

BEDSON | PHELAN | RICHARDSON | ROOD

JACARANDA

CIVICS AND CITIZENSHIP ALIVE

AUSTRALIAN CURRICULUM | THIRD EDITION

10

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JACARANDA
CIVICS AND
CITIZENSHIP ALIVE 10
AUSTRALIAN CURRICULUM | THIRD EDITION

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AUSTRALIAN CURRICULUM | THIRD EDITION

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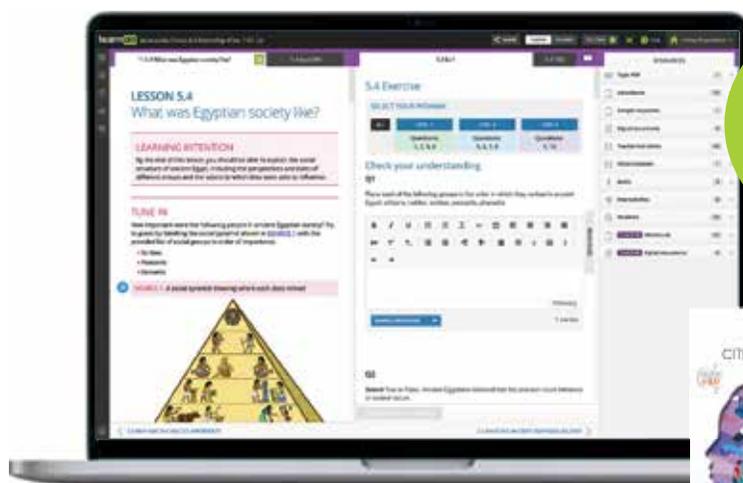
The Publisher acknowledges ongoing discussions related to gender-based population data. At the time of publishing, there was insufficient data available to allow for the meaningful analysis of trends and patterns to broaden our discussion of demographics beyond male and female gender identification.

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About this resource



NEW FOR

AUSTRALIAN CURRICULUM V9.0

JACARANDA

CIVICS AND CITIZENSHIP ALIVE 10

AUSTRALIAN CURRICULUM
THIRD EDITION



Developed by teachers for students

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Reading content and rich media including embedded videos, interactivities and audio files.

The screenshot shows the learnON website interface for Lesson 5.4: "What was Egyptian society like?". The page includes a navigation bar with the title "5.4 What was Egyptian society like?" and "5.4 teachON". The main content area features the lesson title "LESSON 5.4 What was Egyptian society like?", a "LEARNING INTENTION" section, a "TUNE IN" section with a video icon, and a "SOURCE 1" section containing a social pyramid diagram. The pyramid is divided into five horizontal layers, each with an illustration of a social group: the top layer shows a pharaoh, the second layer shows a scribe, the third layer shows a peasant, the fourth layer shows a servant, and the bottom layer shows a family. The sidebar on the right contains "5.4 Exercises", a "SELECT YOUR" dropdown menu, and a "Check your understanding" section with two questions (Q1 and Q2).

powerful learning tool, learnON

The screenshot shows the learnON interface with several callout boxes pointing to specific features:

- Differentiated question sets**: Points to the '5.4 Ex 1' and '5.4 TBQ' tabs.
- Teacher and student views**: Points to the 'Teacher' and 'Student' buttons in the top navigation bar.
- Textbook questions**: Points to the '5.4 TBQ' tab.
- eWorkbook**: Points to the 'eWorkbook' resource in the list.
- Answers and sample responses**: Points to the 'Sample responses' resource in the list.
- Digital documents**: Points to the 'Digital documents' resource in the list.
- Video eLessons**: Points to the 'Video eLessons' resource in the list.
- Interactivities**: Points to the 'Interactivities' resource in the list.
- Extra teaching-support resources**: Points to 'TEACHER eWorkbook' and 'TEACHER Digital documents' in the list.
- Interactive questions with immediate feedback**: Points to the question area at the bottom of the screen.

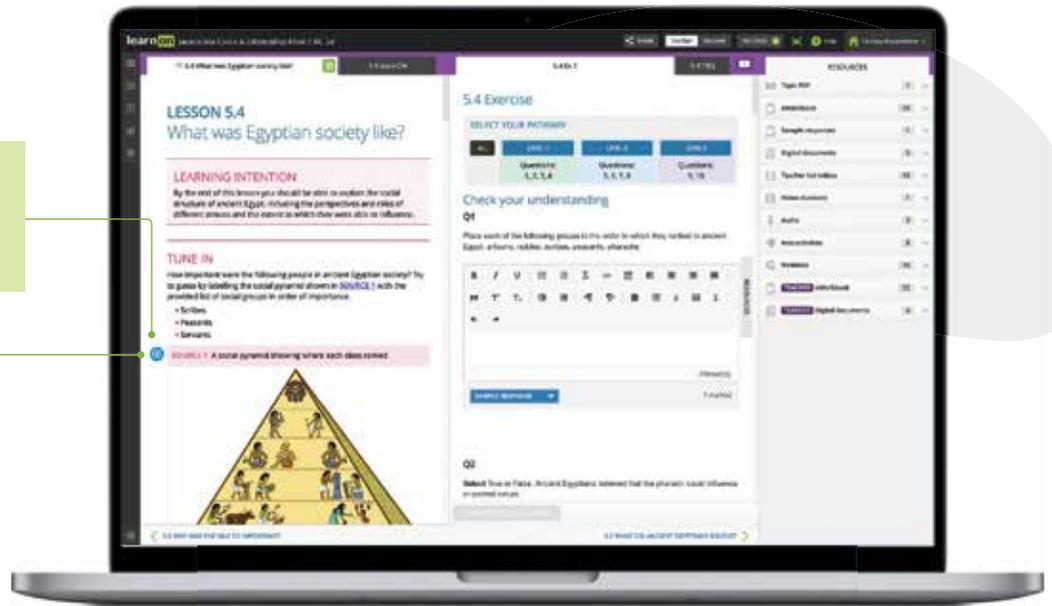


Get the most from your online resources

Online, these new editions are the complete package

Trusted Jacaranda theory, plus tools to support teaching and make learning more engaging, personalised and visible.

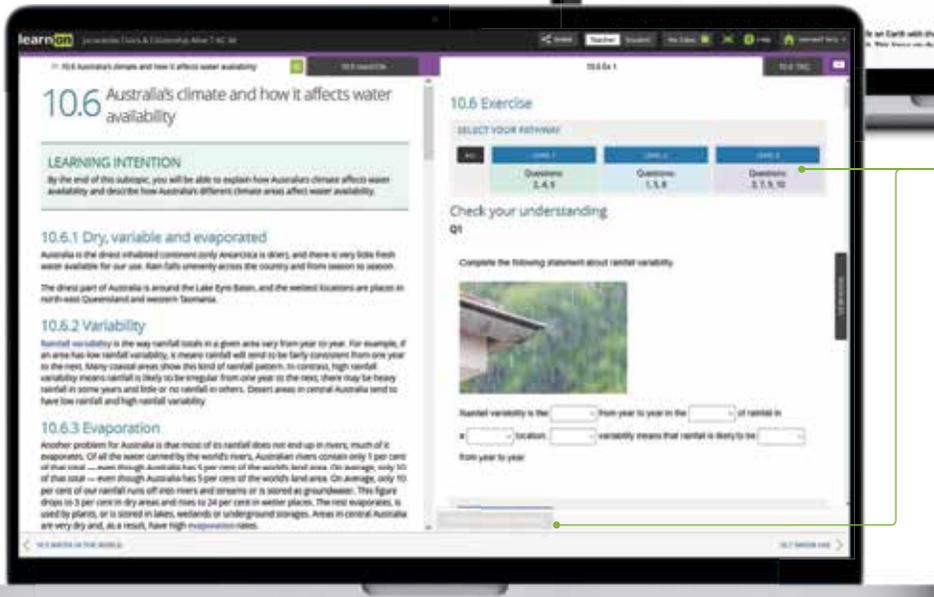
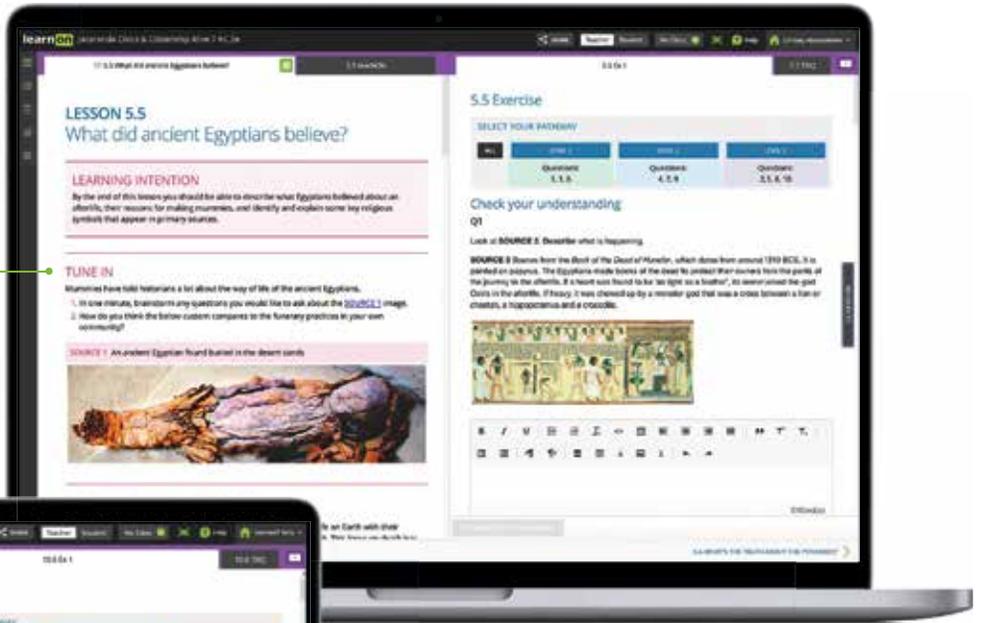
Embedded interactivities and videos enable students to explore concepts and learn deeply by 'doing'.



New teaching videos are designed to help students learn concepts by having a 'teacher at home', and are flexible enough to be used for pre-and post-learning, flipped classrooms, class discussions, remediation and more.

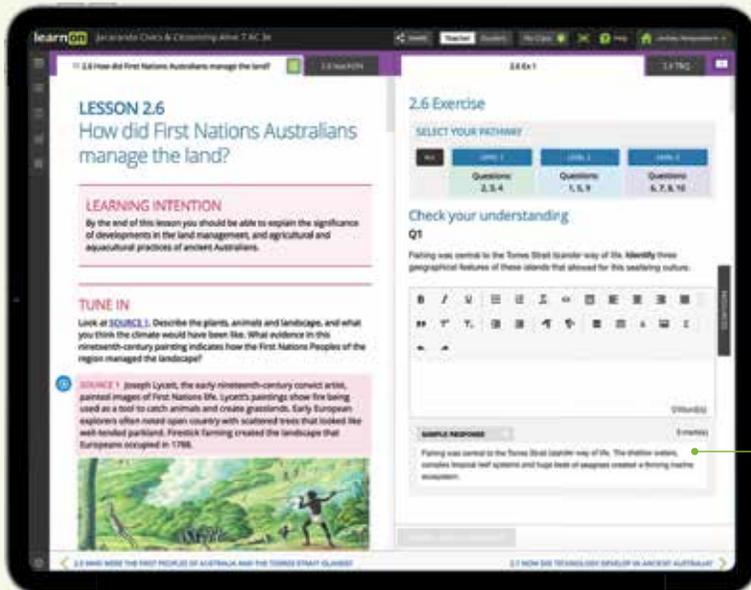
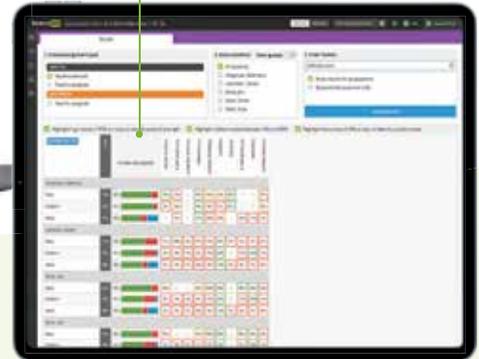


Brand new! Tune in activities to spark interest and kick off every lesson with discussion and source analysis



Three differentiated Question sets, with immediate feedback in every lesson, enable students to challenge themselves at their own level.

Instant reports give students visibility into progress and performance.



Every question has immediate, feedback to help students overcome misconceptions as they occur and get unstuck as they study independently – in class and at home.

A wealth of teacher resources

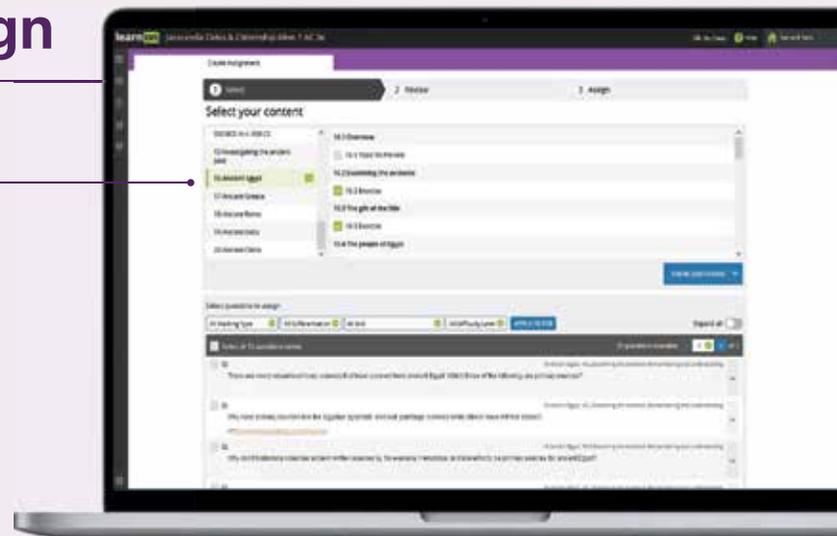


Enhanced teaching-support resources for every lesson, including:

- work programs and curriculum grids
- practical teaching advice
- three levels of differentiated teaching programs
- quarantined topic tests (with solutions)

Customise and assign

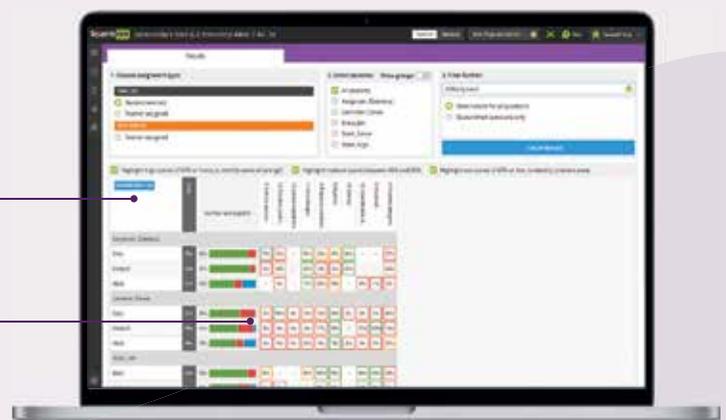
An inbuilt testmaker enables you to create custom assignments and tests from the complete bank of thousands of questions for immediate, spaced and mixed practice.



Reports and results

Data analytics and instant reports provide data-driven insights into progress and performance within each lesson and across the entire course.

Show students (and their parents or carers) their own assessment data in fine detail. You can filter their results to identify areas of strength and weakness.



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Understanding cognitive verbs

Cognitive verbs in the Australian Curriculum

The Australian Curriculum aims to develop students' disciplinary knowledge, skills, understanding and general capabilities across the curriculum. Students are also expected to progressively develop their thinking skills.

In the Australian Curriculum, cognitive verbs are used as signposts for this depth of thinking. Cognitive verbs signify different types of thinking and are already used in the classroom by many teachers and students.

Questions within Jacaranda resources use these cognitive verbs to support students in cognitive verb 'thinking'. The following list describes the cognitive verbs that are frequently used in Years 9 and 10.

Cognitive verb	Description
analyse	considering something in detail, finding meaning or relationships and identifying patterns. In an analysis you may reorganise ideas and find similarities and differences.
apply	using knowledge and understanding in order to solve a problem or complete an activity; activities and problems may be familiar or unfamiliar; applying knowledge and understanding can require recalling previous experiences.
compare	recognising how things are similar and dissimilar. Concepts or items are generally grouped before a comparison is made.
decide	selecting from available options. This may involve considering criteria on which to base your selection.
describe	giving an account of a situation, event, pattern or process. A description may require a sequence or order.
develop	bringing something to a more advanced state. Processing and understanding are required to develop an idea or opinion. Developing an idea or opinion may also involve considering feedback or the collective thoughts of a group.
evaluate	making a judgement using a set of criteria. This may include considering strengths and limitations of something in order to make a judgement on a preferred option.
examine	considering the information given and recognising key features. This might require making a decision, which involves gathering more information.
explain	making an idea, concept or relationship between two things clear by giving in-depth information. Explanations may include details of who, what, when, where, why and how in a step-by-step format.
identify	recognising and showing particular features of something. This might also include showing what or who something or someone is.
interpret	gaining meaning from text, graphs, data or other visuals. An interpretation includes stating what something might mean and drawing a conclusion.
select	choosing the most suitable option from a number of alternatives. This might require some consideration of context.
investigate	planning, collecting and interpreting data and information, and drawing conclusions.
synthesise	combining elements (information, ideas and components) into a connected or coherent whole.

Source: Adapted from the QCAA Cognitive Verbs.

1 Civics and Citizenship concepts and skills

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1.9 SkillBuilder: Writing essays.....	online only
1.10 SkillBuilder: Writing a feature article.....	online only
1.11 SkillBuilder: Debating an issue.....	online only
1.12 Review.....	12



LESSON

1.1 Overview

Hey students! Bring these pages to life online



Watch videos



Engage with interactivities



Answer questions and check results

Find all this and MORE in jacPLUS



1.1.1 Introduction

As a student in Civics and Citizenship, you are developing the knowledge and skills that will be needed by you and society, now and in the future. In your study of Civics and Citizenship, you will cover topics about Australia's democratic systems of government and the justice system. Studying Civics and Citizenship may be necessary for your chosen career, or help indirectly by giving you broader knowledge and skills, especially in understanding government and legal systems.

FIGURE 1 Membership of the UN is part of Australia's global role and responsibilities.



on Resources



eWorkbook

Customisable worksheets for this topic (ewbk-11514)



Video eLesson

Civics and Citizenship concepts and skills (eles-6134)

LESSON

1.2 Concepts in Civics and Citizenship

LEARNING INTENTION

By the end of this lesson you should be able to identify the five Civics and Citizenship concepts and explain why they are important.

Australia is a relatively safe society by global standards. We have laws enforced by police that apply to the whole community; public facilities are maintained by local councils and state governments; and many essential services are provided by government. Most of these factors are dependent on having a stable and secure government and parliamentary representatives, who are accountable to the people who elected them.

Government decisions and laws passed by parliament affect many areas of your life. The **political ideologies** or beliefs that influence government policies will continue to affect you, and the society in which you live, into the future. You have a responsibility to care about these issues and to engage with the society that your vote will help shape in the future.

1.2.1 What are the main concepts in Civics and Citizenship?

Active citizenship

People enjoy certain rights and freedoms from living in a **democratic society**. This includes the right to vote, freedom of speech and the right to practise their religion. However, with rights come responsibilities, such as informed voting, undertaking jury duty and advocating for our democratic values. Active citizens are informed and participate in civic and political processes at local, state, national, regional and global levels.

Democracy

Democracy is a political system in which power rests with the people. Rules govern the **electoral process** that is used to choose our government and the way our government operates. Regular elections that are free and fair enable us to remove and replace our political leaders if we believe they are no longer meeting our needs.

political ideologies sets of ideas and beliefs about how societies should be organised and governed, influencing people's views on issues like power, equality and the role of government

democratic society a system where people have the power to elect their leaders and participate in making decisions that affect them

electoral process the way in which people vote to choose their representatives and leaders in a fair and organised manner

Many forms of Government have been tried, and will be tried in this world of sin and woe. No one pretends that democracy is perfect or all-wise. Indeed it has been said that democracy is the worst form of Government except for all those other forms that have been tried from time to time. — Winston S Churchill, 11 November 1947

Do you agree with Winston Churchill (British Prime Minister during World War II) that democracy is the best form of government — even though it also has flaws? What alternatives exist? Should political leaders be allowed to express negative views about the fundamental basis and structure of our political systems?



Global citizenship

Australia is a part of a global community; our civic participation is not confined to within our national borders. On the world stage, we have an obligation to ensure that we **advocate** for the rights and freedoms of individuals, regardless of where they live. Australia enters into agreements to ensure that our own citizens enjoy those same rights and freedoms.

Legal systems

The **presumption of innocence**, **the rule of law** and **the right to a fair trial** underpin our legal system. The notion of **justice** means that people will be treated fairly in the eyes of the law, with equal access to what they need when they use the legal system. It does not mean that everyone who commits a crime will be punished in the same way, but rather that the punishment will be fair.

Identity and diversity

Australia is a culturally diverse society and our sense of belonging is a blend of our differences and shared experiences. Distinct communities are evident among First Nations Peoples, and those who have migrated to Australia in search of a new life. People are free to express their differences and culture. Shared experiences such as Anzac Day, Reconciliation Week and Mabo Day unite us and help to define our sense of community and belonging.

advocate to actively speak out and stand up for particular causes

presumption of innocence a person is considered innocent until proven guilty in a court of law, and they should be treated as such

the rule of law everyone is subject to the same laws and should be treated fairly and equally, regardless of their position or power

the right to a fair trial every person accused of a crime has the right to be heard in court and have their case decided impartially, with proper legal procedures in place

justice treating everyone fairly, holding people accountable for their actions, and making sure that everyone has equal opportunities and rights

FIGURE 1 Australia is a diverse society.



1.2.2 Your focus in Year 10

This year in Civics and Citizenship, you will be learning about the design of our political and legal system. In particular, you will learn about:

1. Australia's system of government and its key features, including democratic elections and the separation of power. You will also compare Australia's system of government with the government of a country in Asia.
2. how Australia has a global role and the responsibilities that come with this, including being a part of the UN, giving foreign aid and peacekeeping
3. the High Court and its role, which includes, importantly, interpreting the Constitution
4. how international agreements influence government policies in areas such as the environment, discrimination, children's rights and the rights of First Nations Australians
5. how Australia's democracy can be threatened by organised crime, corruption and vested interests
6. how the democratic system and our society are protected and strengthened by shared values and the right to dissent.

1.2.3 Where can Civics and Citizenship skills lead?

Careers that draw on Civics and Citizenship skills are many and varied. For some careers, these skills are essential, with further education and experience helping to develop these skills for work. These types of roles include:

- lawyer
- Member of Parliament
- ministerial adviser
- lobby groups
- public relations
- local government staff
- public service
- police
- marketing
- Electoral Commission
- human rights organisations
- foreign diplomat.



Civics and Citizenship skills are also *transferrable* skills that are helpful in a variety of workplaces and industries, in addition to industry-specialist skills. These types of roles include:

- management
- project management (architects, engineers, project managers)
- journalism
- dramatic arts
- military
- security services
- intelligence services
- import/export businesses
- emergency services
- disaster management
- environmental management.



LESSON

1.3 Skills in Civics and Citizenship

LEARNING INTENTION

By the end of this lesson you should be able to identify the key Civics and Citizenship skills and explain why they are important.

1.3.1 What skills will you build this year?

This year, you will continue to build your ability to use the four broad categories of skills in Civics and Citizenship. In particular this year you are expected to examine sources of information with a more critical eye. The following summaries are to remind you of these four key skills.

Questioning and researching

You will develop and refine questions to investigate Australia's political and legal systems, and contemporary civics issues facing Australia today. You will use these questions as the basis of your research into contemporary Australian society and its capacity to foster fairness, diversity and inclusiveness for different groups, such as First Nations Australians and refugees. They will help you locate, select and compare information, data and ideas from a range of appropriate sources.

In Year 10, you will consider the processes that are in place to ensure that our government remains representative of the people and accountable to them. You will also compare Australia to other places in the world.

Analysis, evaluation and interpretation

Analysis involves interpreting information to identify the main features or ideas, then examining the information closely to determine how the parts relate to the whole.

The skills you develop will help you determine what kinds of information you can rely on to be accurate and identify where bias might exist. You will refine your skills at finding current data and looking at data in different formats such as graphs, tables, media reports, charts of election results or opinion polls.

This year you will continue to expand your views as you consider a national, regional and global focus. As part of your evaluation, you will draw evidence-based conclusions and consider different perspectives and interpretations of data.

Civic participation and decision-making

Participating in the civic process involves identifying and evaluating the methods and strategies related to making decisions about the ways in which an active and informed citizen can participate within society.

At Year 10, you will look closely at factors that guide decision-making in relation to civic participation at the regional and global level.

Communicating

In Year 10 you will present and communicate ideas, perspectives and arguments based on evidence and research on contemporary civics and citizenship issues. Explanations will be clearly expressed and consider not just the issue, but also the outcome of civic action, participation and engagement.

In Year 10 there is a focus on the Asia–Pacific region and our role as part of a global community.

1.3.2 SkillBuilders in this topic

In addition to these broad skills, there is a range of essential practical skills that you will learn, practise and master as you study Civics and Citizenship. The SkillBuilder lessons in this topic will tell you about the skill, show you the skill and let you apply the skill to the topics covered.

The SkillBuilders you will use in Year 10 are as follows:

1. Using the inquiry approach for research
2. Using the deconstruct/reconstruct method
3. Conducting an interview
4. Using and referencing quotes
5. Analysing political cartoons
6. Writing essays
7. Writing a feature article (news story)
8. Debating an issue

FIGURE 1 Civic participation can take many forms. In this image, volunteers stand beside sandwich-board posters of candidates and wait to hand out how-to-vote pamphlets to people attending a polling station in Sydney, New South Wales.



LESSON

1.4 SkillBuilder: Using the inquiry approach for research

online only

What is the inquiry approach to research?

The inquiry approach is a process to help you research and answer questions or address issues in Civics and Citizenship. This skill will help you find relevant information and analyse and evaluate it.

Select your learnON format to access:

- an overview of the skill and its application (Tell me)
- a step-by-step process to explain the skill (Show me)
- an activity for you to practise the skill (Let me do it).

LESSON

1.5 SkillBuilder: Using the deconstruct/reconstruct method

online only

What is the deconstruct/reconstruct method?

Copying another person's work without acknowledging the author is plagiarism, whether it is copied from the student sitting next to you in class or from an article you found on the internet. For many students, plagiarism occurs simply because they do not know how to read information and then use it appropriately in their own work. The deconstruct/reconstruct method teaches you how to use another person's work appropriately.

Select your learnON format to access:

- an overview of the skill and its application (Tell me)
- a step-by-step process to explain the skill (Show me)
- an activity for you to practise the skill (Let me do it).

LESSON

1.6 SkillBuilder: Conducting an interview

online only

How do you conduct an interview?

Conducting interviews can help you understand an issue or problem from different perspectives, so that you can better understand which strategies or actions might provide the best outcome for everyone involved. Interviews can be conducted face-to-face between two people or in small groups, or by some form of communications technology such as the telephone or internet.

Select your learnON format to access:

- an overview of the skill and its application (Tell me)
- a step-by-step process to explain the skill (Show me)
- an activity for you to practise the skill (Let me do it).

LESSON

1.7 SkillBuilder: Using and referencing quotes

online only

How do you use quotes?

Using and referencing quotes accurately is part of the Questioning and researching skill in Civics and Citizenship and is important for communicating your ideas effectively. When writing an essay, assignment or report, you need to include evidence to support your arguments. If this evidence takes the form of a quote or includes the use of statistics, then you must show the reader where this information came from.

Select your learnON format to access:

- an overview of the skill and its application (Tell me)
- a step-by-step process to explain the skill (Show me)
- an activity for you to practise the skill (Let me do it).

LESSON

1.8 SkillBuilder: Analysing political cartoons

online only

How do you analyse political cartoons?

Analysing political cartoons is an important way of engaging with and examining current political issues. Political cartoons use caricatures, visual language and language tools such as exaggeration, irony and absurdity. This skill will show you how to analyse bias in cartoons, but the same process applies to any source of information.

Select your learnON format to access:

- an overview of the skill and its application (Tell me)
- a step-by-step process to explain the skill (Show me)
- an activity for you to practise the skill (Let me do it).

LESSON

1.9 SkillBuilder: Writing essays

online only

How do you construct an effective extended response?

Writing extended responses and essays are an important part of the Communicating skill in Civics and Citizenship. This skill focuses on refining the structure of your essays, and ensuring you answer the question or topic that has been given.

Select your learnON format to access:

- an overview of the skill and its application (Tell me)
- a step-by-step process to explain the skill (Show me)
- an activity for you to practise the skill (Let me do it).

LESSON

1.10 SkillBuilder: Writing a feature article

online only

How do you write a feature article?

A feature article is a news article that is written to present more in-depth information or analysis of an issue. Writing feature articles is part of the Communicating skill in Civics and Citizenship. In Year 10 you are expected to write a variety of extended pieces to present arguments and information, and tailor them specifically to suit an audience and purpose.

Select your learnON format to access:

- an overview of the skill and its application (Tell me)
- a step-by-step process to explain the skill (Show me)
- an activity for you to practise the skill (Let me do it).

LESSON

1.11 SkillBuilder: Debating an issue

online only

How do you deliver arguments and information in a debate?

Debating turns arguing into a sport, complete with set positions, rules and a points system. Debating is part of the Civic participation and decision-making and Communicating skills in Civics and Citizenship.

Select your learnON format to access:

- an overview of the skill and its application (Tell me)
- a step-by-step process to explain the skill (Show me)
- an activity for you to practise the skill (Let me do it).

LESSON

1.12 Review

Hey students! Now that it's time to revise this topic, go online to:



Review your results



Watch teacher-led videos



Practise questions with immediate feedback

Find all this and MORE in jacPLUS



1.12.1 Key knowledge summary

Use this dot point summary to review the content covered in this topic.

1.2 Concepts in Civics and Citizenship

- Active citizens are informed and participate in civic and political processes at local, state, national, regional and global levels.
- Democracy is a political system in which citizens choose the way in which they are governed.
- Democratic values are the standards or instructions that shape a democracy. In Australia these include free and fair elections, and a separation of powers.
- Global citizenship reflects the fact that Australia is a part of a global community; our civic participation is not confined to within our national borders.
- The presumption of innocence, the rule of law and the right to a fair trial underpin our legal system.
- Australia is a culturally diverse society and our sense of belonging is a blend of our differences and shared experiences.

1.3 Skills in Civics and Citizenship

- The skills you will develop across your study of Civics and Citizenship fall into four main groups.
 - Questioning and researching involves locating relevant and detailed information and/or data from a range of appropriate sources.
 - Analysis, evaluation and interpretation involves interpreting information to identify the main features or ideas, then examining the information closely to determine how the parts relate to the whole. You will learn to draw evidence-based conclusions by evaluating information and/or data.
 - Civic participation and decision-making in Year 10 involves looking closely at factors that guide decision-making in relation to civic participation at the regional and global level.
 - The ability to communicate and share your ideas with other people is also an important part of Civics and Citizenship.

1.12.2 Key terms

advocate to actively speak out and stand up for particular causes

democratic society a system where people have the power to elect their leaders and participate in making decisions that affect them

electoral process the way in which people vote to choose their representatives and leaders in a fair and organised manner

justice treating everyone fairly, holding people accountable for their actions, and making sure that everyone has equal opportunities and rights

political ideologies sets of ideas and beliefs about how societies should be organised and governed, influencing people's views on issues like power, equality and the role of government

presumption of innocence a person is considered innocent until proven guilty in a court of law, and they should be treated as such

the right to a fair trial every person accused of a crime has the right to be heard in court and have their case decided impartially, with proper legal procedures in place

the rule of law everyone is subject to the same laws and should be treated fairly and equally, regardless of their position or power

on Resources



eWorkbook

Customisable worksheets for this topic (ewbk-11514)
Reflection (ewbk-11802)



Interactivity

Civics and Citizenship concepts and skills crossword (int-9113)

Hey teachers! Create custom assignments for this topic



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LESSON

1.4 SkillBuilder: Using the inquiry approach for research

LEARNING INTENTION

By the end of this lesson you should be able to use an inquiry approach for research.

The inquiry approach is the foundation of Questioning and researching in HASS. In years 7 to 9, you have learned each of the parts of this process in detail. At a Year 10 level, you should be able to locate relevant and detailed information and data from a range of appropriate sources. You should then be able to analyse and evaluate this information, to help you form an argument or hypothesis, and choose relevant information to support this hypothesis.

1.4.1 Tell me

The inquiry approach is a process to help you research and answer questions or address issues. When you are asked to ‘do research’ you need to investigate a particular topic or event. To do this investigation well it is important to have a series of questions to guide your investigation (inquiry). You already have skills in using this process; Year 10 is your chance to examine and refine those skills.

1.4.2 Show me

Imagine you have been asked to investigate into the potential threats to Australia’s democracy through either vested interests, organised crime or corruption.

You need to plan your investigation and break it into some clear steps. This process will be familiar from previous years of study.

Step 1

Your first step is to clearly identify the essential key question. For the topic organised crime, this could be expressed as:

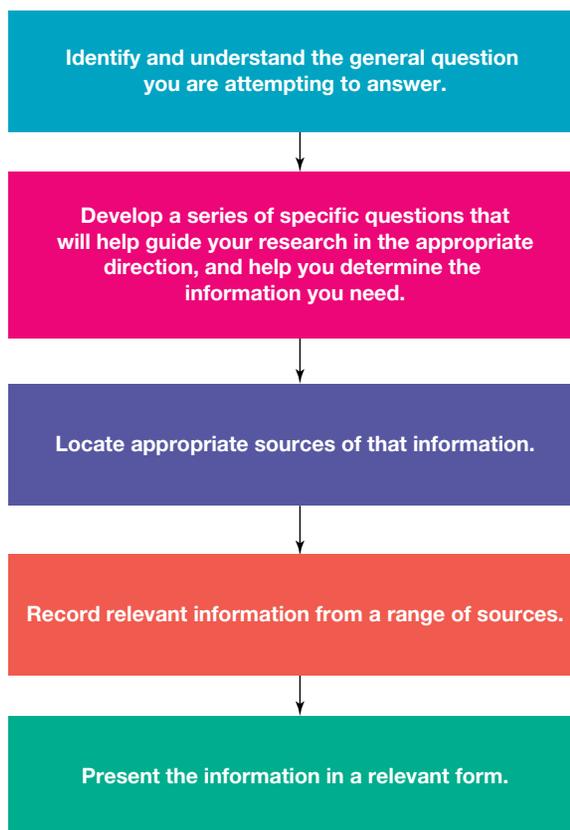
What is the level of threat of organised crime in Australia?

Step 2

Break this down into a series of inquiry questions. These could include:

1. What is organised crime?
2. How much organised crime exists in Australia? In each of the states?
3. Has the level of organised crime changed? How?
4. Discuss the reasons for organised crime in the community?

FIGURE 1 The steps in the inquiry process



Step 3

Locate appropriate sources. There is a wide variety of sources that can be used for research, including textbooks, websites and books written by experts in the subject.

You need to ensure that the sources of information you use are relevant to your topic, and reliable. To do this start with sources from trusted educational institutions or official organisations. For example, this textbook or the National Crime Authority or Institute of Criminology.

Internet searches can bring up a huge list of information sources, but not all are reliable. You need to carefully select a small number of sources that are reliable. Remember also that crowd-sourced or publicly edited information may not always be reliable.

Step 4

Record your information. A recommended way to record your research information is by using a formal note-taking method, such as Cornell Notes.

Another method is to select and print some text, and highlight those sentences or paragraphs that provide answers to your questions. Sometimes a complete answer to a question may be found in several places in a piece of text. Be sure to highlight all relevant text and indicate with a number which question the information answers. When you are satisfied that you have found the answers to all the questions, write the answers in order, making sure to use your own words or clearly mark quotations and include the full source details. (Doing this at the note-taking stage means you won't have to come back to the source to find the details later.)

1.4.3 Let me do it

Practise the skill of using inquiry questions for research by completing a step-by-step **worksheet** from the Resources panel.

LESSON

1.5 SkillBuilder: Using the deconstruct/reconstruct method

LEARNING INTENTION

By the end of this lesson you should be able to use an deconstruct/reconstruct method for research.

At a Year 10 level you should be able to accurately and effectively make notes from a source, without plagiarising. This includes knowing how to reference your sources.

1.5.1 Tell me

Copying another person's work without acknowledging the author is plagiarism, whether it is intentional or accidental. For many students, the act of plagiarism occurs simply because they do not know how to read information and then use it appropriately in their own work. The deconstruct/reconstruct method teaches you how to use another person's work appropriately.

1.5.2 Show me

The deconstruct/reconstruct method is a way to use existing information to create original work. This academic technique helps you better understand information and allows you to organise your thoughts more clearly. By implementing this strategy, you will create unique pieces of writing that still have the same meaning as the articles and books you have read in your research.

There are three steps to the deconstruct/reconstruct method.

Step 1

Read

Make sure you read the entire source from start to end. There is no need to highlight or take notes during this stage. You want to simply read and take in the meaning of the author's work.

When you finished your first read-through, think about the text. Note down any questions you have after your first read-through. In some circumstances, you might also decide after the first read that this text is not relevant to your task or research, or that it is clearly an unreliable or inaccurate source of information. In this case, do not proceed; find another source of information.

Step 2

Re-read

Remember: the more times you watch a movie, the better you can see the elements that the director wants you to see. Similarly, the more times you read a source, the better you can see the elements that the author wants you to see. A second reading is to help you extract and begin paraphrasing the information relevant to your task, and to identify quotes you might wish to use.

When re-reading a source, you should use a table like the following to help you collect information and organise your own thoughts.

Quotes/facts	Notes
<ul style="list-style-type: none">• Factual information• Direct quotes from authors or other people• Statistics	<ul style="list-style-type: none">• Ideas and questions you might think of while reading the source• Dot points and/or whole sentences

- In the ‘Quotes/facts’ column, write only factual or statistical information.
- The ‘Notes’ section is for any ideas and questions you might have after reading the quote. You can write this section in dot points or full sentences — whatever makes sense to you. You do not necessarily need to comment on each quote or fact you record; similarly, you may write notes that do not relate to a specific quote. Completing this section is crucial as these notes will form the basis of your writing.
- Instead of copying out the whole quote in the left column, you might also note the quote’s location in the text and highlight it in your text or article. (You may not be able to do this if you are working with online resources, so having this column is useful.)

Let us use the following text to practise the deconstruct/reconstruct method.

The system of government in the Empire of Japan was a military and absolute monarchy. This changed at the end of World War II, when the Constitution of Japan was drawn up and the post-war country ceased to be an empire and became modern Japan. Enacted on 3 May 1947, Japan’s Constitution is based on three principles: sovereignty of the people, respect for fundamental human rights and renunciation of war.

Japan’s system of government is based on the idea of democracy. Japan is an independent country governed by a constitutional monarchy, with a parliamentary system of government. Japan’s Constitution has remained unchanged since it came into force in 1947. The emperor is the head of state but only has a symbolic role.

The people of Japan choose the members of the Diet, and the members of the Diet elect the Japanese prime minister from among themselves.

FIGURE 1 The National Diet Building in Tokyo, the home of Japan’s national parliament



Notice in the following table example:

- Quotes are formatted to show omissions (with an ellipsis ...) and additions (with square [brackets] around the added words).
- Quotes listed in the table are highlighted in the text for future checking/reference.
- Notes are not in full sentences and use abbreviations.

Quotes/facts	Notes
<ul style="list-style-type: none"> • ‘The Empire of Japan was based on a military and absolute monarchy.’ • Constitution drawn-up after WWII, during Allied occupation • ‘[The] Constitution ... based on three principles: sovereignty of the people, respect for fundamental human rights and renunciation of war.’ • Const. enacted: 3 May 1947 • Govt based on democracy • Constitutional monarchy • Parliamentary govt. • Parliament called ‘Diet’ • Emperor head of state, only symbolic • Political system based on Westminster system. • Bicameral parliament • Japanese people elect Diet members, who then elect prime minister. 	<ul style="list-style-type: none"> • Who had more power, the military or emperor? • Was this forced or welcome? • Which human rights are clearly specified, what else is in the constitution? • Who was involved in writing it? • How many members are there in the Diet? • What powers does the Emperor have now? • Are the powers of each house equivalent? • How many political parties are there in Japanese politics?

Step 3

Re-write

Put away the book, close the website page and rewrite what you have just read. The best way to do this is by using only the table that you created in step 2. The notes column should contain your own interpretation of what the author has said, and the quotes/facts column will provide the evidence you need to support your arguments and assumptions.

Once you have completed the table, you can use the information to create your original piece of writing. The following paragraph has been written using the information summarised in the practice table. Extra research has also been completed to answer some of the questions written in the notes column.

SAMPLE STUDENT ANSWER

Japan has a democratic system of government that is based on the British Westminster system. The Japanese emperor is technically the head of state, but this is largely a symbolic position. Japan has a parliamentary style of government, which means that the people elect representatives to the national parliament, called the *Diet*, and these Members of the Diet then elect the prime minister, who heads up the government. Like British Parliament, this Diet is divided into two houses, making Japan's Diet a bicameral parliament.

Japan is a constitutional monarchy, with a written constitution outlining the form and powers of the government. This constitution was drawn up during the Allied occupation of Japan after World War II, and enacted on 3 May 1947. Prior to this, Japan's system of government was based on a powerful military and absolute monarchy. The current constitution instead has three key principles: sovereignty of the people, respect for fundamental human rights and renunciation of war.

As you can see, the meaning of the paragraph created by the deconstruct/reconstruct method and the one upon which it is based is exactly the same. Both paragraphs discuss the system of government in Japan, and both paragraphs use similar information in this discussion. However, because the deconstruct/reconstruct method has been used, the written text itself is completely different. The author has synthesised information and created an original piece of writing.

1.5.3 Let me do it

Complete the following activity to practise this skill.

1.5 ACTIVITY

Practise the skill of using the deconstruct/reconstruct method by choosing any paragraph from this resource and applying the three steps of the process. To do this complete the step-by-step **worksheet** from the Resources panel.

LESSON

1.6 SkillBuilder: Conducting an interview

LEARNING INTENTION

By the end of this lesson you should be able to conduct an interview.

In Year 10 conducting interviews can help you understand an issue or problem from different perspectives, so that you can better understand which strategies or actions might provide the best outcome for everyone involved.

1.6.1 Tell me

An interview is a conversation with some sort of purpose between two or more people. Questions will be asked by the interviewer(s) to obtain information, facts or statements from the person(s) being interviewed. Interviews can be conducted face-to-face between two people or in small groups, or by some form of communications technology such as the telephone or internet.

Why is conducting an interview useful?

An interview is important because it allows the interviewer to gather a wide range of views and facts. Interviews can reveal information about people's values, motivations, attitudes and feelings.

FIGURE 1 Interviewing a person allows the interviewer to gather a wide range of views and facts.



1.6.2 Show me

Step 1

Establish your goal

What do you want to find out from the person?

If you are interviewing someone well-known, do some preliminary research so that your questions are well targeted. Learn the basic facts about the topic you're interviewing the person about; try to discover a topic that you either can't find any information about or that might have been reported in slightly different ways. These areas of ambiguity or differing perspective about a person might provide interesting directions for questioning.

If you are interviewing someone who is not well known, you may need to ask more questions in the interview to get this basic information.

Step 2

Plan your line of questioning

Plan the questions you will need to ask the person at an interview. You could use the 5W and 1H approach to help formulate your questions. Often, people who have a public profile will want to see the questions you plan to ask in advance, sometimes before they agree to the interview.

Step 3

Schedule your interview

If you are interviewing a specific person, organise a time in advance for the interview. Be prepared to negotiate the time and place. When you ask them if they will agree to be interviewed, let them know what you are interviewing them for: the final product you will produce and who will read or view it.

Before your interview day and time, send a confirmation to the person you are interviewing. Include the day, time and place you are meeting. Thank them for agreeing to the interview.

Generally, it is best to interview people in person, but you can also conduct phone or video-chat interviews. If you are interviewing a person that you do not know well, and you want to interview them in person, organise to meet in a public location, like a café or public library.

Step 4

Conducting your interview

A good interview is more like a conversation than a series of questions and answers. Always use your questions to keep the conversation on track, but don't be afraid to ask follow-up questions or ask for more information if your subject tells you something interesting and relevant that you don't anticipate.

Make eye contact as your subject answers your questions. Use positive and friendly body language.

There are a few ways that you can record the details of your interview, each has benefits and drawbacks. If you are required to submit a transcript, you will need to either audio or video record it.

Method	Positives	Negatives
Writing notes	Quick to review	Potential to misquote Hard to record a lot of information and talk at the same time
Audio recording	Easier to record Can review and replay to get quotes exact	Slower to review and find specific information May have technical issues (power, sound quality)
Video recording	Easier to record Can review and replay to get quotes exact	Can be intimidating or off-putting for some people Slower to review and find specific information May have technical issues (power, quality, etc.)

