

## YEAR 11 LEGAL STUDIES

### 2016 TASK NO.3. - RESEARCH ESSAY

Question:

With reference to the Mohamed Haneef case, evaluate the effectiveness of legal and non legal responses in achieving justice and balancing the rights of the individual with the needs of the state.

In your response you should **identify**:

- The background to Australian counter terrorist laws
- The controversial provisions of Australian counter terrorist laws
- Key facts of the Haneef case

In your response you should **discuss**:

- Perspectives on the erosion of fundamental civil liberties
- Apparent flaws in the Australian Federal Police investigation process
- Lack of application of the doctrine of separation of powers and the principle of the rule of law

In your response you should **evaluate** (make a judgement on):

- The effectiveness of both legal and non-legal responses in achieving justice using some of the following criteria:- Fairness, Access, Timeliness, Equality before the law (FATE), resource efficiency (costs involved)
- Whether an appropriate balance between individual rights and the rights of the state was achieved

Maximum word length : 2500 words.

MARKING CRITERIA	MARKS
<ul style="list-style-type: none"> <li>• Comprehensively discusses Australian Counter Terrorist Laws and the Mohamed Haneef case</li> <li>• Makes a critical judgement about the effectiveness of the legal and non-legal responses with reference to the Haneef case by measuring against some or all of the following criteria: Fairness, Access, Timeliness, Equality, resource efficiency.</li> <li>• Makes an informed assessment of whether there was a balance between the rights of the individual and the needs of the state</li> <li>• Integrates relevant legislation and/or documents and/or cases and/or media reports and quotes into the response</li> <li>• Presents a sustained, logical and well-structured answer using relevant legal terminology</li> </ul>	21-25
<ul style="list-style-type: none"> <li>• Discusses Australian Counter Terrorist Laws and the Mohamed Haneef case</li> <li>• Makes a judgement about the effectiveness of the legal and non-legal responses with reference to the Haneef case. Bases judgement on at least one of the following criteria: Fairness, Access, Timeliness, Equality, resource efficiency</li> <li>• Makes an assessment of whether there was a balance between the rights of the individual and the needs of the state</li> <li>• Uses some relevant legislation and/or documents and/or cases and/or media reports and quotes in the response</li> <li>• Presents a logical and well- structured answer using relevant legal terminology</li> </ul>	16-20
<ul style="list-style-type: none"> <li>• Describes aspects of counter terrorism laws and the Haneef case</li> <li>• Makes some statement about the effectiveness of the legal and non-legal responses to the Haneef case and/or makes some statement about balancing individual rights with the needs of the state</li> <li>• Cites some relevant legislation and/or documents and/or treaties and/or cases and/or media reports in the response</li> <li>• Presents a structured answer using legal terminology</li> </ul>	11-15
<ul style="list-style-type: none"> <li>• Makes limited reference to the effectiveness of the legal and non-legal responses to the Haneef case</li> <li>• Makes limited reference to legislation and/or treaties and/or documents and/or cases and/or media reports</li> <li>• Uses some appropriate legal information</li> </ul>	6-10
<ul style="list-style-type: none"> <li>• Makes a general statement about the Haneef case</li> <li>• May make limited reference to legislation or cases or or treaties or media reports</li> <li>• Limited reference to appropriate legal terms</li> </ul>	1-5