Newson as a suitable text for Unit One and recommend it for Unit Two subject to one's choice of areas of law. The content and presentation are particularly suited to this level.

Work Requirements and CATs present a number of unique problems for students and teachers alike. Consequently Beazer should prove to be an invaluable resource. Section One presents a brief overview of legal studies, highlighting the aims, structure and the themes of the course. A chapter headed 'Getting Organised' contains some useful hints for students. As teachers and students have found, the new VCE requires an enormous amount of organisation and record-keeping. Section Two devotes a chapter to each of the four Units. Each Work Requirement is explained at length and students are given consid-

erable detail as to methods they might employ. The Work Requirements are related back to the areas of study, which enables the student to maintain a perspective on the whole Unit. A most impressive feature, in my opinion, is the amount of pertinent illustrative material provided. Beazer gives very clear guidelines to students and this would surely give them confidence as well as an on-going reference point. Teachers should also discover many useful ideas.

For Unit Two, the relationship between areas of law and areas of study is made clear and much helpful information is provided. This will be particularly important for Work Requirement 4. For Units Three and Four the CAT criteria are explained in detail and some excellent illustrative material is included. The sample CAT One: Case Study Report on the *Community Protection Act* is especially useful.

Section Three contains worthwhile chapters on:

- communication,
- working together,
- research,
- surveys and questionnaires,
- presenting data, and
- presenting information: written and oral.

This section contains a wealth of material that can be utilised by students in the preparation and presentation of their work. Once again the illustrative material is excellent. Appendices 1 to 14 provide sample documents for recording student progress on the Work Requirements.

Beazer is a resource that all legal studies teachers and students should possess or at least have ready access to. It is a survival kit, providing a sound starting point for any Work Requirement, and clear advice on the best ways to undertake the required tasks. It will make these tasks so much easier to perform.

Hartnett is a large and relatively expensive tome, designed primarily as a teacher reference. Part A examines

'Approaches to Units 1 and 2'. It contains several suggested time-lines, describes the Work Requirements in detail and provides illustrative materials. Sample record-keeping documentation is provided, as is a handy detailed list of method suggestions and assessment advice. This is followed by 25 pages of record-keeping pro formas. While record-keeping is crucial, it is largely commonsense, and most teachers would develop their own methods or follow school policy. I personally found this section daunting and tending towards overkill. Nevertheless teachers may discover some appropriate ideas upon which to base their records.

Part B takes a similar approach to Part A. It is outstanding in its detail on method, examples and general description of what should be learned and how tasks should be tackled. There is a considerable amount of worthwhile material here, including several easy-to-follow diagrams. As with Part A record-keeping pro formas are provided.

Part C is 'A guide to using legal resources in the community for Units 1-4'. It begins with some valuable research hints then examines how the *Law Handbook* may be used as a reference for all four units. There follow 160 pages of information about helpful community agencies.

The final section is a 'Legal Update'. Peter Fowler and Geoff Short have provided information accurate to June 1991 on a range of issues relevant to the four units. Recent changes are outlined under the various areas of study headings for each unit. This is very good general reading and a good resource for teachers who are faced with the continual problem of remaining up-to-date. Of course, the update will quickly need updating given the frequent changes to the law.

To conclude, a range of resources should be used in legal studies. Each text is very good in its own way and teachers should have access to all of them. Students will find Kuc and Newson useful in Units One and Two, and Beazer is recommended for all

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Units. I commend them all.

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MAKING AND BREAKING THE LAW The Legal System and the Attainment of Justice

by Jules Aldous and Dianne Levy;
VCTA Publishing, Melbourne, 1991;
\$34.00.

Victoria has a reputation for producing some of the most useful and interesting legal studies textbooks for high schools in the country. *Making and Breaking the Law* is no exception to this broad trend.

The book takes the view that 'our

legal system is a dynamic network that both responds to the needs and demands of the community as well as shaping relationships between individuals and groups in society'. It focuses on exploring the role of the law for individuals, the community and legal institutions. It does this by examining first, the role of law, law-making institutions and law-making processes; and second, dispute settlement, institutions, and process and procedures evaluation.

The book provides a useful description of the main institutions and issues relating to the law in society and the uses and processes of the law in Victoria. Each chapter has a particular theme (e.g. role of Parliament, civil procedure, the jury). Work requirements – such as analytical exercises, case studies, investigation and research projects – accompany each area. A liberal use of subheadings, margin notes, figures, cartoons and recent newspaper reports also break up the text. The book covers a comprehensive range of ideas and informa-

tion, and while it is well written, would certainly challenge intellectually more than a few of its student readers.

Making and Breaking the Law takes a relatively uncritical perspective on the social function and position of law in society, although it covers particular legal problems such as access to justice. Its main strength is that it provides a very useful reference point for high school students to develop their understanding of the law and legal processes, and to gain a substantial knowledge of its many different facets. Books such as this are valuable in another way: they can serve as models for the legal studies resources in other States, such as Western Australia, where the process of producing similar material is still in its initial stages.

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References

1. This article is based on a workshop conducted by the authors at the 14th Annual Conference of Community Legal Centres in May 1992.
2. See, for example, Combined Community Legal Centres Group (NSW) *Submission to the Costs of Justice Inquiry by the Senate Standing Committee on Legal and Constitutional Affairs* (1989), Office of Legal Aid and Family Services *Community*

Legal Centres: A Study of Four Centres in New South Wales and Victoria (1991).

3. There are, of course, obvious overlaps between each, and even disagreements as to whether a particular activity is, for example, undertaken because of its educative or reform aspect.
4. Details of the campaign can be found in Real Rape Law Coalition *No Real Justice. Interim Report of a Confidential Phone In on Sexual Assault* (1991).
5. See Australian Financial Counselling and Credit Reform Association *Need or Greed: A Study of Consumer Credit Insurance*

(1987) and *37c in the Dollar* (1991) and Trade Practices Commission *The Market for Consumer Credit Insurance* (1991).

6. We have used the word campaign loosely. While CLC law reform work includes (and is sometimes dominated by) reactive responses to an unsavoury government proposal, the strategies are essentially similar to a premeditated and thoroughly planned 'campaign'.
7. A recent example was an early 1992 7.30 *Report* which surrounded a story on WA juvenile legislation with sensational car chases and police sirens.

FURTHER NOTICES CONFERENCES

LAW AND SOCIETY CONFERENCE 1992

Sponsored by Legal Studies Department and National Centre for Socio-Legal Studies, La Trobe University.

Dates: 4, 5, 6, December, 1992

Venue: Bundoora Campus, La Trobe University

Contact: The Convenor, NCSLS, fax (03) 479 1607

AUSTRALIAN FAMILY RESEARCH CONFERENCE

The Australian Institute of Family Studies is holding its fourth research and policy-related conference. The

conference will provide an opportunity for public discussion of both Institute and wider research.

Date: 17-19 February 1993

Venue: Manly Pacific Parkroyal, Sydney

Contact: tel (03) 608 6888 or fax (03) 600 0886