Etiquette for interviews

- Be polite.
- Be on time.
- Dress appropriately for the situation. If you are meeting someone in their office, you should be dressed neatly (if in doubt, wear your school uniform).
- Before you ask any questions, remind them why you are doing the interview and what will happen to their responses (how you will be using the information).
- Always thank the person for their time.

Step 4

If you have recorded the interview and need to submit a transcript, write out the interview (word for word) using proper sentences and headings. Present the transcript so that it is easy to read.

1.6.3 Let me do it

Complete the following activities to practise this skill.

1.6 ACTIVITIES

You can also complete a step-by-step **worksheet** from the Resources panel.

1. **Conduct** an interview with a person with connections to a country in the Asia region. Use the following questions to guide your interview. You should add more to enhance the information you collect in the interview:
 - a. What country in the Asia region do you have connections to?
 - b. In what country do you currently live?
 - c. What values do you associate with Australia's system of government?
 - d. What values do you associate with the country in the Asia region that you have connections to?
 - e. Can you see any similarities or differences between the values of Australia's system of government and those of the country in the Asia region that you have connections to?
 - f. How much do you think Australia should spend on foreign aid?
2. After completing your interview, write a transcript of it. **Decide** whether your transcript will follow a simple question-and-answer format, or be written like a narrative (a written account of the interview). **Create** a heading for the transcript, then write a short introductory paragraph preceding the transcript **outlining** who you interviewed, when the interview took place and what the interview was about (a **summary** of your main questions).

FIGURE 2 Make sure you take notes in the interview and then transcribe them afterwards.



LESSON

1.7 SkillBuilder: Using and referencing quotes

LEARNING INTENTION

By the end of this lesson you should be able to use and reference quotes.

Using and referencing quotes accurately is important for communicating your ideas effectively. At a Year 10 level you are expected to know and use appropriate ethical protocols, including specific formats for acknowledging other people's information, and understand that these formats vary between organisations.

1.7.1 Tell me

Why is it important to reference quotes?

When writing an essay, assignment or report, you need to include evidence to support your arguments. If this evidence takes the form of a quote or includes the use of statistics, then you must show the reader where this information came from. This can be done through the use of a referencing system.

There are many different referencing systems used throughout the academic world. Some systems were developed at the world's leading universities and so bear their names. The Harvard and Oxford systems are examples of these, and they happen to be the two most widely used referencing systems.

- The Harvard system uses in-text references in the form of parentheses, or brackets, containing the author's name and the year of publication, like this: (Smith, 2014).
- The Oxford referencing system uses numbered footnotes. A footnote lists bibliographical information at the foot (bottom) of a page and the number corresponding to that footnote at the end of the relevant section of text, usually a sentence, like this.¹ (*Note: The footnote here does not actually reference anything but is just used as an example of what a footnote number looks like.*)

The Harvard referencing system has its origins in the scientific field. A simple and direct system, it was later adopted by the wider academic community. Due to its simplicity and ease of use, the Harvard system has become more widely used than its Oxford counterpart.

The HASS skills chapters of this series teach you how to use the Harvard system to create lists of references for your research. In this lesson you will learn the next part of the system: how to incorporate quotes into your written work.

1.7.2 Show me

Step 1

There are four techniques for incorporating other people's ideas and information into your work, and you should choose the one that works best for a particular information and the way you are communicating your ideas. News articles may rely more on direct quotes, an essay may include more paraphrased ideas.

	Definition	Example	Ethical protocols
Direct quote	A direct quote is an exact copy of the words and structure of the author shown in quotation marks.	'The Harvard system is far better than its Oxford counterpart.' (Smith, 2020, p. 12)	Always ensure you quote exactly, word-for-word
Edited quote	A slightly edited version of what the author has written, either taking words out or adding them in.	Smith (2014, p. 12) claims that '... Harvard is [a] far better [system] than its Oxford counterpart.'	Use only to make the quote fit the grammar of a sentence. Ensure that the original idea or message of the author is reflected in your quote; twisting their words to change the meaning is unethical Always show where you have made edits. Three dots show you have taken words out. Square brackets show you have added words.
Paraphrased information	A paraphrased idea has been rewritten in completely new words and structure.	It has been suggested that Oxford referencing is inferior to the Harvard style (Smith, 2014, p. 12).	Do not use their words or structure. The meaning of the information must be the same.

Does it count if I replace a few words with the thesaurus?

Using someone else's words and writing structure, but swapping in a few synonyms here and there, is still plagiarising even though the text is not exactly the same. You are using another writer's basic structure and most of their words without acknowledging it. Many teachers and publications use software or web services to detect exactly this kind of plagiarism. Do the right thing: cite your sources.

Step 2

Each of the different types of reference requires different types of in-text referencing. Understanding the different types and the rules for citation will help you to include the information correctly.

Methods of in-text referencing for each type of quote:

Type of citation	How to reference it	Example
Paraphrase (simple)	Include the author's surname and the year the source text was published in parentheses at the end of a sentence.	The information was easy to find; social media sites were publishing it (Smith, 2019).
Paraphrase (using the author's name in your sentence)	Include the year of publication in parenthesis directly after your rewriting of the information.	The information was easy to find, as Smith (2019) demonstrated, many social media sites were publishing it.
Direct quotes (less than three lines of your writing)	<ul style="list-style-type: none"> Add the author's surname and the year the source was published in parentheses at the end of a sentence <i>and</i> page number of the reference. Write the whole quote in quotation marks. 	'Social media sites published this information' (Smith, 2019, p. 12).

Type of citation	How to reference it	Example
Direct quotes (more than three lines of your writing)	<ul style="list-style-type: none"> • Add the author's surname and the year the source was published in parentheses at the end of a sentence <i>and</i> page number of the reference. • Include substantial quotes as a separate paragraph. To differentiate the quote from the regular text, this paragraph is usually indented from the left and right and written with a slightly smaller font or different line spacing. 	The information that influenced voters was easy to find. Social media sites published this information widely in a number of countries. The course of the original posts, however, were impossible for us to trace. (Smith, 2019, p. 12)
Using the author's name in your sentence	Include the year of publication directly after this, again in parentheses.	The information was easy to find, as Smith (2019) demonstrated, many social media sites were publishing it.

1.7.3 Let me do it

Complete the following activity to practise this skill.

1.7 ACTIVITY

You can complete a step-by-step **worksheet** from the Resources panel.

- Select** three separate sources of information about an issue in federal politics this week. (Try to use different kinds of sources.)
- Write your own point of view about this issue, incorporating four references to your sources — one using each of the techniques shown above (direct quote, edited quote, substantial quote and paraphrased quote).

LESSON

1.8 SkillBuilder: Analysing political cartoons

LEARNING INTENTION

By the end of this lesson you should be able to analyse a political cartoon.

Analysing political cartoons is an important way of engaging with and examining current political issues. In Year 10 you should be able to identify, explain and provide a contrary perspective to those presented in texts.

1.8.1 Tell me

Political cartoons are created to critique and sometimes ridicule political decisions, views and politicians themselves using caricature (pictures of people that have had some of their features or mannerisms purposely distorted or exaggerated for comic effect). They also use visual and language tools such as exaggeration, irony and absurdity.

Bias is where a person presents information based on their own views, rather than facts. It may be done on purpose as the author is trying to persuade the reader, but it could be unconscious — the author presents information according to their views but they are not doing it on purpose. This is not always an issue but it is necessary to be able to identify when this happens as it could have serious consequences particularly in the application of the law and the potential to undermine justice. Identifying bias occurs through examining the language that the author uses as well as the data they present to support their views. The data could be based on flawed surveys or have been manipulated to support a particular viewpoint.

The examples in this subtopic relate to analysing bias in cartoons, but the same process applies to any source of information.

1.8.2 Show me

Step 1

Look closely at the visuals. The colours, facial expressions of the people, symbols and style will give clues about the message and help you to interpret the point of view perspective. Drawing up a table to collect your observations will help with the next stage of the process.

For example, some of the notes you might make about the cartoon in **FIGURE 1** are included in the left column.

Feature	Description	Possible interpretations
Rubbish on the ground	Seems to be how to vote cards — shown as litter.	
Brown 'fumes' coming from political party booths	Political parties all have the same bad smell.	
Voter holding his nose	Political parties all have the same bad smell.	

FIGURE 1 2019 Australian federal election cartoon



Source: <https://saltbushclub.com/2019/04/28/how-to-vote>.

Step 2

Then look at the language used in the image or the caption, if there is one. This will give another clue about the reaction the author is trying to illicit in the reader. For example, is it designed to make the reader feel angry, sad, victimised or to take a certain viewpoint? The language used by an author can be very subtle — it may not be obvious what the author wants the reader to feel as some terminology is not as emotive as others.

Add your observations to your table of notes. At this stage, you might also add questions to consider as well as observations.

Feature	Description	Possible interpretations
Rubbish on the ground	Seems to be how to vote cards — shown as litter.	
Brown 'fumes' coming from political party booths	Political parties all have the same bad smell.	
Voter holding his nose	Political parties all have the same bad smell.	
Text on how to vote cards	Writing is indistinguishable.	
Party booths all labelled with their name and party colour	All lettering and booths are the same, only the colours are different.	

Step 3

Cartoons will generally represent one main viewpoint of an issue rather than show the broad range of points of view. Connect what you see with the overall perspective of the cartoon. **FIGURE 1** is suggesting that none of the four political parties represented in the cartoon are worth the voter's consideration — they all 'stink'.

Complete your table by explaining how what you see helps to support the message of the cartoon. This might help you to answer some questions, but will probably raise many others. Try to think of as many possible, plausible interpretations of what you see. This is a good way of practising thinking how different images or words can mean a variety of different things, and reveal a range of perspectives if used in a slightly different context.

Political cartoons also often operate on multiple levels (different layers of meaning) so don't feel that you have to come up with one, definitive 'correct' interpretation. There is often more than one message that can be taken from a political cartoon. For example, some of the possible interpretations you could make based on **FIGURE 1** include the following.

Feature	Description	Possible interpretations
Rubbish on the ground	Seems to be how to vote cards — shown as litter.	<ul style="list-style-type: none"> The advice about voting given by parties is rubbish. They are polluting the streets with their ideas.
Brown 'fumes' coming from political party booths	Political parties all have the same bad smell.	<ul style="list-style-type: none"> The four main political parties are rotting. They smell like sewerage (the booths look like old outdoor toilets).
Voter holding his nose	Political parties all have the same bad smell.	<ul style="list-style-type: none"> Reinforces the politicians are 'on the nose'. Voter is not interested in their ideas.
Text on how to vote cards	Writing is indistinguishable.	<ul style="list-style-type: none"> Their messages might as well all be the same.
Party booths all labelled with their name and party colour	All lettering and booths are the same, only the colours are different.	<ul style="list-style-type: none"> Reinforces the parties are all different variations of the same thing.

DISCUSS

- Are the people in this cartoon caricatures?
- Or are they symbols representing a type of person?
- Is there a difference?
- How might the cartoon be changed to show the opposite perspective?

Step 4

You may be asked to write an extended response analysing a political cartoon. In this case, use your table to structure your response paragraphs. For example:

- Identify a feature (visual or text).
This cartoon shows the ground outside a polling booth covered in discarded how-to-vote cards.
- Give a description.
The cards are indistinguishable from each other and are spread across the ground in front of all of the candidates.
- Provide an interpretation.
This suggests that the election materials might as well all contain the same 'rubbish' or pointless, wasted message. It might also be hinting that the messages and ideas of political parties — as explained in their election materials — are polluting the streets, that is, making the country messier and uglier.
- Conclude by stating how these observations support your interpretation of the cartoon as a whole.
This reinforces the cartoonist's perspective that none of the four major Australian political parties are worth voting for, and the message that voters should ignore them when it comes time to vote.

1.8.3 Let me do it

Complete the following activity to practise this skill.

1.8 ACTIVITY

Practise the skill of **analysing** using the political cartoon in **FIGURE 2**. To do this you can complete a step-by-step **worksheet** from the Resources panel.

FIGURE 2 The day the circus came to town, from *The Canberra Times*, 6 November 2018



LESSON

1.9 SkillBuilder: Writing essays

LEARNING INTENTION

By the end of this lesson you should be able to write an essay.

Extended response and essay writing are important skills in Civics and Citizenship. It is important to be able to explain information in detail and present evidence that supports the ideas in an objective and unbiased way. This subtopic focusses on refining the structure of your essays, and ensuring you answer the question or topic that has been given.

1.9.1 Tell me

As you have learned in earlier years, an effective essay has three main three parts:

- introduction (outline of the essay)
- body (multiple paragraphs each with a clear structure and addressing a different, single idea in detail)
- conclusion (overview of the essay).

These elements link together to present the information to the reader. Overall, an essay should clearly explain the background of an issue, contain evidence and examples and, most importantly, answer the question that has been asked. This might seem obvious, but many students fall into the trap of writing about what they know in an essay, rather than answering the specifics of the question that has been asked. The connection between what you are writing and the question should be clear at every stage of your essay.

1.9.2 Show me

Step 1

Refining your introductions

An introduction is a paragraph that outlines the direction of the essay. It usually includes reference to the question or topic, two or three key definitions and an outline of the evidence used to support the points. It should also include a thesis statement; this is a sentence that addresses the question and makes the general direction of the essay clear.

FIGURE 1 The United Nations brings the countries of the world together. Why do you think all the flags are on display?



For example:

- Question: The United Nations is an important body in managing international relations. Discuss this statement.
- Thesis: The statement ‘The United Nations is an important body in managing international relations’ is extremely valid.
- Thesis: The United Nations is a body of enormous influence and has contributed significantly to international co-operation.

The rest of the introduction should outline the evidence and examples used to support the thesis. It should also follow a full paragraph structure.

A clear introduction also helps you to show that you will answer the question in the way that is being asked. In the following example, students are being asked to ‘discuss’. A ‘discuss’ extended response requires you to identify and give arguments for and/or against. This means you can answer with an essay that agrees, disagrees or provides some points each way. Remember: some of the most thoughtful and well-supported views in Civics and Citizenship show that you understand there are many different perspectives on an issue. A ‘discuss’ question helps you to show the ‘grey areas’ of an issue. In contrast, if the question was reworded to ‘Argue that the United Nations is an important body in managing international relations’ (or make a case that ...) you are being asked to defend a specific point of view — you can only show the other side to explain why it is wrong.

Step 2

Clear argument paragraphs

An argument paragraph is a section of an essay that presents a point of view. Beginning with a topic sentence, the paragraph will then explain the point of view and support it with evidence. Finally, a linking sentence will draw the reader’s attention back to the key questions being discussed. In this way, an argument paragraph follows the TEEL structure.

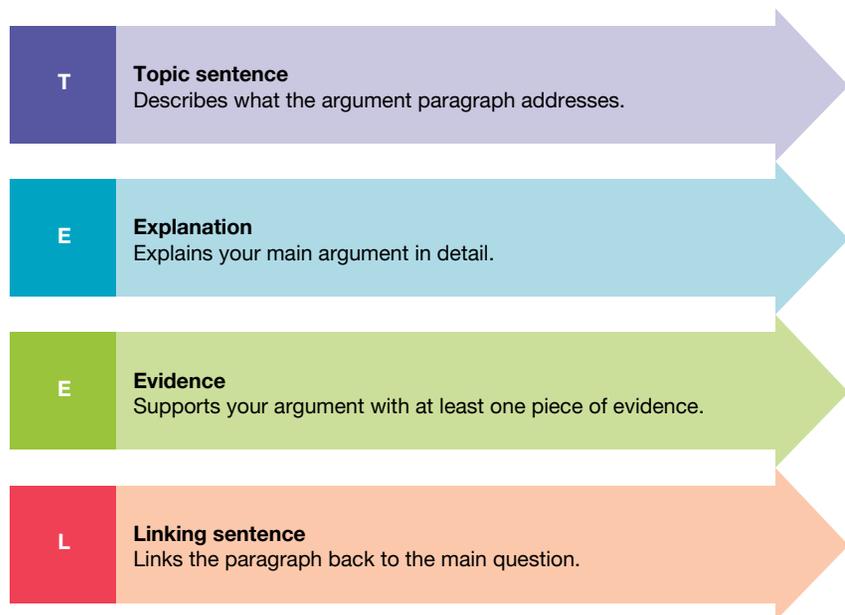
This structure will already be familiar from previous years of HASS. As your essay writing becomes more sophisticated and your ideas more complex, you might need to move away from this rigid structure a little to be able to explain and support your ideas effectively.

Imagine that, after completing this topic, your teacher asks you to write an essay on the following:

Discuss the potential for foreign interference in elections in a country such as Australia.

The following paragraph is an example of the kind of paragraph you would find in this essay; however, the structure blends together the ‘two Es’ of TEEL to provide a more fluid and connected piece of writing.

FIGURE 2 The TEEL structure for writing an essay



Australia is a democratic country and has a number of measures in place to protect the integrity of the system; however, there is the potential for foreign powers to interfere in the democratic process. They may, for example, attempt to influence the outcome of an election with a view to gaining power and influence in the decision-making process. This could include reviewing foreign investments, building major infrastructure projects or gaining seats in parliament in an attempt to subvert procedures. Evidence of how easily this influence might occur in Australia has been seen in other democratic country's recent electoral campaigns. In the 2016 US presidential election, it was claimed that Russian operatives tried to influence voter opinion through social media, posing as Americans and sharing propaganda that criticised Hilary Clinton. Currently, Australia has no laws governing truth in political advertising, high levels of social media use and no online advertising black-out law. These factors combine to provide an easy opportunity for foreign entities to interfere in the Australian electoral process in the same way — right up until the final vote is cast.

How many paragraphs should an essay have?



Have you ever heard the saying 'how long is a piece of string'? There is no definite answer; an essay can be long or short — depending on the question and the quality of the answer. At Year 10 level you should aim to be writing essays with a clear introduction, three or four main body paragraphs and a conclusion.

Step 3

Conclusion

A conclusion is a paragraph that summarises the essay. It is sometimes described as a re-working of the Introduction but with slightly different language so it 'finishes' the argument. Don't forget that each part of your essay should reflect the direction and intention of the question you have been asked. This should be the focus of your conclusion too.

Step 4

Check the details. Never submit an essay or extended response without checking over your work carefully.

Look for:

- a clear and logical structure
- correct spelling (especially with names and subject-specific terms)
- accurate and well-referenced quotes
- strong evidence that supports your ideas.

Finally, look at the question you have been asked again:

- Have you answered all of the parts in the way you have been asked?
- Have you addressed all parts of the content referred to in the question?
- Have you answered in the right way (e.g. don't give an argument when you have been asked for a discussion)?

1.9.3 Let me do it

Complete the following activity to practise this skill.

1.9 ACTIVITY

Practise the skill in writing an essay by addressing the following:

Discuss the potential for foreign interference in elections in a country such as Australia.

You will need to do some **research** before writing your practice paragraphs. You can also complete a step-by-step **worksheet** from the Resources panel to help you with this task.

LESSON

1.10 SkillBuilder: Writing a feature article

LEARNING INTENTION

By the end of this lesson you should be able to write a feature article.

In Year 10 you are expected to write a variety of extended pieces to present arguments and information, and tailor them specifically to suit an audience and purpose.

1.10.1 Tell me

A feature article is a news article that is written to present more in-depth information or analysis of an issue. They are often written by experts in a particular topic or journalists with specialist knowledge gained through detailed investigation or analysis.

1.10.2 Show me

The steps for writing a feature article uses examples from this piece, published by UNICEF.

STILL 'A LONG WAY TO GO' IN CORONAVIRUS BATTLE, WHO CHIEF WARNS

A lone pedestrian in Piazza Del Duomo, a space normally crowded with thousands of visitors.



Source: © UNICEF/Francesco Spighi/The Florentine 22 April 2020.

Health

The head of the World Health Organization (WHO) has warned against complacency as countries continue to confront COVID-19 and citizens grow weary of stay-at-home measures aimed at preventing the spread of the disease.

Speaking on Wednesday, WHO chief Tedros Adhanom Ghebreyesus reported that most countries are still in the very early stages of their epidemics, while some that had been affected earlier are now starting to see a resurgence in cases.

'Make no mistake: we have a long way to go. This virus will be with us for a long time', he stated.

The global COVID-19 caseload has reached nearly 2.5 million, and more than 160,000 deaths.

While most of the epidemics in Western Europe appear to be stable or declining, 'worrying upward trends' are visible in Africa, Central America, South America and Eastern Europe, despite low case numbers.

'There's no question that #StayHome orders and other physical distancing measures have successfully suppressed transmission in many countries.

But this virus remains extremely dangerous' -@DrTedros #COVID19 — World Health Organization (WHO) (@WHO) April 22, 2020

Tedros told journalists that although lockdowns and physical distancing have helped suppress transmission in many countries, the virus remains 'extremely dangerous'.

Most of the global population continues to be highly susceptible, which means epidemics can easily re-ignite.

Tired of being home

'One of the greatest dangers we face now is complacency. People in countries with stay-at-home orders are understandably frustrated with being confined to their homes for weeks on end', he said.

'People understandably want to get on with their lives, because their lives and livelihoods are at stake. That's what WHO wants too. And that's what we are working for, all day, every day.'

However, Tedros said moving forward will have to mean accepting 'a new normal', and forging a world that is healthier, safer and better prepared.

He underlined the six public health measures WHO has been advocating since the pandemic started, which centre around detection, isolation, testing, treatment and quarantine

The last step involves educating and empowering the public.

'Countries that don't do these six central things, and do them consistently, will see more cases, and more lives will be lost', said Tedros.

Mobile message initiative

Telecommunications companies across the world are being encouraged to support a WHO initiative to provide COVID-19 information via mobile text messages, announced earlier this week in conjunction with sister UN agency, the International Telecommunication Union (ITU).

The goal is to help reach the half of the global population that lacks internet access, starting in the Asia-Pacific region before a global rollout.

'We also issued a call with the World Trade Organization, calling on countries to ensure the normal cross-border flow of vital medical supplies and other goods and services, and to resolve unnecessary disruptions to global supply chains', Tedros further reported.

'We need to ensure these products reach those in need quickly, and we emphasize the importance of regulatory cooperation and international standards.'

Solidarity, not stigma

In addition to fighting the new coronavirus disease, WHO is also working to stamp out related stigma and discrimination.

There have been 'disturbing reports' about COVID-19 discrimination in many countries, and in all regions, according to Tedros.

'Stigma and discrimination are never acceptable anywhere at anytime, and must be fought in all countries', he said, adding, 'as I have said many times, this is a time for solidarity, not stigma'.

Strain on the brain

The UN agency has also been addressing the pandemic's impact on mental health.

WHO has produced technical guidance for individuals and health workers, who are under enormous strain at this time.

Meanwhile, a free children's book about COVID-19, which the agency recently launched, is being used among Rohingya refugee children in Bangladesh, and children in Syria, Yemen, Iraq, Greece and Nigeria.

WHO has also received requests to translate the book into more than 100 languages.

The book, *My Hero is You: How kids can fight COVID-19*, uses a fantasy creature called Ario who explains how children can not only protect themselves from the disease but also how to manage difficult emotions that may arise as a result of the pandemic.

Source: <https://news.un.org/en/story/2020/04/1062372>

Step 1

Understanding the point of view

Feature articles are usually written in a mixture of first- and third-person point of view.

- First person (I, me, my, we, us, our) may be used to establish a relationship with the reader, in direct quotes or to provide anecdotes.
 - 'And that's what we are working for, all day, every day.'
 - 'One of the greatest dangers we face now is complacency...'
- Third person (he, she, they, their or referring to people/organisations by name) sounds more objective and detached; it is generally used where the author is providing a general overview, history or outlining details of the issue and events.
 - 'He underlined the six public health measures WHO has been advocating since the pandemic started, which centre around detection, isolation, testing, treatment and quarantine.'

Step 2

Using language features purposefully

Depending on the topic, the language used in a feature article can vary significantly. This is because a feature article is not as formal as a written report or an essay so the rules for perspective, bias and opinion are much more relaxed.

Some of the language choices you might make are outlined in the following table.

Language choice	Use to create	Examples (modified) from the UNICEF article
Formality	Informal language (colloquial, relaxed) creates a personal tone	WHO is also working to stamp out related stigma and discrimination.
	Formal language sounds more authoritative and knowledgeable	WHO is also working to irradicate related stigma and discrimination.
Tense	Present tense: to make thing sound immediate and current (the most common for most feature articles)	WHO is receiving requests to ... WHO has also received requests to ...
	Past tense: to explain what happened	WHO will receive requests to ...
	Future tense: to suggest possibilities or predictions	

Language choice	Use to create	Examples (modified) from the UNICEF article
Sentence length	<p>Short: gives an urgent tone (or using parts of sentences) if used as a one-off but can be monotonous if used in a row</p> <p>Varied: more fluid to read</p> <p>Long: can be confusing if not well written, but can better show the complexity of an idea or issue</p>	<p>Most of the epidemics in Western Europe appear to be stable or declining. There are worrying upward trends visible. These are occurring in Africa, Central America, South America and Eastern Europe. This is despite the low case numbers.</p> <p>While most of the epidemics in Western Europe appear to be stable or declining, ‘worrying upward trends’ are visible in Africa, Central America, South America and Eastern Europe, despite low case numbers.</p>
Jargon	Technical language used by people in a specific field, emphasises expertise and gives a sense of authority	<p>COVID-19 caseload</p> <p>global supply chains</p>
Contractions	<p>Sounds more conversational and relaxed, if used</p> <p>Sounds formal or academic if full words used</p>	<p>That’s what WHO wants too. And that’s what we are working for, all day, every day.</p> <p>That is what the World Health Organization wants too. And that is what we are working for, all day, every day.</p>
Anecdotes	Used to add interest and personalise the writer	There are no examples in this article, but an anecdote about a child reading <i>My Hero is You: How kids can fight COVID-19</i> would not be out of place at the end of the article.
Evidence and facts	Used to validate and support the writer’s perspective	COVID-19 caseload has reached nearly 2.5 million, and more than 160 000 deaths.
Humour	Adds entertainment value, engages reader, can be used to emphasise with exaggeration; humour should be used very carefully in articles about serious issues	
Rhetorical questions	Used to force readers to think in a specific way — only one way to respond	<p>There are no examples in this article, but examples generally, include:</p> <p>What else are we to do but keep fighting?</p>
Emotive language	Provokes a personal response in the reader	under enormous strain at this time
Direct quotes	Can often personalise the topic, especially if the article relates to a particular person or subject	“Stigma and discrimination are never acceptable anywhere at anytime, and must be fought in all countries”, he said, adding, “as I have said many times, this is a time for solidarity, not stigma.”
Figurative language	Used to engage the reader’s imagination (eg. imagery, simile, description)	epidemics can easily re-ignite

Step 3

Creating a clear structure

The structure of a feature article can generally be divided into three main sections.

- Introductory section
 - **Headline:** identifies the focus of the article; usually attention grabbing
 - **Subheading:** provides a point of view or insight into the perspective
 - **By-line:** identifies the expert or journalist writing the report

- Hook: interesting first sentence that ‘hooks’ readers’ attention and establishes a point of view through a direct statement, example or hypothetical question
- Introductory paragraph: expands on the hook and establishes the writer’s tone and focus
- Body
 - Paragraph 2: the first main point
 - An explanation of how this person/issue has contributed to society. It should be an interpretation of events in the author’s own words.
 - Paragraph 3 onwards: further main points to explain events or achievements about the person/issue to inform the reader or perhaps to delve into the issue in more detail
 - Facts, evidence, quotes, challenging questions to the reader, opinions included in these paragraphs
 - Photographs, tables, diagrams and graphs often used to provide facts or evidence to support the author’s explanation and interpretation of the person/issue/events
 - May include highlighted pieces of text or quotes to emphasise specific events or quotes
- Conclusion
 - Leaves an impression on the reader by:
 - summarising the article’s main idea
 - suggesting an appropriate course of action, or
 - encouraging a change of attitude or opinion.

1.10.3 Let me do it

Complete the following activity to practise this skill.

1.10 ACTIVITY

Practise the skill of writing a feature article using one of the following topics:

- Australia’s level of foreign aid
- Australia’s compliance with an international treaty
- An international organisation (eg UNICEF).

Ensure the article includes relevant graphics (e.g. pictures, photos, tables or graphs) and sources are correctly referenced.

You can also complete a step-by-step **worksheet** from the Resources panel to help you with this task.

LESSON

1.11 SkillBuilder: Debating an issue

LEARNING INTENTION

By the end of this lesson you should be able to debate an issue.

In Year 10 you are expected to deliver arguments and information as oral presentations tailored to engage and/or persuade a specific audience.

1.11.1 Tell me

What is a debate?

Debating turns arguing into a sport, complete with set positions, rules and a points system. In a regular debate, two teams of three debaters argue opposing sides of an issue. This issue is presented as a statement that can be researched, analysed and then debated. For example: 'Stereotypes decrease social cohesion'. After hearing all six speakers, judges decide which side spoke the best and presented the most convincing arguments.

Why is debating useful?

Formal debating is not like a discussion you may have with your family or friends. A debate requires that you properly investigate an issue and consider both sides of the argument. Debating not only develops your communication skills, it also teaches you the importance of research and preparation. Many politicians, lawyers and businesspeople often remark that their involvement in school debating competitions helped develop skills and confidence that they use today.

FIGURE 1 Debates are often used in politics, particularly during elections. What purpose do they serve during this time?



1.11.2 Show me

How to prepare for a debate

A formal debate follows a set of rules. In a debating contest (for example, in school) there are two teams of three speakers, each of whom plays a defined role. One team argues in favour of the topic (the affirmative team) and the other team argues against the topic (the negative team). You can prepare for a debate by using the following steps.

Step 1

Form a team of three people. Find out whether your team is to debate in favour of or against the topic. As a team, examine the topic carefully and discuss what you think it is about. You may need to use a dictionary to find a definition of key words contained in the topic statement.

Step 2

Work out what arguments support your team's case. List them in order of importance.

Step 3

Work out what arguments do not support your team's case. This will help you to anticipate what your opponents will say.

Step 4

Carry out research to help fully develop your arguments. As part of your research, consider interviewing other students and the adults you know to learn their attitudes to the issue.

Step 5

1. Divide the arguments you have collected among the members of the team.
2. Decide which team members will be the first, second and third speaker. Agree on what each member will say.

Conduct of the debate

The members of each team take it in turn to present their arguments in three to four minutes. The affirmative team's first speaker starts the debate. The following case study illustrates how a formal debate is conducted.

Affirmative team

The first speaker should:

1. greet the audience
2. state which team they are representing and what the topic is
3. introduce the other members of their team, their role and the team's view
4. argue the team's case and state how the second speaker will build on this case.

The second speaker should:

1. explain how his or her speech will build on the affirmative team's view
2. argue against (rebut) the first speaker from the negative team
3. add new examples to support the affirmative team's view.

The third speaker should:

1. argue against (rebut) the negative team's case
2. summarise the main arguments of the debate
3. restate the affirmative view, explaining why it is the stronger case
4. avoid introducing new arguments.

Negative team

The first speaker should:

1. introduce the team members, describe their role and the team's view
2. state that the negative team doesn't accept the affirmative team's view of the topic
3. argue against (rebut) the points made by the first speaker of the affirmative team
4. state how the second negative speaker will build on the team's case.

FIGURE 2 It's important to state your arguments clearly and confidently.



The second speaker should:

1. explain how his or her speech will build on the negative team's view
2. argue against (rebut) the two previous speakers from the affirmative team
3. add new examples to support the negative team's view.

The third speaker should:

1. argue against (rebut) the affirmative team's case
2. summarise the main arguments of the debate
3. restate the negative view, explaining why it is the stronger case
4. avoid introducing any new material.

Elements of a good debate

A good debate:

- has members from each team taking turns to present their cases
- starts with the first speaker from each team introducing their team and their team's view
- continues with the second speakers rebutting the previous speakers and adding new examples to support their team's view
- finishes with the third speakers rebutting the other team's case, summarising the main arguments and restating their team's view
- has arguments that only take three to four minutes.

1.11.3 Let me do it

Complete the following activities to practise this skill.

1.11 ACTIVITIES

With the assistance of your teacher, your class will participate in a series of debates.

1. Divide your class into teams, each containing three debaters. Ensure that there is an even number of teams.
2. Competing teams will then choose a topic from the following list.
 - a. Australia is not giving enough foreign aid in the Asia–Pacific region.
 - b. The costs of peacekeeping missions for Australia have far outweighs the gains.
 - c. Australia should cut ties with the United Nations for our national interest.
 - d. There have been limited, if no benefit, in signing treaties in the last ten years.
3. Prepare for your debate, ensuring that each speaker's role is clearly defined as explained in this subtopic.
4. **Conduct** your debates over a series of classes, with your fellow classmates filling the role of adjudicators.

You can also complete a step-by-step **worksheet** from the Resources panel to help you with this task.

2 Regional government and global citizenship

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LESSON

2.1 Overview

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How is Australia's democracy defined and shaped by the global community, and how does Australia respond to emerging global issues?

2.1.1 Australia and democracy

Australia is an important member country within the Asia region. Our system of government is similar to those of other Asian democracies such as Japan, India and Indonesia, but there are also some differences. Other countries such as China and Vietnam are considered to have a non-democratic system of government. One of the key features of the system of government in Australia is democracy, which means that sovereignty lies with the people. It is the Australian people who determine how they will be governed.

Australian democracy has certain values. These include freedom of election and being elected, freedom of assembly and political participation, freedom of speech, freedom of expression, support for parliamentary democracy, freedom of religious belief, support for the rule of law and support for other basic human rights.

Governments have a responsibility to keep their constituents safe, to provide them with essential services and to protect their human rights.

In this topic, we compare the values associated with the system of government in Australia with the values associated with other countries in the Asia region and investigate the role Australia plays in our region and the world.

FIGURE 1 Australia's democracy has values that include freedom of speech and freedom of expression.



Resources



eWorkbook

Customisable worksheets for this topic (ewbk-11516)



Video eLesson

Values of governments in our region (eles-6041)

LESSON

2.2 What are the key features of Australia's system of government?

LEARNING INTENTION

By the end of this lesson you should be able to identify the key features of Australia's system of government.

TUNE IN

Democracy empowers people to have a voice in their government that can foster a sense of community and belonging.

FIGURE 1 One of the key features of Australian democracy is that 'people have a voice'.



1. What do you understand by the statement 'people have a voice'?
2. Brainstorm a list of features of Australian society that give people 'a voice'.
3. Working with a partner, explain how 'people having a voice' is related to our democratic system of government.

2.2.1 Australia's system of government

As you learned in Year 7, before **Federation**, Australia consisted of six colonies: New South Wales, South Australia, Queensland, Tasmania, Victoria and Western Australia. Each colony had its own government and the power to make laws under the control of the British monarch. During the late 1880s and 1890s, there was increasing support for the idea of the six self-governing colonies joining together to become one united nation. The Commonwealth of Australia was formed on 1 January 1901. The colonies — now called states — agreed to keep some of their law-making powers and hand over others to the new Commonwealth Parliament.

Federation the joining of the six Australian colonies to establish the federal and state parliaments

Australia is an independent country with a mixed system of government. It is both a **constitutional monarchy** and a **representative democracy**. Law-making power is divided between three levels of government — federal, state and local (see **FIGURE 4**). The *Commonwealth of Australia Constitution Act 1900* (referred to as the Australian **Constitution**) is an Act of the British Parliament. It sets out the framework for the government of Australia, including defining the powers and authority of federal government.

The political system in Australia is based on Britain's **Westminster system**. This means that the Commonwealth Parliament and all state parliaments except Queensland are **bicameral**: they each have two houses. These bicameral parliaments consist of a lower house and an upper house. The parliaments of Queensland and the territories are **unicameral**: they each have one house.

The reigning British monarch, or **Crown**, is the head of each parliament. (This is currently King Charles III.) The Crown is represented by the governor-general in the Commonwealth Parliament and by a governor in each state parliament. All of Australia's self-governed territories, except the Australian Capital Territory, have administrators.

The people of Australia choose the members of the lower house and the upper house. The members of the winning party or coalition in a federal election choose the Australian prime minister.

2.2.2 Separation of powers

The governments of democracies like Australia have three arms or branches: legislative, executive and judicial. In Australia, the framework for the operation of government is the Constitution. It provides for the idea of the **separation of powers**. This allows each arm of government to check and balance the powers of the others and thereby maintain a fair and just society.

constitutional monarchy a type of government based on a constitution with a queen or king as its head of state

representative democracy a system in which the people elect the members of government to make laws and policies on their behalf. It is sometimes referred to as an indirect democracy.

constitution a set of fundamental principles according to which a nation or state is governed

Westminster system the democratic parliamentary system based on the British system of parliament

bicameral a parliament consisting of two legislative houses, or chambers

unicameral a parliament consisting of one legislative house, or chamber

Crown the King's authority in the Australian parliament, represented by the governor-general at the federal level and a governor at the state level

separation of powers the division of government into the legislature (parliament), executive (ministers and the public service) and judiciary with the aim of providing a system of checks and balances that prevents the excessive concentration of power in one group

FIGURE 2 Australia's federal parliament comprises the Crown (the reigning British monarch or the monarch's representative, the governor-general), the upper house (the Senate) and the lower house (the House of Representatives).

The British monarch's representative



Senate (upper house)



House of Representatives (lower house)



FIGURE 3 Parliament House in Canberra, the home of the Commonwealth Parliament



The legislative arm

The legislative arm (or legislature) refers to parliament's function to make new laws or change or remove existing ones. Under the Constitution, parliament is the supreme law maker. Commonwealth Parliament consists of the House of Representatives (the lower house) and the Senate (the upper house), as well as the Crown (the governor-general as the representative of the British monarch).

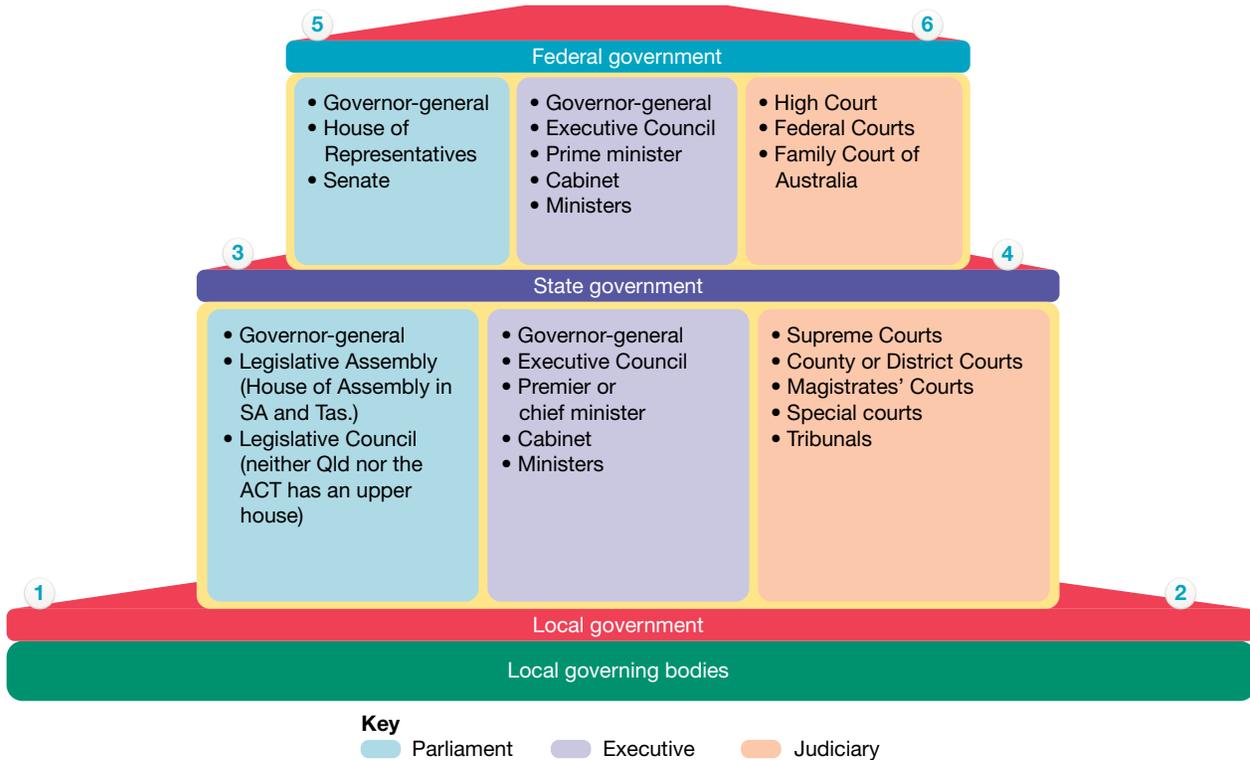
Any draft law is known as a Bill. To become a law, the Bill must be read, debated and voted on by both houses of parliament and then approved by the governor-general. A law that has been passed by parliament is called legislation, a statute or an Act.

The executive arm

The **executive** arm administers the legislation passed by parliament. Executive power officially lies with the governor-general or the governor, representing the Crown, but government ministers and the public service actually exercise this power. For example, the Department of Health is an Australian public service department that administers the running of Australia's health system. The head of this department reports to the Minister for Health.

executive another name for the government

FIGURE 4 The division and separation of powers in Australia



1 Local government

There are around 900 local government bodies in Australia (usually called councils).

Council members are called aldermen or councillors. The head of the council is called a mayor or a shire president.

Councils operate under state laws. They make rules, called by-laws, on local issues.

Local governing bodies

Local governing bodies service the needs of cities, towns and communities in municipalities and shires.

2 Local government responsibilities

Town planning, streets and bridges, sewerage, water supply, swimming pools, public libraries, education (kindergartens) and rubbish collection

3 State government

Each of Australia's six states and two territories has its own parliament. All parliaments have lower houses. All but Queensland and the two territories have upper houses (legislative councils). The process of government is similar to that of the federal government. However, the head of government is the premier (or chief minister in the territories) and the head of state (who represents the British monarch) is the governor.

4 State government responsibilities

Health (hospitals), police services, tourism, housing, state roads, education (primary and secondary schools) and environmental protection

5 Federal government

There are two houses of federal parliament — an upper house and a lower house.

The prime minister is the head of government. Ministers are appointed to look after particular government portfolios or departments.

The Cabinet, which includes the prime minister and a group of senior ministers, makes the key government decisions.

The Executive Council is chaired by the governor-general, who represents the British monarch as head of state.

6 Federal government responsibilities

Employment, trade, defence, airports, immigration, pensions, taxation, shipping, foreign affairs, health (Medicare) and education (universities, colleges, grants to schools)

The judicial arm

The judicial arm (consisting of the **judiciary** and the courts) makes judgements about the law. It is responsible for settling disputes and enforcing the law. The High Court of Australia is responsible for interpreting and applying the Constitution. It ensures that the other arms of government do not act in a way that is outside the powers granted by the Constitution. The judiciary can, for example, declare that laws passed by Parliament are unconstitutional, or require particular actions if they believe that a branch of government is not performing a constitutional duty.

Australia does not have a true separation of powers

There is some overlap between the three arms or branches within Australia. For example, the prime minister and ministers are part of both the legislative and executive arms. High Court judges (judicial) are appointed by the governor-general (executive) on the recommendation of the Cabinet (legislative).

judiciary the collective name given to the judges who preside over law courts

preferential voting a system in which voters are required to number all candidates on the ballot paper in order of preference. If no candidate wins more than 50 per cent of the vote, the preferences are distributed until one candidate has a majority of votes.

absolute majority half the number of votes received in an election plus one

formal vote a ballot paper that has been filled out correctly

2.2.3 Elections in Australia

As you learned in Year 7, one of the key features of Australia's democratic system of government is that every few years Australians are given the opportunity to choose who they want to represent them in elections. This occurs at all three levels of government:

- The people of Australia vote to elect members into both houses of federal parliament.
- The people of a state or territory vote to elect members into their state or territory parliament.
- The residents or property owners in a local council area are eligible to vote for local council representatives.

Voting in Australian elections is compulsory for all citizens over 18 years of age.

The House of Representatives

The House of Representatives uses **preferential voting**. Voters are given a green ballot paper, as shown in **FIGURE 5**. A number must be placed beside each candidate in the following way:

1. Place a number in each box, with the number 1 being your most preferred candidate. Number all the boxes.
2. Place a 2 next to your next most preferred candidate.
3. Continue numbering the boxes until you have used them all. In **FIGURE 5** your least preferred candidate will be number 8.
4. A formal vote will have a different number in each box.
5. A ballot paper that is not filled in correctly is informal and will not count.

To win a seat in the House of Representatives, a candidate must get an **absolute majority** — half the number of **formal votes** plus one. Some candidates are fortunate; they get an absolute majority with first-preference votes. When no candidate has an absolute majority of first-preference votes, voter preferences are counted. You can watch a short video and read a fact sheet on voting for the House of Representatives by going to the weblinks in your online Resources.

FIGURE 5 Ballot paper for a House of Representatives seat

House of Representatives
Ballot Paper

State
Electoral Division of Division Name

Number the boxes from 1 to 8 in the order of your choice

<input type="checkbox"/>	SURNAME, Given Names INDEPENDENT
<input type="checkbox"/>	SURNAME, Given Names PARTY

Remember... number every box to make your v...
SAMPLE

SkillBuilders to support skill development

- 1.5 SkillBuilder: Using the deconstruct/reconstruct method

2.2 SKILL ACTIVITY: Questioning and researching

Work in groups of four to complete this task.

1. Assign each member of your group one of the following people to **investigate**:
 - governor-general
 - prime minister
 - governor of the state you live in
 - premier of the state you live in.
2. As a group **decide** what information you would like to know about each of these people, for example:
 - their name
 - date of birth
 - background such as education or previous jobs.
3. **Research** the person assigned to you and share what you have learned with your group.

on Resources

 **Weblink** Voting in the House of Representatives and the Senate

2.2 Exercise

learnon

2.2 Exercise

Learning pathways

■ LEVEL 1

1, 2, 4, 5

■ LEVEL 2

3, 6, 7

■ LEVEL 3

8, 9, 10

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Check your understanding

1. **Identify** the year in which Federation occurred.
 - A. 1900
 - B. 1901
 - C. 1902
 - D. 1910
2. **Identify** the three levels of government in Australia. Select all possible answers.
 - A. Local
 - B. Executive
 - C. State
 - D. Federal
3. **Differentiate** between the roles of the three arms of government in Australia.
 - A. Legislative arm: Responsible for implementing the law.
Executive arm: Responsible for developing the law.
Judicial arm: Responsible for enforcing and applying the law.
 - B. Legislative arm: Responsible for developing the law.
Executive arm: Responsible for implementing the law.
Judicial arm: Responsible for enforcing and applying the law.
 - C. Legislative arm: Responsible for developing the law.
Executive arm: Responsible for enforcing and applying the law.
Judicial arm: Responsible for implementing the law.

4. **Select** the option that best describes who can vote in Australian elections.
 - A. Citizens over the age of 21 are allowed to vote in Australian elections.
 - B. Citizens over the age of 18 are allowed to vote in Australian elections.
 - C. All citizens, regardless of age, are allowed to vote in Australian elections.
 - D. All citizens or permanent residents of Australia.
5. **Distinguish** between the 'division of powers' and the 'separation of powers'.

Apply your understanding

Communicating

6. **Distinguish** between the preferential system and proportional representation of voting.

Analysis, evaluation and interpretation

7. **Analyse** how a person is elected to the Commonwealth Parliament's House of Representatives and how a person is elected to the Senate.

Civic participation and decision-making

8. In your view, which voting system (preferential or proportional) is more effective? **Justify** your response.
9. Australia is a constitutional monarchy with democratic elections and a separation of powers. What changes to Australia's system of government would you recommend? **Justify** your response.
10. **Predict** what might happen if Australia did not have the separation of powers.

LESSON

2.3 What are the key features of India's system of government?

LEARNING INTENTION

By the end of this lesson you should be able to identify the key features of India's system of government.

TUNE IN

Did you know that India holds several political records?

- It is the largest democracy in the world.
 - It has the longest written constitution.
 - Its Constitution has more amendments than that of any other nation.
1. Brainstorm a list of reasons why a constitution might be amended.
 2. India's Constitution has been amended more than 100 times and Australia's Constitution only eight times. Work with a partner to predict a reason for this.
 3. In what ways do you think India's system of government is similar to and different from Australia's?

FIGURE 1 India's Constitution has been amended numerous times.



2.3.1 India's system of government

With a population of more than one billion people, India is the world's largest democracy. India's political system dates back to the country's independence from Britain. From 1857 to 1947 the British ruled the Indian subcontinent (a region comprising India and land that now belongs to other countries, among them Pakistan and Bangladesh). During the early twentieth century, the local populace increased their demands for India to be self-governed. On 15 August 1947, India ceased to be a dominion of the British Empire and became a sovereign democratic **republic**. The Republic of India, as it is officially known, is a federal union of 29 states and 7 union territories. India's Sansad Bhavan (Parliament House) is shown in **FIGURE 2**.

India's system of government is based on the idea of democracy. The Republic of India is an independent country with a parliamentary system of government. The Constitution of India is the longest written constitution of any of the world's sovereign countries, containing 448 articles and 12 schedules. It is also one of the most heavily amended national documents in the world — more than 100 changes have been made to the Constitution since it was first enacted in 1950. The president is the head of state, elected for a five-year term by the members of the federal and state parliaments. The president appoints the prime minister as well as the state governors.

The political system in India is based on Britain's Westminster system. The federal parliament is bicameral: it is made up of a lower house and an upper house. The states have either unicameral or bicameral parliaments. The people of India elect the members of parliament, and the members of the lower house of the Parliament of India elect the prime minister (who is usually the leader of the majority party or coalition).

republic a form of government where supreme power is held by the people and their elected representatives, rather than by a monarch

FIGURE 2 Sansad Bhavan, in New Delhi, is the home of India's national parliament.



2.3.2 Separation of powers

The Constitution of India specifies the independence of the three branches of government: legislative (the parliament), executive (the Cabinet) and judicial (the courts). These arms of government operate in a system of checks and balances (see **FIGURE 4**).

The legislative arm

Under the Constitution of India, parliament is the supreme law maker. Parliament consists of the lower house, or Lok Sabha (House of the People), and the upper house, or Rajya Sabha (Council of States), as well as the president of India. The two houses of parliament share legislative powers. Any draft law is known as a Bill. To become a law, the Bill must be read, debated and voted on by both houses of parliament and then approved by the president. A law that has been passed by parliament is called legislation, a statute or an Act.

FIGURE 3 Indian Prime Minister Narendra Modi (right) speaking in the Lok Sabha



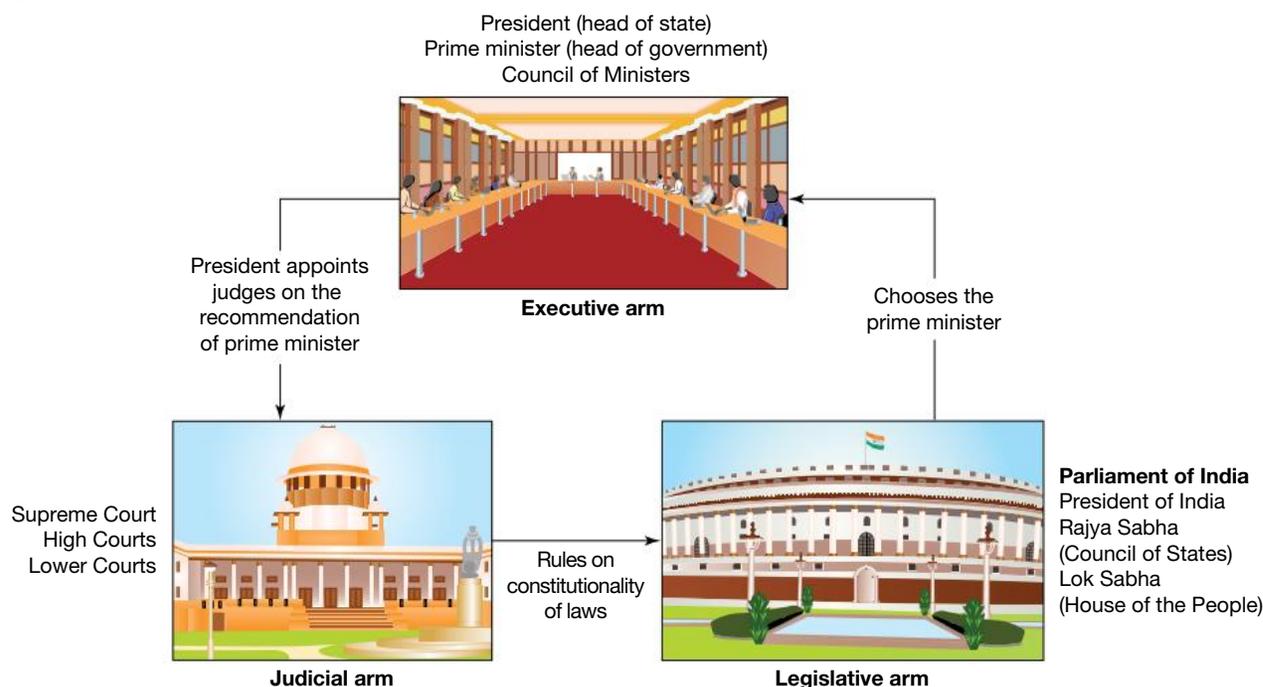
The executive arm

Executive power officially lies with the president who is elected by an electoral college comprising the Indian parliament and the legislative assemblies of each state and territory. However, executive power is actually exercised through the Council of Ministers of the Republic of India, consisting of a group of ministers headed by the prime minister.

The prime minister is officially appointed by the president after being nominated by the majority party in the lower house. On the recommendation of the prime minister, the president then appoints ministers. These ministers collectively comprise the Council of Ministers.

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FIGURE 4 The separation of powers in India



The judicial arm

Judicial power lies with India's Supreme Court, the High Courts in the states and the lower courts at the district level. The Supreme Court is responsible for interpreting and applying the Constitution of India. It ensures that the other arms of government do not act in a way that is outside the powers granted by the Constitution.

The Supreme Court consists of up to 31 judges, including the Chief Justice of India. They are appointed by the president on the recommendation of the prime minister. The Supreme Court can declare that laws passed by the Parliament of India are unconstitutional.

2.3.3 Elections in India

Officials are elected at the national, state and local levels. Because of India's large population, the organisation of any election is a massive and complicated task. All citizens over the age of 18 are eligible to register to vote. More than 800 million people in India are eligible to vote, and in national elections over 900 000 polling booths must be set up for voters. National elections do not take place on a single day but run over the course of several weeks.

The House of the People (Lok Sabha)

According to the Constitution, the maximum size of the Lok Sabha is 552 members. Of the 545 current members of the Lok Sabha, 543 are elected for five-year terms. The other two members are nominated by the president to represent the Anglo-Indian community if, in the president's opinion, that community does not have adequate representation in the house. The 545 members are elected using the first-past-the-post method.

The Council of States (Rajya Sabha)

According to the Constitution, the maximum size of the Rajya Sabha is 250 members. Of the 245 current members of the Rajya Sabha, 233 are representatives of the states and union territories. They are elected for a six-year term using the proportional representation system and one-third of them retire every two years. The other 12 members are nominated members. These people are chosen by the president for their special knowledge or practical experience in fields such as art, literature, science and social service.

FIGURE 5 Indian women stand in a queue with their voter ID cards during an election.



2.3 SKILL ACTIVITY: Questioning and researching, Civic participation and decision-making

Voting is considered a key feature of a democratic society. Australia is one of nine countries that makes voting compulsory and fines people who do not vote.

1. Voting is not compulsory in India. **Conduct** some research to find out why.
2. **Identify** what percentage of eligible Indian voters participated in their last national election.
3. Elections in India are run over the course of several weeks rather than on a single day. **Propose** why this might be the case.
4. Do you think voting should be compulsory in India? **Justify** your answer.

2.3 Exercise

Learning pathways

■ LEVEL 1

1, 2, 4, 6

■ LEVEL 2

3, 7, 8

■ LEVEL 3

5, 9, 10

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Check your understanding

- Determine** whether the following statements are true or false.
 - In India, the president is the head of state and is responsible for appointing the prime minister and members of the Council of Ministers.
 - In India, voting is compulsory.
 - In India, voting occurs on one Saturday between 8 am and 10 pm.
- Select** the statement that best defines who can vote in Indian elections.
 - India has universal adult suffrage for all citizens aged over 21.
 - India has universal adult suffrage for all citizens aged over 16.
 - India has universal adult suffrage for all citizens aged over 18.
 - India has universal adult suffrage for all citizens.
- Select** which system of voting is used in India.
 - Preferential
 - Proportional
 - Swing
 - First-past-the-post
- Identify** the year in which the Constitution of India was enacted.
- Outline** the role of the three arms of government in India. Illustrate each role with an example.

Apply your understanding

Analysis, evaluation and interpretation

- Identify** the benefits and limitations of India's use of the first-past-the-post system of voting for the Lok Sabha (House of the People).
- Compare** and contrast the key features of India's system of government with those of Australia by completing the following table.

	Similarities between India and Australia	Differences between India and Australia
System of government		
Separation of powers		
Elections		

- India is a democratic republic with democratic elections and separation of powers. **Decide** what changes, if any, to India's system of government you would recommend.
- Examine** the ways in which the values of freedom of election and support for parliamentary democracy are associated with the system of government in India.

Civic participation and decision-making

- In your opinion, what might happen if India did not have the separation of powers? **Justify** your response.

LESSON

2.4 What are the key features of Indonesia's system of government?

LEARNING INTENTION

By the end of this lesson you should be able to identify the key features of Indonesia's system of government.

TUNE IN

Did you know that that Indonesia is a republic and elections are held every five years?

1. How often are elections held in Australia?
2. Brainstorm a list of advantages and disadvantages to having less frequent elections.
3. In **FIGURE 1** you can see a voter dipping their finger in ink. Discuss the following questions with a partner and then share your ideas with the class.
 - a. What do you think is meant by the term 'electoral fraud'?
 - b. Do you think this would be an effective way to prevent electoral fraud?
 - c. How do you think we prevent electoral fraud in Australia?

FIGURE 1 Voters dip their fingers in indelible semi-permanent ink when they cast their vote. This is designed to prevent electoral fraud.



2.4.1 Indonesia's system of government

The Republic of Indonesia was declared in 1945 following its independence from a long period of Dutch colonial rule and Japanese wartime occupation. The Constitution was written while Indonesia emerged from Japanese control at the end of World War II. A centralised form of government was established to unify the many ethnic, religious and cultural groups of a nation spread across nearly 1000 permanently settled islands. Since then, Indonesia's political transition to a democracy has been turbulent. The original Constitution of 1945 was replaced by the Federal Constitution of 1949 and then the Provisional Constitution of 1950. Indonesia's first election after independence was not held until 1955.

President Sukarno, Indonesia's first president, dissolved the elected parliament in 1959 and introduced a form of government called guided democracy. The 1945 Constitution of Indonesia was reintroduced. Sukarno's successor, President Suharto, was **authoritarian** and Indonesia entered a new political era, officially called the New Order. During

authoritarian a form of government characterised by absolute obedience to the state, an authority figure or group

FIGURE 2 Part of the DPR/MPR complex in Jakarta, the home of Indonesia's national parliament



this period, which lasted for more than 30 years, the parliament served as a mere formality for approving decisions made by the executive arm of government. The end of Suharto's presidency came about due to pressure for a less-centralised system of government. An era of reform and amendments to the Constitution followed. New election laws were introduced and, in 1999, elections were held for the first time since 1955. Significant amendments were made to the 1945 Constitution of Indonesia in the early twenty-first century, resulting in changes to all arms of government.

Indonesia's system of government is based on the idea of democracy. Indonesia is a republic with sovereignty vested in the hands of its people and exercised through law. The amended 1945 Constitution of Indonesia regulates the responsibilities of state officials and the rights and responsibilities of citizens. It also governs relations between state institutions — legislative, executive and judicial. Since 2004 Indonesia's parliament (the People's Consultative Assembly) has been bicameral, with a lower house and an upper house. The president is both the head of state and the head of government, and is chosen through direct popular election. The people of Indonesia also choose the members of parliament.

Indonesia is divided into provinces, which are in turn divided into regencies and cities. Each province, regency and city has its own local government and legislative body. A governor heads each government at the provincial level, and a regent or mayor heads each government at the regency and city levels.

2.4.2 Separation of powers

The amended 1945 Constitution of Indonesia provides for the idea of the separation of powers. This allows each arm of government (legislative, executive and judicial) to check and balance the powers of the others and thereby maintain a fair and just society.

The legislative arm

Under the amended 1945 Constitution of Indonesia, legislative power lies with parliament — the People's Consultative Assembly (Majelis Permusyawaratan Rakyat, or MPR). It consists of the People's Representative Council (Dewan Perwakilan Rakyat or DPR — the lower house) and the Regional Representatives Council (Dewan Perwakilan Daerah or DPD — the upper house). The DPD was created through an amendment to the 1945 Constitution of Indonesia in 2001 but does not have the revising powers of an upper house such as Australia's Senate. It was established with the intention of increasing the role of the regions in making laws.

The DPR drafts Bills and passes laws. The DPD can draft Bills related to regional issues that will be considered by the DPR, but it does not have independent legislative authority. A Bill can only be passed if there is joint agreement on the Bill by both the DPR and the president.

The executive arm

The 1945 Constitution invested most of Indonesia's power in the executive arm of government. This has been reduced through the amendments to the Constitution. Until 2002, the members of the MPR elected the president and vice-president every five years. From 2004, both leaders

FIGURE 3 Indonesia's parliament (the People's Consultative Assembly or MPR)



have been directly elected. Legislation also limits the president to two five-year terms. The president carries out his or her tasks assisted by the vice-president and Cabinet. Cabinet ministers are appointed by the president to manage areas of government responsibility such as economic affairs, foreign affairs, defence and education. Cabinet ministers do not have to be elected members of the MPR.

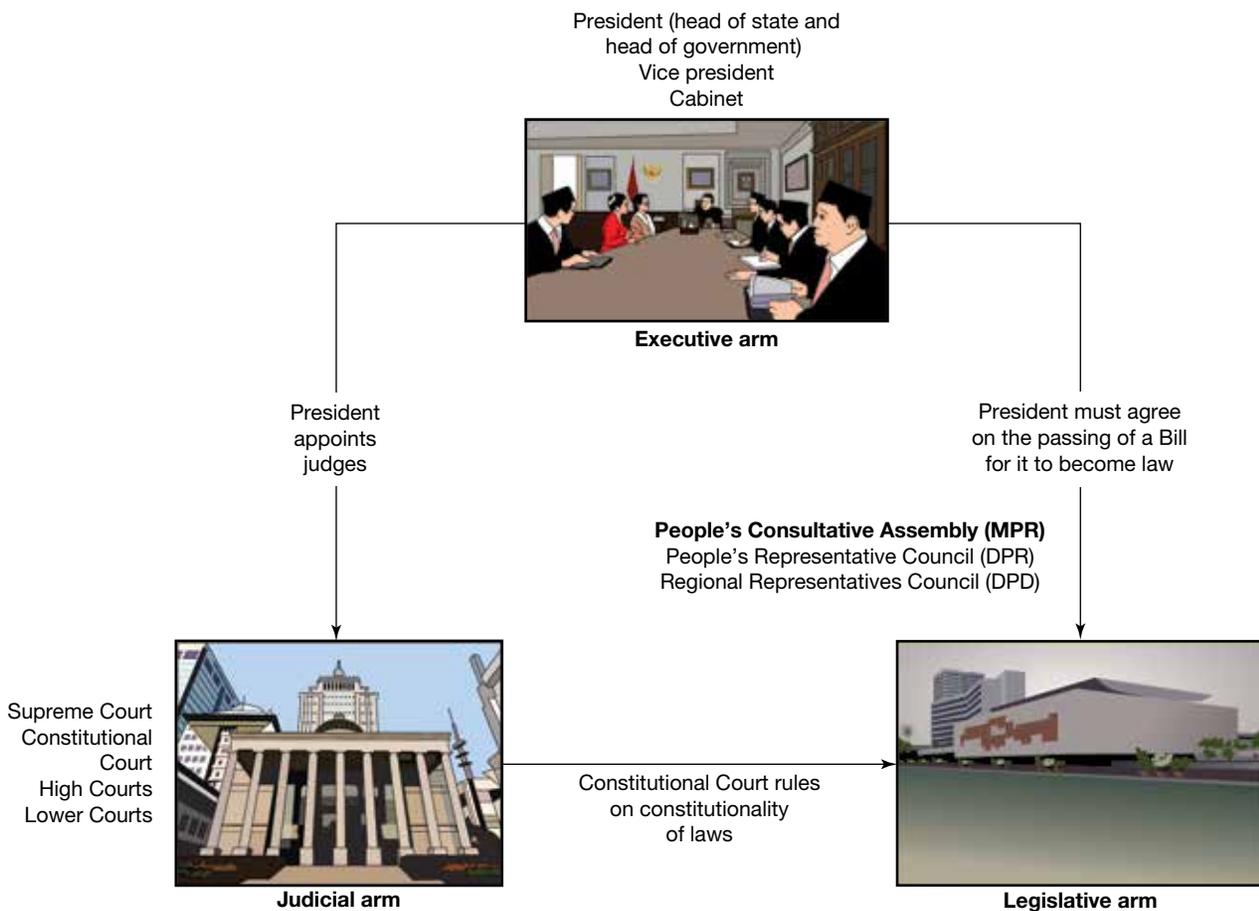
The judicial arm

In Indonesia, the Supreme Court (Mahkamah Agung) is the highest judicial institution. It forms the judicial arm of government together with the lower legal bodies. These include high courts, located in the provinces, and district courts. There are approximately 50 justices (including a chief justice) sitting in the Supreme Court, with more than 7000 judges employed in other courts across Indonesia. According to the original 1945 Constitution, the Supreme Court does not have the power to interpret and apply the Constitution.

However, the Constitutional Court (Mahkamah Konstitusi) was established by a group of justices in 2003 with the power to review the Constitution and resolve constitutional disputes between state institutions. It can also resolve disputes over electoral results, dissolve political parties, and review and rule on cases involving charges against the president.

int-5676

FIGURE 4 The separation of powers in Indonesia



2.4.3 Elections in Indonesia

All Indonesian citizens who have reached the minimum age of 17 or who are married may vote in general elections. More than 190 million people in Indonesia are eligible to vote. Presidential elections occur every five years. As mentioned, the Indonesian parliament (MPR) consists of two houses:

- the People's Representative Council (DPR), made up of representatives of political parties. It currently has 560 members with representatives from ten political parties. Every member comes from one of the 77 multimember electoral districts. Each electoral district is represented by three to ten seats, depending on the population of the district.
- the Regional Representatives Council (DPD), made up of representatives from each province in Indonesia. Four members are elected from each of the 34 provinces on a non-partisan basis. This means that members are not officially affiliated with any political party.

Elections for the DPR and the DPD are held simultaneously every five years.

The president

Indonesian citizens vote for a ticket including a president and a vice-president. Whichever pair receives the most votes (more than 50 per cent nationally, with 20 per cent from more than half the provinces) will rule over the next term. If no clear winner emerges, the two tickets that received the highest percentage of the national vote compete in a run-off election.

The People's Representative Council (DPR)

Members of the DPR are elected through an open-list proportional system. When voting, an Indonesian citizen receives a ballot listing the candidates from each party who are running for a seat in the voter's electoral district. The voter selects his or her preferred candidate. The process allows the voter to cast a ballot for an individual candidate or a particular party, or for both. The Election Commission then calculates a quota for each electoral district by dividing the total number of valid votes obtained by political parties that must be received to secure parliamentary representation (currently 3.5 per cent of the national vote) by the total number of seats in that electoral district. The political parties then receive a seat for each quota they meet and are required to allocate these seats to the candidates who received the most votes. Any party that fails to obtain a 3.5 per cent share of the national vote is eliminated from the election.

Some parties will have votes left over. These remaining votes are used to distribute unallocated seats. Unallocated seats are awarded to the parties with the largest numbers of remaining votes one by one until all seats are allocated.

The Regional Representatives Council (DPD)

The members of the DPD are elected using a much simpler system. Voters in each province select one candidate on their ballot forms. The four candidates who win the most votes in each province represent that province at the DPD.

FIGURE 5 A woman casts her vote during elections in Indonesia



2.4 SKILL ACTIVITY: Questioning and researching, Analysis, evaluation and interpretation

Use the internet to **investigate** the most recent presidential election held in Indonesia.

1. **Identify** what percentage of Indonesians voted in the last presidential election.
2. **Describe** some of the reasons the people of Indonesia elected the president.
3. **Outline** the background of the president. How is their background different to that of past presidents of Indonesia?

2.4 Exercise

learnon

2.4 Exercise

Learning pathways

LEVEL 1

1, 2, 3

LEVEL 2

4, 5, 6, 7, 8

LEVEL 3

9, 10

These questions are even better in jacPLUS!

- Receive immediate feedback
- Access sample responses
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Check your understanding

1. **Identify** the year the Constitution of Indonesia was originally enacted.
 - A. 1945
 - B. 1946
 - C. 1949
 - D. 1950
2. **Select** the statement that best illustrates the role of the president of Indonesia.
 - A. Head of the executive branch of government
 - B. Head of the judicial branch of government
 - C. Head of the legislative branch of government
 - D. Head of state
3. **Determine** whether the following statements are true or false.
 - a. All Indonesian citizens who have reached the minimum age of 17 or who are married may vote in general elections.
 - b. Indonesia's parliament is bicameral, with a lower house and an upper house.
4. **Describe** the role of each arm of government: legislative, executive and judicial.
5. **Explain** how voting works in Indonesia for the People's Representative Council and the president.

Apply your understanding

Communicating

6. **Describe** the changes to the Constitution of Indonesia following its original enactment.

Analysis, evaluation and interpretation

7. **Compare** and **contrast** the key features of Indonesia's system of government with those of Australia by completing the following table.

	Similarities between Indonesia and Australia	Differences between Indonesia and Australia
System of government		
Separation of powers		
Elections		

Civic participation and decision-making

8. Indonesia is a democratic republic with democratic elections and separation of powers. **Identify** one change you would recommend to Indonesia's system of government. **Justify** your answer.

Communicating

9. **Identify** the ways in which the values of freedom of election and support for parliamentary democracy are associated with the system of government in Indonesia.
10. In your opinion, **discuss** what might happen if Indonesia did not have separation of powers.

LESSON

2.5 What are the key features of China's system of government?

LEARNING INTENTION

By the end of this lesson you should be able to identify the key features of China's system of government.

TUNE IN

Did you know that the Chinese Constitution says that the system of government used in China is a 'people's democratic dictatorship'?

1. Write your own definition of the term 'dictatorship'.
2. Do you think you think China is a democracy? Give reasons for your answer.

FIGURE 1 In China, elections are held every three years but there is in effect only one political party.



2.5.1 China's system of government

The People's Republic of China was declared by **Communist** leader Mao Zedong, following a long period of political turmoil. The first Constitution of the People's Republic of China was declared in 1954 and was subsequently amended in 1975 and 1978. In 1982 the current Constitution was declared and came into effect.

China is ruled by an authoritarian system of government under the leadership of the Chinese Communist Party (CCP). With more than 95 million members, the CCP is the largest political party in the world and the dominant force at all levels of government in China.

dictatorship a form of government where power rests with one person or group, which has absolute power without effective checks or limits imposed by a constitution

communist a person who follows an economic and political system that is based on the idea of a classless society. All property and wealth are communally owned by the state, members of the public work and the state provides for the needs of the population.

The most powerful person in the Chinese political system is the Chinese President (currently Xi Jinping) who is also the general secretary (leader) of the CCP. This is because China is a one-party state and operates as a **unitary state**. The main policy-making body is referred to as the **Politburo**; the CCP control this body. In fact, important positions within the administration of the government are held by high-ranking members of the CCP (see **FIGURE 3**).

While other political groups and parties exist within China, they mainly support and endorse the policies of the ruling CCP. There are eight such parties, referred to as 'democratic parties'. Although these parties play a role in the political system, their power is limited. They play an advisory, rather than an oppositional, role as a condition of their existence.

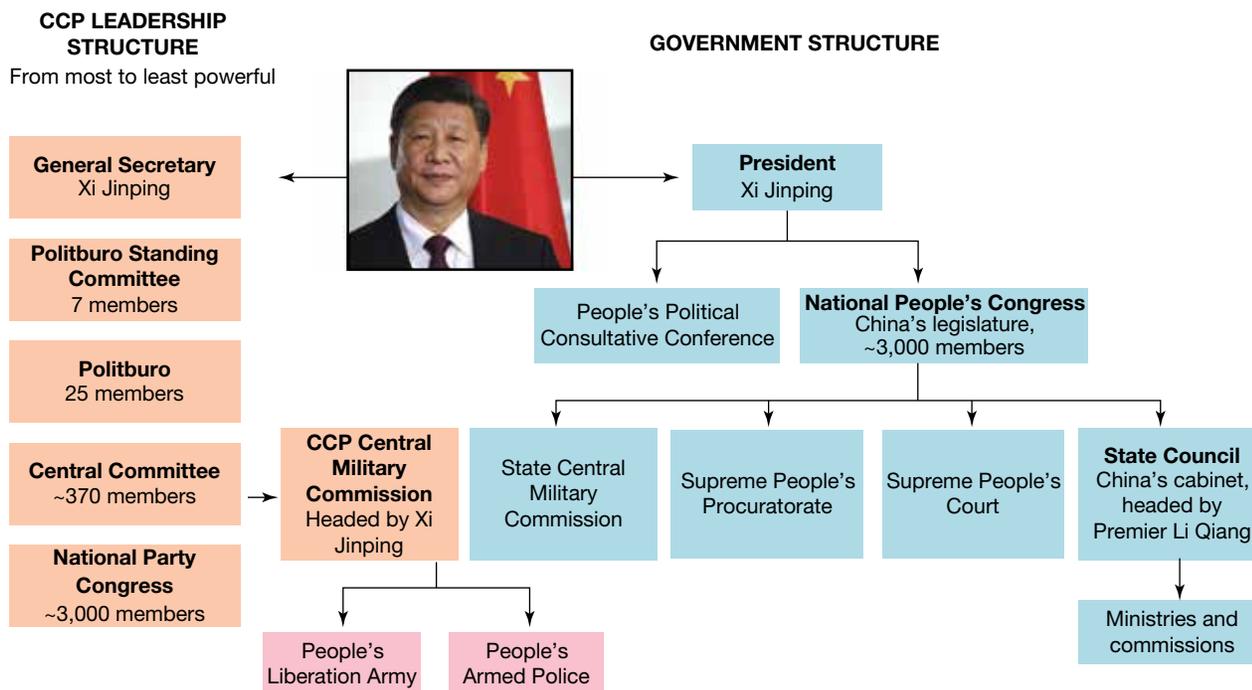
Those who advocate for a multiparty or more democratic system are punished. The media is censored and the internet blocked. The rule of law does not apply to high-ranking leaders. The preamble of the Chinese Constitution includes a reference to the CCP as the lead political body in the country.

FIGURE 2 China's Great Hall of the People is located on the western edge of Tiananmen Square in Beijing. It is owned by the state and used for legislative and ceremonial activities. The CCP holds its meetings here.



unitary state a political system where most or all of the governing power rests with a central government that has control of the whole country
Politburo (or political bureau) the executive committee or policy-making body in the CCP

FIGURE 3 Leadership structure in the People's Republic of China 2023



2.5.2 Is there a separation of powers?

The government has three branches but there is no true separation of powers (see **FIGURE 4**). The CCP has created its own version, labelling the three branches or arms as powers.

- The power of decision-making
- The power of administration
- The power of monitoring

FIGURE 4 The separation of powers in China

The power of decision-making rests with the National People's Congress of the Chinese Communist Party. It is administered through the:

- Central Committee
- Politburo
- Politburo Standing Committee.

All three bodies are part of the hierarchical structure of the CCP.

Both decision-making power and administrative power are concentrated in the hands of the Central Committee and in particular the Politburo Standing Committee.

This means that decision-making and administrative powers are combined.

The Central Committee for Discipline Inspection is controlled by the Central Committee.

There is no real separation of power, as the Central Committee is involved at all three levels.

2.5.3 Elections in China

According to the Constitution of the People's Republic of China, all citizens who are 18 years or older can vote and stand for election.

Discrimination based on gender, race, religion, ethnic or family background, occupation, education level, property status or length of residence is not permitted. The only exception is people who have lost their political rights as part of a court sentence. Each voter has one vote in the election.

Elections are only held at the local level and not at the national level. Although all citizens aged 18 and over can vote, most nominations to stand for election come from within the CCP. Any person who nominates to stand for election must be seconded by at least 10 other voters. The final list of candidates will then be decided by an election committee appointed by the Standing Committee of the National People's Congress.

As shown in **FIGURE 6** there are five levels or tiers of government. Only level 5 (at the base) is directly chosen by the people. However, all other levels are indirectly elected as the elected members of the tier choose higher levels above them. This means that the members of the People's Congresses of Provinces elect the National People's Congress.

Candidates must achieve 50 per cent of the votes to be elected.

A voter must produce their ID card or voter certificate to vote. They will be given a ballot paper and cast their vote in polling stations and mobile ballot boxes.

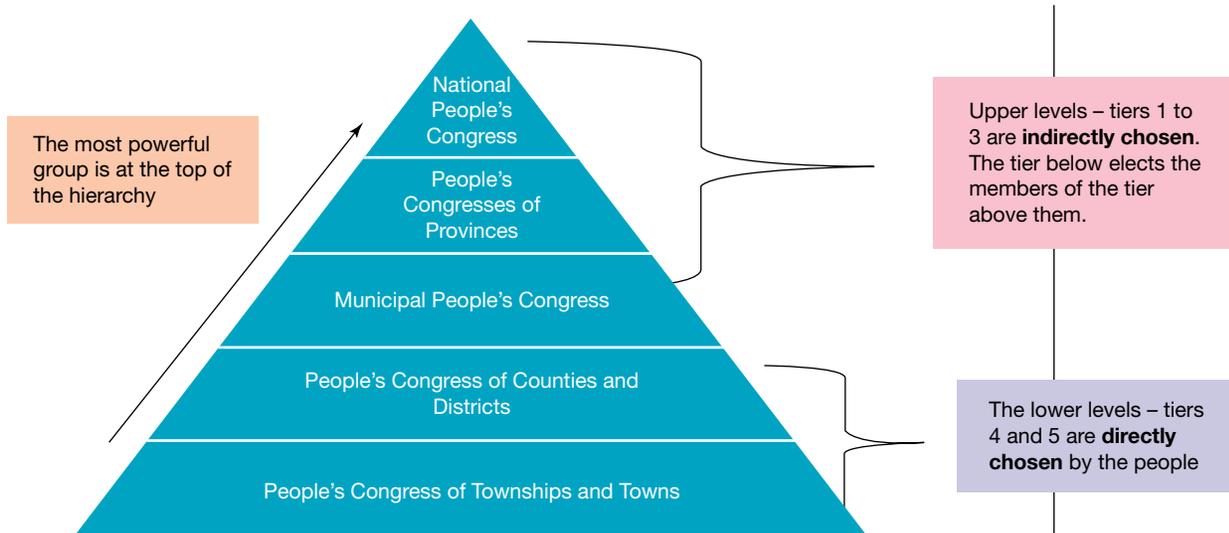
While some independents make it onto the ballot paper and are elected to the lower levels of government, the system is controlled by the CCP. The system of indirect election in the higher levels ensures that only members of the CCP will be elected to these levels. The result is that there is no opposition in the government to challenge the role and operation of the CCP.

FIGURE 5 In China, political rights can be removed as part of a court sentence.

Under the Criminal Code of the People's Republic of China

Article 56. A criminal element endangering state security shall be sentenced to deprivation of political rights as a supplementary punishment; a criminal element guilty of murder, rape, arson, explosion, spreading poison, or robbery who seriously undermines social order may also be sentenced to deprivation of political rights as a supplementary punishment.

FIGURE 6 Elections are based on a hierarchical electoral system.



2.5 SKILL ACTIVITY: Analysis, evaluation and interpretation

China has adopted its own version of the rule of law. According to CCP regulations, members at all levels of government and who work within the court system must implement the recommendations and orders of the CCP. Lawyers who take the **Bar Exam** must support the notion that the fundamental principle of the rule of the law is to support the leadership and rule of the CCP.

1. Using an example, **explain** what is meant by the rule of law in Australia.
2. **Determine** how the rule of law is different in China.



Bar Exam an exam taken by a lawyer to demonstrate they are competent to work within the legal system and undertake the work of a barrister in court

2.5 Exercise

Learning pathways

■ LEVEL 1

1, 2, 7, 9

■ LEVEL 2

3, 4, 5

■ LEVEL 3

6, 8, 10

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Check your understanding

- Select** the best term to describe the system of government used in China.
 - Democracy
 - Dictatorship
 - Oligarchy
 - Monarchy
- Identify** who is eligible to vote in Chinese elections.
 - All citizens who are 18 years or older
 - Only members of the Chinese Communist Party 18 years or older
 - All citizens who are 21 years or older
 - Only members of the Chinese Communist Party 21 years or older
- Identify** two reasons why the CCP is the major political party in China.
 - The CCP controls the government.
 - Other parties did not want the job.
 - The Chinese Constitution refers to the CCP as the main political body.
 - China does not need another political party.
- Identify** the body that is linked to all three powers under the separation of powers in China.
 - The State Council
 - The Politburo
 - The People's Congress
 - The Central Committee
- Government in China is based on several different levels or tiers. Citizens are only able to vote for the lower levels or tiers.

Identify the type of electoral system that uses this approach.

 - Preferential system
 - First-past-the-post system
 - Hierarchical system
 - Politburo system

Apply your understanding

Communicating

- Do you think it is fair that people in China can lose their political rights, such as the right to vote? **Justify** your answer. Include a reference to at least one reason a person might lose their political rights.
- Explain** the role of the Politburo.
- Determine** how the five-tiered system of government and voting system in China enable the CCP to maintain its position as the main political party and control government.
- Describe** the process of voting in China.

Analysis, evaluation and interpretation

- In your opinion, does China need a separation of powers? **Justify** your answer.

LESSON

2.6 How does Australia act as a global citizen?

LEARNING INTENTION

By the end of this lesson you should be able to explain how foreign aid works and identify where Australia's foreign aid goes.

TUNE IN

Australia is a global citizen and offers foreign aid to international communities when they need assistance.

1. Work with a partner to write a definition of the term foreign aid.
2. Brainstorm a list of reasons why Australia might provide foreign aid to overseas countries.
3. Rule up a table like the one below. In the first column record a list of groups or bodies that provide foreign aid. In the second column record the type of aid you think this body provides.

Body providing foreign aid	Type of aid provided

4. Why do you think Australia provides foreign aid?

FIGURE 1 The Australian Red Cross is an example of an agency that aids communities abroad.



2.6.1 Helping those in need

Picture this scenario: it is lunchtime at school when you suddenly realise that you have not brought any lunch and do not have any money to buy some. Your best friend says they'll buy you lunch from the canteen so that you don't go hungry. They tell you that they're happy to do you a favour and there is no need for repayment. The provision of foreign aid is similar to this situation. Instead of one friend buying another lunch, richer countries assist poorer countries. They may do this for **humanitarian** reasons following a natural disaster or other crisis, or for development reasons (to encourage the long-term development of the recipient country). Australia provides foreign aid through both government and non-government bodies. In this lesson, we discuss Australia's past, present and future contributions to foreign aid programs.

on Resources

 **Video eLesson** What is global citizenship? (eles-2375)

2.6.2 How does foreign aid work?

A significant and unfortunate gap exists between the world's richer and poorer countries. Some countries have been blessed with an abundance of natural resources, while others are relatively barren. Some countries have been sheltered from the devastation of war, while others have been torn apart by bloodshed. As a result of these and other factors, global wealth is divided unequally. Richer countries have continued

humanitarian concerned with the welfare of a social group

to develop steadily while poorer countries lag behind in terms of **infrastructure**, education and medical services. Foreign aid is provided with the aim of improving the living standards of people in less developed countries.

FIGURE 2 A Nepali girl carries a bag of food given by aid workers in Baluwa Village in the Gorkha district, Nepal, following the deadly earthquakes that destroyed villages and killed thousands in 2015.



2.6.3 Australian governments and foreign aid

Foreign aid may be provided by governments or independent bodies, such as non-government organisations (NGOs). Both Australian government and non-government aid has been crucial to the development of many countries around the world, particularly those in the Asia region.

Aid can be divided into two categories:

- development aid — for long-term programs to support the general development of a country
- emergency aid — for natural disasters and other crises.

Development aid

Development aid is focused on alleviating poverty in the long term. As members of the global community and one of the most developed countries in our region, Australia has a responsibility to provide assistance to our less fortunate neighbours. Australian governments have been involved in foreign aid programs since 1950, when development grants of \$100 000 were issued to Papua New Guinea.

Australian foreign aid programs are administered by the Department of Foreign Affairs and Trade (DFAT). As can be seen in **FIGURE 4**, although Australian aid contributes to programs in Africa, the Middle East, Latin America and the Caribbean, activities centre on South-East and East Asia and the Pacific. Many of these programs focus on the provision of medical care, such as vaccinations. Vaccinations against common diseases can be hard to find in some countries or expensive to buy. By organising mass immunisations, the Australian government has sought to improve the health and wellbeing of disadvantaged nations.

Australian aid has also been involved in development programs in locations such as Indonesia, contributing funds to education and infrastructure projects such as improved sanitation, water supply, energy and ICT services.

infrastructure the basic physical and organisational structures and facilities (e.g. buildings, roads, power supplies) needed for the operation of a society

A number of organisations, including Oxfam, Save the Children and World Vision, have criticised the Australian government over cuts to Australian foreign aid programs.

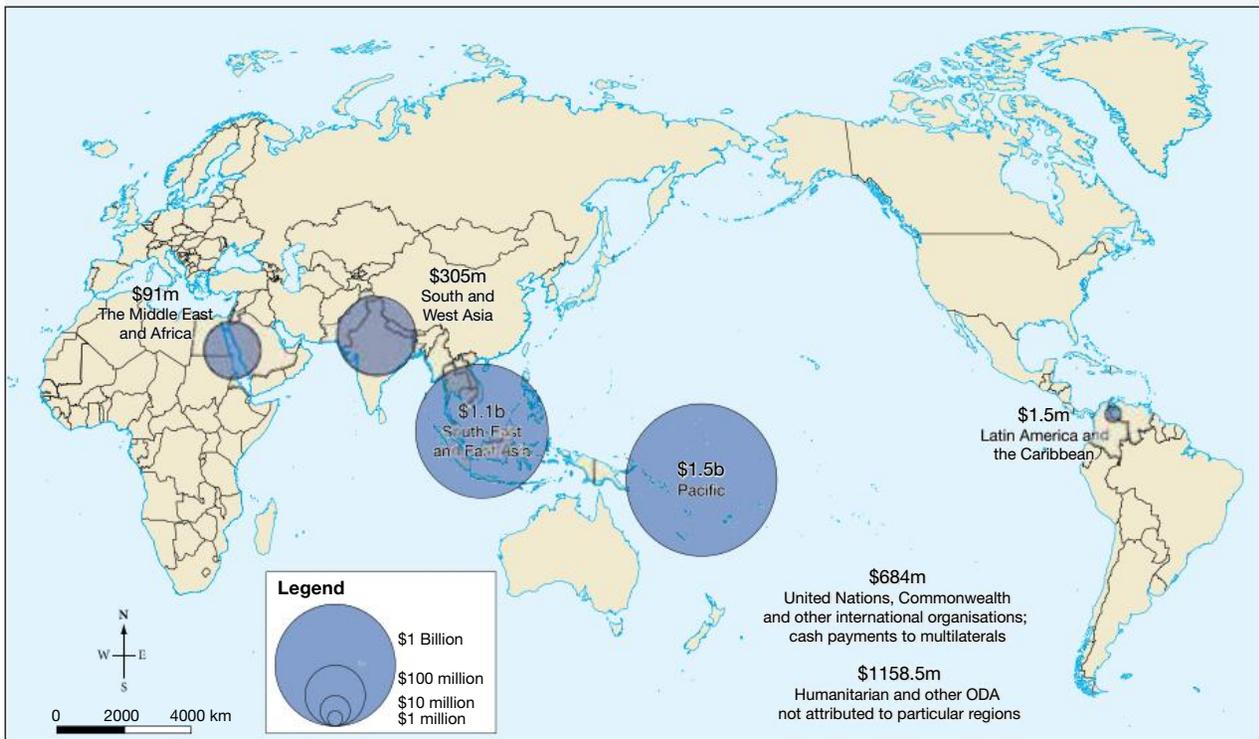
They claim that reducing aid limits the provision of immunisation, education, healthcare, infrastructure and clean water programs — all of which help people in poorer countries to build a better future.

Additionally, programs such as immunisation benefit the whole region (including Australia) by reducing the spread of some diseases. Cutting funding for such programs may lead to an increased risk to Australia.

FIGURE 3 Villagers in Myanmar receive free rice and other goods from foreign aid workers.



FIGURE 4 Australian aid spending around the world, 2022–23



Source: Map drawn by Spatial Vision based on the information taken from Australian Aid Budget Summary 2022–23 Department of Foreign Affairs and Trade website, www.dfat.gov.au.

Emergency aid

Emergency aid is provided for humanitarian purposes in response to unexpected events such as natural disasters and other crises. Many of our neighbouring countries are located within geographically volatile areas.

Countries such as Indonesia, Papua New Guinea and many Pacific Island nations often find themselves faced with the deadly consequences of natural disasters such as floods and earthquakes.

Australian governments and their aid departments are well known for having swift and effective emergency aid responses. They send their staff to manage aid responses in these situations, both during the initial devastation and in the aftermath of the disaster.

Disaster assistance response teams (DART) are multi-disciplinary groups that include medical, logistics, and urban search and rescue (USAR) specialists. These teams are rostered to deploy at short notice to disasters within Australia or across our region.

FIGURE 5 When natural disasters strike, governments and aid agencies spring into action to provide emergency aid.



Tonga, 2022

- A volcanic eruption blanketed the community in ash and smoke, and the subsequent tsunami destroyed 600 buildings and impacted crops, livestock and fisheries.
- Australia sent 40 tonnes of emergency relief, including materials for shelter, equipment to restore communications, water and sanitation supplies.
- An additional \$16 million will be spent to assist with the long-term planning and recovery program.

Philippines, 2021

- Typhoon Rai (Odette) affected 9.9 million people across six regions. The typhoon caused significant damage to homes, roads and powerlines. Vegetation and crops were destroyed, and fishing boats smashed.
- Australia sent \$5 million in emergency relief aid including food, shelter, water and hygiene kits.

Papua New Guinea, 2020–21

- Following the outbreak of COVID-19, the Australian government provided medical supplies including vaccines and testing kits.
- Senior advisors from the Australian defence force provided logistical support to enable PNG to strengthen its response and testing regime.
- Australian Medical Assistance Teams (AUSMAT) were also dispatched to further enhance medical care for patients who contracted COVID-19.

2.6.4 Australian NGOs and foreign aid

A non-government organisation (NGO) is one that runs independently of any government control. Although NGOs may be partially funded by governments, they remain free to develop and implement their own policies and programs. Australia has a vast range of aid NGOs. Some, such as Care Australia and Oxfam Australia, are local divisions of large **multinational** organisations. Others, such as The Fred Hollows Foundation, were created locally.

Free from government and politics, NGOs often have the opportunity to reach and assist a broader range of people. For example, a government's aid priorities may be influenced by foreign policy, whereas an NGO is free to act in whatever community it sees as needing its assistance. NGOs often rely heavily on public donations to fund their operation and are staffed largely by volunteers. They also provide vital support to government aid programs and can often implement more effective programs.

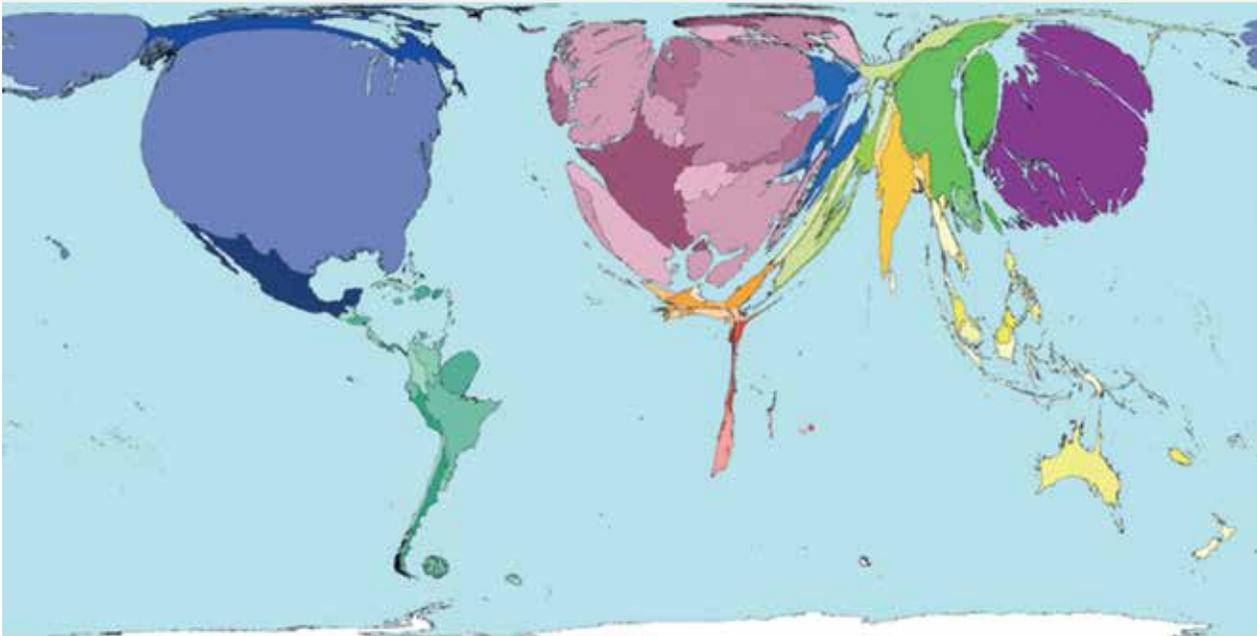
FIGURE 6 The late Dr Fred Hollows working with children in Vietnam



multinational describes an organisation operating in several countries

2.6 SKILL ACTIVITY: Analysis, evaluation and interpretation, Communicating

FIGURE 7 Gross domestic product (GDP) per country. Countries with a high GDP appear swollen, while countries with a low GDP are shrunken in size.



Source: Worldmapper.

Examine FIGURE 7.

1. **Identify** the countries on the map that are swollen and those that are shrunken.
2. **Investigate** and **explain** what high GDP means and how this affects a country's economy.
3. **Explain** how low GDP affects a country's economy.
4. **Select** one country in each category and **analyse** the political and economic reasons why you think this country has either a high or low GDP.

2.6 Exercise

Learning pathways

■ LEVEL 1

1, 2, 3, 6

■ LEVEL 2

4, 7

■ LEVEL 3

5, 8, 9, 10

These questions are even better in jacPLUS!

- Receive immediate feedback
- Access sample responses
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Check your understanding

- Identify** the two categories of foreign aid.
 - International aid and foreign aid
 - Cash aid and in-kind aid
 - Government aid and non-government aid
 - Development aid and emergency aid
- Identify** the department that administers foreign aid programs in Australia.
 - Department of Defence
 - Department of Foreign Affairs and Trade (DFAT)
 - Department of Home Affairs
 - Department of the Prime Minister and Cabinet
- Select** the most appropriate response:
The majority of Australia's foreign aid programs are focused on **Africa / Europe / South-East Asia / the Middle East**.
- Select** the response that best describes the purpose of emergency aid.
 - Foreign aid is focused on alleviating poverty in the long term.
 - Emergency aid is provided for humanitarian purposes in response to unexpected events such as natural disasters and other crises.
- Explain** how an NGO differs from aid provided by governments. Use examples in your answer.

Apply your understanding

Communicating

- Identify** the factor/s that are important when explaining why some countries are more economically developed than others.
- Explain** why Australia has a greater responsibility to provide foreign aid than other countries in our region.

Analysis, evaluation and interpretation

- Use **FIGURE 4** to answer the following questions.
 - Describe** the geographic pattern of Australia's foreign aid programs.
 - Propose** a reason for the pattern you have described in part (a).

Civic participation and decision-making

- Do you think that Australia should increase its provision of foreign aid? **Justify** your answer.
- Predict** what might happen if the Australian government refused to provide emergency aid to a neighbouring country in need.

LESSON

2.7 What are Australia's roles and responsibilities as part of the United Nations?

LEARNING INTENTION

By the end of this lesson you should be able to outline what the UN is, and explain Australia's role in it.

TUNE IN

Did you know that the headquarters of the United Nations is in New York in the United States? The flags of all member states and the United Nations (UN) flag are raised and lowered each weekday. To enter UN headquarters, citizens must have a valid passport recognised by the UN or International ID.

FIGURE 1 Opening of the UN General Assembly by the UN Secretary-General



1. Take a class poll — how many member states are there in the UN?
2. Why do you think the flags are raised and lowered each weekday?
3. Brainstorm a list of reasons why we need an organisation such as the UN.
4. What do you think the role of the UN is?
5. Other than the UN, brainstorm a list of other **intergovernmental organisations (IGOs)** Australia is involved in.

2.7.1 Australia's role in founding the UN

The United Nations (UN) was born out of the pain and suffering of World War II. After witnessing the horrors of war for the second time within 30 years, the nations of the world were desperate to prevent another world war. For this reason, 51 countries united in 1945 with the goals of maintaining global peace and protecting the safety and rights of global citizens. At the time the UN was formed, Australia was still relatively inexperienced in global politics. Despite this, our country was one of the founding members of the UN and heavily involved in the organisation's establishment. Australia continues to play a significant role in this important **multilateral** organisation.

Given Australia's relative inexperience in foreign policy, the significance of our involvement in the early years of the UN may appear surprising. Australia's delegation was led by Dr H.V. ('Doc') Evatt, who had previously held several high-profile legal and political positions in Australia. As the operational guidelines of the UN were being documented in its **Charter**, Evatt recognised a problem. The larger and more diplomatically experienced countries (such as the United States, the United Kingdom, France, the Soviet Union and China) had started to dominate discussions. Evatt worried that the interests of smaller countries with less experience in foreign policy would be overlooked.

intergovernmental organisation (IGO) an organisation made up of sovereign states, through treaties to collaborate on issues of common interest. They are governed by international law. Examples include the United Nations and International Criminal Court.

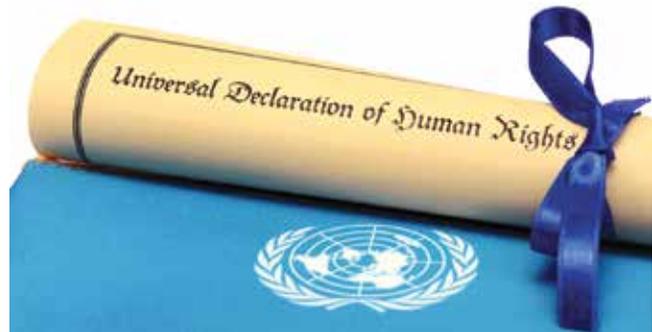
multilateral describes a policy or program that involves three or more countries or parties

charter an official document describing the goals and principles of an organisation

FIGURE 2 The United Nations was officially founded in 1945, with Australia as one of the original 51 member states.



FIGURE 3 The Universal Declaration of Human Rights was adopted by the UN in 1948.



To overcome this problem, Evatt enlisted the support of the other smaller nations and successfully lobbied for the power of the UN General Assembly (consisting of all members of the UN) to be increased. This would act as a balance to the power wielded by the larger countries that ran the Security Council (consisting of only five members of the UN).

Evatt was also a key figure in the development of the Universal Declaration of Human Rights. His leadership on this task led to Evatt being elected president of the General Assembly in 1948. To this day, no other Australian has ever held this position.

2.7.2 Australia, the United Nations and beyond

Since the founding of the United Nations, Australia has been a small but significant contributor to the organisation and its various programs. Involvement in peacekeeping missions, participation in policy development and donations to the UN budget are all examples of Australian contributions. As Australia's standing and influence have increased, so too has our role in the UN.

One of the most powerful and influential arms of the UN is the Security Council. It is responsible for the organisation of peacekeeping missions, the imposition of **international sanctions** and the authorisation of military action. The Security Council consists of five permanent members — the United States, the United Kingdom, France, Russia and China — and ten non-permanent members who serve two-year terms. Including our most recent term (2013–14), Australia has served as a non-permanent member of the Security Council five times in the history of the UN. Australia's membership of the UN Security Council can be seen as evidence of our increasing role in the global community.

FIGURE 4 A vote taking place in relation to a draft resolution at a UN Security Council meeting



international sanctions actions or penalties — usually economic but also diplomatic or military — imposed on a country by a group of other countries

2.7.3 Australia's contribution to global citizenship

Australian representatives to the United Nations have used our country's increased standing to call for change regarding a number of global issues. One specific Australian focus has been gender equality and the rights of women. Australia was heavily involved in UN forums addressing these topics and continues to promote true gender equality. Whaling is another issue on which Australia has taken a stance, leading a case that successfully convinced one of the UN's highest courts, the International Court of Justice, to ban Japan from conducting its annual whale hunt.

Despite these positive actions, there are still many ways in which our country can further contribute to the global community. Recent years have seen issues such as climate change slip down our nation's list of priorities. Despite ratifying the Paris Agreement (an agreement within the United Nations Framework Convention on Climate Change) in 2016, Australia's efforts to reduce the impact of climate change have stalled. Our treatment of refugees and asylum seekers has also received widespread criticism from the global community. Such criticisms need to be viewed constructively and used to make positive changes for Australian and global citizens alike.

FIGURE 5 Australian students at a protest rally demanding urgent action on climate change



2.7.4 An ongoing and expanding role

International Criminal Court

Australia played a key role in the negotiation of the Rome Statute by acting as the Chair of the Like-Minded Group that worked towards the establishment of Criminal Court of Justice in 2002. With 123 member states, this court is charged with investigating and bringing to justice those charged with the 'gravest of crimes' such as:

- genocide — the specific intent to eliminate national, ethnic, racial or religious groups
- war crimes — breaches of the Geneva Convention, including the use of child soldiers and attacks on non-military targets
- crimes against humanity — including slavery, torture and enforced disappearances
- crimes of aggression — the use of armed forces against the sovereignty or independence of another state.

FIGURE 6 The International Criminal Court in The Hague in the Netherlands is the first permanent court that is capable of pursuing, prosecuting and punishing those charged with the most serious crimes against humanity.



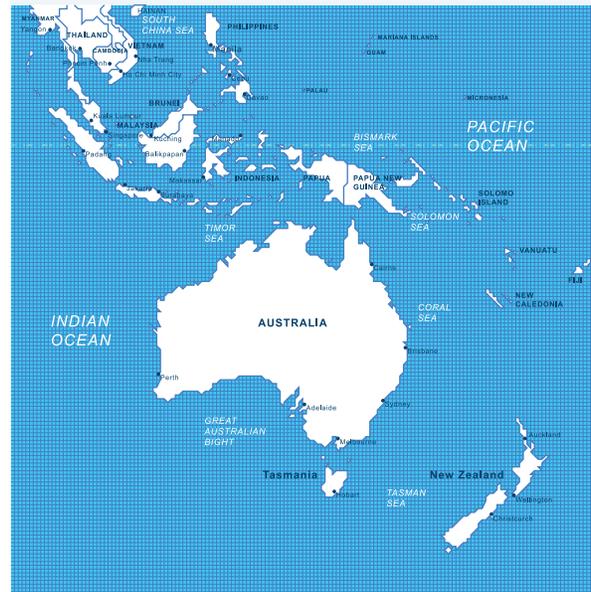
Asia–Pacific

The war in the Pacific during World War II brought international conflict to Australia’s doorstep. The Asia–Pacific region is known as an area of political instability. The Second World War, and subsequent conflicts in the region, highlighted our proximity to this area and our need to make it a primary focus. Forming close links with other Asia–Pacific governments is considered important to Australia’s national interest. Additionally, people from all over the region now call Australia home.

In 1988, Australia was one of the founding members of the Asia–Pacific Economic Cooperation (APEC), which is made up of 21 economies from across the region. These countries are home to 2.9 billion people. They are the source of 70 per cent of Australia’s trade in goods and services.

Through APEC, Australia is working towards achieving economic growth via free and open trade and fostering investment in the region. To this end, Australia spends \$4.58 million annually on capacity-building projects in developing economies. Forging strong ties built on trade, aid, foreign policy, immigration and tourism is seen as vital to enhancing our national security.

FIGURE 7 Australia is a part of the Asia–Pacific region. Australian governments have worked to develop strong ties through the formation of bilateral and multilateral agreements with other nations within the region.



2.7.5 The United Nations Declaration on the Rights of Indigenous Peoples

The United Nations Declaration on the Rights of **Indigenous Peoples** (UNDRIP) was adopted in 2007. It was established as the framework to set minimum standards for the wellbeing, survival and dignity of Indigenous Peoples globally (see **FIGURE 8**). At the time, Australia, Canada, New Zealand and the United States voted against the Declaration but subsequently reversed their position and now support it.

Under Article 18 of the UNDRIP, Indigenous Peoples have the right to actively participate in decisions that will affect them. Globally, more than 35 countries have introduced measures to guarantee political representation of ethnic minorities.

Indigenous Peoples a distinct cultural group that shares collective ancestral ties to the traditional land and natural resources where they live, regardless of whether they have been displaced from that land.

FIGURE 8 Indigenous Peoples are among the most disadvantaged and vulnerable groups of people in the world today.

They make up 6 per cent of the Earth’s population.

They account for 19 per cent of the world’s poor.

They have the collective ancestral knowledge to safeguard 80 per cent of the world’s remaining biodiversity.



It is estimated there are 476 million Indigenous Peoples worldwide.

Life expectancy is 20 years lower than for non-Indigenous people.

They speak more than 4000 of the Earth’s 7100-plus languages, half of which may be lost by 2100.

First Nations Australians engaging with the political system

Ken Wyatt was the first Indigenous person elected to federal parliament in 2010. While he had held ministerial roles previously, in 2019, he became the first First Nations Australian to hold the position of Minister for Indigenous Affairs, even though the role has existed in various forms since 1968.

TABLE 1 The number of members in the Commonwealth Parliament who identify as Aboriginal or Torres Strait Islander is increasing. In the 47th parliament, they will hold 4.8 per cent of the seats, higher than their proportion of the population, which was 3.3 per cent at the last Census.

Year	Total First Nations Australians	House of Representatives	Senate
2023	11	8	3
2018	6	2	4
2015	5	2	3
2010	1	1	-
1999	1	-	1
1971	1	-	1

In New Zealand, Māori people make up 17 per cent of the population and hold around 22 per cent of the seats in parliament.

There has been considerable pressure nationwide for a formal treaty between all levels of government and First Nations Australians. While the calls for a treaty date back to the early 1800s, the issue was re-ignited following the 1967 referendum (see lesson 3.7). Victoria has been formally acknowledged as the first Australian state to begin the process of establishing a treaty with First Nations Australians. A treaty would formally acknowledge that First Nations Australians had prior possession of the land before the arrival of white settlers (see **FIGURE 9**). Use your online Resources to access the original version of the song ‘Treaty’ by Yothu Yindi.

In 2013, the Commonwealth Parliament passed the Aboriginal and Torres Strait Islander Act. This legislation formally recognised First Nations Australians as the first occupiers of Australia and its islands, as well as their continuing relationship with their traditional lands.

Successive governments have stated that they are committed to recognising First Nations Australians in the Australian Constitution. In 2022, the federal Labor Government committed to the Uluru Statement from the Heart, which formalised the idea of an Indigenous Voice to Parliament to be enshrined in the Constitution. This ‘voice’ would enable First Nations Australians to advise the parliament on policies and projects that will have an impact on their lives. The government committed to holding a referendum to allow for Constitutional change in 2023.

FIGURE 9 The Aboriginal Tent Embassy was established in the forecourt of old Parliament House and remains a permanent protest and symbol of the fight for political rights and sovereignty over traditional lands.



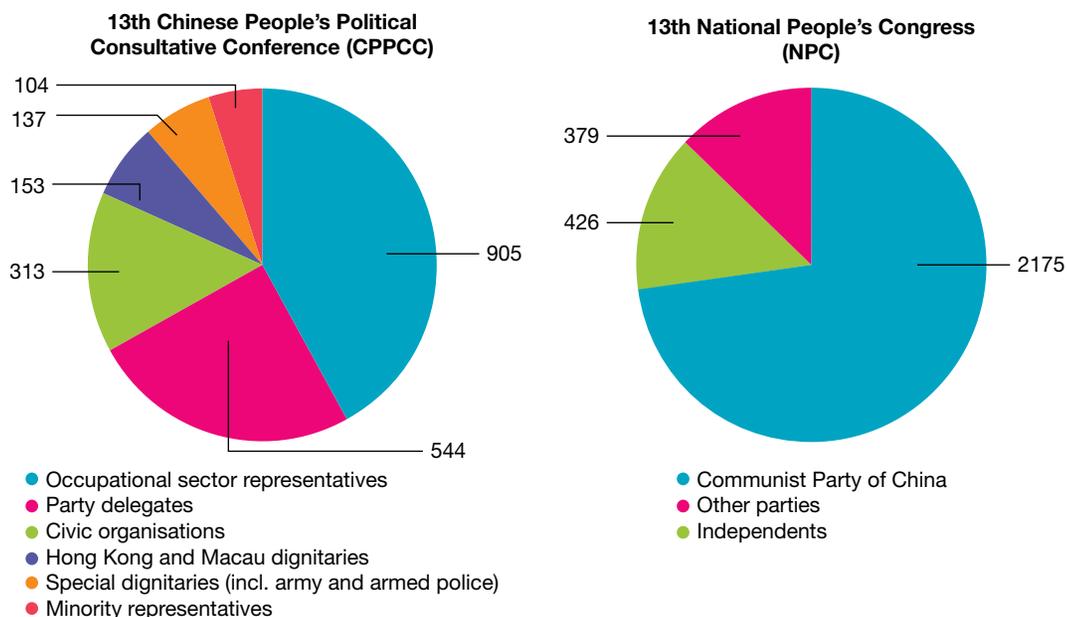
Indigenous Peoples of the People’s Republic of China engaging with the political system

The government of the People’s Republic of China (PRC) voted in favour of the UNDRIP; however, they do not recognise the existence of Indigenous Peoples and, as a result, the Declaration has not been implemented in China. Therefore, there are few institutions that allow for Indigenous group representation.

The main ethnic group in China is the Han, which makes up almost 92 per cent of the population. The PRC government recognises an additional 55 ethnic minority groups as making up the other 8 per cent of the population. They are mainly found in the west, southwest and northwest of China.

The Constitution of the PRC and laws guarantee equal rights for all ethnic minorities and endeavour to promote their economic and cultural development. Approximately 14 per cent of representatives to the National People’s Congress are from minority groups (see **FIGURE 10**). However, they are not able to advocate on politically sensitive issues such as political reform, censorship, or the treatment of minority groups in areas such as Xinjiang. Here a policy of ‘preventative repression’ has been implemented; the Chinese Communist Party is imprisoning people and employing forced re-education programs, after concluding that a large percentage of the population was vulnerable to infiltration by jihadists.

FIGURE 10 Minority groups have a limited voice in Chinese government.



2.7 SKILL ACTIVITY: Analysis, evaluation and interpretation, Communicating

In 2015, the Sustainable Development Summit was held in New York in the United States. Australia, along with 193 other countries, signed an agreement committing to the United Nations 2030 Agenda for Sustainable Development.

Australia is currently ranked 35th in its progress to meeting the 17 Sustainable Development Goals (SDG).

1. **Identify** the SDGs and why the UN has set them.
2. In what areas is Australia performing the best and worst? **Explain** the reasons for Australia’s performance in these areas.
3. **Identify** which countries hold the top three rankings. **Suggest** reasons for their success.
4. Imagine you have been asked to advise the Australian government on how it could improve our ranking and progress.

Create a presentation that:

- a. showcases the findings of your research
- b. provides advice to the Australian government on how it can improve our performance on one of our lowest-ranked goals.

2.7 Exercise

2.7 Exercise

Learning pathways

■ **LEVEL 1**

1, 2, 3, 7

■ **LEVEL 2**

4, 6, 8

■ **LEVEL 3**

5, 9, 10

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Check your understanding

- Identify** the global event that led to the formation of the United Nations.
 - End of World War I, 1918
 - End of World War II, 1945
 - September 11 terrorist attacks, 2001
 - End of the Cold War, 1991
- Select** the statement that best describes the event that worried 'Doc' Evatt during the development of the UN charter.
 - 'Doc' Evatt was worried that the larger countries would have too much influence over how the UN was run.
 - 'Doc' Evatt was worried that the UN would not have enough authority to maintain international peace and security, promote human rights, and foster economic and social development.
 - 'Doc' Evatt was concerned that too few nations were represented in the charter.
 - 'Doc' Evatt was concerned that smaller countries would have too much influence over how the UN was run.
- Determine** whether the following statements are true or false.
 - The UN Security Council is responsible for organising peacekeeping missions, imposing international sanctions and authorising military action. The Security Council consists of ten permanent members.
 - In 2007, Australia was one of the first signatories to the The United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP).
- Describe** Australia's involvement in the early years of the United Nations.
- Explain** how Australia has contributed to global citizenship through its involvement in the work of the UN.

Apply your understanding

Analysis, evaluation and interpretation

- Outline** the significance of the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP).
- Identify** two reasons why you believe Australia needs to be a member of the UN.

Civic participation and decision-making

- In your opinion, is there a better solution to maintaining global peace and protecting the rights of global citizens than the UN? **Justify** your response.
- Predict** what might have happened if 'Doc' Evatt had not lobbied for the power of the UN General Assembly to be increased.
- Predict** what might have happened if Australia was not involved in the UN.

LESSON

2.8 How does Australia play a role in international peacekeeping and global regional issues?

LEARNING INTENTION

By the end of this lesson you should be able to describe the role of UN peacekeepers, including Australia's contribution.

TUNE IN

Did you know that the United Nations Emergency Force (UNEF) was established in 1956?

1. Why do you think we need peacekeepers?
2. Come up with a list of roles that might be performed by peacekeepers.
3. Suggest a reason a peacekeeper would wear a blue helmet or beret (as shown in **FIGURE 1**) rather than the helmet or headgear of their own country.

FIGURE 1 International peacekeepers wear the military uniform of their own country with one exception. Their traditional helmet or headwear is replaced by a UN blue helmet or beret and a badge is displayed on some part of their uniform.



2.8.1 Role of UN peacekeepers

In many ways, the League of Nations can be seen as the first version of the UN. Formed after World War I, the League of Nations was charged with the responsibility of maintaining global peace. Its major shortcoming, however, was that it lacked mechanisms through which it could fulfil this role. After watching the failure of the League of Nations — ultimately it could not stop the outbreak of World War II — the founding members of the UN sought to avoid similar criticism. The UN discharges its responsibility of maintaining global peace through the use of peacekeepers and military observers.

Australia has been involved in UN peacekeeping missions from the first envoy sent in 1948. In this lesson, we examine the role of UN peacekeepers and the contribution Australians have made to these missions.

The role of United Nations peacekeepers is exactly that — to develop and maintain peaceful interactions between social, ethnic or political groups. Since 1948, the UN has deployed peacekeeping missions across the globe. The specific activities of the mission depend on the

FIGURE 2 A squad of Indonesian peacekeepers conducting duty near El Fasher Airport in Sudan, guarding civilians as they are heading back to their houses in early 2018



nature of the conflict. Missions may involve enforcing a **ceasefire** between previously warring parties, or helping a country to conduct a democratic election that would otherwise be problematic (see **FIGURE 3**).

Peacekeepers are instructed to operate using non-violent methods wherever possible. According to the UN Charter, peacekeepers are allowed to use military force only in self-defence or if the essential goal of the mission is under threat (see **FIGURE 4**).

Often known as Blue Berets, due to their distinctive blue hats and helmets, UN peacekeepers can include soldiers of national armies as well as police officers and political staff. Australia has sent 65 000 personnel to various UN peacekeeping missions. Australian doctors, engineers, diplomats, and military servicemen and women have all played their part in the establishment and maintenance of peace in countries around the world.

FIGURE 3 Through its peacekeeping roles, the UN aims to maintain peace and security.



FIGURE 4 Principles of UN peacekeeping: non-use of force except in self-defence and defence of the mandate

A UN peacekeeping operation should only use force as a measure of last resort. It should always be calibrated in a precise, proportional and appropriate manner, within the principle of the minimum force necessary to achieve the desired effect, while sustaining consent for the mission and its mandate. The use of force by a UN peacekeeping operation always has political implications and can often give rise to unforeseen circumstances.

Judgments concerning its use need to be made at the appropriate level within a mission, based on a combination of factors including mission capability; public perceptions; humanitarian impact; force protection; safety and security of personnel; and, most importantly, the effect that such action will have on national and local consent for the mission.

Source: United Nations.

ceasefire a temporary or permanent suspension of fighting

2.8.2 Australian peacekeeping missions

Australians have been involved in UN military observations since 1947, a year before the first official peacekeeping mission. Although civilian personnel have contributed to peacekeeping missions, military and police officers have traditionally played a more significant role.

Australian peacekeepers have served in several key conflicts around the world including the:

- Indonesian War of Independence (1947)
- prelude to the Korean War (1950)
- various conflicts in Israel and the Middle East (since 1956)
- Iran–Iraq War (1988–91)
- Rwandan Civil War (1993–96)
- East Timorese independence crisis (1999–2012)
- Sudanese Civil War (since 2005).

FIGURE 5 An Australian peacekeeper greets an East Timorese child in Dili



One of the best-known examples of Australian peacekeeping efforts was our involvement in the East Timorese independence crisis. A small country located to Australia's north-west, East Timor has endured a volatile history. Unlike much of the area, which was settled by the Dutch, East Timor was **colonised** by the Portuguese. In 1975, East Timor became an independent state, although it was soon invaded by neighbouring Indonesia in the same year. The Indonesian rule over East Timor was brutal and unjust, but Australian governments during this time were reluctant to criticise Indonesia. They feared such a move would damage political relations between the two countries.

After decades of civil unrest, two UN programs were launched to deal with the East Timor crisis. Australia had considerable involvement with both the UN mission in East Timor (UNAMET) and the International Force for East Timor (INTERFET). The former mission successfully organised and conducted a referendum which resulted in East Timorese independence.

Organised and led by Australian forces under Major General Peter Cosgrove, INTERFET then helped develop more effective military and law enforcement strategies in East Timor. The Australian contribution to East Timorese independence is an excellent example of the positive contributions Australia has made to our region.

colonised describes a country or region whose government has been replaced by one from another country

2.8.3 Responding to global issues

Climate change

The United Nations has identified climate change as the defining issue of our time. One hundred and ninety-eight countries have ratified the United Nations Framework Convention on Climate Change (UNFCCC) 1992.

At the Glasgow Climate Summit in 2021, countries revisited the climate pledges made under the Paris Agreement in 2015. Under this agreement, global temperature rises would be limited to 1.5°C by the end of this century. On current trends and emissions targets, global warming is predicted to lead to a temperature increase of 2.1°C by 2100. In 2015, global temperatures were predicted to rise by 3.9°C by the end of this century and by 2020 this figure had been reduced to 2.9°C (see **FIGURE 6**). However, greater action is needed if the target of 1.5°C is to be achieved.

To reach this target, global greenhouse gas emissions will need to be net zero by the second half of this century. While many countries have made policy commitments, only 12 nations have passed legislation on net-zero targets. See **FIGURE 7** for global emissions and targets of some nations around the world.

Learn more about climate change by using the **Climate transparency** and **Visualising global CO₂ emissions** weblinks in your online Resources.

FIGURE 6 Global temperature increase by 2100 will be determined by the targets governments set today and our commitment to achieving them.

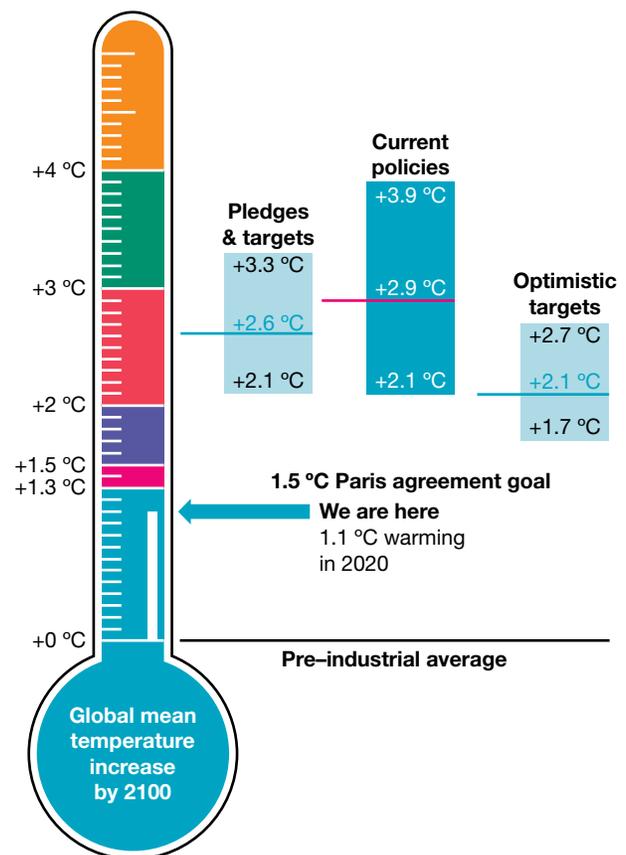


FIGURE 7 Australia ranks fourteenth in the world in terms of CO₂ emissions. How do our climate reduction targets compare with those around the world?



Source: Spatial Vision.

1. Indonesia promises to reverse deforestation by 2030 and aims to achieve net-zero carbon emissions by 2060. Although the country has planned for 23 per cent renewable energy use by 2025, there are no firm plans for phasing out coal. Currently only 12 per cent of power is generated by renewable sources.
2. Brazil has promised to end and reverse deforestation by 2030. The country has pledged to achieve net-zero carbon emissions but has not developed a long-term strategy. Less than 6 per cent of energy is from renewable sources.
3. India has promised to draw half its energy from renewable sources by 2030 and achieve carbon neutrality by 2070. The nation currently has the capacity to generate 38 per cent of power needs from renewable sources but remains heavily dependent on coal for electricity generation.
4. China has an ambitious climate policy, expecting carbon emissions to peak in 2030 and to be carbon neutral by 2060. Coal phase-out is slow, and the country continues to build coal-fired power stations. China is investing in renewable energy generation and electric vehicles. It currently has the capacity to generate 43 per cent of its power from renewable sources. With 3 million electric and hybrid vehicles on the road, China is the fastest growing market for electric vehicles.
5. Denmark is committed to a 70 per cent reduction in emissions by 2030 and to be climate neutral by 2050. The country is leader in climate policy and partnered with Costa Rica to form the Beyond Oil & Gas Alliance in 2021. The Alliance is a coalition of governments aiming to speed up the rate at which oil and gas production are phased out.
6. Australia produces 24 per cent of its power from renewable sources and is aiming to achieve net-zero emissions by 2050. The emphasis is on the promotion of electric vehicles and infrastructure as well as increasing power generation from renewables to 70 per cent by 2030.
7. Saudi Arabia produces less than 1 per cent of its power from renewable sources and is aiming to achieve net-zero emissions by 2060. The focus is on carbon capture and storage, tree planting and the use of hydrogen as a source of fuel.
8. Canada produces 19 per cent of its power from renewable sources and aims to achieve net-zero emissions by 2050, focusing on carbon capture and storage, and hydrogen as a source of energy.
9. Norway has invested heavily in electric vehicles and charging stations and is a global leader in zero emission vehicles. The aim is to reduce emissions by 40 per cent by 2030 and achieve net-zero emissions by 2050. However, Norway continues to export oil and gas to international markets.

10. Morocco is aiming to reduce its emissions to 45.5 per cent by 2030 but does not have a net-zero emissions target, as its energy sector is still heavily reliant on fossil fuels. The country does, however, have a fossil fuel subsidy phase-out plan. A target of generating 52 per cent of its electricity from renewables by 2030 has been set.
11. Germany has committed to a 65 per cent reduction in emissions by 2030 and achieving net-zero by 2045. However, to achieve these targets, the nation will need to accelerate its coal phase-out policy and remove its fossil fuel subsidy. Increased investment in fossil-free infrastructure is required. Currently 50 per cent of electricity is generated from renewable sources. The government has committed to having 6 million electric vehicles on the road and 1 million charging stations by 2030.

2.8 SKILL ACTIVITY: Questioning and researching, Communicating

Choose one of the seven conflicts from the bullet point list in section 2.8.2. **Research** the conflict and provide a series of four paragraphs in response to the following points.

- a. **Outline** a summary of the conflict.
- b. **Describe** the role played by Australia.
- c. **Identify** the number of peacekeepers — include a reference to the amount of time peacekeepers were involved and whether this number changed over time. How many were Australian?
- d. **Explain** the outcome of the event.

on Resources

-  **Weblinks** Climate transparency
Visualising global CO₂ emissions

2.8 Exercise

learn **on**

2.8 Exercise

Learning pathways

■ **LEVEL 1**
1, 2, 3, 4, 6

■ **LEVEL 2**
7, 8

■ **LEVEL 3**
5, 9, 10

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Check your understanding

1. **Determine** whether the following statements are true or false.
 - a. The major criticism of the League of Nations was that it lacked the capability to fulfil its role as a ‘global protector’.
 - b. Australians have been involved in peacekeeping since the 1940s.
2. What has the UN identified as the defining issue of our time?
 - A. Human rights
 - B. Climate change
 - C. Indigenous Peoples’ representation
 - D. Economic development
3. Who may be included as UN peacekeepers? **Select** all options that apply.
 - A. National armies
 - B. Police officers
 - C. Volunteers
 - D. Political staff
4. **Explain** the key role of UN peacekeepers.
5. **Describe** the sequence of events that explain East Timor’s journey towards independence. 

Apply your understanding

Communicating

6. **Describe** the challenges you might face as a UN peacekeeper.
7. **Identify** a challenge faced by the global community in working against climate change.
8. In your opinion, is peacekeeping a good or bad thing? **Justify** your response.

Analysis, evaluation and interpretation

9. **Determine** what Australia's participation in peacekeeping suggests about the Australian government's role and responsibilities at a global level.
10. **Examine** the principles of UN peacekeeping in **FIGURE 4**. **Explain** why you think there is a need for the principle of non-use of force.

LESSON

2.9 INQUIRY: Report card — Australia's response as a global citizen

LEARNING INTENTION

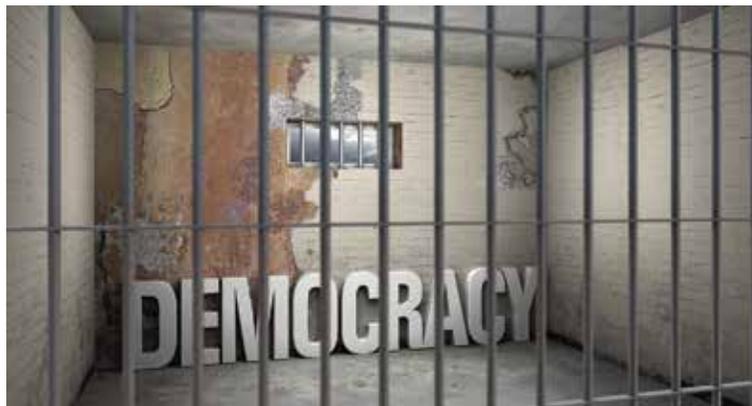
By the end of this lesson you should have a comprehensive understanding of how Australia's government responds to global issues and the effectiveness of the responses and actions.

Background

Australia has become increasingly active in global affairs and government, and successive governments have advocated that it is in our national interest to take our responsibilities seriously.

In this inquiry you will analyse and evaluate the effectiveness of the Australian government's response to a global issue such as:

- human rights and gender equality
- war and conflict
- challenges to democracy
- climate change
- Sustainable Development Goals (2030 agenda for sustainable development)
- treatment of Indigenous Peoples of the world
- the COVID-19 pandemic.



Before you begin

Access the **Inquiry rubric** in the digital documents section of the Resources panel to guide you in completing this task at your level. At the end of the inquiry task you can use this rubric to self-assess.

Inquiry steps

Step 1: Questioning and researching

Select your area of interest.

- Why is this an area of global interest?
- Why is this issue important to Australia?

- What has been the response of other countries?
- What has Australia done or what can Australia do?

Now write your inquiry question.

Step 2: Analysis, evaluation and interpretation

Investigate your issue.

Make notes using key searches such as:

- What is this issue about?
- Australia's role
- International responses
- Opportunities/challenges

Visiting the United Nations or the Department of Foreign Affairs and Trade websites is a good starting point. Use the weblinks in your online Resources to get you started.

Step 3: Civic participation and decision-making

Consider these questions when investigating.

- Why do you think this issue is important to Australia?
- How does this issue link to Australia being a global citizen?
- Why might people have different opinions on Australia's response to this issue?
- What is the issue and why is Australia involved?

Use tables to summarise your findings — you may use dot points.

What is Australia's response?	What more can Australia do?

Create a second table that reflects the different opinions that people might have in relation to this issue.

Step 4: Communicating

Select an appropriate IT format to present your findings; for example, PowerPoint or documentary.

- Include a **summary** of the issue and the reason that Australia is involved.
- Include your report card.
- Present the reasons for your findings on your score card.

Complete your self-assessment using the **Inquiry rubric** or access the 2.9 exercise set to complete it online.

on Resources

-  **Digital document** Inquiry rubric (doc-39965)
-  **Weblinks**
 - United Nations
 - DFAT: Development issues
 - DFAT: Global themes
 - DFAT: Global security

LESSON

2.10 Review

Hey students! Now that it's time to revise this topic, go online to:



Review your results



Watch teacher-led videos



Practise questions with immediate feedback

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2.10.1 Key knowledge summary

Use this dot point summary to review the content covered in this topic.

2.2 What are the key features of Australia's system of government?

- Australia is a constitutional monarchy, with a Commonwealth Parliament consisting of two houses (the House of Representatives and the Senate) and the Crown (represented by the governor-general).
- Australia's government is based on the idea of democracy. This means that sovereignty lies with the Australian people, and values such as freedom of election and support for parliamentary democracy are associated with our system of government.
- Australia's system of government is characterised by democratic elections and the separation of powers.
- There are similarities and differences between Australia's system of government and the systems of government found in other countries in the Asia region, in particular India, Indonesia and China.

2.3 What are the key features of India's system of government?

- India is a republic, with the Parliament of India consisting of the House of the People (Lok Sabha) and the Council of States (Rajya Sabha) as well as the president, who is India's head of state.
- The government of India is also based on the idea of democracy. This means that sovereignty lies with the people, and values such as freedom of election and support for parliamentary democracy are associated with their system of government.
- India's system of government is also characterised by democratic elections and the separation of powers.

2.4 What are the key features of Indonesia's system of government?

- Indonesia is a republic. Its parliament, the People's Consultative Assembly (the Majelis Permusyawaratan Rakyat, or MPR), consists of the People's Representative Council (Dewan Perwakilan Rakyat, or DPR — the lower house) and the Regional Representatives Council (Dewan Perwakilan Daerah, or DPD — the upper house). The president is both the head of state and the head of government.
- The government of Indonesia is also based on the idea of democracy. This means that sovereignty lies with the people, and values such as freedom of election and support for parliamentary democracy are associated with their system of government.
- Indonesia's system of government is also characterised by democratic elections and the separation of powers.

2.5 What are the key features of China's system of government?

- The government in China is controlled by the Chinese Communist Party (CCP). The leader of the CCP is also the President (head of state).
- There is no separation of powers in China as the CCP controls the power to make the law, administer the law and monitor the law.
- China has a hierarchical system of voting that is monitored by the CCP. Citizens only vote for the lower levels of government. The upper levels are effectively controlled by the CCP.

2.6 How does Australia act as a global citizen?

- The world's nations have experienced uneven rates of development. This has created substantial gaps between economies and given rise to numerous humanitarian issues.
- In an attempt to alleviate the pressures caused by this gap, foreign aid is provided by wealthier countries to those countries that are less developed.
- As one of the strongest economies and most developed countries in its region, Australia finds itself with tremendous responsibilities to assist its neighbours.
- The Australian government can provide both development aid (for long-term programs to support the general development of a country) and emergency aid (for natural disasters and other crises).
- Non-government organisations (NGOs) also play a critical role in the provision of foreign aid.

2.7 What are Australia's roles and responsibilities as part of the United Nations?

- Since the founding of the UN, Australia has played a significant role in developing UN policies and participating in its programs.
- Australia has served as a non-permanent member of the Security Council five times in the history of the UN.
- Australian representatives to the United Nations have used our country's increased standing to call for change regarding a number of global issues, including gender equality, the rights of women and whaling.
- Australia is a founding member of the Rome Statute and APEC.

2.8 How does Australia play a role in international peacekeeping and global regional issues?

- Australia has been involved in UN military observations and peacekeeping missions since 1948.
- UN peacekeepers can include soldiers of national armies as well as police officers and political staff.
- Peacekeeping missions may involve enforcing a ceasefire between previously warring parties, or conducting democratic elections that would otherwise be problematic.

2.9 INQUIRY: Report card – Australia's response as a global citizen

- Investigate, analyse and evaluate the effectiveness of the Australian government's response to a global issues.

2.10.2 Key terms

absolute majority half the number of votes received in an election plus one

authoritarian a form of government characterised by absolute obedience to the state, an authority figure or group

Bar Exam an exam taken by a lawyer to demonstrate they are competent to work within the legal system and undertake the work of a barrister in court

bicameral a parliament consisting of two legislative houses, or chambers

ceasefire a temporary or permanent suspension of fighting

charter an official document describing the goals and principles of an organisation

colonised describes a country or region whose government has been replaced by one from another country

communist a person who follows an economic and political system that is based on the idea of a classless society. All property and wealth are communally owned by the state, members of the public work and the state provides for the needs of the population.

constitution a set of fundamental principles according to which a nation or state is governed

constitutional monarchy a type of government based on a constitution with a queen or king as its head of state

Crown the King's authority in the Australian parliament, represented by the governor-general at the federal level and a governor at the state level

dictatorship a form of government where power rests with one person or group, which has absolute power without effective checks or limits imposed by a constitution

executive another name for the government

Federation the joining of the six Australian colonies to establish the federal and state parliaments

first-past-the-post a voting system where a candidate wins by receiving more votes than any other candidate

formal vote a ballot paper that has been filled out correctly

humanitarian concerned with the welfare of a social group

Indigenous Peoples a distinct cultural group that shares collective ancestral ties to the traditional land and natural resources where they live, regardless of whether they have been displaced from that land.

infrastructure the basic physical and organisational structures and facilities (e.g. buildings, roads, power supplies) needed for the operation of a society

intergovernmental organisation (IGO) an organisation made up of sovereign states, through treaties to collaborate on issues of common interest. They are governed by international law. Examples include the United Nations and International Criminal Court.

international sanctions actions or penalties — usually economic but also diplomatic or military — imposed on a country by a group of other countries

judiciary the collective name given to the judges who preside over law courts

multilateral describes a policy or program that involves three or more countries or parties

multinational describes an organisation operating in several countries

Politburo (or political bureau) the executive committee or policy-making body in the CCP

preferential voting a system in which voters are required to number all candidates on the ballot paper in order of preference. If no candidate wins more than 50 per cent of the vote, the preferences are distributed until one candidate has a majority of votes.

proportional representation a system where candidates are elected according to the proportion (or quota) of the vote achieved by their party

representative democracy a system in which the people elect the members of government to make laws and policies on their behalf. It is sometimes referred to as an indirect democracy.

republic a form of government where supreme power is held by the people and their elected representatives, rather than by a monarch

separation of powers the division of government into the legislature (parliament), executive (ministers and the public service) and judiciary with the aim of providing a system of checks and balances that prevents the excessive concentration of power in one group

unicameral a parliament consisting of one legislative house, or chamber

unitary state a political system where most or all of the governing power rests with a central government that has control of the whole country

Westminster system the democratic parliamentary system based on the British system of parliament

2.10.3 Reflection

Complete the following to reflect on your learning.

Revisit the inquiry question posed in the Overview:

How is Australia's democracy defined and shaped by the global community, and how does Australia respond to emerging global issues?

1. Now that you have completed this topic, what is your view on the question? Discuss with a partner. Has your learning in this topic changed your view? If so, how?
2. Write a paragraph in response to the inquiry question, outlining your views.

Resources

-  **eWorkbooks** Customisable worksheets for this topic (ewbk-11516)
Reflection (ewbk-11839)
Crossword (ewbk-11840)
-  **Interactivity** Regional government and global citizenship crossword (int-7679)

2.10 Review exercise

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sample responses



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additional
questions



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Multiple choice

- From the following list, identify those that are included in Australia's democratic values.
 - Freedom of speech
 - Support for the rule of law
 - Freedom of election and being elected
 - All of the above.
- Identify the political system on which Australia's system is based.
 - The Australian Constitution
 - The Westminster system
 - The Crown
 - The constitutional monarchy
- Identify the system of voting used to elect members to the House of Representatives in Australia.
 - The preferential system of voting
 - The first-past-the-post voting method
 - A show of hands
 - All of the above
- Identify the voting system used to elect members to the Australian Senate.
 - An absolute majority
 - The first-past-the-post voting method
 - A preferential system of voting
 - The proportional representation system
- Identify the system of government used in China.
 - Democracy
 - Republic
 - Dictatorship
 - Direct democracy
- Identify the age at which Chinese citizens can vote or stand for an election.
 - 16
 - 18
 - 21
 - 25
- Identify the correct statement about India.
 - The parliament appoints the chief justice.
 - The prime minister appoints the president.
 - The chief justice appoints the president.
 - The president appoints the prime minister.
- The parliament of India consists of:
 - the House of Representatives and the House of Councillors.
 - the House of Representatives and the Senate, as well as the Crown.
 - the House of the People (Lok Sabha) and the Council of States (Rajya Sabha), as well as the president.
 - the People's Representative Council (Dewan Perwakilan Rakyat) and the Regional Representatives Council (Dewan Perwakilan Daerah).

9. Identify the system of government used in Indonesia.
- A. A republic
 - B. A constitutional monarchy
 - C. An absolute monarchy
 - D. All of the above
10. Identify the term of office of the Indonesian president.
- A. Three years
 - B. Five years
 - C. Seven years
 - D. Nine years

Short answer

Communicating

11. **Describe** the values you associate with the system of government in Australia.
12. **Describe** two ways in which the system of government in China is different from the system of government in Australia.

Civic participation and decision-making

13. **Explain** the role of UN peacekeepers. In your response, include an example of an activity that might be undertaken by peacekeepers.
14. **Explain** why APEC is important to Australia. As part of your response, explain what APEC is.

Analysis, evaluation and interpretation

15. Using examples, **distinguish** between ‘development aid’ and ‘emergency aid’.

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3 The High Court and Australia's international agreements

LESSON SEQUENCE

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LESSON

3.1 Overview

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What are Australia's obligations on the international stage and how does the High Court ensure that we fulfil these obligations?

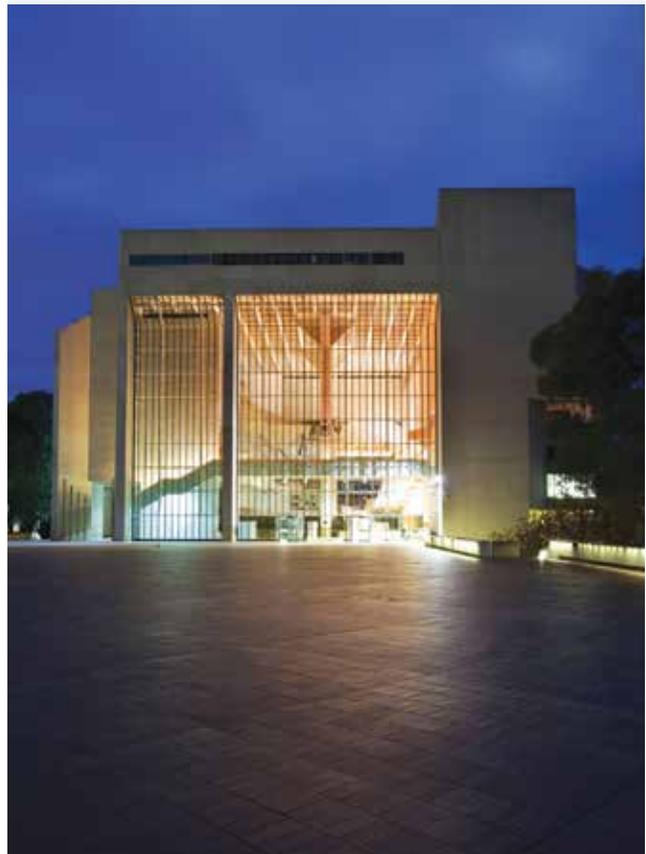
3.1.1 Introduction

Under the rule of law, all citizens are subject to and bound by the law. Courts have been established to deal with disputes that arise and to protect the operation of our system of democracy. The most serious disputes are dealt with by the highest court in our legal system — the High Court of Australia.

The High Court is unique. It is the only court in Australia established and specifically mentioned in the Australian Constitution. As its jurisdiction is specified in the Constitution, its operation cannot be influenced by the parliament and any changes to its operation would have to be approved by the people at a referendum. It is the only court in Australia that can resolve disputes related to the operation of the Constitution or rule on matters arising out of our relations with other nations.

Australia is also part of a global community and enters into agreements with other nations. These agreements are designed to protect our heritage, environment and way of life, now and into the future, and impose obligations on Australia to adhere to their terms and play our role as a global citizen. Within this context, Australia offers a haven to refugees and asylum seekers who have been displaced due to conflicts abroad and provides various forms of aid to communities that are in need because of natural disasters or conflict.

FIGURE 1 The High Court of Australia building is located in Canberra but the justices travel to capital cities around the country settling disputes.



Resources



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Living in a cohesive society (eles-6042)

LESSON

3.2 How are disputes resolved between the Commonwealth and the states?

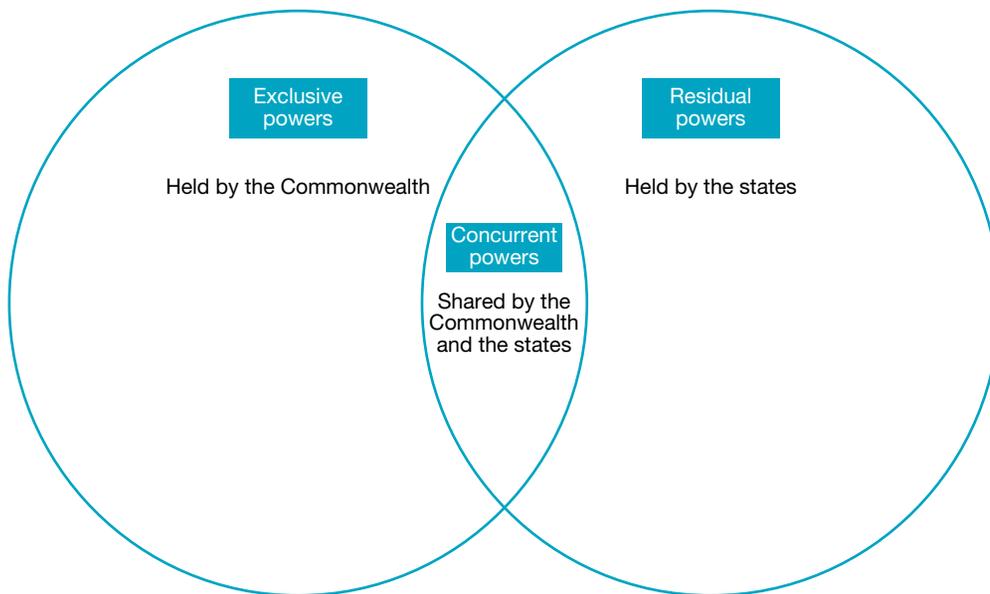
LEARNING INTENTION

By the end of this lesson you should be able to explain how the Australian court system allows for the resolution of disputes between state and federal governments.

TUNE IN

Did you know that the Australian Constitution divides law-making power between the Commonwealth and state governments?

FIGURE 1 Law-making Venn diagram



1. Draw a Venn diagram like the one shown above and add the information as shown.
2. Work with a partner to decide in which section of the Venn diagram the following law-making powers belong:

road laws	taxation	currency
military	public transport	marriage
trade	passports	education

3. Explain how you decided where to place each area of law-making.
4. Take a class poll and record the consensus on the board.

3.2.1 Specific, exclusive, concurrent and residual powers

A system of courts is needed to help maintain social cohesion. In Australia we have courts at a state level, but we also have a federal court system. At the top of this federal court system is the High Court of Australia. Located in Canberra, the court is presided over by seven High Court justices, who are appointed by the governor-general on the advice of the federal government. Justices are appointed for a period that expires when they turn 70; they cannot be removed from office except on the grounds of proven misbehaviour or incapacity.

When the Constitution established the Commonwealth of Australia (effective 1 January 1901), it granted the Commonwealth Parliament the power to make laws in certain areas. These are known as specific powers. They are called ‘specific’ because they are specified in sections of the Constitution. It also allowed the colonial parliaments (known as state parliaments after Federation) to retain their individual constitutions and some of their law-making powers, known as residual powers. These powers can only be exercised by the state; for example, criminal law and public transport.

Specific powers are divided into two categories:

- Exclusive powers — law-making powers that belong only to the Commonwealth, such as immigration and defence. The states cannot make laws in these areas.
- Concurrent powers — law-making powers that are shared by the Commonwealth and the states, such as taxation and trade. Both levels of government can make laws in these areas.

Having concurrent powers made it likely that some conflict would develop between laws made by the Commonwealth and laws made by the states. In these circumstances, it is the role of the High Court to settle such disputes.

The original version of the Constitution included only 39 specific powers and they were referred to as the ‘39 heads of power’. An additional power was added after the 1946 referendum, which extended the power of the Commonwealth to provide social service benefits such as unemployment benefits and the pharmaceutical benefits scheme.

3.2.2 Concurrent powers and Section 109

Section 51 of our Constitution identifies 40 areas where the Commonwealth (or federal) Parliament ‘shall, subject to this Constitution, have power to make laws for the peace, order, and good government of the Commonwealth’. As noted earlier, these powers are referred to as specific powers. They are also referred to as ‘concurrent’, which means both the state and the federal parliaments are free to make laws in these areas. These 40 powers include the power to make laws in the areas of taxation, marriage, naturalisation and aliens, external affairs and acquiring property on just terms.

The framers of the Constitution were aware that, by creating these concurrent powers, there was potential for conflict to arise between a law made by a state parliament and a law made by the federal parliament. To that end, the framers put in place a mechanism for resolving such a conflict — section 109.

Section 109 of the Constitution states that ‘[w]hen a law of a State is inconsistent with a law of the Commonwealth, the latter shall prevail, and the former shall, to the extent of the inconsistency, be invalid’. A problem arises when the state doesn’t believe that an inconsistency exists or believes that the Commonwealth didn’t have the power to create a law in this area. It is at this point that the High Court is often called upon to resolve the dispute.

FIGURE 2 *The Commonwealth of Australia Constitution Act 1900* establishes the law-making powers of the federal and state parliaments.

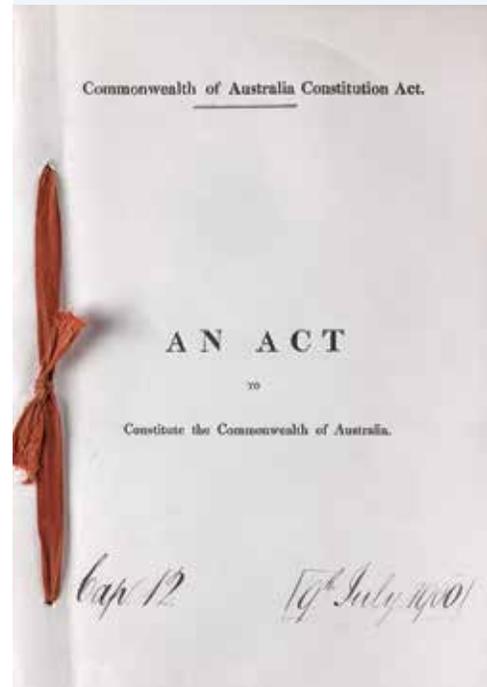


FIGURE 3 The popular Australian film *The Castle* involved a family fighting a large company who wanted the government to compulsorily acquire their house. Section 51 of the Constitution was mentioned in the film.



3.2.3 Resolving conflicts between state and federal laws

The framers of the Constitution recognised that the members of the state governments would be more familiar with their own citizens and circumstances, and so the state governments were left with the power to make laws in certain areas. The framers also recognised that there were certain areas where it would be in the national interest for citizens to recognise only one law.

Discrepancies exist between states and territories in certain areas of law; for example, each state and territory has its own laws about learner drivers' permits and probationary licenses. Study **FIGURE 6** to discover the different laws that exist in each state and territory in relation to obtaining a learner's permit or probationary license. In which state or territory does it take the least amount of time to obtain a probationary license?

One area where laws have conflicted in recent years is marriage. In 1961 the Commonwealth Parliament passed the *Marriage Act 1961* (Cwlth). This act of parliament codified the law to explicitly state that marriage means:

the union of a man and a woman to the exclusion of all others, voluntarily entered into for life.

In 2004 the Commonwealth Parliament passed the *Marriage Amendment Act 2004* (Cwlth) that further extended the existing law to define marriage as:

a union of a man and a woman; and clarify that same-sex marriages entered into under the law of another country will not be recognised in Australia.

In 2013 the government of the Australian Capital Territory passed a new law, the *Marriage Equality (Same Sex) Act 2013* (ACT), which allowed for same-sex marriage in the ACT. After it was proclaimed, a challenge was raised in the High Court in December 2013 in the case of *Commonwealth v. Australian Capital Territory* 2013 HCA 55.

The High Court was asked to decide whether section 51(xxi) and section 51(xxii) of the Constitution, which relate to marriage and divorce, allowed the ACT government to pass a law that was contrary to the federal law identifying marriage as a union between a man and a woman. On 12 December 2013 the High Court ruled that the ACT law legalising same-sex marriage was inconsistent with the federal law passed under section 51(xxi) of the Constitution. Hence, the ACT law was deemed to be invalid, and it was subsequently repealed. The High Court was able to resolve a conflict between two laws on the same topic and has therefore provided for a consistent law in this area.

After this High Court decision, debate continued in Australia. The growing level of support for same-sex marriage resulted in a postal survey, to gauge the level of support for a change in the law. The Australian Marriage Law Postal Survey, which took place between September and November 2017, was conducted by the Australian Bureau of Statistics through a postal survey rather than through ballot boxes at polling booths. Over 79 per cent of eligible voters returned the postal survey form (participation was not compulsory as it normally is in Australian elections). Nearly 62 per cent of voters supported a change in the law, so the federal government then passed a law legalising same-sex marriage, which came into effect in December 2017.

FIGURE 4 Australians took to the streets in large numbers to show their support for legalising same-sex marriage.



3.2.4 Influencing state governments

The High Court not only resolves disputes over Commonwealth and state laws; it is also asked to review decisions made in state courts. As part of its jurisdiction, the High Court has the ability to hear appeals from the Supreme Courts of each state and territory, and to comment on legislation passed by the states. In making its judgements the court, and the justices sitting on a particular case, will offer comments on the validity and suitability of the laws in question. The state parliaments often act on these comments.

The case of *Trigwell v. State Government Insurance Commission* (1979) is an example of such a case. A woman was driving along a road at night when she swerved to avoid a sheep that had strayed onto the road. In doing so, she crossed onto the other side of the road and hit an oncoming car. The woman was killed and the people in the other vehicle were injured. The injured parties sued the farmer for negligence, stating that the farmer was at fault for not maintaining the fence through which the sheep escaped. The High Court was unable to find the farmer liable as the court was bound by a decision made in the House of Lords in England that still applied to Australian courts. In making their decision, the justices noted that the parliaments of the various states had known of this **precedent** for some time but had not acted and that they thought the current law was wrong. However, it was the role of the parliament, rather than the courts, to change the law. Following this decision, many state governments passed legislation to amend the Wrongs Act so this decision could not occur again. Farmers would henceforth be liable for their animals escaping and causing harm or damage.

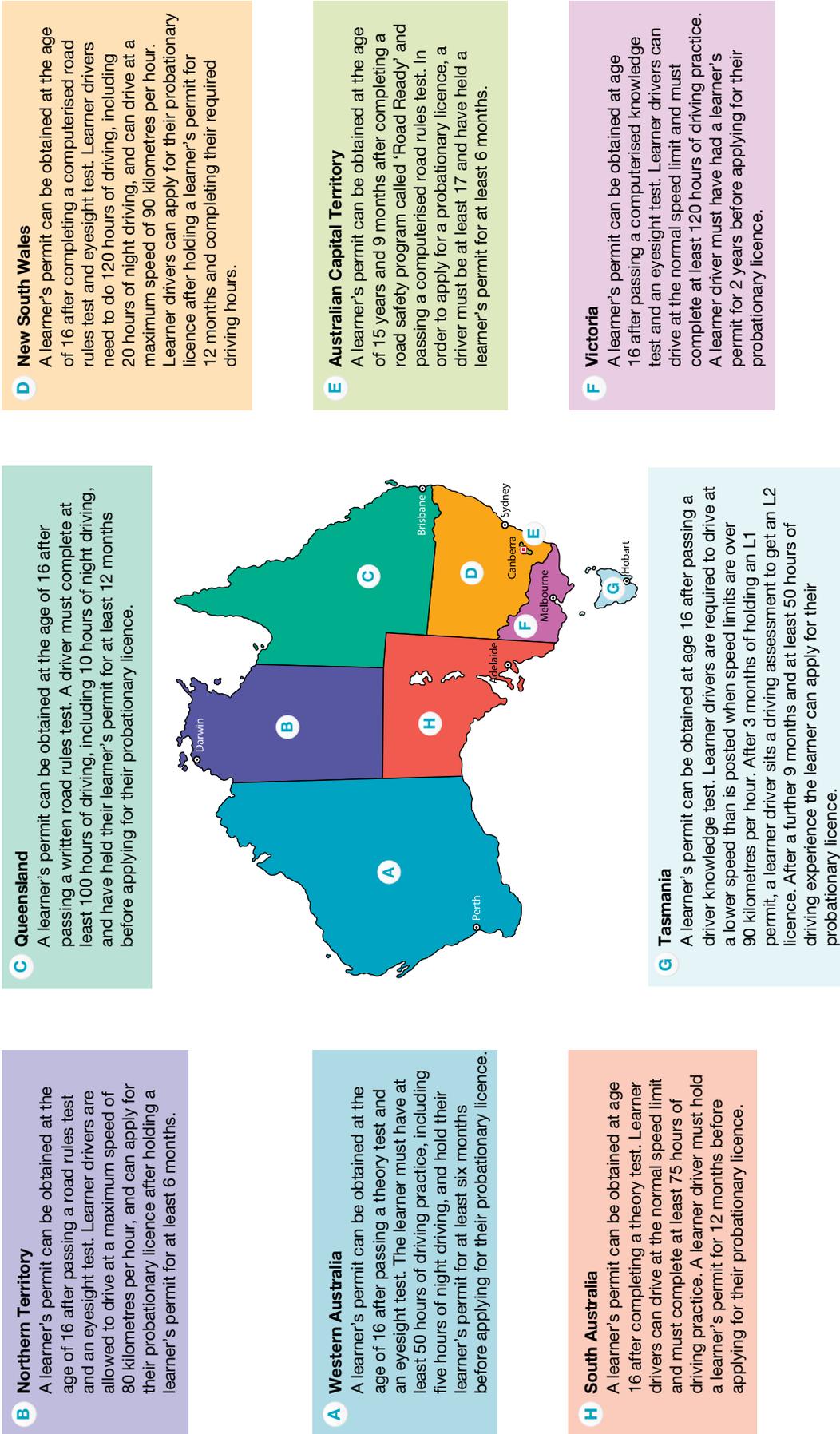
precedent an action or decision on which later actions or decisions might be based; a law made by a superior court that must be applied by lower courts in future cases with the same or similar facts

FIGURE 5 Animals straying onto a road can cause a hazard for other road users — sometimes leading to accidents, as occurred in the Trigwell case.





FIGURE 6 Learner permit and probationary licence laws around Australia



3.2 SKILL ACTIVITY: Analysis, evaluation and interpretation, Communicating

Law-making power is divided between the Commonwealth and state parliaments and, as a result, laws can differ from state to state. **Create** a poster to show why these differences exist. You might like to use the differences in laws between the states during the COVID-19 pandemic or differences in road laws as examples.

3.2 Exercise

learn**on**

3.2 Exercise

Learning pathways

■ LEVEL 1

1, 3, 4, 6

■ LEVEL 2

2, 7, 8

■ LEVEL 3

5, 9, 10

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Check your understanding

1. Australia's superior court of record is called the High Court of Australia.
Identify the Australian city that is home to the permanent High Court building.
A. Adelaide
B. Canberra
C. Sydney
D. Melbourne
2. The Australian Constitution is an important document in the Australian political and legal system.
Identify the statement that does not apply to the Constitution.
A. The Constitution created the High Court.
B. The Constitution divides law-making power between the States and the Commonwealth.
C. Residual powers are listed in the Constitution.
D. Section 51 outlines the specific powers of the Commonwealth.
3. Like many superior courts around the world, the High Court of Australia only has a small number of justices serving the court at any one time and the number is capped.
Identify the number of justices that may sit on the High Court at any one time.
A. Three
B. Five
C. Seven
D. Nine
4. **Identify** the age at which a High Court justice must retire.
A. 60
B. 70
C. 75
D. 80
5. **a. Distinguish** between the specific and residual powers.
b. Define why section 109 of the Constitution is important.

Apply your understanding

Communicating

6. **Explain** why concurrent powers lead to conflict.

Analysis, evaluation and interpretation

7. **Analyse** why it is better in some instances for Australia to have one law for the whole country on an issue.
8. **Analyse** why the High Court is the appropriate venue to resolve disputes between two or more states.
9. The High Court hears appeals from other courts. **Analyse** why the High Court should be able to do this.
10. Some areas are not mentioned in the Constitution, such as the environment or euthanasia. **Describe** the role the High Court could play in disputes in these areas.

LESSON

3.3 How is the Australian Constitution interpreted in the modern world?

LEARNING INTENTION

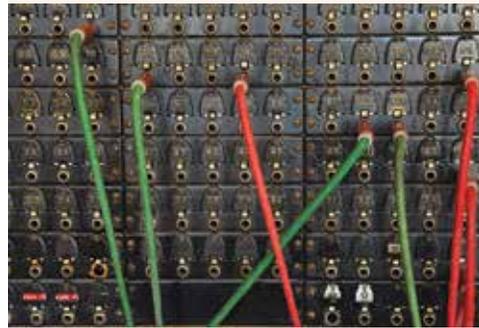
By the end of this lesson you should be able to explain why the Australian Constitution needs to be interpreted, describe how the High Court interprets the Constitution, and explain how the High Court has protected our rights when interpreting the Constitution.

TUNE IN

Do you know what this is? You may have seen something similar on movies set in the early twentieth century.

1. Work with a partner to explain what is shown in **FIGURE 1** and how it might work.
2. Describe changes that you think may have occurred to this technology since 1901 when the Australian Constitution came into operation.
3. Compare ideas from different pairs within your class.
4. Brainstorm a list of connections between changes in society and the Constitution.

FIGURE 1 Technology from the late nineteenth century through to the mid twentieth century



3.3.1 The power to interpret the Constitution

The Commonwealth of Australia Constitution was passed by the British Parliament in 1900 after ten years of negotiations and drafting by the premiers of the six colonies and a number of constitutional conventions. This process served to develop a constitution that served the interests of all the states and the citizens of Australia at that time. It also aimed to provide a framework for governing that would serve Australia into the future by including in the Constitution provisions to take future changes in society into account. Of course, the framers could not envisage all possible future changes such as technology (see **FIGURE 2**). By establishing the High Court, they provided a means for interpreting the Constitution that allows the document to take into account future circumstances, thereby bringing the law-making powers into the twenty-first century and beyond.

The High Court obtains its jurisdiction from sections 75 and 76 of the Constitution (see **FIGURE 3**). Effectively it has the power to hear and determine ‘all matters’ that are listed below, such as matters arising under any treaty and matters in which the Commonwealth is a party. Since its first case in 1903, the High Court has played a significant role in interpreting the words and phrases of the Constitution to determine whether a law or a decision is valid.

The Constitution contains clear rules about the law-making powers of both the state and Commonwealth parliaments. However, as noted above, there are still occasions when conflicts over law-making power arise between the Commonwealth and the state parliaments. It is also possible for individuals to challenge whether or not a particular law made by the Commonwealth is constitutional.

FIGURE 2 When the Constitution was drafted in the late 1890s, its creators could not anticipate the changes brought about by technology.



FIGURE 3 Sections 75 and 76 of the Constitution give the High Court its jurisdiction to hear cases and interpret the Constitution.

Section 75 of the Constitution gives the High Court jurisdiction to hear cases

In all matters:

- i. arising under any treaty
 - ii. affecting consuls or other representatives of other countries
 - iii. in which the Commonwealth, or a person suing or being sued on behalf of the Commonwealth, is a party
 - iv. between states, or between residents of different states, or between a state and a resident of another state
 - v. in which a writ of mandamus or prohibition or an injunction is sought against an officer of the Commonwealth
- the High Court shall have original jurisdiction.

Section 76 of the Constitution further elaborates on the High Court's powers

The parliament may make laws conferring original jurisdiction on the High Court in any matter:

- i. arising under this Constitution, or involving its interpretation
- ii. arising under any laws made by the parliament
- iii. of admiralty and maritime jurisdiction
- iv. relating to the same subject matter claimed under the laws of different states.

When called upon to interpret the Constitution, the High Court is actually making common law, as the decision made will be followed by other courts and parliaments in all future cases and legislation. Decisions by the High Court about the interpretation of the Constitution are final. No parliament can pass laws to change these decisions. Only the High Court has the power to overrule its past decisions in a future case. This is an important function of the High Court because it provides for consistency and certainty in laws across Australia.

If the Commonwealth Parliament disagrees with the decision, the only way it can change the High Court ruling is by holding a referendum.

3.3.2 CASE STUDY: Interpreting the Constitution

Section 51(v) of the Constitution gives the Commonwealth the power to make laws with respect to ‘postal, telegraphic, telephonic, and other like services’. At the time the Constitution was written, this section related to controlling telegraph services, telephones (still in their infancy) and the issuing of stamps for letters and packages. The 1880s saw the development of the telegraph and the telephone, and so it was foreseen that technology would continue to evolve and other means of communication might develop. It is possible that this thought encouraged the framers of the Constitution to include the phrase ‘other like services’ in this section, indicating that they knew some form of technology would develop but were not sure what that might be. The meaning of this phrase has been tested a number of times, with the most commonly sourced case being *R v. Brislan* (1935).

R v. Brislan

In 1905 the Commonwealth Parliament passed the *Wireless Telegraphy Act* (1905). This Act allowed the government, through the Postmaster-General, to issue licences to those who transmitted or listened to wireless broadcasts. It also allowed the government to collect fees from those who were issued with licences (see **FIGURE 5**).

In 1934 Dulcie Williams purchased and had installed an electric wireless receiving set. A week after installation she was visited by officers of the Postmaster-General’s department and was charged, convicted and fined £1 in the Court of Petty Sessions for failure to have a licence. Williams challenged the law on the basis that the Commonwealth did not have the power under the Constitution to impose the requirement of the licence. Brislan, the inspector who initially charged Williams, was also a party to the case as his actions were being questioned. It was argued that the term ‘other like services’ did not cover wireless sets and licences to use such sets. The High Court decided that section 51(v) included the power to regulate radio broadcasting and so the 1905 legislation was valid law. In a majority decision, the justices found radio to be an item covered by section 51(v), as it was a communication device, and that the phrase ‘other like services’ should encompass developments in technology not anticipated at Federation and therefore not explicitly listed in the Constitution.

FIGURE 4 When wireless sets (radios) were introduced, it was necessary for people to have a licence to own and use one.



FIGURE 5 Section 5 of the Wireless Telegraphy Act allowed the Postmaster-General to collect licence fees from those who listened to a wireless.

Be it enacted by the King's Most Excellent Majesty, the Senate, and the House of Representatives of the Commonwealth of Australia, as follows:—

1. This Act may be cited as the *Wireless Telegraphy Act 1905*.
2. In this Act,—
 - “Australia” includes the territorial waters of the Commonwealth and any territory of the Commonwealth;
 - “Wireless telegraphy” includes all systems of transmitting and receiving telegraphic messages by means of electricity without a continuous metallic connexion between the transmitter and the receiver.
3. This Act shall not apply to ships belonging to the King's Navy.
4. The Postmaster-General shall have the exclusive privilege of establishing, erecting, maintaining, and using stations and appliances for the purpose of—
 - a. transmitting messages by wireless telegraphy within Australia, and receiving messages so transmitted, and
 - b. transmitting messages by wireless telegraphy from Australia to any place or ship outside Australia, and
 - c. receiving in Australia messages transmitted by wireless telegraphy from any place or ship outside Australia.
5. Licences to establish, erect, maintain, or use stations and appliances for the purpose of transmitting or receiving messages by means of wireless telegraphy may be granted by the Postmaster-General for such terms and on such conditions and on payment of such fees as are prescribed.

Television, fax machines and the internet all developed after the *Brislan* case was heard, and at times the High Court has had to expand upon the judgement in *R v. Brislan* to determine whether these items are covered by the Constitution. The result of the judgement in the *Brislan* case is that these words in the Constitution have been interpreted and a meaning has been given to them.

In each case the High Court has found in favour of the Commonwealth and increased its law-making power. It is these decisions that enable the Commonwealth to make laws that apply to the whole country on issues such as ‘piracy’ and film classifications, thus ensuring that the Constitution is up-to-date and relevant in a modern world.

3.3.3 A question of rights

The Constitution not only provides for our system of government and the division of law-making powers between the states and the Commonwealth; it also provides citizens of Australia with certain **rights**. These rights are referred to as express rights because they can be clearly identified in the words of the Constitution. Through its ability to interpret the Constitution, the High Court, as the guardian of the Constitution, therefore protects our rights as well. If a person or a group feels that an act of a government infringes upon their rights, they may ask the High Court to declare the action unconstitutional or the law *ultra vires*.

rights those things that a person is entitled to by virtue of being a member of society

ultra vires acting beyond the power of the law maker. It usually refers to situations where parliaments pass a law that is outside their area of authority.

There are five express rights in the Australian Constitution:

Section of Constitution	What is it about?	What does it mean?
Section 51 (xxxi)	Compensation for acquired property must be on just terms.	If the government acquires property for use by the Commonwealth such as building a new freeway or railway, they must pay a fair price for that property.
Section 80	Trial by jury	If a person is accused of an indictable offence (serious crime) under Commonwealth law, their case must be tried before a jury. This does not apply to the states and most crimes are created under state law.

Section of Constitution	What is it about?	What does it mean?
Section 92	Freedom of interstate trade and commerce	No government can do anything that interferes with the free operation of commerce across state borders, such as imposing a tax on goods from another state. This also applies to people. However, some restrictions may be justified such as closing borders during the COVID-19 pandemic or preventing individuals from bringing fruit over a state border.
Section 116	Freedom of religion	The government cannot force anyone to follow any one religion, nor can it prevent anyone from freely practising their religion. Passing a religious test cannot be a condition of having a Commonwealth job.
Section 117	Residential non-discrimination	A person cannot be treated differently or be discriminated against because they live in a different state. A state cannot offer a discount only to holders of a Seniors' card who live in that state. Seniors visiting from another state are entitled to the same discount.

The High Court may also determine that other rights exist within the words of the Constitution even though those words do not expressly provide that right. The High Court can still **infer** that a right exists and that the words imply that right. There are a number of cases that involve the determination of implied rights by the High Court. All but one of these cases revolve around the implied right to freedom of political communication.

Theophanous v. Herald and Weekly Times (1994)

Dr Andrew Theophanous was a member of the Australian Labor Party (ALP) who had been elected to the House of Representatives in 1980. In 1992, while he was still a member of parliament, the *Sunday Herald Sun* published a letter written by Bruce Ruxton, the president of the Victorian branch of the Returned and Services League (RSL). This letter raised some concerns about the qualities of Dr Theophanous as a politician. Theophanous sued Ruxton and the Herald and Weekly Times (publishers of the *Sunday Herald Sun*) for **defamation**.

In resolving this dispute the High Court was required to look at the words of the Constitution, in particular sections 7 and 24, to determine if they allowed for freedom of political speech. The sections themselves state that members of the Senate (section 7) and the House of Representatives (section 24) are to be chosen by the people. The High Court was asked to examine if the requirement of being elected by the people gave the people the right to comment on political matters. The High Court ruled that the Constitution did protect freedom of political speech. Therefore, the fact that Ruxton was expressing a view about a political matter provided him with a defence so that he could not be sued for defamation.

infer to form a conclusion based on evidence

defamation a civil wrong involving a written or verbal communication that lowers a person's reputation in the community

3.3 SKILL ACTIVITY: Civic participation and decision-making

Roach v. Electoral Commissioner (2007)

In 2006, the Commonwealth Parliament passed legislation that banned all prisoners from voting in Commonwealth elections. Prior to this, only prisoners serving a sentence longer than three years were banned from voting. The new law effectively prevented around 20 000 prisoners from voting in federal elections.

Vicki Lee Roach was serving a six-year prison sentence and challenged this new law in the High Court. She claimed that the ban on prisoners voting was not lawful, as the Australian Constitution protected the right of the people to vote through Sections 7 (Senate) and 24 (House of Representatives), which stated that parliament

would be 'composed of members directly chosen by the people'. She claimed that banning prisoners from voting meant that the Parliament was not truly representative of the people.

The High Court agreed that preventing all prisoners from voting was invalid. However, it also found that the parliament should be able to restrict voting in cases where a person had been found guilty of 'serious criminal misconduct' and this included prisoners serving a prison term of greater than three years.

The ability and willingness of citizens to challenge the actions of government is a key component of active citizenship.

1. **Explain** what you understand by the term 'active citizenship'.
2. **Discuss** the decision in this case, making sure you cover the following points:
 - conflicting opinions that individuals might have related to prisoners and their rights
 - your opinion on the decision. **Justify** your opinion.

3.3 Exercise

learn**on**

3.3 Exercise

Learning pathways

■ LEVEL 1

1, 3, 4, 7

■ LEVEL 2

2, 6, 8

■ LEVEL 3

5, 9, 10

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Check your understanding

1. **Identify** why an Australian Constitution was needed.
 - A. To enable Australia to have a bill of rights
 - B. To establish the system of government and laws for the new country of Australia formed at Federation
 - C. To record what the prime minister and Cabinet are meant to do on behalf of the Australian people
 - D. All of the above
2. **Identify** one reason that explains why the High Court is needed.
 - A. Due to increased crime rates and more courts needed to hear cases
 - B. To rule on disputes involving the states and the federal government
 - C. To rule on cases between Australia and New Zealand
 - D. To rule on cases that arise in Canberra, Australia's capital city
3. **Identify** the sections of the Constitution that give the High Court the power to interpret the Constitution.
 - A. 66 and 67
 - B. 71 and 72
 - C. 74 and 75
 - D. 75 and 76
4. **Explain** why the Constitution may need to be interpreted.
5. **Consider** the Brislan case. **Identify** the changes that have occurred in telecommunications to which this decision may apply. **Select** all that apply.
 - A. Television
 - B. Magnetic resonance imaging
 - C. Internet
 - D. Facsimiles

Apply your understanding

Communicating

6. **Describe** the impact of an interpretation of the Australian Constitution.
7. **Explain** what is meant by an implied right.
 - A. Implied rights are the freedoms that are written into the Constitution.
 - B. Implied rights are the freedoms that, while not officially written into the Constitution, are implied by the Constitution.
 - C. Implied rights are the freedoms that are not officially written into the Constitution, and therefore do not exist.
 - D. Implied rights reflect the freedoms of both state and federal governments to make laws in certain areas.

Analysis, evaluation and interpretation

8. Most laws are made by Parliament, whose members are elected by us. **Discuss** whether you think judges in the High Court should be allowed to make laws through their decisions.
9. **Examine** the Theophanous case. Do you agree that we should have this right? **Justify** your answer.
10. Do you believe that a document as important as the Constitution should include vague terms such as 'other like services'? **Justify** your answer.

LESSON

3.4 What are Australia's obligations under international law?

LEARNING INTENTION

By the end of this lesson you should be able to explain Australia's human rights obligations under international law and describe the means by which international law is enforced.

TUNE IN

Did you know that there are laws that govern our relationships with other countries? The main purpose of international law is to promote peace, justice and prosperity for everyone in the world.

Work with a partner to answer the following questions.

1. Brainstorm a list of things that you think are covered under international law.
2. How do you think international law is enforced?
3. Every country is different and has different laws.
 - a. How might international laws account for these differences?
 - b. How do you think international laws are created?
 - c. Who might decide what is and is not appropriate behaviour?
4. Share your ideas to reach a class consensus.

FIGURE 1 International law sets the standards of behaviour for nations and their citizens when issues cross borders.



3.4.1 What is international law?

International law sets the standards of acceptable behaviour for nations and their citizens when dealing with issues that cross borders or are of concern to society in general. International law consists of the rules and principles governing the relations and dealings of nations with each other, relations between states and individuals, and relations between international organisations. There are generally considered to be two types of international law:

- *public international law*, which concerns itself only with questions of rights between several nations, or between nations and the citizens or subjects of other nations. Examples include laws of war (war crimes), aviation (use of air space) and maritime law (freedom of navigation, access to resources).
- *private international law*, which deals with controversies between private persons arising out of situations involving more than one nation. Examples include international adoptions and business disputes.

International law has developed from a number of sources, but it is primarily derived from treaties and conventions between countries. A treaty is a form of contract between two parties (two countries or two international organisations from different countries).

The United Nations

The United Nations (see **FIGURE 2**) is an **intergovernmental organisation**, founded by fifty-one countries in 1945, following the end of the Second World War. It replaced the League of Nations that had been formed at the end of World War I. It was hoped that the United Nations could succeed where the League of Nations had failed, and prevent another world war.

Through its Charter, the United Nations has established a commitment to maintain international peace and security, develop friendly relations between member nations, and promote social progress, better living standards and human rights. To this end the United Nations has established a Security Council and an International Court of Justice.

The United Nations is responsible for drafting and **ratifying** international conventions and declarations that seek to establish guidelines for behaviour and the establishment of rights for citizens of the world. These conventions and declarations are drafted by the General Assembly of the United Nations or one of the six main committees of the UN. These committees draft resolutions, conventions and declarations, which are then ratified by a vote of the General Assembly's 193 members.

The United Nations has ratified nine key human rights treaties. **TABLE 1** identifies these treaties and indicates which have been ratified by Australia.

intergovernmental organisation an international organisation or body made up of nations with a common interest; examples include the United Nations, European Union and World Bank. Other bodies such as Amnesty International and World Vision are examples of international non-government organisations.

ratify the process a treaty goes through within a nation or state to indicate its consent and intention to be bound by a treaty. In Australia this means it has passed through the legislative process; passed by both houses of federal parliament and received royal assent from the governor-general.

TABLE 1 The United Nations has established nine key human rights treaties. Australia has ratified seven of these.

Treaty	Ratified by Australia
International Labour Organization Discrimination (Employment) Convention	No
International Convention on the Elimination of all forms of Racial Discrimination	Yes
International Covenant on Economic, Social and Cultural Rights	Yes
International Covenant on Civil and Political Rights	Yes
International Convention on the Elimination of all forms of Discrimination against Women	Yes
Convention against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment	Yes
Convention on the Rights of the Child	Yes
Convention on the Rights of Persons with Disabilities	Yes
Convention on the Rights of Migrant Workers and their Families	No

FIGURE 2 The United Nations is the body responsible for determining international law.



3.4.2 Enforcing international law

It is the role of the United Nations to both establish international laws and enforce them. The United Nations makes use of the International Court of Justice and the UN Security Council, responsible for deploying UN peacekeepers, to assist it in enforcing international law.

The Security Council has the power to authorise economic, diplomatic and military sanctions as well as the use of military force, as has been seen in the case of the Russian Federation invasion of Ukraine in 2022. Following the atrocities committed against the citizens of Bucha by the Russian Federation, the Security Council went on to suspend the Russian Federation's membership of the United Nations Human Rights Council. In 2021 Russia joined this body as one of 15 nations elected by the General Assembly to serve a three-year term.

FIGURE 3 The Russian Ambassador speaking at a Security Council briefing in March 2022, just 24 days before the Russian Federation was suspended from the UN Security Council.



The International Court of Justice

The International Court of Justice (see **FIGURE 4**) is the primary judicial branch of the United Nations. It is based in the Peace Palace in The Hague, Netherlands. Its main functions are to settle legal disputes submitted to it by states (member countries of the United Nations) and to provide advisory opinions on legal questions submitted to it by duly authorised international branches, agencies and the UN General Assembly.

More than 176 cases have been brought before the International Court of Justice since its inception on 22 May 1947. The cases involving Australia are:

- Nuclear Tests Case (*Australia v. France*) 1974
- Certain Phosphate Lands in Nauru (*Nauru v. Australia*) 1992
- East Timor (*Portugal v. Australia*) 1995

- Whaling in the Antarctic (*New Zealand & Australia v. Japan*) 2014
- Seizure of Certain Documents and Data (*Timor-Leste v. Australia*) 2015.

Perhaps the most well-known case involved Australia and New Zealand, who brought a case to the court accusing Japan of exceeding its limits on whaling for research purposes in the Antarctic. This case was resolved in 2015 with the court ruling that Japan's whaling program was not in accordance with international law.

SkillBuilders to support skill development

- 1.4 SkillBuilder: Using the inquiry approach for research

FIGURE 4 The International Court of Justice, The Hague



3.4 SKILL ACTIVITY: Questioning and researching, Communicating

Australia is a party to seven major human rights treaties (see **TABLE 1**).

1. Divide your class into groups and assign one of the seven major human rights treaties to which Australia is a party to each group.
2. Each group should **investigate** its treaty.
 - a. What is this treaty about?
 - b. What are its major provisions?
 - c. What should people know about this treaty?
 - d. How has this law helped shaped Australian law or influenced government policy? Include one example of either a law or policy that has resulted from Australia's being party to this treaty.
3. **Create** a presentation and share your findings with the class. Your presentation might take the form of video, role play or PowerPoint.

on Resources

- 🔗 **Weblinks** Whaling
- UN peacekeeping missions
- UN peacekeeping mission video

3.4 Exercise

learn on

3.4 Exercise

Learning pathways

■ LEVEL 1

2, 3, 4, 6

■ LEVEL 2

1, 7, 8

■ LEVEL 3

5, 9, 10

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Check your understanding

1. Individual countries have laws. **Identify** one reason why we need international laws.
 - A. International laws are needed to support the travel and leisure sector.
 - B. International laws are needed to cover uninhabited islands and lands.
 - C. Countries interact with each other and some disputes cross borders, so international laws are needed.
 - D. All of the above

2. **Identify** the number of countries that are currently in the United Nations.
 - A. 150
 - B. 185
 - C. 190
 - D. 193
3. **Explain** why the United Nations was established.
 - A. The UN was established in the aftermath of World War I to promote international peace and security, develop friendly relations between member nations, and promote social progress, better living standards and human rights.
 - B. The UN was established in the aftermath of World War II to promote international peace and security, develop friendly relations between member nations, and promote social progress, better living standards and human rights.
 - C. The UN was established in the aftermath of the Cold War to promote international peace and security, develop friendly relations between member nations, and promote social progress, better living standards and human rights.
 - D. The UN was established in the aftermath of the Boer War to promote international peace and security, develop friendly relations between member nations, and promote social progress, better living standards and human rights.
4. **Identify** the city that is home to the International Court of Justice.
 - A. New York
 - B. The Hague
 - C. Canberra
 - D. London
5. **Identify** the different groups that international law can apply to.
 - A. States and individuals
 - B. Nations
 - C. International organisations
 - D. All of the above

Apply your understanding

Civic participation and decision-making

6. In your opinion, do we still need the United Nations? Include an example to help **justify** your opinion.

Communicating

7. **Identify** the two different types of international law.
 - A. Public and private
 - B. Global and local
 - C. Inclusive and exclusive
 - D. Widespread and narrow
8. **Identify** the two key functions of the International Court of Justice.
 - A. To settle legal disputes submitted to it by states
 - B. To provide security and support to those making the difficult transition from conflict to peace
 - C. To provide advisory opinions on legal questions
 - D. To protect civilians
 - E. To assist in the disarmament, demobilisation and reintegration of former combatants

Analysis, evaluation and interpretation

9. **Describe** how the United Nations helps achieve social cohesion in the world.
10. The members of the United Nations do not have to abide by the decisions of the International Court of Justice. **Describe** how this statement may reflect a weakness in the way the United Nations operates.

LESSON

3.5 What are international treaties, conventions and declarations?

First Nations Australian readers are advised that this topic may contain photos of or references to people who have died.

LEARNING INTENTION

By the end of this lesson you should be able to explain what an international treaty is, and describe their purpose.

TUNE IN

Sam has been investigating human rights under international law. He has found the Universal Declaration of Human Rights.

1. What is the Universal Declaration of Human Rights?
2. How do you think these rights are protected in Australia?
3. Why do you think the law needs to provide specific protections for rights?
4.
 - a. Brainstorm a list of other human rights that you think you have or should have.
 - b. Compare your two lists with another member of the class.
 - c. Use a highlighter to identify common items on your two lists.

FIGURE 1 Sam discovered the following rights are included in the Universal Declaration of Human Rights.

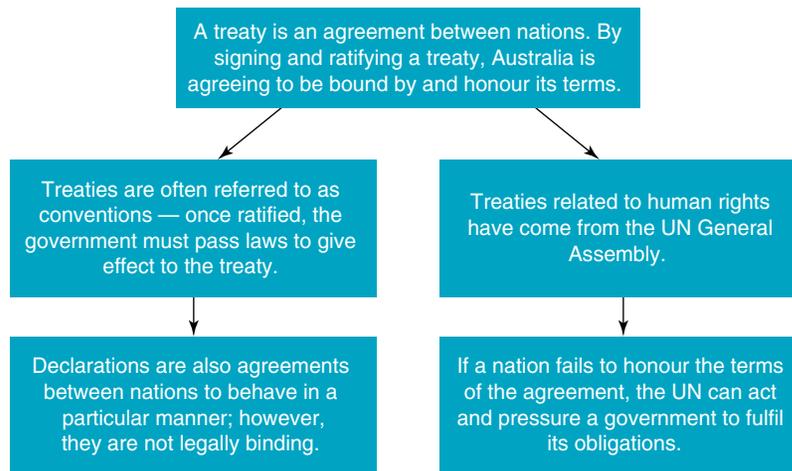


3.5.1 Australia's commitment to global citizenship

Treaties are designed to formalise agreements between countries. The Department of Foreign Affairs and Trade identifies 21 areas in which treaties can be categorised. These areas include:

- atmosphere and outer space
- criminal matters
- defence and security
- human rights
- international trade
- labour.

As a good citizen, Australia adopts these treaties in good faith, intending to abide by them and to assist in bringing countries that breach these treaties to account.



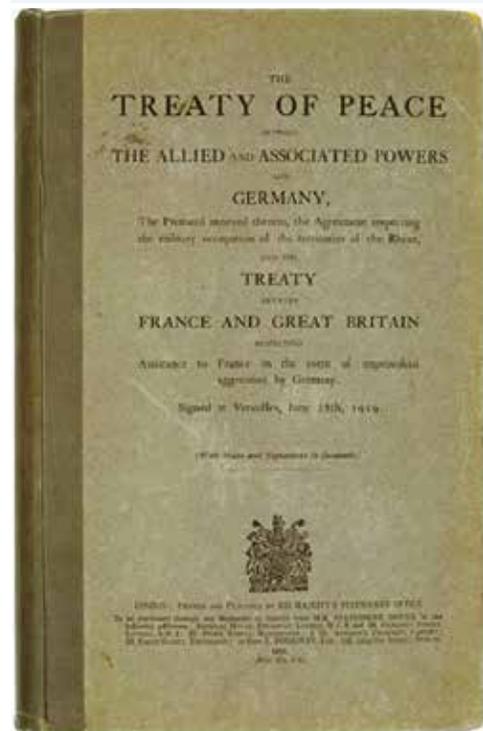
This can lead to Australia passing its own laws to bring these international treaties into effect. However, adoption of these treaties can cause conflict in Australia, as governments attempt to pass laws that enforce the treaties and hence dictate the direction of government policy.

3.5.2 Reasons for treaties

As noted in lesson 3.3 the High Court of Australia is empowered to make decisions in relation to any disputes relating to an international **treaty**. Australia is a signatory to many international treaties, and the Australian parliament may be required to pass laws that support or confirm the application of a treaty within Australia. Treaties are signed for a number of reasons:

- A peace treaty is signed to formally end a conflict or war. In 1919, six months after the end of World War I, the Treaty of Versailles was signed, setting out the provisions for peace (see **FIGURE 2**).
- Trade agreements are signed between two or more countries that agree to trade certain goods on certain conditions. It is common for these trade agreements to be ‘free trade agreements’ — that is, to have no taxes or conditions imposed on them.
- International conventions are agreements drafted by the United Nations or other world bodies and signed (or ratified) by a majority of the countries of the world. The Universal Declaration of Human Rights is an example.

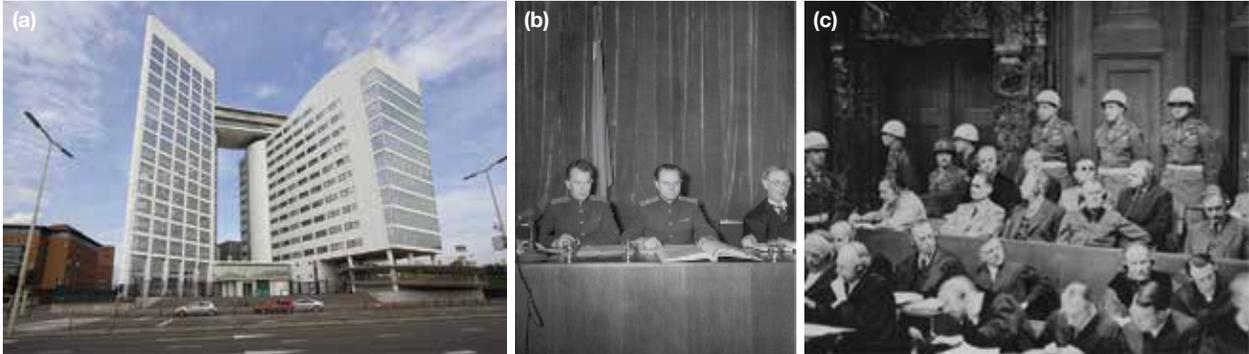
FIGURE 2 The Treaty of Versailles. Treaties are signed between countries to formalise agreements.



The signing of international treaties can lead to international disputes that require international courts to resolve them. International treaties can also lead to internal or domestic disputes, and the High Court will be asked to resolve these disputes.

treaty an agreement between two or more sovereign states (countries) to undertake a particular course of action. It usually involves matters such as human rights, the environment or trade.

FIGURE 3 (a) The International Criminal Court at The Hague, in the Netherlands (b) The International Military Tribunal at the Nuremberg war crimes trials in Germany after World War II, with judges from Russia (left and centre) and Britain (right) (c) Defendants listening to translations via headphones as the prosecution begins introducing documents at the international Military Tribunal on war crimes in Nuremberg.



3.5.3 The Universal Declaration of Human Rights

Following the end of World War II and the creation of the United Nations (UN) in 1945, the UN General Assembly adopted the Universal Declaration of Human Rights in 1948. Australia was one of the 48 countries to ratify the Declaration out of the 58 countries that made up the United Nations. Since then, nearly every country in the world has signed this document. The Declaration lists 30 rights that are afforded to all citizens of the world. These rights attempt to provide a structure and protection for the citizens of the world no matter where they live, where they travel, or what race, sex or religion they are. Despite the adoption of these rights by most countries, disputes still arise from perceived breaches of the Declaration or as a result of attempts to enforce the terms of the Declaration within a domestic environment.

In this regard Australia is no different. The High Court has been asked to rule on the application of the Declaration to events in Australia that are believed to have infringed on the rights of a citizen or a group of citizens.

Koowarta v. Bjelke-Petersen & Ors (1982)

In 1974 John Koowarta, a Wik elder from the Cape York region in Queensland, collaborated with a group of fellow traditional owners with a view to purchasing an extensive tract of land being used as a cattle station. The owner of the station agreed to the sale and had contracts drawn up. As Koowarta was using funds from the Aboriginal Land Fund Commission, the intended purchase was brought to the attention of the Queensland Government. Before the sale could be completed, it was blocked by the state government.

Joh Bjelke-Petersen was the premier of Queensland. His government had an official policy that Aboriginal and Torres Strait Islander Peoples should not be able to buy large areas of land, so he directed the Queensland minister of lands not to approve the sale. Koowarta made a complaint to the Human Rights and Equal Opportunity Commission on the basis that blocking the sale was discriminatory. (The Human Rights and Equal Opportunity Commission was established under the Commonwealth *Racial Discrimination Act 1975* as a result of Australia ratifying the Universal Declaration of Human Rights in 1948 and then signing the UN Convention on the Elimination of All Forms of Racial Discrimination (CERD) on 13 October 1966.) The commission upheld Koowarta's complaint, but the Queensland Government appealed to the Supreme Court of Queensland, and the case subsequently reached the High Court.

The argument put forward by Bjelke-Petersen, and the issue before the High Court, was that the Racial Discrimination Act was invalid because the Commonwealth did not have the power to pass such a law as it was not a concurrent or specific power — the Commonwealth had interfered in a state matter. He also argued that the constitutional provisions regarding external affairs did not apply because the Racial Discrimination Act only applied to Australians and so was not 'external' in nature. The Commonwealth Government and Koowarta argued that the external affairs provisions of section 51(xxix) meant the Commonwealth could pass laws that would give effect to Australia's international obligations as a signatory to the CERD.

The High Court agreed with Koowarta, and the decision to block the land sale was deemed discriminatory. In 1988 the Queensland Supreme Court was allowed to rule on the original case, and it allowed the sale to go ahead. The High Court had upheld an international treaty and its domestic application.

FIGURE 4 First Nations Australians have had to protest to gain land rights.



on Resources

 **Video eLesson** Land rights demonstration (eles-2428)

3.5.4 International trade

All countries trade goods and services because trading brings many benefits. These include:

- access to a wider variety of goods and services
- increased incomes as goods sold overseas bring income into the country
- higher living standards as people gain access to better quality goods and services
- falling prices from access to cheaper goods and services and increased competition between sellers
- higher employment as more goods need to be produced for export.

Consequently, many treaties signed by Australia and other countries are **trade** agreements. Such agreements establish rules and guidelines for the trade of goods and services between countries. Some trade agreements are merely contracts between countries to supply certain goods and services at certain prices. Other trade agreements are significant international agreements that affect how governments operate in the area of international trade. Most trade agreements are regulated by the World Trade Organization (WTO) framework, which replaced the General Agreement on Tariffs and Trade (GATT) on 1 January 1995. The WTO framework involves an agreement between most of the countries of the world to

trade the activity of buying, selling or exchanging goods and services between producers and consumers and/ or countries

continue improving trade relations and reducing trade barriers.

However, not all countries trade freely. They erect trade barriers to make it difficult for foreign products to enter the country and compete with local goods. GATT and the WTO have sought to rectify this issue by encouraging countries to move towards free trade. They have done this by advocating the signing of free trade agreements between countries or regions, and the removal of trade barriers such as **tariffs**.

As a result of the free trade efforts of GATT and the WTO, Australia has reduced tariffs in a number of areas, including the manufacture of motor vehicles.

Tariffs on imported cars have been steadily reduced since the 1980s, with the last reduction occurring in 2010 when the tax on imported cars fell from 10 per cent to 5 per cent. This reduction was part of government policy established in the 1980s to reduce protection for Australian car manufacturers. The tariff reductions have resulted in lower prices for imported cars and reduced sales for Australian-made cars. The overall outcome was the closure of the Ford, Holden and Toyota car manufacturing plants in Australia in 2017 with the loss of thousands of jobs. While this may seem to be a negative outcome, we must remember that other countries have also reduced their tariffs, allowing our goods to better compete in those countries and creating jobs in Australia.

Australia currently has 15 free trade agreements with 26 countries. Most recently an agreement has been reached with India that removes tariffs from most goods and services flowing between the two nations. It is expected to increase bilateral trade by \$45–50 billion over five years.

3.5.5 ANZUS

Some of the most important treaties have arisen from armed conflict. (One of these was the Treaty of Versailles, discussed in section 3.5.2.) During World War I, Australia fought with British, New Zealand and US troops on various battlefields across Europe. When World War II commenced in the Pacific, Australia was

FIGURE 5 International trade involves treaties and agreements between countries.



FIGURE 6 Tariff reductions have resulted in cheaper imported cars but also job losses and car plant closures in Australia.



tariffs taxes imposed on imported goods and services to make them more expensive

threatened — the Japanese had bombed Darwin and sent their mini-submarines into Sydney Harbour. Our strong ties with the United States led the Americans to provide aid and support during this time, and to fight with us to push back the Japanese forces.

This conflict strengthened our ties with both the United States and New Zealand, culminating

in the signing in 1951 of the ANZUS (Australia, New Zealand, United States Security) agreement. This treaty bound the three nations to cooperate on defence matters in the Pacific Ocean region. Although the treaty was modified in 1984 due to New Zealand's objections to nuclear warships entering its ports, the agreement is still in effect and annual meetings are held to confirm the relationship. The treaty also allows for joint defence installations to be operated on Australian soil.

FIGURE 7 Security treaties such as ANZUS provide Australia with military support if needed.



3.5.6 The International Labour Organization

Australia is a member of the International Labour Organization (ILO), an agency of the United Nations that deals with labour issues among member states. The 86th International Labour Conference in 1998 adopted the Declaration on Fundamental Principles and Rights at Work. This declaration contains four fundamental policies:

1. the right of workers to associate freely and bargain collectively
2. the end of forced and compulsory labour
3. the end of child labour
4. the end of unfair discrimination among workers.

The ILO asserts that its members have an obligation to work towards fully respecting these principles, which are embodied in relevant ILO conventions. As a signatory, Australia has adopted these policies and many of them are reflected in our labour laws.

3.5 SKILL ACTIVITY: Questioning and researching, Civic participation and decision-making

Australia has received criticism for its treatment of asylum seekers, particularly for the practice of processing asylum seekers offshore and detaining them for lengthy periods of time.

1. What do you believe Australia's obligations towards asylum seekers are?
2. **Conduct** some **research** into Australia's asylum seeker policy.
 - a. Do you believe that the Australian government treats asylum seekers appropriately?
 - b. Provide examples to support your response.
3. **Investigate** the asylum seeker policy in another country.
 - a. Has your opinion in relation to Australia's treatment of asylum seekers changed? **Justify** your answer.
 - b. **Create** a flow diagram to propose a strategy for processing asylum seekers.

3.5 Exercise

3.5 Exercise

Learning pathways

■ **LEVEL 1**

1, 2, 5

■ **LEVEL 2**

4, 6, 7, 8

■ **LEVEL 3**

3, 9, 10

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Check your understanding

1. A treaty is an agreement under international law entered into by sovereign states and international organisations. **Identify** the other name by which a treaty may also be known.
 - A. A pact
 - B. An agreement
 - C. A convention
 - D. All of the above
2. **Select** the most appropriate options to complete this sentence.
International treaties are signed for several reasons:
 - A. to formally end a conflict or war.
 - B. to form trade agreements between two or more countries.
 - C. when a law is passed through the Australian Parliament and the High Court of Australia.
 - D. international conventions concerning climate change.
3. The High Court resolves disputes involving international treaties.
Explain why the High Court should be allowed to perform this role. Use an example to **illustrate** your response.
4. **Identify** the countries that did not vote in favour of the Universal Declaration of Human Rights.
 - A. Saudi Arabia
 - B. Canada
 - C. France
 - D. South Africa
 - E. Poland
 - F. Australia
 - G. Federal Republic of Yugoslavia
5. **Identify** three different types of treaties:
 - A. Trade agreements
 - B. War treaties
 - C. Peace treaties
 - D. International conventions
 - E. Domestic conventions

Apply your understanding

Communicating

6. **Describe** three benefits of free trade.
7. **Explain** the difference between a convention and a declaration.
8. **Explain** how signing a treaty can affect the laws of Australia.
9. **Select** one of the treaties mentioned in this lesson and **explain** how it benefits Australian citizens.
10. **Explain** what is meant by the phrase 'Australia is a global citizen'.

LESSON

3.6 What are Australia's obligations to First Nations Peoples of Australia through international law?

First Nations Australian readers are advised that this topic may contain photos of or references to people who have died.

LEARNING INTENTION

By the end of this lesson you should be able to explain Australia's obligations to First Nations Peoples of Australia through international law.

TUNE IN

Did you know that Australia has three official flags? The Aboriginal flag was first raised on 9 July 1971, at a land rights rally in Adelaide. It symbolises their spiritual connection with the land.

Both the Aboriginal flag and the Torres Strait Islander flag were recognised as 'official flags' by the Australian government in 1995 under the *Flags Act 1953*.

From January 2022, free and public use of the Aboriginal flag was protected when the Australian government secured the copyright of the flag.

1. Why do you think Australia recognises three official flags? Suggest why this might be important.
2. Work with a partner to answer the following questions.
 - a. Which flag is which?
 - b. What symbolism can you identify in the three flags?

FIGURE 1 Australia recognises three flags.



3.6.1 Racial discrimination

As discussed in previous topics, Australia is a signatory to the Universal Declaration of Human Rights. The Declaration establishes certain rights that all citizens in all countries are entitled to. By signing the document, a country agrees to abide by the provisions of the Declaration and not engage in any conduct that infringes upon those rights.

A further declaration passed by the United Nations and ratified by Australia is the International Convention on the Elimination of All Forms of Racial Discrimination. This Convention was ratified in 1965 and came into effect in 1969. It contains 25 articles (or sections) that define racial discrimination and the various types of racial discrimination that exist in the world. Article 5 includes the following:

In compliance with the fundamental obligations laid down in article 2 of this Convention, States Parties undertake to prohibit and to eliminate racial discrimination in all its forms and to guarantee the right of everyone, without distinction as to race, colour, or national or ethnic origin, to equality before the law, notably in the enjoyment of the following rights ...

The preamble and long title of the Act clearly outline the reasons for passing this legislation:

Long title

An Act relating to the Elimination of Racial and other Discrimination

Preamble

... it is desirable, in pursuance of all relevant powers of the Parliament, including, but not limited to, its power to make laws with respect to external affairs, with respect to the people of any race for whom it is deemed necessary to make special laws and with respect to immigration, to make the provisions contained in this Act for the prohibition of racial discrimination and certain other forms of discrimination and, in particular, to make provision for giving effect to the Convention ...

Despite these positive aims, there have been instances where the treatment of First Nations Australians has fallen short of our obligations under the Declaration and the Convention.

One particular area of conflict is land rights. Having occupied the country for at least 65 000 years before the arrival of Europeans, First Nations Australians have a valid claim to land across Australia. Weighed against this is the English-based legal system of land and property ownership imposed here since 1788, under which both urban and rural Australians believe they have legal title to land they occupy. Finding a legal balance between these conflicting claims while ensuring fairness and justice is clearly a challenge for our legal system. It was this issue that was at the heart of a long-running legal dispute over rights and Australia's obligations: the Mabo Case.

3.6.2 The Mabo Case

In August 1770, Captain James Cook claimed all of the east coast of what is now Australia as British territory. Under the internationally recognised law of the time, Cook could claim land on any one of the three following legal grounds:

- If the land was uninhabited, any country could claim ownership and settle the land under the principle of *terra nullius*.
- If the land was inhabited, another country could ask the leaders of the inhabitants for permission to make use of some of the land. This could involve making a land purchase or coming to some other arrangement such as a treaty, but the arrangement had to be agreeable to the existing population.
- A country already inhabited could be conquered through invasion and war, defeating the existing population in battle. International law at the time created an expectation that the conquered inhabitants still had rights that had to be respected.

FIGURE 2 The Convention had a direct impact on government policy and led to the passing of the Commonwealth *Racial Discrimination Act 1975*.



terra nullius ('land belonging to no-one') in Australia, the legal idea that since no-one was 'using' the land when the first Europeans arrived, it could be claimed by the British Crown

FIGURE 3 When the British arrived in Australia, they considered the land to belong to no-one.



Although the land was inhabited, Cook claimed it under the principle of *terra nullius*. The British did not recognise the First Peoples of Australia as having any legal title over the land because they had no written laws of **tenure** as existed in European countries.

In 1982 Eddie Mabo, a Meriam man of Mer Island (which was renamed by Europeans as Murray Island) in the Torres Strait, began legal action against the State of Queensland, claiming that he and his people were the legal owners of the island. Mabo was an active campaigner for First Nations Australians' rights. He discovered that, contrary to what he had believed all his life, his people did not legally own the land they always believed was theirs. Mabo was joined in this action by a number of other inhabitants of Mer Island. The action was brought largely as a test case. The Mer Islanders believed they owned the land because their people had occupied it for centuries, long before European settlement of Australia, but Queensland law appeared to designate the Torres Strait Islands as being under the ownership and control of the Queensland Government.

The Mabo decision

The Full Bench of the High Court decided in favour of the Mer Islander plaintiffs and declared that '[t]he Murray Islanders of the Torres Strait are entitled, as against the whole world, to possession, occupation and enjoyment of the lands of '[t]he Murray Islands'.

The basis for this decision rested on the following:

- The principle of *terra nullius* had been incorrectly applied. Australia had never been an empty land, and so the British were wrong to use it as the legal basis for their occupation of the land.
- In the absence of *terra nullius*, it was appropriate to apply principles relating to native title to land occupied and used by its traditional owners.
- Native title can be recognised and included in the Australian system of property law and common law.

The Meriam people could claim native title because they were able to demonstrate continuing occupation and use of their land. Their system of family ownership and land usage was significant because it could be clearly demonstrated that these had operated continuously since before white colonisation. In other parts of Australia, where First Nations Australians have been dispossessed, the issue was not so clear. In his judgement, Chief Justice Brennan indicated that: 'there may be other areas of Australia where an Aboriginal people, maintaining their identity and their customs, are entitled to enjoy their native title'. Future claims by other First Nations Australian groups would need to demonstrate clearly that a high level of traditional occupation and land usage would be necessary to support such a claim. Individual claims would have to be decided on a case-by-case basis.

Native title legislation

Western Australia was the first state to respond to the Mabo Case with legislation. The state parliament passed the *Land (Titles and Traditional Usages) Act 1993*. Its aim was to extinguish the common law right of native title throughout the state and replace it with a statutory right of 'traditional usage', which could itself be extinguished by the government at any time. This Act was a deliberate attempt to favour mining and pastoral companies in any dispute with First Nations Australian occupants over rights to the land.

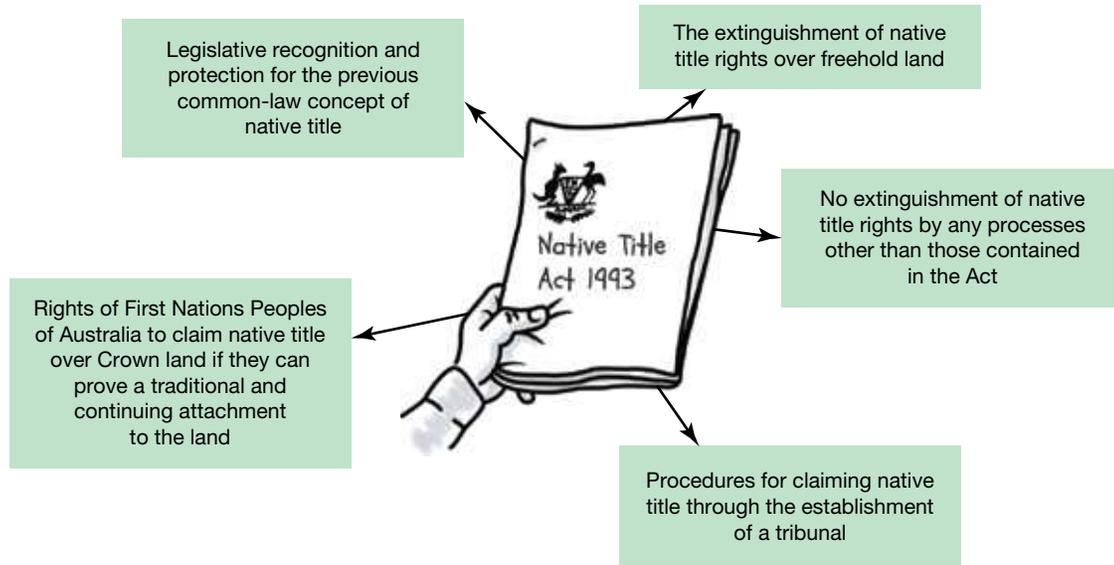
FIGURE 4 Eddie Mabo challenged the state of Queensland in the High Court, resulting in changes to the law concerning land rights.



tenure a system by which particular individuals or groups are given a legally recognised right to occupy a defined area of land

Commonwealth governments had previously avoided entering into conflict with state governments over First Nations Australians' land rights, but the Keating Labor government wished to find a way to support those rights. The risk that some other state governments might try to legislate to extinguish First Nations Australians' land rights as Western Australia had done led the Commonwealth to propose its own legislation. The *Native Title Act 1993* (Cwlth) was passed in late December 1993 and came into force on 1 January 1994.

FIGURE 5 The *Native Title Act 1993* (Cwlth) included a number of principles.



Western Australia v. Commonwealth

In the case *Western Australia v. Commonwealth* 1995 HCA 47, the Western Australian Government challenged the validity of the Native Title Act in the High Court. At the same time communities from Western Australia, such as the Worora and Martu Peoples, challenged the validity of that state's legislation.

The High Court heard all three cases together, and declared the Western Australian legislation invalid under section 109 of the Constitution because it was inconsistent with both the Native Title Act and the Racial Discrimination Act. This case reinforced the jurisdiction of the Commonwealth Parliament over native title matters.

By 1995, the legal principle of native title was clearly established in Australia. *Terra nullius* no longer had application in Australian law, and a process for determining First Nations Australians' land rights claims was in operation. If a native title claim is contested by any other party, the Federal Court and the High Court have ultimate jurisdiction to determine the matter. The Native Title Tribunal was established to help determine the validity of native title claims and to provide mediation services to help resolve disputes over native title. No state could introduce laws relating to land rights that were inconsistent with the Commonwealth Native Title Act.

Wik Peoples v. Queensland

The Wik Peoples live on an area of Cape York Peninsula and their traditional lands are located around the Archer River and Edward River. They claimed native title lands that had been the subject of pastoral and mining leases. The original claims were made prior to the Native Title Act.

The High Court finally ruled on the case in 1996, with the court ruling that native title could co-exist with other interests and was not extinguished by the granting of pastoral or mining leases. The Mabo decision had previously ruled that leaseholders had exclusive rights over the land.

3.6.3 The United Nations Declaration on the Rights of Indigenous Peoples

In 2007 the General Assembly of the United Nations adopted the UN Declaration on the Rights of **Indigenous Peoples** (UNDRIP). The Declaration had taken more than two decades to draft. In total, 144 nations voted in favour of the declaration; however, Australia was one of 4 nations (along with Canada, New Zealand and the United States of America) that voted against it.

A change of government following the federal election saw the Rudd government formally support the Declaration on behalf of the Australian people.

The Declaration sets minimum standards for the recognition and protection of the rights of Indigenous Peoples. It prohibits discrimination and promotes their participation in matters related to their economic, social and cultural development.

Article 12

Indigenous Peoples have the right to manifest, practice, develop and teach their spiritual and religious traditions, customs, and ceremonies; the right to maintain, protect, and have access to privacy in their religious and cultural sites; the right to the use and control of their ceremonial objects

However, it is a declaration and not a convention. Therefore, it does not create a legal obligation on the nations that support its principles.

Indigenous Peoples a distinct cultural group that shares collective ancestral ties to the traditional land and natural resources where they live, regardless of whether they have been displaced from that land.

Royal Commission a public inquiry into an important issue. It has the power to compel individuals to appear before it and give evidence and compel the production of official records. Following its inquiry, recommendations will be made to the government.

3.6.4 The Yoorrook Justice Commission

Established in May 2021, the Yoorrook Justice Commission is an independent body that will report on the injustices experienced by First Nations Australians in Victoria. An interim report was handed down in June 2022 and a final report is due by June 2024. The name of the Justice Commission is taken from the traditional language of the Wemba Wemba/Wamba Wamba people in north-west Victoria and means 'truth'. It is therefore considered to be a truth-telling body and the first of its kind in Australia.

The Commission will provide an opportunity for First Nations Australians to share their culture, heritage and history with the wider community and provide a formal record of the impact of colonisation on Indigenous Australians.

The Commission will have the same powers as a **Royal Commission**, meaning it can compel government bodies and officials to disclose documents and official records, and give evidence.

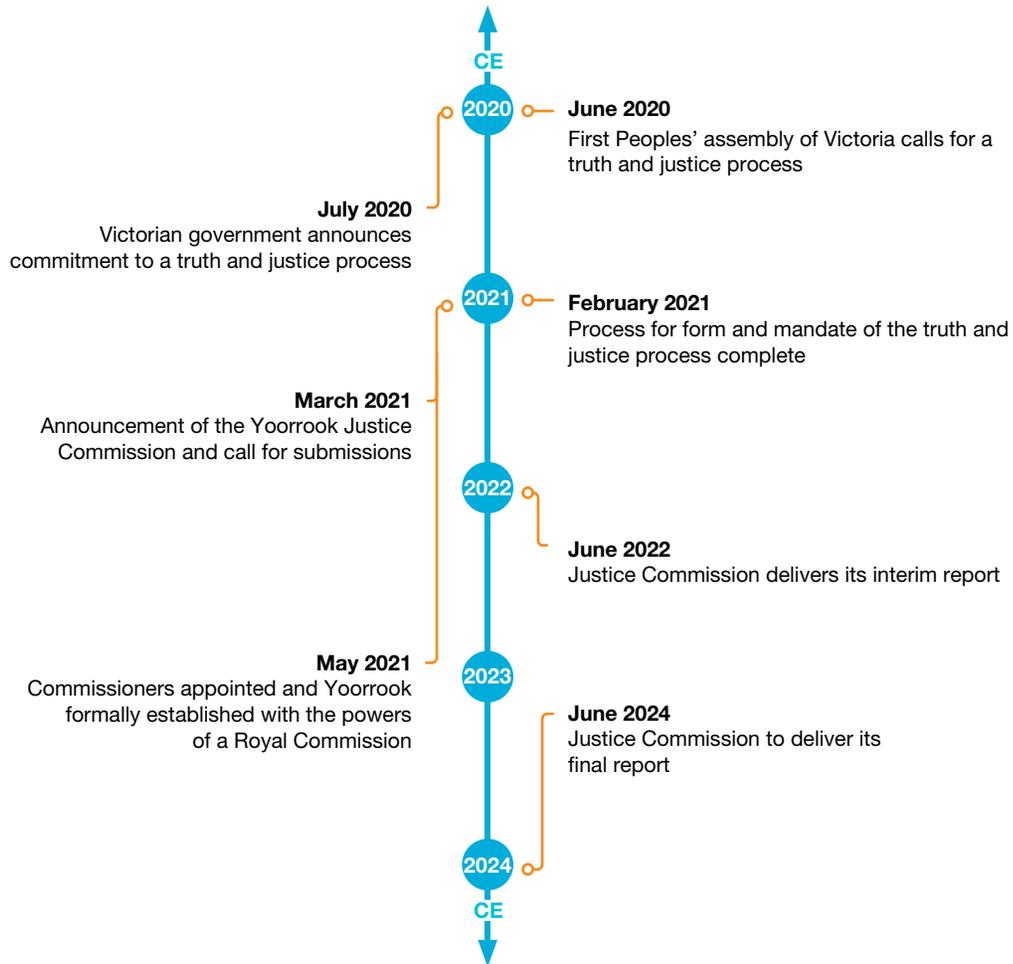
FIGURE 6 Through the Yoorrook Justice Commission, First Nations Australians will have the chance to share their culture, heritage and history.



on Resources

 **Weblink** *Wik vs Queensland*

FIGURE 7 The Yoorrook Justice Commission is seen as running parallel to the Victorian Treaty process.



3.6.5 An Indigenous Voice to Parliament

One of the underlying principles of the UNDRIP is the recognition of the need for Indigenous Peoples to have a voice in matters that affect their rights, culture and wellbeing. Fifteen of the 46 articles in the UNDRIP refer to Indigenous Peoples' participation in decisions that will impact their lives, including meaningful participation in democratic processes and institutions.

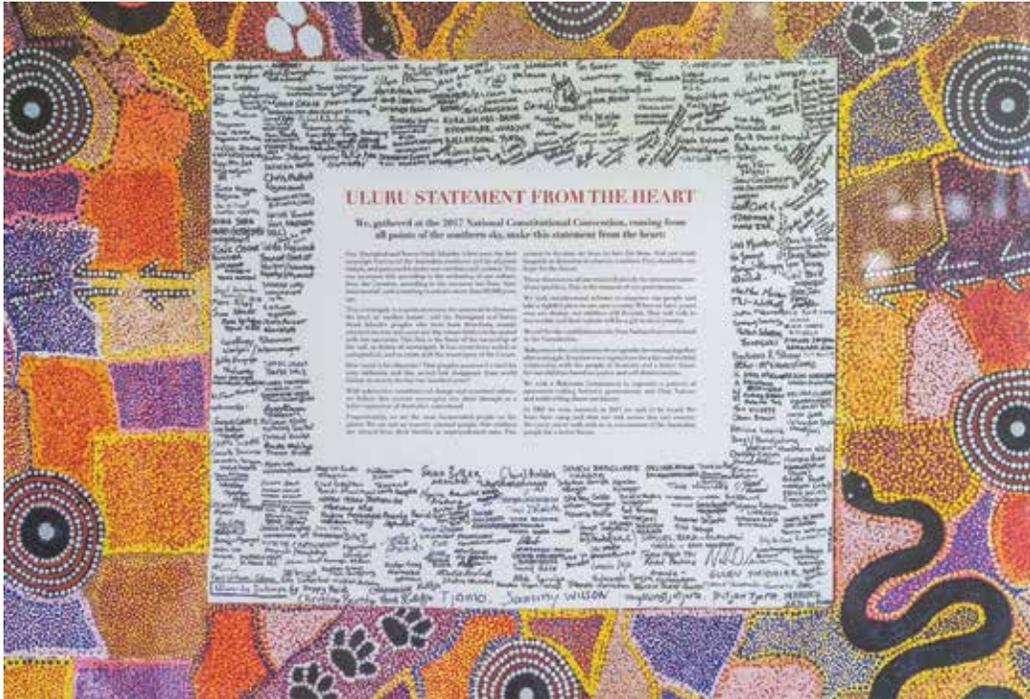
The 1967 referendum, Eddie Mabo's battle for land rights and the Native Title Act have all been important milestones on the road to recognising the rights of First Nations Australians and the injustices of the past, but the journey is not yet over.

In 2017, the First Nations Constitutional Convention was held; it brought together more than 250 First Nations Australian leaders at the base of Uluru and resulted in the Uluru Statement from the Heart (see **FIGURE 8**).

The Uluru Statement from the Heart seeks the establishment of a **Makarrata** Commission on truth-telling and agreement-making between First Nations Australians and government. It further calls for a referendum to change the Australian Constitution and enshrine an Indigenous Voice to Parliament.

Makarrata a word from the language of the Yolngu people of Arnhem Land, referring to the process of conflict resolution, peacemaking and justice

FIGURE 8 The Uluru Statement from the Heart invites the Australian people to join with First Nations Australians and call for Constitutional change that will enshrine their Voice to Parliament in the Constitution.



In 2019, Minister for Indigenous Affairs Ken Wyatt announced the start of the Indigenous Voice co-design process to make the Uluru Statement a reality. It was envisaged that an advisory body would be established. Consisting of First Nations Australians, this body would be able to advise the Australian Government and Parliament and be involved in the development of policies, laws and programs that affect First Nations Australian communities.

Following the 2022 federal election, Prime Minister Anthony Albanese committed to holding a referendum that would enable the Australian people to vote on Constitutional change that would provide an Indigenous Voice to Parliament and ensure that no future government could remove the Voice without the approval of the Australian people (see **FIGURE 9**).

FIGURE 9 Prime Minister Anthony Albanese announced the proposed referendum question at the Garma Festival (Australia’s oldest First Nations Australian cultural gathering, held in Arnhem Land).

Our starting point is a recommendation to add three sentences to the Constitution in recognition of Aboriginal and Torres Strait Islanders as the first peoples of Australia.

- 1. There shall be a body, to be called the Aboriginal and Torres Strait Islander Voice.*
- 2. The Aboriginal and Torres Strait Islander Voice may make representations to Parliament and the Executive Government on matters relating to Aboriginal and Torres Strait Islander Peoples.*
- 3. The Parliament shall, subject to this Constitution, have power to make laws with respect to the composition, functions, powers and procedures of the Aboriginal and Torres Strait Islander Voice.*

I would like us to present the Australian people with the clearest possible referendum question. We should consider asking our fellow Australians something as clear and simple as this:

Do you support an alteration to the Constitution that establishes an Aboriginal and Torres Strait Islander Voice?

3.6 SKILL ACTIVITY: Questioning and researching, Analysis, evaluation and interpretation

FIGURE 10 Progress towards selected 'Closing the Gap' targets



First Nations Australians experience considerable disadvantage in many areas, including education, justice, employment, health and wellbeing.

One initiative to address this issue is the 'Closing the Gap' framework. The framework was established in 2008 with just six targets. The revised national framework now has seventeen targets.

Use the internet to learn more about the 'Closing the Gap' framework.

1. **Identify** the areas that are included in this framework.
2. **Identify** the targets that have been set and the date they are expected to be achieved.
3. **Select** one area to investigate in more detail; for example, education or employment. Try to get broad coverage across your class.
 - a. What is included under this specific area?
 - b. What are the specific issues involved?
 - c. What progress has been made? Is it on track to meet the target? Why or why not?
 - d. **Create** a class graphic such as the one shown in **FIGURE 10** to represent your findings, and have it published in your school newsletter.
4. **Create** a letter to the government offering your suggestions for 'Closing the Gap' and either meeting the existing targets or advising on the need for new targets. In your letter, **consider** what is working and what is not working and why.

on Resources

 **Weblink** Uluru Statement from the Heart

3.6 Exercise

Learning pathways

■ LEVEL 1

1, 2, 3, 7

■ LEVEL 2

5, 6, 8

■ LEVEL 3

4, 9, 10

These questions are even better in jacPLUS!

- Receive immediate feedback
- Access sample responses
- Track results and progress



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Check your understanding

- Define** the term *terra nullius*.
 - Terra nullius* is a Latin expression meaning 'nobody's land'.
 - Terra nullius* is a Latin expression meaning 'communal land'.
 - Terra nullius* is a Latin expression that refers to land that does not belong to you.
 - Terra nullius* is a Latin expression that refers to ownership of land.
- Complete the following sentence to **demonstrate** your understanding of British settlement of Australia. Captain Cook claimed the East Coast of Australia for Britain under the principle of:
 - finders' keepers.
 - native title.
 - terra nullius*.
 - terra firma*.
- Define** what the *Native Title Act 1993* (Commonwealth) provides a legal basis for.
 - The protection and preservation of First Nations Australians' heritage sites
 - Everyone in Australia to be treated equally and given the same opportunities
 - First Nations Australian communities to reclaim traditional land
 - First Nations Australian communities to have access to health care
- Identify** the principles behind the decision of the High Court in the Mabo case.
 - Native title should be part of Australian property law and common law.
 - The principle of *terra nullius* had been incorrectly applied upon European arrival in Australia.
 - Since the land had not been empty, the principles of native title should have been applied to land occupied by Aboriginal and Torres Strait Islander Peoples.
 - All of the above
- In your own words, **explain** why it took so long for a case such as Mabo to come before the High Court and why this case is significant.

Apply your understanding

Analysis, evaluation and interpretation

- Do you think the Universal Declaration of Human Rights influenced the granting of native title? **Justify** your response.
- Explain** the purpose of the Yoorrook Justice Commission.
- The decision in the Mabo case has been challenged in the High Court. **Explain** why this decision might have been challenged.

Communicating

- Decisions made by the High Court in cases such as Mabo often lead to parliament making laws. **Explain** why you think this may occur.
- In 2019, the movement for constitutional change to formally recognise First Nations Australians gained momentum and there have been increased calls for a treaty. **Justify** the need for constitutional change and a treaty to recognise the rights of First Nations Australians and their traditional ownership of the land.

LESSON

3.7 What are Australia's legal obligations to refugees and asylum seekers?

LEARNING INTENTION

By the end of this lesson you should be able to explain Australia's legal obligations to refugees under international law.

TUNE IN

Answer the following questions individually and then come together as a class to develop a shared understanding.

1. What do you understand by the term 'refugee'?
2. Do you think there is a difference between refugees and asylum seekers? What might this difference be?
3. What rights or laws do you think relate to refugees and asylum seekers?
4. Where do you think these laws come from?

FIGURE 1 Refugees take only what they can carry.



3.7.1 The Convention Relating to the Status of Refugees and its 1967 Protocol

At the end of World War II, Europe was facing a humanitarian crisis due to the large number of people who had been displaced because of the war. The United Nations Convention Relating to the Status of Refugees (commonly referred to as the Refugee Convention) aimed to address this issue. It is the main international legal document in this area (see **FIGURE 2**).

FIGURE 2 The Refugee Convention is a **multilateral treaty** and performs several functions.

Defines the term refugee

Outlines the rights of refugees

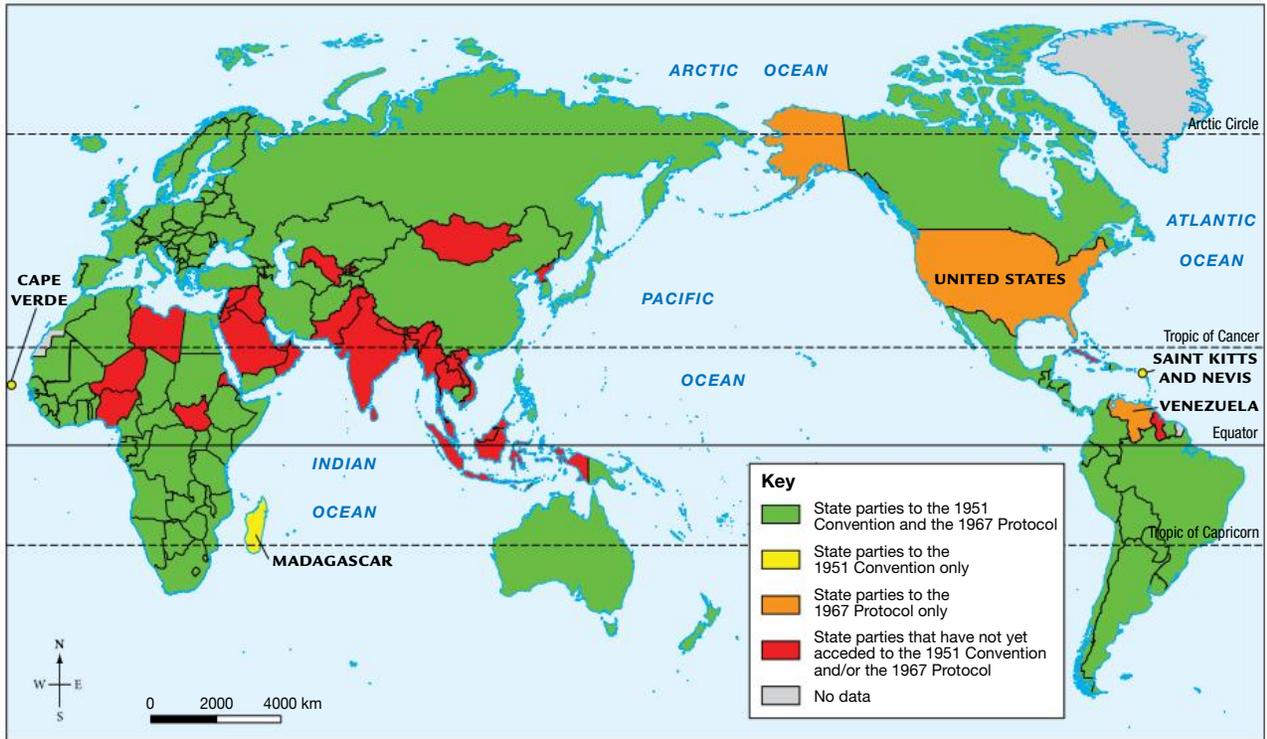
Sets out the legal obligations of nations to protect them

The 1967 Protocol

The Refugee Convention was created in 1951 and became legally binding in 1954. However, it applied only to people who had become refugees prior to 1 January 1951. Signatories were also able to limit their obligations to refugees from Europe. The Cold War, Korean War and subsequent events highlighted a deficiency in the Convention, which was rectified through the 1967 Protocol, which removed these limitations. At the same time, all existing arrangements were protected by a **grandfather clause** (see **FIGURE 3**).

multilateral treaty a treaty with more than one signatory
grandfather clause a provision whereby existing rules continue to apply and a new rule can apply to future cases

FIGURE 3 One hundred and forty-nine countries, including Australia, are signatories to one or both documents relating to refugees.



Source: Map redrawn by Spatial Vision, adapted from UN High Commissioner for Refugees, World: State Parties to the 1951 Convention relating to the Status of Refugees and/or its 1967 Protocol, 2012.

Refugees and asylum seekers

Refugees and **asylum seekers** have fled their homeland in fear of **persecution** or have experienced human rights violations or violence and crossed an international border in the hope of finding freedoms and resettlement in another country. All asylum seekers are entitled to have their claims assessed, but not all will be given refugee status. They often flee with nothing more than the clothes on their backs or the few possessions they can carry, leaving behind family and possessions.

One of the core principles of the Refugee Convention is the idea of **non-refoulement**, which in essence means that a refugee cannot be returned to their country or any other place if their life or freedom will be in jeopardy.

According to the United Nations High Commissioner for Refugees (UNHCR) there were around 84 million forcibly displaced people in the world at the end of 2021, an increase of 1.6 million over 2020. Twenty-seven per cent of refugees are re-settled in the least developed countries.

Enforcing the Refugee Convention

By ratifying the Refugee Convention, nations have agreed to be legally bound by it. However, there is no body to monitor compliance nor any formal mechanism for the filing of complaints.

refugee a person who has fled war, violence, conflict or persecution, has crossed an international border seek safety and has been granted refugee status

asylum seeker a person who has crossed an international border and is awaiting a decision as to whether they will be granted refugee status

persecution hostility toward or mistreatment of an individual or group by another individual or groups, due to factors such as race, religion or political beliefs

non-refoulement the principle that a refugee should not be sent to a country where they face serious threats to their life or freedom, such as torture, inhumane treatment or death

The United Nations High Commissioner for Refugees has a supervisory role, but no powers of enforcement. It is therefore up to individual nations to honour their commitment and put pressure on nations that fail to fulfil their obligations. Human rights bodies around the world have been instrumental in bringing issues to the attention of the rest of the world.

3.7.2 Refugees and asylum seekers in Australia

Australia is the only country in the world with mandatory detention and offshore processing policies in relation to asylum seekers who arrive without a valid visa. Many arrive in boats that are not seaworthy, are overcrowded and sink (see **FIGURE 5**). Under Australian policy, asylum seekers seeking to enter Australia in this way can be turned around and returned to international waters or, where this is not possible, transferred to an offshore processing centre. The process is designed to discourage unauthorised arrivals.

Australia has a limit on the number of refugees it will accept in any one year. The limit is capped at 13 750 until 2025.

Why come by boat?

For many it is seen as a last resort. Large numbers of refugees in the country a person seeks to leave can make it impossible to gain access to a refugee camp, and strict border policies in relation to some countries make it difficult to enter Australia by plane without a valid visa.

Changing government policy

The Pacific Solution

Australia introduced the 'Pacific Solution' (referred to as 'turn back the boats') to reduce the number of asylum seekers seeking to enter Australia without documentation. This was in direct response to the arrival of 51 boats carrying 2939 people in 2000, followed by 5516 on 43 boats the following year. The policy saw the number of arrivals fall significantly to less than 10 boats and less than 150 arrivals in the years which followed.

Offshore processing facilities were set up on Nauru and Manus Island, where non-authorised arrivals were detained while their claims were processed. They had no access to legal assistance or judicial review.

FIGURE 4 Refugees and asylum seekers flee their homeland due to fear.



FIGURE 5 In 2001, 353 asylum seekers, predominantly from Afghanistan and Iraq, drowned in international waters between Indonesia and Australia, in a boat headed for Christmas Island. Forty-five people were rescued.



The ‘Pacific Solution’ drew wide criticism from human rights and refugee advocacy groups as being out-of-step with the Refugee Convention and causing psychological harm and distress to those detained.

In 2008, following a change of government, the ‘Pacific Solution’ was abandoned. The offshore processing centres on Nauru and Christmas Island were closed and the government announced that all new unauthorised arrivals would be processed on Christmas Island, which had previously been removed from our immigration zone. However, this change was short-lived as the number of people arriving by boat increased (see **TABLE 1**).

TABLE 1 As the number of unauthorised arrivals climbed, the government re-introduced offshore processing on Nauru and Manus Island.

Year	Number of boats	Number of asylum seekers
2009	60	2726
2010	134	6555
2011	69	4565
2012	278	17 202
2013 (6 months to June)	196	13 108

The Malaysia Solution and the High Court

In 2011 the Australian government signed an agreement with Malaysia. Under this proposal 800 asylum seekers would be transferred to Malaysia to have their refugee status assessed. In return, Australia would take 4000 refugees from Malaysia. It was thought that this arrangement would discourage others from arriving by boat.

However, a refugee activist lawyer mounted a test case in the High Court, challenging the removal of asylum seekers on behalf of his clients. The High Court ruled in favour of the asylum seekers and effectively ended this new policy. In its decision the High Court considered the Refugee Convention. Malaysia was not a signatory to this Convention, or the UN Convention against Torture, and Australia would therefore be in breach of its obligations under international law if it sent asylum seekers to Malaysia.

Operation Sovereign Borders

Following the 2013 federal election, the Commonwealth government introduced ‘Operation Sovereign Borders’. The operation was led by the military and was advertised as a method of discouraging people-smuggling and to deter people from risking their lives at sea to gain entry to Australia.

It clearly stated that anyone arriving by boat would be subject to one of the following options:

- sent back to their point of departure
- returned to their home country
- transferred to an offshore processing centre.

3.7.3 Changing attitudes

The Australian public is becoming increasingly aware of issues related to refugees and asylum seekers. However, attitudes to each group differ. Around 80 per cent of people believe we should help those who have been classed as refugees. Australia has for many years been a leader in taking in some of the most vulnerable refugees. More than 6000 visas (largely temporary) have been issued to Ukrainians fleeing the war in 2022. We have also committed to granting 16 000 visas to Afghan nationals over the next four years, following our withdrawal of troops from Afghanistan in 2021.

Increasing our refugee intake has been flagged as a way of addressing problems related to Australia’s ageing population. The average age of refugees is 21.8 years, six years younger than the average immigrant and 15 years younger than the Australian population average.

For those who come by boat, public opinion is still largely divided, with almost 50 per cent believing we should turn back the boats.

3.7 SKILL ACTIVITY: Analysis, evaluation and interpretation

Work in teams to complete the following task.

TABLE 2 Largest source nations of refugees in 2022

Rank	Country	Number of refugees
1	Syria	6.7 million
2	Ukraine	4.7 million
3	Afghanistan	2.7 million
4	South Sudan	2.3 million
5	Myanmar	1.1 million
6	Somalia	900 000
7	Sudan	725 000
8	Democratic Republic of Congo	720 000
9	Central African Republic	700 000
10	Eritrea	507 300

TABLE 3 Top ten host countries for refugees in 2022

Rank	Country	Number of refugees accepted
1	Türkiye	3.7 million
2	Jordan	2.9 million
3	Lebanon	1.4 million
4	Pakistan	1.4 million
5	Uganda	1.1 million
6	Germany	1 million
7	Iran	979 400
8	Ethiopia	921 000
9	Sudan	908 700
10	Bangladesh	906 600

Study **TABLE 2** showing the countries that have the most displaced people in 2022 and **TABLE 3** showing the countries that receive the most refugees.

1. **Investigate** why these people have been forced to flee their homeland, where they are going and why.
2. Have each member of your team **select** a different destination country. (You may choose a country that is not included in **TABLE 3**.) **Investigate** the refugee policy for this country.
3. Within in your team, **discuss** what you have learned about refugee policies in the countries you have studied.
4. Based on your research and discussion, **summarise** your group's views on Australia's policy on refugees and asylum seekers. What changes, if any, do you think should be made and why?

3.7 Exercise

Learning pathways

■ LEVEL 1

1, 2, 7

■ LEVEL 2

3, 4, 8, 9

■ LEVEL 3

5, 6, 10

These questions are even better in jacPLUS!

- Receive immediate feedback
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Check your understanding

- Identify** the main difference between a refugee and an asylum seeker.
 - An asylum seeker has crossed an international border, had their status assessed and is deemed in need of protection, whereas a refugee has not had their status assessed.
 - A refugee has crossed an international border, had their status assessed and is deemed in need of protection, whereas an asylum seeker has not had their status assessed.
 - An asylum seeker is fleeing war and a refugee is fleeing persecution.
 - An asylum seeker fears for their safety, whereas a refugee does not.
- Define** the term 'multilateral treaty'.
 - A treaty that has been signed by more than two nations.
 - A treaty that is waiting to be ratified by some of its signatories.
 - A treaty in which nations are only obliged to follow some of the terms.
 - A treaty that has not yet been signed.
- Select** the statement that best explains the reason for the introduction of offshore processing.
 - Too many people were drowning before they reached Australia.
 - To deter the increasing number of people arriving by boat and without documentation.
 - There were too many people arriving by plane.
 - To create employment in offshore locations.
- The Refugee Convention performs several functions. **Identify** the statement that is not a function of this Convention.
 - Defines the term 'refugee'.
 - Outlines the rights of refugees.
 - Sets out the legal obligations of signatory nations.
 - Determines penalties for non-compliance.
- In your own words, **explain** what you understand by the term 'forcibly displaced person'.

Apply your understanding

Communicating

- Explain** why the 1967 Protocol to the Refugee Convention needed a grandfather clause.
- Recall** what percentage of refugees are re-settled in the least developed countries.
- Define** the term 'non-refoulement'.
- Attempts to arrive in Australia by boat have often resulted in tragedy. **Summarise** why, in your opinion, people risk their lives in this way.
- In 2011, the Australian government sought to implement the 'Malaysian Solution'.
 - Summarise** what is meant by the 'Malaysia Solution'.
 - Explain** why the High Court of Australia ruled that the Malaysia Solution was unlawful.

LESSON

3.8 What are Australia's legal obligations to the environment?

LEARNING INTENTION

By the end of this lesson you should be able to explain Australia's legal obligations to the environment under international law.

TUNE IN

Did you know that polar bears:

- spend most of the summer hunting from floating sea ice
- have been labelled as climate refugees
- may be extinct in the wild by the end of the twenty-first century?

1. What is global warming?
2. Why are polar bears at risk of extinction?
3. Brainstorm a list of wildlife that may be impacted by climate change.

FIGURE 1 Polar bears are threatened by global warming.



3.8.1 Introduction

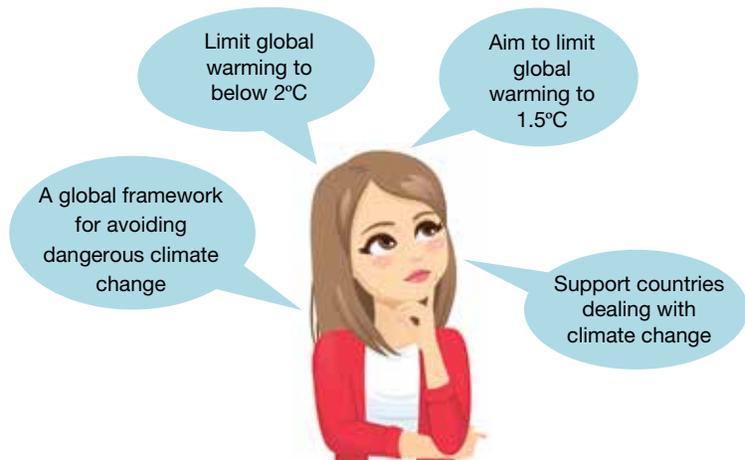
In the 1960s and 1970s people gradually became more aware of the environment. This was largely because of observable environmental threats such as the dumping of toxic waste and the number of pollutants that were being pumped into the atmosphere. The first Earth Day was celebrated in the United States of America on 22 April 1970 but did not become a global movement until 1990.

3.8.2 The Paris Agreement 2015

The Paris Agreement (sometimes referred to as the Paris Accord or the Paris Climate Accord) was negotiated by 196 parties in 2015. The purpose of this agreement was to create a legally binding treaty on climate change by providing a global framework within which all countries could work.

The Paris Agreement aimed to replace and improve upon the Kyoto Protocol 1992 by shifting the focus from reducing greenhouse gases to 5.2 percent below 1990 levels to preventing global average temperatures from rising more than 2°C.

FIGURE 2 What are the key features of the Paris Agreement?



Parties began signing the Paris Agreement on Earth Day 2016 at an official ceremony in New York. One hundred and ninety-three members of the United Nations Framework Convention on Climate Change signed it, with only four countries failing to ratify the agreement. The United State re-joined the Accord in 2021, after previously withdrawing in 2020.

The Paris Agreement has been criticised for failing to address the **free-rider problem**, which allows countries to benefit from global efforts in relation to climate change regardless of their own actions.

3.8.3 Protecting Australia’s biodiversity and heritage

In 1974 Australia became one of the first countries to signal its pledge to protect significant sites by ratifying the World Heritage Convention 1972. This document had been drafted by the United Nations Educational, Scientific and Cultural Organization (UNESCO). The Convention is regarded as one of the most important global conservation documents and aims to identify and protect the world’s natural and cultural heritage.

free-rider problem the notion that a country can enjoy the benefits of global efforts to reduce emissions and limit climate change without having to contribute at an equal level

FIGURE 3 Australia has 19 World Heritage sites; they include natural environments, historic buildings and places of cultural value.



Source: Map redrawn by Spatial Vision based on information from © Department of Agriculture, Water, and the Environment 2022.

The World Heritage List was established under this convention. To be included on the list, a place must be considered of outstanding universal value and international significance, such that it should be preserved for current and future generations. To be considered for inclusion, a site must meet at least one of the ten set criteria. Australia has 19 World Heritage Sites (see **FIGURE 3**).

3.8.4 *The Commonwealth v. State of Tasmania*

The World Heritage Convention became a mechanism that enabled countries to establish a process for identifying and protecting significant natural or cultural sites. Using the terms of the Convention, the Commonwealth nominated specific areas in Tasmania for inclusion on the World Heritage List. The Tasmanian government had planned to build a dam in one of these areas for the purpose of generating hydroelectricity.

The area concerned included the Franklin and Gordon rivers, which contained unique flora and fauna as well as significant First Nations places and artefacts. News of the potential flooding of the region for the construction of the dam attracted considerable action by protesters and environmentalists and became a key election issue in the 1983 federal election. To ensure the protection of the region, the Commonwealth Parliament passed the *World Heritage Properties Conservation Act 1983*. This ensured the protection of the south-west wilderness regions and prevented the construction of the dam.

The Tasmanian Government challenged the Commonwealth law on the basis that the Commonwealth did not have the power to make laws in this area as it was an area of law-making belonging to the states. The Commonwealth argued that a section of the Constitution gave it the power to make laws under the heading of ‘external affairs’. The government argued that under its ‘external affairs’ power it sign treaties and so, by default, could pass domestic laws that supported those international treaties. The Commonwealth case was started by the Labor government, led by Bob Hawke. The promise of environmental action saw the Hawke government returned to power with an increased majority in the House of Representatives.

FIGURE 4 Protests at the Franklin River gained widespread media coverage and provoked such a public response that the Hawke government subsequently nominated the area for World Heritage listing under the terms of an international treaty.



The High Court agreed with the Commonwealth government and ruled that, under the ‘external affairs’ power, the government was empowered to pass laws that were necessary to fulfil its obligations under international law as a signatory to a treaty.

Further developments

Australia also became a signatory to the International Covenant on Civil and Political Rights 1972, which was ratified in 1980. This Covenant is a multilateral treaty that commits parties to respect the political rights of individuals, as well as electoral rights and rights to due process and fair trial. Article 17 of the Covenant has been implemented by the Federal *Privacy Act 1988*, and the Covenant’s equality and anti-discrimination provisions are supported by the federal *Disability Discrimination Act 1992*.

The outcome of the Tasmanian dam case set a precedent that allowed some laws made by the states to be declared invalid if they contradicted Commonwealth laws made because of Australia signing and ratifying a treaty. The Commonwealth passed the *Human Rights (Sexual Conduct) Act 1994* with the express purpose of

overturning two sections of the Tasmanian Criminal Code that outlawed certain consensual adult behaviour conducted in private. Although this legislation is not linked to environmental protection, it illustrates Australia's role as a global citizen and capacity to implement policies to meet its obligations under international law.

3.8.5 Protecting the Great Barrier Reef

More than 85 per cent of Australians live within 50 kilometres of the coast and Australia is well known for its beaches and beach culture. The marine environment is also an important component of the cultural practices of First Nations Peoples. The Great Barrier Reef has several important functions (see **FIGURE 5**).

The Commonwealth has established marine reserves to protect marine ecosystems and undersea resources from exploitation and human activity, which may upset the delicate balance of these environments. They provide access to marine biologists and oceanographers for vital research to expand our understanding of this aquatic environment and help us prevent human-induced degradation.

The *Great Barrier Reef Marine Park Act 1975* established a 348 700 square kilometre reserve made up of over 2900 individual reefs and islands and extending over 2300 kilometres from the tip of Cape York Peninsula in the north to the Bundaberg in the south (see **FIGURE 3**). Together with the *Environment Protection and Biodiversity Act 1999*, the aim is to balance the protection of the environmental and cultural integrity of the reef with the economic and social needs of society, to ensure sustainable use and development of the area (see **FIGURE 6**).

FIGURE 5 Why is the Great Barrier Reef important?

Allows **climate tracking**; scientists can track climate change by studying carbon deposits in the limestone.

As a **filtration system**, removing sediment and other particles so that the water remains clear.

Supports the fishing industry by providing safe haven for fish to breed. Without the reef, the industry would collapse, and a vital food source would be lost.

It **provides vital habitats**

- 1500 species of fish
- 100 shark species
- 30 of whales and dolphins
- 6 varieties of sea turtle
- More than 600 varieties of coral



Medical research — has led to new medicines to treat asthma, arthritis, heart disease and cancer. Anti-viral and antibacterial properties are still under investigation.

Supports the economy and the tourism industry — without the reef a \$6 billion industry would be lost.

It acts as a **carbon sink**; reef algae absorb carbon dioxide from the air and in turn are eaten by the coral polyps and deposit the carbon as limestone, which is the foundation of the reef.

It **protects the coast** from wave action and storm damage.

FIGURE 6 What is being done to protect the Great Barrier Reef?



on Resources

 **Video eLesson** Tassie's Franklin River — 20 years on (eles-0636)

 **Weblink** World Heritage criteria

3.8 SKILL ACTIVITY: Civic participation and decision-making, Communicating

Towns in central Victoria, including Ararat, Ballarat, Bendigo and the Macedon Ranges, have mounted a bid to have the central Victorian goldfields added to the UNESCO World Heritage List. You have been asked to prepare a visual presentation to accompany the formal written submission.

- 1. Investigate** why this region is important under the following headings:
 - cultural
 - historical
 - natural environment.
- 2.** Refer to the ten criteria and identify which might be relevant to your bid. Go to the **World Heritage criteria** weblink in your online Resources.
- 3. Create** a PowerPoint presentation highlighting different aspects of the region and making links to the relevant criteria.

3.8 Exercise

Learning pathways

■ LEVEL 1

1, 3, 5

■ LEVEL 2

2, 4, 7, 9

■ LEVEL 3

6, 8, 10

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Check your understanding

- Identify** which of the following statements is true in relation to the Paris Agreement.
 - It aims to limit global warming to less than 2°C.
 - It aims to support countries dealing with climate change.
 - It replaced the Kyoto Protocol.
 - All the above.
- Select** the term that refers to a country enjoying the benefits of global efforts to reduce greenhouse gas emissions, while not making the same contributions.
 - The free-market problem
 - The free-rider problem
 - The global market effect
 - The equalising principle
- Recall** on what date we celebrate Earth Day.
 - 22 March
 - 22 April
 - 22 May
 - 22 June
- Predict** why the Paris Agreement would be an improvement over the Kyoto Protocol.
 - It shifted climate targets from reducing greenhouse gases to limiting global temperature rises.
 - It shifted the climate targets from limiting global temperature rises to reducing greenhouse gases.
 - It was designed to place limits on global temperature rises and reduce greenhouse gases.
 - It established a global approach for fast tracking the space program to find a suitable planet for human habitation.
- Identify** one strategy that has been used to protect the marine environment of the Great Barrier Reef.
 - Fishing has been banned in coastal waters.
 - Tourism is limited to specific areas at specific times of the year.
 - Only First Nations Australians are permitted to fish in coastal waters.
 - Marine parks have been established.

Apply your understanding

Communicating

- Explain** the impact signing a treaty can have on domestic laws.
- Explain** why the World Heritage List is important.
- Explain** the connection between the 'external affairs' power and the Commonwealth preventing the construction of a dam in Tasmania.
- Predict** the number of criteria that must be met for a place to be considered for inclusion on the World Heritage List.
 - One
 - Three
 - Five
 - Ten

Analysis, evaluation and interpretation

- The polar bear has become a symbol of climate change. **Propose** one reason the polar bear might be described as a 'climate refugee'.

LESSON

3.9 INQUIRY: Treaty

LEARNING INTENTION

By the end of this lesson you should have a comprehensive understanding of what a treaty is, the purpose of treaties in other countries and what is included in treaties around the world.

Background

Australia is the only Commonwealth country that has never signed a treaty with its indigenous people. All other countries established as British colonies developed treaties in the early years of colonisation.

First Nations Australians have long called for a treaty that would both recognise and celebrate their status, rights, culture and history as the traditional owners of the land.



Before you begin

Access the **Inquiry rubric** in the digital documents section of the Resources panel to guide you in completing this task at your level. At the end of the inquiry task you can use this rubric to self-assess.

Inquiry steps

Step 1: Questioning and researching

- What is a treaty?
- Does Australia need a treaty with its First Nations Peoples? Why?
- What happens in other countries?
- Write down your inquiry question.

Step 2: Analysis, evaluation and interpretation

Investigate the treaty in another country such as the United States of America, Canada or New Zealand and find out:

- a. Why was the treaty created?
- b. What is included in the treaty?

Make notes using the weblinks in this lesson to get you started.

Step 3: Civic participation and decision-making

Why do you think people might be divided on the issue of establishing a treaty between First Nations Australians and other Australians?

Step 4: Communicating

- **Create** a table that reflects different opinions about establishing a treaty.
- **Create** a table that shows the key elements of the treaty in the country you have investigated.
- Does this treaty serve a useful purpose? **Explain.**
- Does Australia need a treaty and what should it cover?

Write a series of four paragraphs in response to this question that includes the following:

- at least one argument in favour of a treaty
- at least one argument against a treaty
- an indication of what you consider the most important inclusions in a treaty
- your overall opinion on whether a treaty is needed.

Complete your self-assessment using the **Inquiry rubric** or access the 3.9 exercise set to complete it online.

Resources

- | | | |
|---|-------------------------|---|
|  | Digital document | Inquiry rubric (doc-39966) |
|  | Weblinks | Treaties in other countries
Treaties in Canada
Treaties in the US |

LESSON

3.10 Review

Hey students! Now that it's time to revise this topic, go online to:



Review your results



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3.10.1 Key knowledge summary

Use this dot point summary to review the content covered in this topic.

3.2 How are disputes resolved between the Commonwealth and the states?

- One role of the government is to establish a system of dispute resolution bodies to deal with conflict.
- In Australia the High Court is the highest court, charged with resolving the most serious disputes that arise.

3.3 How is the Australian Constitution interpreted in the modern world?

- The High Court has been given the jurisdiction to allow it to:
 - hear appeals from decisions in cases heard in state and territory Supreme Courts
 - settle disputes between the states
 - interpret the Constitution to determine law-making power
 - interpret the Constitution to infer rights for the citizens.
- The High Court guards our Constitution and our rights, and provides a check on the government.

3.4 What are Australia's obligations under international law?

- The continuing development of technology has necessitated the need for a global body to oversee and attempt to regulate the interactions between countries.
- The aim of such a global body is to minimise the incidence of conflict among peoples and nations.
- The International Court of Justice is the primary judicial branch of the United Nations that settles legal disputes submitted to it by states (member countries of the United Nations).

3.5 What are international treaties, conventions and declarations?

- Treaties play an important part in establishing rules for behaviour in a range of areas:
 - economics and trade
 - labour laws
 - military and defence
 - economic development
 - human rights.
- The High Court resolves disputes arising from international treaties.
- As a member of the global community, Australia has played a role in the development of global laws and treaties, and the bodies responsible for drafting and enforcing these rules.
- Australia recognises its obligations at home and applies the terms of international treaties and agreements at home to improve the lives of its citizens.

3.6 What are Australia's obligations to First Nations Peoples of Australia through international law?

- Australia's role as a signatory to the Universal Declaration of Human Rights led to the legal principle of native title being established.
- The High Court has been instrumental in developing the law in relation to First Nations Australians.
- Native Title legislation followed the Mabo decision in the High Court of Australia.
- The UN Declaration on the Rights of Indigenous Peoples (UNDRIP) recognises the importance of First Nations Peoples of Australia having a say in matters concerning their rights, culture and wellbeing.

3.7 What are Australia's legal obligations to refugees and asylum seekers?

- Australia is a signatory to the Convention Relating to the Status of Refugees 1951 and its 1967 Protocol.
- The Refugees Convention sets out the rights of refugees and the obligations of nations to protect them.
- Australia has sometimes been criticised for its policies on refugees and asylum seekers.

3.8 What are Australia's legal obligations to the environment?

- The High Court has ruled that the external affairs power in the Constitution allows the Commonwealth to sign treaties and make domestic laws.
- Australia has 19 sites on the World Heritage List.

3.9 INQUIRY: Treaty

- Students investigate whether Australia needs a treaty with First Nations Australians.
- Students investigate and evaluate a treaty in another country.
- Students present arguments for and against the need for a treaty with First Nations Australians.

3.10.2 Key terms

asylum seeker a person who has crossed an international border and is awaiting a decision as to whether they will be granted refugee status

defamation a civil wrong involving a written or verbal communication that lowers a person's reputation in the community

free-rider problem the notion that a country can enjoy the benefits of global efforts to reduce emissions and limit climate change without having to contribute at an equal level

grandfather clause a provision whereby existing rules continue to apply and a new rule can apply to future cases

Indigenous Peoples a distinct cultural group that shares collective ancestral ties to the traditional land and natural resources where they live, regardless of whether they have been displaced from that land.

infer to form a conclusion based on evidence

intergovernmental organisation an international organisation or body made up of nations with a common interest; examples include the United Nations, European Union and World Bank. Other bodies such as Amnesty International and World Vision are examples of international non-government organisations.

Makarrata a word from the language of the Yolngu people of Arnhem Land, referring to the process of conflict resolution, peacemaking and justice

multilateral treaty a treaty with more than one signatory

non-refoulement the principle that a refugee should not be sent to a country where they face serious threats to their life or freedom, such as torture, inhumane treatment or death

persecution hostility toward or mistreatment of an individual or group by another individual or groups, due to factors such as race, religion or political beliefs

precedent an action or decision on which later actions or decisions might be based; a law made by a superior court that must be applied by lower courts in future cases with the same or similar facts

ratify the process a treaty goes through within a nation or state to indicate its consent and intention to be bound by a treaty. In Australia this means it has passed through the legislative process; passed by both houses of federal parliament and received royal assent from the governor-general.

refugee a person who has fled war, violence, conflict or persecution, has crossed an international border seek safety and has been granted refugee status

rights those things that a person is entitled to by virtue of being a member of society

Royal Commission a public inquiry into an important issue. It has the power to compel individuals to appear before it and give evidence and compel the production of official records. Following its inquiry, recommendations will be made to the government.

tariffs taxes imposed on imported goods and services to make them more expensive

tenure a system by which particular individuals or groups are given a legally recognised right to occupy a defined area of land
terra nullius ('land belonging to no-one') in Australia, the legal idea that since no-one was 'using' the land when the first Europeans arrived, it could be claimed by the British Crown

trade the activity of buying, selling or exchanging goods and services between producers and consumers and/ or countries

treaty an agreement between two or more sovereign states (countries) to undertake a particular course of action. It usually involves matters such as human rights, the environment or trade.

ultra vires acting beyond the power of the law maker. It usually refers to situations where parliaments pass a law that is outside their area of authority.

3.10.3 Reflection

Complete the following to reflect on your learning.

Revisit the inquiry question posed in the Overview:

What are Australia's obligations on the international stage and how does the High Court ensure that we fulfil these obligations?

1. Now that you have completed this topic, what is your view on the question? Discuss with a partner. Has your learning in this topic changed your view? If so, how?
2. Write a paragraph in response to the inquiry question outlining your views.

Resources



eWorkbooks Customisable worksheets for this topic (ewbk-11518)

Reflection (ewbk-11842)

Crossword (ewbk-11843)



Interactivity The High Court and Australia's international agreements crossword (int-8241)

3.10 Review exercise

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Multiple choice

1. Identify the correct response.
The Australian Constitution established Australia as a:
 - A. monarchy.
 - B. Commonwealth.
 - C. republic.
 - D. constitutional democracy.
2. Identify the term used to refer to law-making powers not listed in the Constitution.
 - A. Exclusive powers
 - B. Concurrent powers
 - C. Specific powers
 - D. Residual powers
3. Identify the number of specific ‘heads of power’ established in the Constitution.
 - A. 38
 - B. 39
 - C. 40
 - D. 41
4. When two parliaments can make laws on the same issue, they might conflict.
Identify the section of the Constitution that resolves this conflict.
 - A. Section 109
 - B. Section 128
 - C. Section 75
 - D. Section 24
5. Distinguish between the laws made by superior courts and the laws made by parliament .
 - A. Laws made by courts are referred to as by-laws, whereas laws made by parliament are called statutes.
 - B. Laws made by courts are referred to as legislation, whereas laws made by parliament are called precedent.
 - C. Laws made by courts are referred to as precedent, whereas laws made by parliament are called legislation.
 - D. Laws made by courts are referred to as statutes, whereas laws made by parliament are called by-laws.
6. Identify the year in which the United Nations was formed.
 - A. 1929
 - B. 1939
 - C. 1942
 - D. 1945
7. Identify the statement that best clarifies Australia’s intention when the government ratifies a treaty.
 - A. Australia is agreeing to be bound by the treaty and honour its terms.
 - B. Australia is agreeing to be bound by some the terms of the treaty.
 - C. Australia is formally indicating that they do not see any value in the treaty.
 - D. Australia is indicating that they may decide to implement the terms of the treaty in the future.

8. Identify the treaty that Australia signed in relation to environmental protection.
 - A. Paris Agreement
 - B. Malaysia solution
 - C. Refugee convention
 - D. Free trade agreement
9. Select the term used to refer to the principle that a refugee should not be sent to a country where they face serious threats to their lives or freedoms, such as torture, inhumane treatment or death.
 - A. A grandfather clause
 - B. Non-refoulement
 - C. Reparations
 - D. A tariff
10. Identify the treaty that Australia signed in relation to people fleeing persecution or conflict in their home country.
 - A. Paris Agreement
 - B. Malaysia solution
 - C. Refugee Convention
 - D. Free trade agreement

Short answer

Communicating

11. Refugees and asylum seekers share similar characteristics.
Summarise your understanding of these two groups. In your response, **differentiate** between the two.
12. The High Court is the guardian of the Constitution.
Explain how the High Court has affirmed the right of the Commonwealth to enter treaties.
13. **Explain** the purpose of the World Heritage List.
14. **Explain** one reason that Australia has been criticised for its refugee and asylum seeker policies.
15. **Explain** why Eddie Mabo is a significant figure in advocating for the rights of First Nations Australians.

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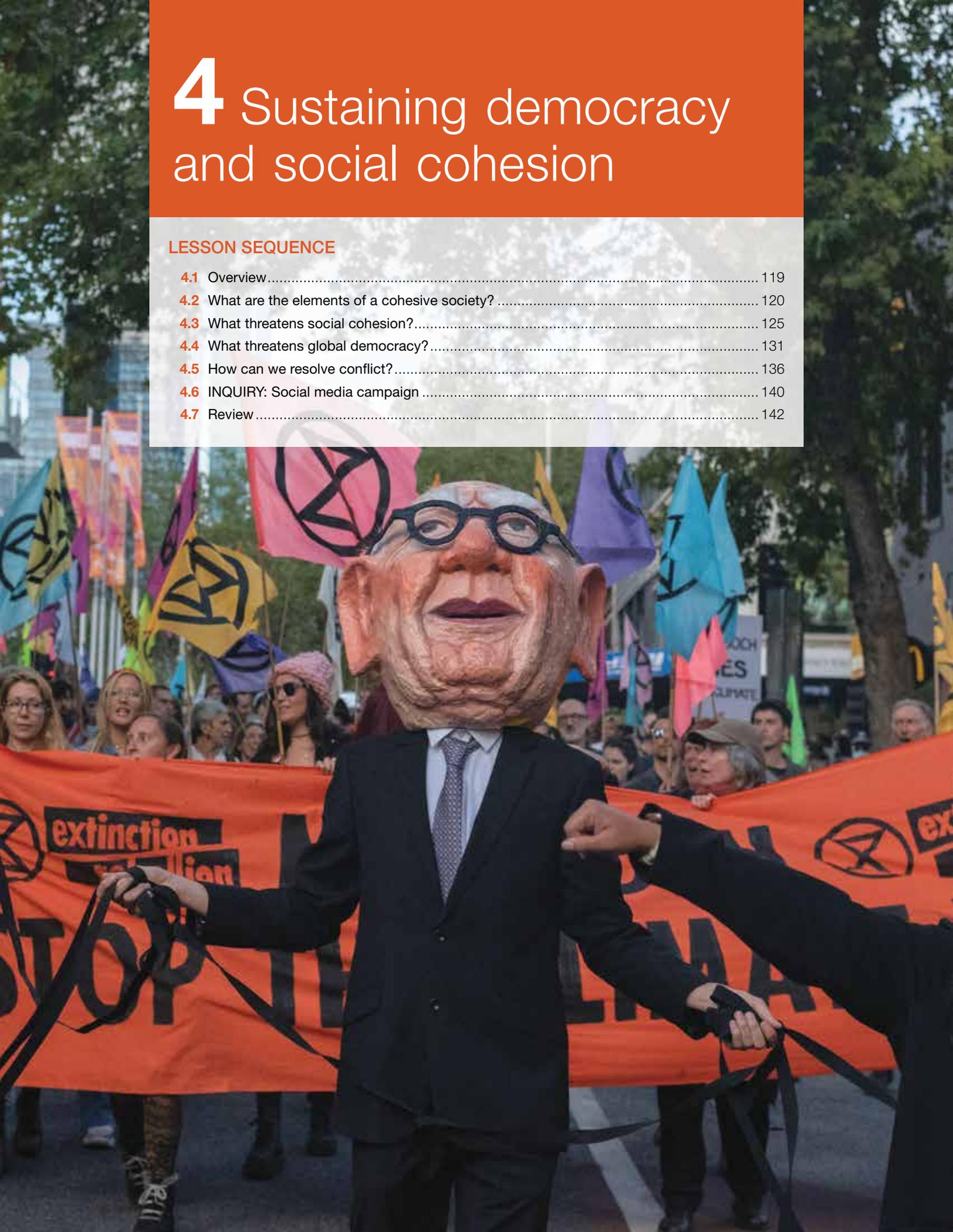
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4 Sustaining democracy and social cohesion

LESSON SEQUENCE

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LESSON

4.1 Overview

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How can individuals, communities and governments respond to threats to social cohesion?

4.1.1 Introduction

Democracy is an essential ingredient for a unified community. It allows all voices to be heard and all opinions to be considered, and both promotes and protects individual expression. As a result, democratic societies are often ones that experience a high degree of social cohesion or unity. As citizens we are all subject to the rules and laws set by society — by the organisations and groups we associate with and by the governments we elect. In this topic, we dissect the social cohesion of Australian society. We see what social cohesion looks like, what threatens our communities and the laws and courts that protect them.

FIGURE 1 Democratic societies are often ones that experience a high degree of social cohesion or unity.



Resources



eWorkbook

Customisable worksheets for this topic (ewbk-11520)



Video eLesson

Sustaining democracy and social cohesion (eles-6135)

LESSON

4.2 What are the elements of a cohesive society?

LEARNING INTENTION

By the end of this lesson you should be able to investigate the factors that contribute to a functioning, cohesive society.

TUNE IN

What helps a community to function? Think of your own immediate community and Australia in general.

Using a brainstorm or mind map, make a list of the factors that help a community to function effectively. Try to think of as many factors as possible.

FIGURE 1 How does your community function?



4.2.1 The Lucky Country

Australia is often described as ‘the lucky country’. In modern Australian culture, this phrase has come to refer to our abundance of natural resources and our good weather, relatively peaceful history and tolerant society. It is interesting, then, that the man who coined this phrase meant it as an ironic criticism of Australian society. Author and social commentator Donald Horne believed that the positive aspects of Australian life had been gifted to us, rather than earned. Whether you agree with Horne’s criticism or not, Australian society can be perceived as lucky.

In many ways, our society should not function as well as it does. With so many different cultural and ethnic backgrounds, it is reasonable to assume that civil conflict would regularly occur. However, although Australian society has not been without problems, the level of overall social cohesion within Australia is relatively high in comparison to other societies. In this lesson, we examine what social cohesion is and how it exists in Australia.

4.2.2 What does a cohesive society look like?

Modern societies are both dynamic and delicate. They can expand and contract, stand together or fall apart. With nearly all Australian communities containing a complex mix of ethnic and cultural backgrounds, there exists significant potential for civil unrest. What stops this violence from occurring is a concept referred to as **social cohesion**. Often described as the glue that holds society together, social cohesion is defined by an OECD report as ‘a force which fights exclusion and **marginalisation**, creates a sense of belonging and promotes trust within communities’. Social cohesion is not an official government policy, nor does it take one specific form. Instead, there are several ways in which it can be demonstrated in Australian communities.

FIGURE 2 Most Australian communities contain many cultures that peacefully coexist.



4.2.3 Social cohesion in Australia

The Australia you have grown up in is a mostly tolerant and **inclusive** society. It is a society that encourages the demonstration of cultural and religious identity. As we see later in this topic, it is a society that uses legal mechanisms to protect individual freedoms and fight against all forms of **discrimination**. Modern Australian communities are **culturally integrated**. Although some new migrants do prefer to establish themselves in small groups, the majority of Australian communities are composed of a wide variety of ethnicities. The way in which these communities have developed and continued to exist peacefully is itself an example of social cohesion within Australia.

Numerous examples of social cohesion can be seen in everyday Australian life. On a walk around your neighbourhood you might see churches, mosques, synagogues or other religious buildings. There are designated areas in the supermarket for Italian, Asian and Indian food. A crowded city-bound train carries people from countless cultural backgrounds. These examples exist because our communities have developed to be inclusive and tolerant. The sense of belonging that is felt and encouraged in Australian society exists because of the mechanisms that have been put in place to protect individual freedoms.

social cohesion the ties within a diverse community that create a sense of connection

marginalisation a social process by which groups or individuals are pushed to the fringes of society

inclusive behaviours or policies that include all members of a society

discrimination the unfair, biased or prejudicial treatment of a person based on a personal characteristic such as race, gender, religion, ability or age

culturally integrated describes communities that consist of different cultural groups living in unity

FIGURE 3 The 'Coexist' image is used to encourage positive multi-faith communities.



The Scanlon Foundation and the Australian Cohesion Index

The Scanlon Foundation is a research foundation which publishes a yearly report on social cohesion in Australia. The Scanlon Foundation makes several important distinctions about social cohesion.

- First, the foundation states that 'social cohesion is not synonymous with multiculturalism'. Although multiculturalism can foster cohesion, they are not interchangeable terms.
- Second, that social cohesion is a process and not an outcome. This means that as a society, we should also be striving to improve inclusiveness and a sense of belonging in our communities.
- Finally, the Scanlon Foundation states that social cohesion can occur across different spheres of civic life including economic, political and social factors. Having made these distinctions, the yearly report makes some interesting observations about the current state of social cohesion in Australia.

The results of the Foundation's *Mapping Social Cohesion 2021* report were heavily influenced by the COVID-19 pandemic. Yet despite the significant social and economic impacts of the pandemic, most respondents said they were optimistic about the future. Respondents also indicated that, despite the feelings of isolation experienced during the various state lockdowns, they felt a stronger sense of community during these times — the sense that 'we were all in this together'. The feeling of trust in the community actually increased from 43 per cent in 2019 (pre-pandemic) to 52 per cent in 2021.

Interestingly, feelings of financial satisfaction also grew from 64 per cent of respondents in 2019 to 71 per cent in 2021. While many individuals and businesses experienced financial hardship during the pandemic, those fortunate enough to remain employed were able to reduce household spending and increase savings. The news was not all positive from the report, with 60 per cent of respondents stating that racism in Australia was either a 'fairly big problem' or a 'very big problem'. So while social cohesion in Australia is strong, there are still areas which need attention for true cohesion to be reached.

4.2.4 Being an informed and active citizen

One last ingredient for a cohesive society is for its citizens to be informed and active. It is not difficult to be an informed member of society, especially in an age when information is readily available. Traditional forms of media (print media, television and radio), the internet and social media platforms provide what at times feels like an endless supply of information about news and current affairs. As you will see throughout this topic, it is your responsibility to ensure that the information you are consuming is accurate and truthful. Being an *active* member of society is often the more challenging side of this equation. In order to be an active citizen, you must participate in activities that contribute to the betterment of your community.

In 2022, parts of southern Queensland and northern New South Wales were devastated by what was perhaps the worst flooding Australia has ever seen. Although emergency services and military assistance were provided to affected communities, it was the actions of active local residents that arguably provided the most support. Thousands of people helped each other pack sandbags and build makeshift flood levees as the waters were rising, and thousands more helped deal with the catastrophic aftermath. The way in which the members of these communities supported each other during this terrible event is a perfect example of the role that active citizens can play in society. By acting together, people improved the entire community and, in doing so, they demonstrated active social cohesion.

FIGURE 4 Informed citizens are better placed to make educated decisions.



FIGURE 5 Lismore floods 2022. The men helping in this photo are Fijian immigrants who had recently moved to the area.



4.2 SKILL ACTIVITY: Civic participation and decision-making

Write a proposal to your local council for a community event to encourage greater social cohesion in your area. When planning your event, **consider** the following points:

- What is the goal of your event?
- **Explain** the event itself. What kind of event will it be? What will happen at your event?
- What resources will you need to run your event?
- How will your event encourage greater social cohesion?

4.2 Exercise

learnon

4.2 Exercise

Learning pathways

■ LEVEL 1

1, 2, 3

■ LEVEL 2

4, 5, 6, 7

■ LEVEL 3

8, 9, 10

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Check your understanding

1. What does the term 'social cohesion' mean?
 - A. A force which promotes exclusion and marginalisation
 - B. A force which creates a sense of belonging and promotes trust within communities
 - C. Civil unrest as a result of a complex mix of ethnic and cultural backgrounds
 - D. A society that is compliant and obedient
2. The visible presence of different religions' places of worship can be considered evidence of Australia's **strong / weak / lack of** social cohesion as they show our communities have developed to be **discriminative and intolerant / inclusive and tolerant / indifferent** towards different religious beliefs.
3. **Identify** three examples of social cohesion.
 - A. Volunteering for a charity such as the Salvation Army
 - B. Voting in a democratic election
 - C. Outlaw motorcycle gangs
 - D. People from different cultural backgrounds catching the same train
 - E. Criminal syndicates
4. In the *Mapping Social Cohesion* report, what effect did respondents say the COVID-19 pandemic had on their sense of community?
5. **Explain** one negative outcome of a lack of social cohesion in society.

Apply your understanding

Communicating

6. **Explain** what is meant by being an informed member of society.
7. Australia is still the 'lucky country'. **Propose** one argument for and one against this statement.
8. Some say that Australia's multicultural society shouldn't function as well as it does. **Explain** why you think they are surprised by the social cohesion seen in Australia.

Analysis, evaluation and interpretation

9. What do you believe is more important — being an informed citizen or being an active citizen? **Explain** your response.
10. Social cohesion is a process and not an outcome. **Discuss** what you think this statement means.

LESSON

4.3 What threatens social cohesion?

LEARNING INTENTION

By the end of this lesson you should be able to describe the key threats to social cohesion in Australia.

TUNE IN

One of the threats to social cohesion occurs via the internet, due to people reaching a global audience instantly, often hiding behind anonymity. Consider your online history when answering these questions.

1. Have you ever been the victim of identity theft or a scamming attempt?
2. Have you ever been harassed or bullied online?
3. Have you ever seen false information on your social media feeds?
4. If you answered 'yes' to any of these questions, describe how you felt when these incidents occurred.

FIGURE 1 There are many dangers in the online world.



The threats that a society faces may vary in terms of significance. Some communities around the world are threatened by war and violence, others by poverty and famine. For the majority of Australians, these threats are thankfully not ones we deal with in our daily lives. The threats Australians face are directed at our democratic freedoms and the harmony of our communities. In this lesson, we examine the threats to social cohesion and the dangers they pose, in particular:

- organised crime
- vested interests
- corruption
- lawlessness.

4.3.1 Organised crime

When discussing organised crime, we must ignore stereotypes created and perpetuated by the media and popular culture. Although it is true that some criminal organisations have significant family connections, not all organised crime occurs in this way. According to the Australian Crime Commission, the major types of organised criminal activity can be classified into three main groups:

- criminal syndicates
- outlaw motorcycle gangs
- professional facilitators.

Although these groups operate in different ways, they can all pose threats to social cohesion in Australia.

Criminal syndicates

Criminal syndicates are responsible for the majority of organised criminal activity in Australia. Varying in size and influence, criminal syndicates are highly structured criminal enterprises. They can operate with structures and characteristics similar to those of regular businesses. Criminal syndicates usually involve large-scale criminal activity including the sale of illicit drugs and firearms, financial crimes, match fixing in sport and money laundering.

Outlaw motorcycle gangs

In recent years, there has been a crackdown on criminal activity among the various motorcycle gangs that operate in Australia. Motorcycle gangs have existed in Australia since the 1960s. Gangs such as the Bandidos and Comancheros do include legitimate motorcycle enthusiasts; however, their membership also includes known criminals and members of criminal syndicates. Some of these gangs are not only involved in criminal activity, but also frequently engage in violent behaviour while undertaking these crimes. The potential impact of outlaw motorcycle gangs on Australian communities was deemed so significant that all states have passed legislation severely restricting gang activity.

FIGURE 2 Recent crackdowns have severely restricted the activities of the outlaw motorcycle gangs.



Professional facilitators

A professional facilitator is an industry professional or person with specific expertise. Such a person is employed by criminal organisations to undertake specialist criminal activity. Professional facilitators are usually involved in crimes related to finance and technology. Criminal organisations may use a facilitator because they lack the required knowledge and skills, or because they want to distance themselves from the crime being committed. Individuals or organisations involved in money laundering, identity theft and crimes, and scams are all examples of criminal activity conducted by professional facilitators. The increase of scam-related crime is a particular concern in Australia. The ACCC reported that, in 2021, \$1.8 billion was lost to scams including investment, dating and romance, payment redirection and phishing scams. The real figure is estimated to be around \$2 billion, with many remaining unreported as some people are too embarrassed to inform authorities when they fall victim to scammers.

FIGURE 3 Online scamming syndicates are an example of professional facilitators.



4.3.2 Political threats

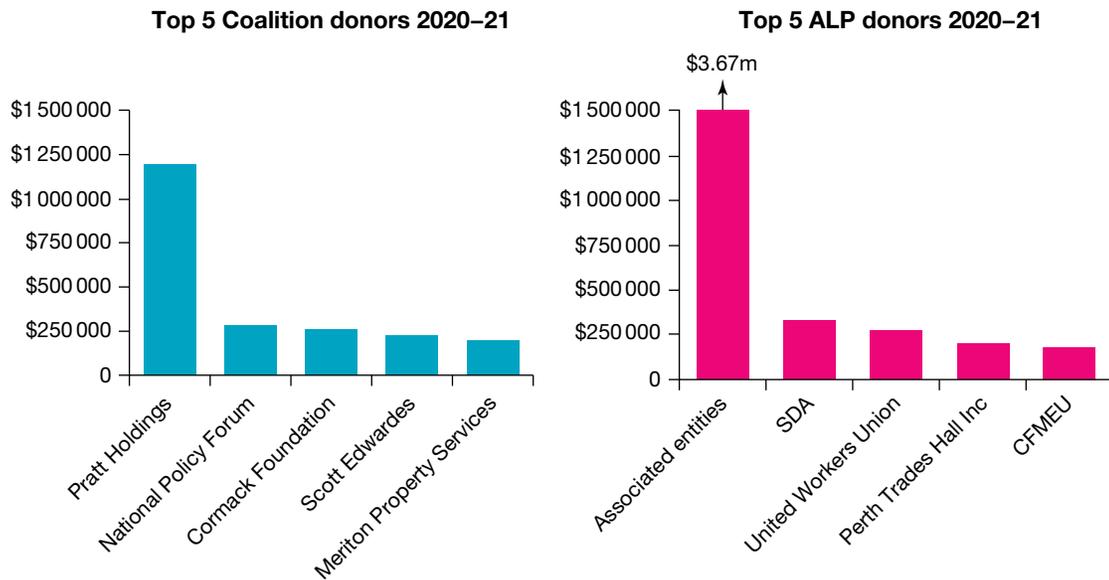
Vested interests

Vested interests, or conflicts of interest, can occur in a range of professions. Teachers who are employed as tutors can have conflicts of interest if they are paid to tutor students they teach at school, as can a sports commentator who supports a particular team. The conflict of interest that can have the most significant impact on Australian society occurs in our political system. Before beginning their terms of office, politicians must disclose any potential conflict of interest that may interfere with their position and responsibilities. Existing investments, business relationships and personal assets are examples of potential conflicts. Political donations made to individuals and political parties should also be disclosed. The issue of undisclosed political donations has become an increasing concern for many Australian voters. In 2007 Prime Minister Kevin Rudd's wife sold her business due to a perceived conflict of interest.

Australian political parties are publicly funded. The amount of funding received from the Australian Electoral Commission (AEC) is determined by the number of votes received by the party at the most recent election.

However, political parties are also allowed to receive private donations from individuals and organisations. The AEC monitors political donations and publishes a list of the donations disclosed by the respective parties. **FIGURE 4** shows the donations disclosed over the years 2020 to 2021.

FIGURE 4 Political donations made during 2020–21



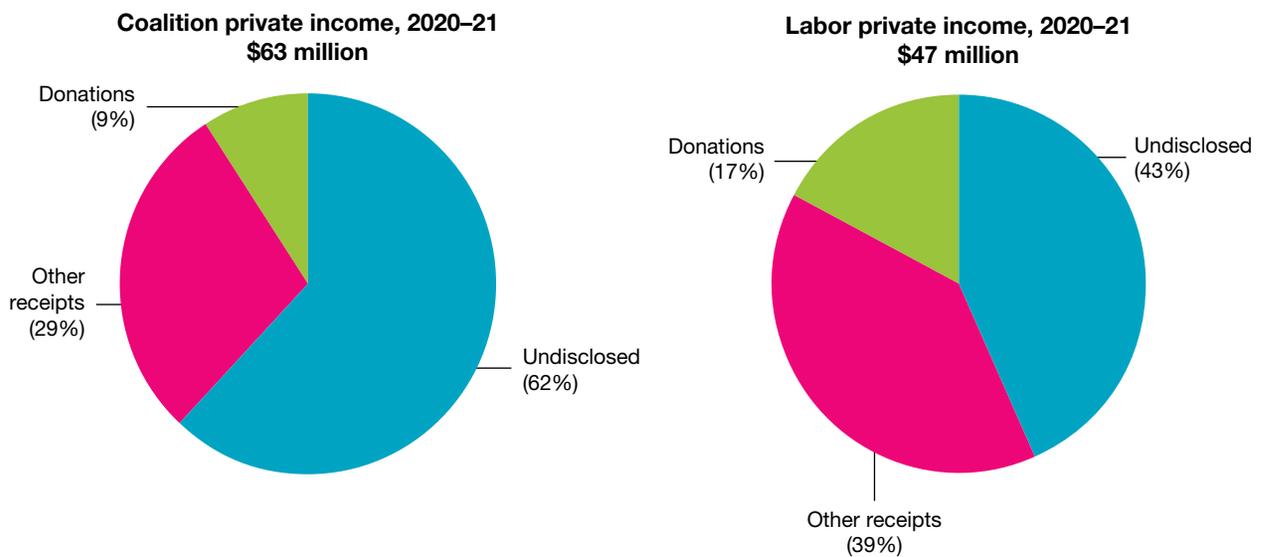
Source: Kate Griffiths & Owain Emslie (2022). ‘\$177 million flowed to Australian political parties last year, but major donors can easily hide’, *The Conversation*.

The problem with political donations is two-fold. First, it is possible for individuals and organisations to influence politicians and potential legislation through their donations. Second, not all political donations are disclosed to the public. News website, *The Conversation*, states the amount disclosed by the respective parties is only a fraction of the money given by private donors. This data is shown in **FIGURE 5**.



FIGURE 5 Declared donations are just the tip of the iceberg.

tlvd-10761



Source: Kate Griffiths & Owain Emslie (2022). ‘\$177 million flowed to Australian political parties last year, but major donors can easily hide’, *The Conversation*.

The problem is exacerbated by the lack of donation regulation by all parties. Vested interests can be viewed as a threat to Australian democratic processes because, instead of representing the interests of their electorate, politicians with vested interests could be accused of merely representing their own interests.

Corruption

In comparison to many governments around the world, Australian politics is relatively free from corruption. Forms of political corruption may include bribery, **embezzlement** and the repression of political opponents. Although these acts are not commonplace in Australian governments, they have been known to occur. From the Rum Rebellion (1808) to the Loans Affair (1975), political corruption has at times had an impact on the proper functioning of Australian governments. The Rum Rebellion led to the only successful armed revolution against an Australian government in the history of this country, and the Loans Affair contributed to the sacking of former prime minister Gough Whitlam.

More recently, political corruption resulted (directly or indirectly) in the resignation of the last three New South Wales premiers. Increased perception of corruption in the federal government has also become a concern in Australian politics. In the lead-up to the 2019 federal election, Scott Morrison recognised the growing community concern about political corruption and promised to establish an independent corruption committee — to be known as the Commonwealth Integrity Commission. Yet even as we head toward the 2022 federal election, this commission is yet to be established. This is despite similar bodies already existing in every other Australian state and territory. The reasons for the lack of action on a federal corruption committee are varied but critics of the Morrison government point to the many controversies and allegations of corruption — including the so-called Sport Rorts and Car Park Rorts affairs. Allegations of corruption in state and federal politics have also caused Australia to slip in the corruption ratings calculated by independent assessor Transparency International. Though a score of 79/100 gave it a ranking of 13 out of 168 countries, Australia continues to be perceived as one of the least corrupt countries in the world. However, it needs to remain an area of focus as political corruption compromises effective government and is therefore a serious threat to democracy and social cohesion in Australia.

4.3.3 Lawlessness

Australian society has never been truly lawless. Indeed, **martial law** has only been invoked once in our nation's history — immediately after the Eureka Stockade. Contemporary Australian society largely follows the **rule of law**, resulting in the majority of our communities remaining safe and peaceful. There have been times, however, when Australian citizens have pushed the boundaries of civil society; times when hostile groups and individuals have threatened the safety of others.

Freedom of assembly is widely enjoyed in our democratic society. Groups of people are free to congregate in support of a cause, an ideology or an event. The vast majority of protests in this country are peaceful in nature, although there have been several episodes of mob violence. The most infamous of recent episodes is the 2005 Cronulla Riots. A beachside suburb of Sydney, Cronulla is (like many suburbs in Australia) characterised by its ethnic diversity. The riots were the result of simmering tension between young men of Lebanese backgrounds and young men of Anglo-Celtic descent. The violence escalated on 11 December after an earlier altercation between the two groups at Cronulla beach. The riot and retaliations that followed were some of the most graphic examples of violent racism seen in modern Australia. Many people were injured in the bloody violence and over 100 arrests were made during the riots and in the aftermath.

FIGURE 6 The Independent Commission Against Corruption investigates allegations of government corruption.

The logo for the Independent Commission Against Corruption (ICAC) features the letters 'I', 'C', 'A', and 'C' in a large, bold, serif font. Each letter is separated by a small diamond-shaped symbol.

INDEPENDENT COMMISSION
AGAINST CORRUPTION

embezzlement the theft or misuse of funds belonging to your employer or organisation

martial law when a country's government/s bring in the military to enforce law in a society and suspend normal legal processes

rule of law a legal principle that all citizens are subject to the law and equal before the law. The law applies equally to all citizens, regardless of status or wealth.

FIGURE 7 Melburnians protesting against COVID lockdowns



The extent of freedom of assembly rights also came into question during the COVID-19 pandemic. The ability of people to exercise their protest rights was affected by the lockdowns enforced by various states. Let's use Victoria as an example of how protest rights were impacted by COVID-19 regulations.

As the Victorian Equal Opportunity and Human Rights Commission explains, '... peaceful assembly, freedom of association and freedom of speech are critically important; however, they are not absolute'. While it was not technically unlawful for people to protest during Victoria's multiple lockdowns, it was unlawful for people to break the 'Stay at Home' public health orders which were put in place by the state government. Under these orders, attending a protest was not one of the five reasons why Victorians were allowed to leave their homes. Even if the protest was located within their own five-kilometre radius (another rule of Victoria's lockdowns), gathering in large groups was still not allowed. Further controversy was caused in Melbourne, and other cities around the country, when protests to support the 'Black Lives Matter' movement took place during the early stages of the pandemic. Critics pointed out the inconsistency of allowing these protests while anti-lockdown protests were met with a heavy police presence. This example shows that sometimes, our democratic rights can clash with our obligations to follow the rule of law.

4.3 SKILL ACTIVITY: Civic participation and decision-making

Write a letter to your local member of federal parliament about one of the threats discussed in this lesson. When choosing a lesson, make sure that you **select** one which you are interested in and passionate about.

1. **Research** or **investigate** the issue to clearly identify specific problems that need addressing, and possible solutions that may solve those problems. Think about what you want to say and, more importantly, what you want the government to do about this issue.
2. **Research** and **identify** the people or organisations that have responsibility for the issue (or may have influence in addressing the issue). Monitor public information channels to find out if there are opportunities for public submissions, such as Parliamentary Committees and Inquiries.
3. **Write** your submission. You may wish to include relevant evidence to support your position, such as research, photographs, results of a survey, or a signed petition.
4. **Send** your submission.

4.3 Exercise

Learning pathways

■ LEVEL 1

1, 2, 3

■ LEVEL 2

4, 6, 7

■ LEVEL 3

5, 8, 9, 10

These questions are even better in jacPLUS!

- Receive immediate feedback
- Access sample responses
- Track results and progress



Find all this and MORE in jacPLUS 

Check your understanding

- Identify** three threats to social cohesion.
 - Rising healthcare costs
 - Organised crime
 - The rate of inflation
 - Lawlessness
 - Corruption
- Determine** whether the following statements are true or false.
 - Extensive media coverage of a violent event makes people feel that Australia is less dangerous than evidence suggests.
 - The rule of law is a legal principle that all citizens are subject to the law and equal before the law.
- Which of the following is an example of how a conflict of interest can affect how a politician fulfils their duties?
 - An MP who owns a mining company not wanting to increase mining taxes even though their constituents might want to
 - An MP who owns a mining company wanting to increase mining taxes because it is in the interests of their constituents
 - An MP representing the interests of their electorate
 - An MP who owns a mining company not wanting to increase mining taxes because it is in the interests of their constituents
- Which assumed human right came under question during the COVID-19 pandemic?
- Explain** what is meant by 'organised crime'.

Apply your understanding

Communicating

- Of the categories of organised crime listed in this lesson, **explain** which category you believe poses the biggest threat to social cohesion.
- Consider** a recent act of violence you have heard reported. **Describe** the government's response (if any) to that act.
- In 2022, there were conflicts in Ukraine, Afghanistan and Myanmar. **Explain** how internal conflict can have a negative impact on social cohesion.

Civic participation and decision-making

- Which do you think was more important during the pandemic: following 'stay-at-home' orders or exercising one's freedom of protest? **Justify** your response.
- Private individuals and companies should be banned from making political donations. To what extent do you agree with this statement? **Justify** your response.

LESSON

4.4 What threatens global democracy?

LEARNING INTENTION

By the end of this lesson you should be able to explain how the rise of extremism and radical groups threatens social cohesion.

TUNE IN

FIGURE 1 mentions the 'polarisation of views'.

Consider your views on the following topics.

1. In groups or as a class, discuss what you think 'polarisation of views' might mean. The image gives you a clue to the meaning.
2. Why do you think something like this could threaten social cohesion and global democracy?
3. Write down as many issues as you can that you think might lead to a 'polarisation of views'.

FIGURE 1 The increased polarisation of views threatens social cohesion.



In an ideal world, all countries, communities and individuals would have equal access to natural resources, employment opportunities and a democratic system of government. It is the unfortunate truth that such equality does not exist in the modern world. The inequality seen within and between so many countries and communities around the world has caused divisions which threaten the very essence of global democracy and social cohesion. The extreme polarisation of views, breakdown in social consensus and the rise of extremist groups are some examples of the forces that breed conflict and resentment. In this lesson, you will investigate how these threats have developed, the impact they can have on communities and how these impacts can be mitigated.

4.4.1 Polarisation of views

It is unreasonable to expect everyone to have the same views on all issues — or even on one issue! An individual's view on an issue will be influenced by their personal experiences, education and the social influences they have around them. Indeed, the existence of differing views and opinions — as well as the freedom to express these views and opinions — is an ingredient critical to any democratic society. However, what we are witnessing in contemporary society is a broadening of the space between each end of an issue's spectrum. This can be seen as a breakdown of **social consensus**. People are increasingly religious or secular, traditionalists or modernists, nationalists or globalists. The role of media, and in particular, social media, is seen as a key source of this increased polarisation. Consider the accounts that you follow on your various social media platforms. Do you follow the same kinds of people with the same kinds of views? Or do you follow a more diverse group of users?

social consensus a commonly shared viewpoint or ideology that appropriately represents that community

Most social media users live in what is known as an **echo chamber**. Often occurring unintentionally, an echo chamber occurs when your views and opinions are reinforced and repeated by a group of like-minded users, creating a shared narrative. Let's say you only follow people who believe that chocolate is the best flavour of ice-cream; every ice-cream-related post you see on your feeds will be about chocolate. This merely reinforces your own view that chocolate is the best flavour. Unfortunately, not all examples of echo chambers are as harmless as ice-cream flavour debates. Echo chambers can often lead to extreme polarisation of views regarding political, environmental and social issues. This increase in social and political polarisation has also led to an increase in extremism.



FIGURE 2 Echo chambers can reinforce narratives that exist in enclosed communities.

tivd-10762



4.4.2 Extremism and radicalisation

A discussion of extremism needs to be one that exercises caution and avoids **generalisations**. There is no singular pathway to extremism. Instead, the circumstances that lead someone to hold extreme views or demonstrate violent, extremist behaviour vary with each person. Often, there are critical incidents or issues that may lead someone to hold an extreme view. A person whose business was forced to close during the COVID-19 pandemic is more likely to have a negative view on government-imposed lockdowns than someone who was able to keep their income stream open during this time. Financial stress, frustration over the unequal distribution of wealth and global resources, political ideology and climate change are common issues that lead to the belief in extreme views. It is important to point out that extremist views can exist on both ends of a spectrum. It is also important to note that holding an extreme view on an issue is not illegal or necessarily a bad thing. Every person in Australia has the right to express their personal beliefs openly and with freedom from discrimination on the basis of those views. It is only when people act negatively on these views that extremism threatens social cohesion.

As mentioned earlier in this topic, Australia truly is 'the lucky country'. This is particularly true as we discuss violent extremism, as it is extremely rare to see such

echo chamber when views and opinions are reinforced and repeated by a group of like-minded people, creating a shared narrative

generalisation a statement which claims that something is true when, in fact, it may only sometimes be true

acts in Australia. Compared to many other countries around the world, and even some in our region, there have been very few violent episodes in modern Australian history caused by extremists. People who move from holding extreme views to a desire to act on those views are said to have become **radicalised**. A person who has become radicalised seeks to significantly transform the nature of society and government. According to a 2021 report from the Centre for Resilient and Inclusive Societies (CRIS), the journey to radicalisation is commonly a slow one, often taking months or even years. The report also explains that certain types of people are particularly susceptible to becoming radicalised. Young people (late teens and early twenties), and people struggling with social isolation, family or relationship breakdown, or mental health concerns are included in these groups. Many radical groups are extremely tight-knit communities. The support they provide for their members creates the very sense of belonging that many of them are looking for. This sense of belonging and loyalty to the cause can often inhibit radicalised people from seeing the truth of an issue, further enhancing their extremist views. Eventually, a radicalised person will actively seek change, often acting violently in order to achieve this change. We frequently see such violent action from radical far-right groups.

4.4.3 The rise of the far right

It may surprise you to learn that the presence of far-right groups in Australia is nothing new. Since the 1930s, organisations such as the New Guard, the Centre Party and the Australia First Movement have promoted a **fascist**, anti-immigration and anti-multiculturalism agenda. More recently, these themes have been adopted by groups such as the United Patriots Front, Reclaim Australia and the Lads Society. The recent rise of far-right groups has been closely linked to the increasing use of social media platforms. Misinformation and conspiracy theories are easily spread through social media, and as mentioned earlier, echo chambers also reinforce the narrative that has

already been constructed in these communities. The QAnon conspiracy theory (which later evolved into a political movement) is one example of how far-right groups can rapidly spread their ideas through social media. Australian authorities are also concerned about the role that social media plays in far-right groups. A New South Wales spokesperson said in 2021 that social media ‘... technologies have provided an accessible, low-cost means to establish, engage and empower like-minded groups across divides’. The lack of moderation and regulation on many of these platforms is also a concern.

4.4.4 Combating extremism

The rise of extremism and the influence of radical groups remains one of the most serious threats to global democracy and social cohesion. If left unchecked and unchallenged, these groups have the potential to spread misinformation, destabilise communities and widen the gap of social consensus. As such, the impacts of extremist, radical and far-right groups on Australian society are clear to see. In a country where diversity abounds, individuals and groups that fear and discriminate against cultural differences threaten to disrupt the very essence of Australian values.

FIGURE 3 Far-right and anti-racism protesters at the proposed site of a mosque in Melbourne’s western suburbs



radicalised when a person has adopted radical political or social ideologies after prolonged or intense exposure to those views
fascist the political viewpoint that one’s nation/race is superior to all others

A 2015 report by Monash University’s Global Terrorism Research Centre (GTReC) outlined ways in which we can help people who develop extreme views or become radicalised. These steps are shown below.

aud-0588

What to do?

It is in all of our interests to help people disengage from violent extremism before they hurt others or themselves. There can be a delay between when a person begins to have doubts about the violent extremist group to which they belong and when they feel able to leave safely. A person who has left violent extremism will also almost certainly need some kind of support, whether that is from existing family and friends, or from social services or other community members.

Family, friends and communities can help a person who is trying to disengage from violent extremism through:

- maintaining open communication
- rejecting the hatred/behaviour but accepting the person
- helping them to relate to people in a positive way
- helping them learn about genuine beliefs and non-hateful ideologies
- helping them find constructive and lawful ways to pursue their cause
- helping them get professional support for any physical or emotional issues, and
- helping them discover who they are and what they identify with.

Source: www.livingsafetogether.gov.au/Documents/preventing-violent-extremism-and-radicalisation-in-australia.pdf, 2015, p. 20.

In a culturally diverse society such as Australia, meaningful anti-discrimination laws are another method of mitigating the impacts of extremism. All Australians — regardless of race, religion, gender and age — should feel safe to express their individual identity. Since 1975, various state and federal governments have introduced laws against the discrimination of people on the basis of their physical, religious or cultural characteristics. This legislation includes:

- *Racial Discrimination Act 1975*
- *Sex Discrimination Act 1984*
- *Australian Human Rights Commission Act 1986*
- *Disability Discrimination Act 1992*
- *Age Discrimination Act 2004.*

In conjunction with other state and territory laws, these are examples of how individual freedoms and rights are protected in Australian society. Individuals who feel they have been harassed or bullied on these grounds have the opportunity to lodge official complaints. These complaints are then investigated, and if deemed appropriate the parties may be called to attend conciliation sessions. The Australian Human Rights Commission (AHRC) is responsible for handling all such complaints and any actions arising from them. It is funded by the federal government but is run independently of any political influence. Its leadership is made up of a wide range of academic and legal professionals. The role played by the AHRC is crucial in maintaining individual rights and social cohesion in our society.

FIGURE 4 Many Australians fully support our anti-discrimination laws.



SkillBuilders to support skill development

- 1.11 Debating an issue

4.4 SKILL ACTIVITY: Communicating

Working in groups of three, prepare for a class debate around the following topic: *Violent domestic extremism is the most serious threat facing Australian society.*

Your teacher will divide the class into affirmative and negative sides of the debate.

1. Thoroughly **research** the issue and note down valid evidence to support your argument.
2. While holding the debate, take note of other ideas and arguments that are raised.
3. At the conclusion of the debate, **discuss** which were the best points raised for both sides of the argument.

4.4 Exercise

learn**on**

4.4 Exercise

Learning pathways

■ LEVEL 1

1, 2, 3

■ LEVEL 2

4, 6, 8

■ LEVEL 3

5, 7, 9, 10

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Check your understanding

1. **Identify** which of the following factors may influence a person's view of an issue.
 - A. Personal experiences
 - B. Education
 - C. Social influences
 - D. All of the above
2. What is seen as a key source of increased polarisation of views?
 - A. Social media
 - B. Tourism
 - C. Education
 - D. The internet
3. Circle the correct bolded word to complete the statement.
Compared to other countries in our region, Australia witnesses **more** / **fewer** instances of violent extremism.
4. **State** the goals of someone who has become radicalised.
5. **State** three examples of legislation that protects the individual rights and freedoms of Australian citizens.

Apply your understanding

Communicating

6. **Explain** what is meant by the phrase 'the breakdown of social consensus'.
7. **Describe** how an 'echo chamber' operates and the impact it can have on people.
8. **Discuss** the circumstances that might lead to a person developing extremist views on an issue.

Analysis, evaluation and interpretation

9. Far-right and extremist groups are often described as being extremely loyal to, and supportive of, their members. Do these characteristics contradict their social views? **Discuss** your response in detail.
10. **Explain** the role that anti-discrimination legislation can have in combating extremism and the activity of radical groups.

LESSON

4.5 How can we resolve conflict?

LEARNING INTENTION

By the end of this lesson you should be able to identify and describe the methods available within our society to deal with situations where conflict has arisen.

TUNE IN

FIGURE 1 shows a court room in the Brisbane Supreme and District Court (also known as The Queen Elizabeth II Courts of Law) in Queensland.

FIGURE 1 A Supreme Court hearing requires a panel of judges.



1. Examine **FIGURE 1** and in small groups discuss the layout of the room. Who do you think sits in each section and why?
2. Consider what it would be like to participate in a legal proceeding in a court room that size.
3. Brainstorm other ways that disputes may be settled without involving the court system. Why do you think they may be better or worse?

If a dispute is serious enough and breaks federal or state legislation, the opposing parties may eventually end up settling their differences in the court system. This is costly and time consuming for both parties. For these and other reasons, it is often easier to settle disputes outside of court. In Australia, conflict resolution is achieved through four main processes:

- negotiation
- conciliation
- mediation
- arbitration.

In this lesson, we discover more about the mechanisms of conflict resolution in Australian society and how these processes foster social cohesion. There are many similarities between the strategies used to resolve disputes or conflicts in Australian society. However, there are also distinct differences because each strategy is used for a unique purpose and situation. Each strategy also has its own advantages and disadvantages.

4.5.1 Negotiation

One of the purest forms of **dispute resolution**, negotiation involves the opposing parties dealing directly with each other. By resolving the conflict without the help of a third party, the process is simplified and costs are minimised. Negotiations can be completed by correspondence or through direct meetings. The first step in this process involves the opposing parties listing their preferred outcomes. Then the actual negotiation takes place and a mutually beneficial outcome is sought. Opposing parties are allowed to employ legal representatives, although this is not an official requirement. Most forms of legal dispute can be resolved through negotiation.

FIGURE 2 Negotiation is an effective way to resolve most forms of legal dispute.



4.5.2 Mediation

The words mediation and conciliation are often used interchangeably, but the dispute-resolution processes are not identical. According to the Australian Mediation Association, **mediation** is about promoting understanding between opposing parties and using creative problem-solving to seek a preferred outcome. In both mediation and conciliation the parties may not reach agreement. If they do, either party can walk away from the agreement unless they agree to be bound by the decision. They would sign a binding terms or binding deed of settlement if the decision is to be legally binding.

Both processes involve a third party acting to resolve the dispute. In conciliation, however, that third party is usually an expert brought in to rule on a technical dispute. Although they have the necessary legal qualifications, a mediator may lack specific technical expertise on a matter. Unlike an expert conciliator, a mediator focuses on the communication between the opposing parties rather than on the technical nature of the dispute itself.

The lack of this expert knowledge does not detract from a mediator's importance. The difference between the two roles is similar to the difference between a GP and a specialist doctor. Your GP is a qualified doctor who has treated a range of diseases and ailments. A specialist, however, has had more specific training in one particular area.

FIGURE 3 A mediator focuses on the communication between opposing parties.



dispute resolution a process involving a group of strategies to settle legal issues outside of court
mediation a dispute resolution process involving a third party who is trained to promote a mutually agreeable outcome

Any outcome achieved through mediation is not imposed upon the parties. Disputes may even remain unresolved if the opposing parties do not agree on the outcome of the mediation.

4.5.3 Conciliation

Not to be confused with reconciliation, this dispute-resolution strategy involves the use of an independent third-party **conciliator**. This person is usually appointed by a formal tribunal such as the AHRC or the Fair Work Commission. If the dispute involves matters requiring specific technical knowledge in a particular area, the opposing parties may request that a suitably qualified conciliator be appointed.

The presence of the independent mediator/conciliator usually means that legal representation is not essential and parties can run their own case. During a conciliation meeting, the opposing parties are allowed to express their views and discuss their perspectives on the dispute. It is the conciliator's role to facilitate this discussion, consider the opposing arguments, provide options and make suggestions. The final decision rests with the parties and arbitration would rule on the outcome.

Similar to negotiations, legal representation is not required during conciliation although participants can request that lawyers are present at any time. Conciliations are frequently used to resolve disputes. More rigorous than a mediation and less intensive than an arbitration, conciliations provide a fair and affordable way to resolve disputes.

4.5.4 Arbitration

Arbitration is used when the opposing parties require a resolution that imposes a **legally binding** decision. It is the most intense and therefore most expensive method of conflict resolution outside of a courtroom trial. As with mediation and conciliation, arbitration involves the use of an independent third party: the arbitrator. Either an individual arbitrator or a panel of suitably qualified individuals can be used in this process. As this process often requires technical legal knowledge and skills, opposing parties engaged in arbitration usually employ legal representation.

Arbitration is a lengthier process than other methods of conflict resolution because the adjudicator requires time to consider the legal implications of the opposing arguments, and may need to review evidence of a technical nature. Due to its lengthy nature and the frequent use of legal representation, arbitration has significantly higher costs than other methods of conflict resolution. Participants in this process also need to be willing to accept the consequences of any legally binding outcome delivered by the arbitrator or panel. For these reasons, the other methods of conflict resolution described are more frequently undertaken.

Arbitration is not held in an open forum such as a court and therefore provides privacy for the parties involved.

Conciliation and mediation are also held in private and without prejudice. Information shared during these processes cannot be used unless it is discoverable through normal pre-trial procedures

conciliator a person who acts as an independent third party between two disputing parties, often with specialist technical expertise

arbitration a dispute resolution process with a legally binding decision from a third party rather than as the result of court proceedings

legally binding an agreement that is enforceable by law

4.5 SKILL ACTIVITY: Communicating

Differentiating between the different kinds of conflict resolution methods can be extremely confusing.

1. Choose two conflict resolution methods and make notes under the following headings:

- how they work
- in what situations they may be used
- the benefits of each method.

You may need to **conduct research** to find more information.

2. Create a fact sheet that communicates the information you have gathered in a simple and informative way.

4.5 Exercise

Learning pathways

■ LEVEL 1

1, 2, 3

■ LEVEL 2

5, 7, 8

■ LEVEL 3

4, 6, 9, 10

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Check your understanding

- What are the advantages of settling a dispute out of court? **Select** all that apply.
 - It is usually quicker.
 - It is more expensive.
 - It alleviates unnecessary stress.
 - It relieves pressure on the busy court system.
 - It is not legally binding.
- Determine** whether the following statements are true or false.
 - Arbitration is known as the most simple and direct form of conflict resolution. True or false?
 - Mediation is a dispute resolution process involving a third party who is trained to promote a mutually agreeable outcome. True or false?
- Complete the following sentence by **identifying** the correct form of conflict resolution.
 _____ is a dispute resolution method in which the two disputing parties meet with an independent third party who facilitates the discussion and helps the parties come to a joint resolution.
- How** does the outcome of arbitration differ from that of the other forms of conflict resolution discussed?
- Why** are courts sometimes needed to resolve disputes?

Apply your understanding

Communicating

- Construct** a table that **explains** the similarities and differences of the methods of conflict resolution discussed in this lesson.
- State** which dispute resolution method you would use for each of the following examples. Include a brief **justification** for your choice.
 - You are the manager of a mining company involved in a dispute with an engineering subcontractor.
 - You work at your local supermarket and you have lodged an official complaint with the AHRC about racist remarks made by your manager.
 - You are renovating your house and your neighbour has lodged a complaint about the renovation's impact on your street.
- Conciliation is often good for resolving a dispute where an ongoing relationship exists. Using an example, **explain** what this means.
- The alternative dispute resolution methods outlined in this lesson are used by courts and other venues. **Describe** one other venue that can be used to resolve disputes.

Questioning and researching

- 'People who resolve a dispute through conciliation are often better off than if they had used arbitration.'
Discuss this statement.

LESSON

4.6 INQUIRY: Social media campaign

LEARNING INTENTION

By the end of this lesson you should be able to describe the meaning of inclusivity and cohesion and identify how to promote them using social media.

Background

For this activity, you will develop a social media campaign that promotes inclusivity and social cohesion. Developing a social media campaign is about more than just photos with an inspiration quote. Campaigns need to be carefully planned and designed to maximise the reach of your message and the impact it has on social media users. Use the steps below as a guide for planning your campaign. You may want to work in groups to complete this task.



Before you begin

Access the **Inquiry rubric** in the digital documents section of the Resources panel to guide you in completing this task at your level. At the end of the inquiry task, you can use this rubric to self-assess.

Inquiry steps

Step 1: Questioning and researching

Before you plan your campaign, you need to thoroughly **research** the issue. Questions that may help guide your research include:

- What is inclusivity and how does it influence social cohesion?
- What does inclusivity look like in society? Consider how inclusivity is encouraged in schools and other organisations.
- What barriers are there to inclusivity and how can these barriers be overcome?
- **Discuss** the difference between authentic and tokenistic inclusivity strategies.

Step 2: Analysis, evaluation and interpretation

Your **analysis** will help you narrow the focus of your campaign. The following questions will assist this phase of the inquiry.

- What other similar campaigns exist?
- Who is your target market?
- Is it aimed at a regional or global level?

Step 3: Civic participation and decision-making

- What is the most suitable platform to use, or are you going to campaign across multiple platforms?
- What method of social media posting are you going to use? (For example, hashtags, viral challenges, profile pictures and so on.)



Step 4: Communicating

Now that you have researched the issue and analysed the best way to reach your audience, the time has come to put your plan into action. Include sketches, diagrams and images of your social media campaign as well as a written document which **outlines** the goals of the campaign, the methods used and the ways in which you will judge the campaign success.

Complete your self-assessment using the **Inquiry rubric** or access the 4.6 exercise set to complete it online.



Resources



Digital document Inquiry rubric (doc-40097)

LESSON

4.7 Review

Hey students! Now that it's time to revise this topic, go online to:



Review your results



Watch teacher-led videos



Practise questions with immediate feedback

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4.7.1 Key knowledge summary

Use this dot point summary to review the content covered in this topic.

4.2 What are the elements of a cohesive society?

- In democratic societies all voices should be heard and individual expression should be promoted and protected.
- The level of social cohesion in Australia is extremely high because of, not despite of, the diverse composition of our communities.
- Social cohesion is a process, not an outcome.
- A sense of belonging exists in Australian society because of the mechanisms that have been put in place to protect individual freedoms.
- In a cohesive society, citizens must be informed and active in the community.

4.3 What threatens social cohesion?

- Threats to the tranquillity and cohesion of Australian society do exist.
- Several threats to the freedom and rights of Australians exist within our communities, and at times in our governments as well.
- Criminal activity, political corruption and lawlessness threaten our communities and can impinge on our democratic rights and freedoms.

4.4 What threatens global democracy?

- The inequality seen within and between so many countries and communities around the world has caused social divisions.
- An individual's view on an issue will be influenced by their personal experiences, education and the social influences they have around them.
- We are witnessing a broadening of the space between each end of an issue's spectrum.
- The role of media, and in particular, social media, is seen as a key source of this increased polarisation.
- The circumstances that lead someone to hold extreme views or demonstrate violent, extremist behaviour vary with each person.
- Meaningful anti-discrimination laws are a key way of controlling the impacts of extremism.

4.5 How can we resolve conflict?

- It is inevitable that disputes between people will arise.
- Disputes that threaten social cohesion need to be resolved.
- Disputes can be resolved through our court system.
- Disputes can be resolved through negotiation, conciliation, mediation and arbitration.
- Laws are created to set a standard of behaviour and to protect those people.

4.6 INQUIRY: Social media campaign

- Inclusivity is a crucial component to meaningful social cohesion.
- Strategies to encourage inclusion must be developed and implemented in close consultation with representatives from the groups of society at which these strategies are targeted.

4.7.2 Key terms

arbitration	a dispute resolution process with a legally binding decision from a third party rather than as the result of court proceedings
conciliator	a person who acts as an independent third party between two disputing parties, often with specialist technical expertise
culturally integrated	describes communities that consist of different cultural groups living in unity
discrimination	the unfair, biased or prejudicial treatment of a person based on a personal characteristic such as race, gender, religion, ability or age
dispute resolution	a process involving a group of strategies to settle legal issues outside of court
echo chamber	when views and opinions are reinforced and repeated by a group of like-minded people, creating a shared narrative
embezzlement	the theft or misuse of funds belonging to your employer or organisation
fascist	the political viewpoint that one's nation/race is superior to all others
generalisation	a statement which claims that something is true when, in fact, it may only sometimes be true
inclusive	behaviours or policies that include all members of a society
legally binding	an agreement that is enforceable by law
marginalisation	a social process by which groups or individuals are pushed to the fringes of society
martial law	when a country's government/s bring in the military to enforce law in a society and suspend normal legal processes
mediation	a dispute resolution process involving a third party who is trained to promote a mutually agreeable outcome
radicalised	when a person has adopted radical political or social ideologies after prolonged or intense exposure to those views
rule of law	a legal principle that all citizens are subject to the law and equal before the law. The law applies equally to all citizens, regardless of status or wealth.
social cohesion	the ties within a diverse community that create a sense of connection
social consensus	a commonly shared viewpoint or ideology that appropriately represents that community

4.7.3 Reflection

Complete the following to reflect on your learning.

Revisit the inquiry question posed in the Overview:

How can individuals, communities and governments respond to threats to social cohesion?

1. Now that you have completed this topic, what is your view on the question? Discuss with a partner. Has your learning in this topic changed your view? If so, how?
2. Write a paragraph in response to the inquiry question, outlining your views.

Resources

-  **eWorkbooks** Customisable worksheets for this topic (ewbk-11520)
 - Reflection (ewbk-11803)
 - Crossword (ewbk-11804)

-  **Interactivity** Sustaining democracy and social cohesion crossword (int-9115)

4.7 Review exercise

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Multiple choice

- Australia is often described as
 - the lucky country.
 - the land of the free.
 - a land divided.
 - the fortunate place.
- What stops violence from occurring in diverse societies is a concept referred to as
 - social cohesion.
 - extremism.
 - radicalisation.
 - marginalisation.
- The results of the *Mapping Social Cohesion 2021* report were heavily influenced by the COVID-19 pandemic. What happened to people's feelings of connectedness to society during the pandemic?
 - Decreased
 - Increased
 - Stayed the same
 - People refused to response to this question.
- Which of the following is NOT a threat to social cohesion in Australia?
 - Organised crime
 - Vested interests
 - Corruption
 - Civil war
- How are Australian political parties funded?
 - By the government
 - By private individuals, organisations and companies
 - By the government and private individuals, organisations and companies
 - By the government and private individuals — organisations and companies are banned from making political donations
- Which group monitors political donations in Australia?
 - ASIO
 - ACCC
 - AEC
 - AFP
- How many times has martial law been enforced in Australia's history?
 - Once
 - Twice
 - Three times
 - Never

8. An individual's view on an issue will be influenced by
 - A. their personal experiences.
 - B. their education.
 - C. the social influences they have around them.
 - D. All of the above
9. Which form of media has been the biggest influence on the rise of extremism?
 - A. Radio
 - B. Print media
 - C. Television
 - D. Social media
10. Which of the following is NOT a recognised method of conflict resolution?
 - A. Negotiation
 - B. Reconciliation
 - C. Mediation
 - D. Arbitration

Short answer

Communicating

11. Australia has relatively high levels of social cohesion compared to other countries. **Discuss** why you think this is the case. Use evidence in your response.
12. If people felt isolated and frustrated during the COVID-19 pandemic, **explain** how it is possible that feelings of community connectedness actually *increased* during this time.
13. Of the types of criminal activity discussed in lesson 4.3 (organised crime, political threats, lawlessness), **explain** which you think is the most significant threat to individuals in Australia.

Analysis, evaluation and interpretation

14. Private political donations should be banned in Australia. **Discuss** the positive and negative implications this would have on Australian political parties.

Civic participation and decision-making

15. Without social media, extremism would cease to exist. To what extent do you agree with this statement?

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GLOSSARY

- absolute majority** half the number of votes received in an election plus one
- advocate** to actively speak out and stand up for particular causes
- arbitration** a dispute resolution process with a legally binding decision from a third party rather than as the result of court proceedings
- asylum seeker** a person who has crossed an international border and is awaiting a decision as to whether they will be granted refugee status
- authoritarian** a form of government characterised by absolute obedience to the state, an authority figure or group
- Bar Exam** an exam taken by a lawyer to demonstrate they are competent to work within the legal system and undertake the work of a barrister in court
- bicameral** a parliament consisting of two legislative houses, or chambers
- ceasefire** a temporary or permanent suspension of fighting
- charter** an official document describing the goals and principles of an organisation
- colonised** describes a country or region whose government has been replaced by one from another country
- communist** a person who follows an economic and political system that is based on the idea of a classless society. All property and wealth are communally owned by the state, members of the public work and the state provides for the needs of the population.
- conciliator** a person who acts as an independent third party between two disputing parties, often with specialist technical expertise
- constitution** a set of fundamental principles according to which a nation or state is governed
- constitutional monarchy** a type of government based on a constitution with a queen or king as its head of state
- Crown** the King's authority in the Australian parliament, represented by the governor-general at the federal level and a governor at the state level
- culturally integrated** describes communities that consist of different cultural groups living in unity
- defamation** a civil wrong involving a written or verbal communication that lowers a person's reputation in the community
- democratic society** a system where people have the power to elect their leaders and participate in making decisions that affect them
- dictatorship** a form of government where power rests with one person or group, which has absolute power without effective checks or limits imposed by a constitution
- discrimination** the unfair, biased or prejudicial treatment of a person based on a personal characteristic such as race, gender, religion, ability or age
- dispute resolution** a process involving a group of strategies to settle legal issues outside of court
- echo chamber** when views and opinions are reinforced and repeated by a group of like-minded people, creating a shared narrative
- electoral process** the way in which people vote to choose their representatives and leaders in a fair and organised manner
- embezzlement** the theft or misuse of funds belonging to your employer or organisation
- executive** another name for the government
- fascist** the political viewpoint that one's nation/race is superior to all others
- Federation** the joining of the six Australian colonies to establish the federal and state parliaments
- first-past-the-post** a voting system where a candidate wins by receiving more votes than any other candidate
- formal vote** a ballot paper that has been filled out correctly
- free-rider problem** the notion that a country can enjoy the benefits of global efforts to reduce emissions and limit climate change without having to contribute at an equal level
- generalisation** a statement which claims that something is true when, in fact, it may only sometimes be true
- grandfather clause** a provision whereby existing rules continue to apply and a new rule can apply to future cases

humanitarian concerned with the welfare of a social group

inclusive behaviours or policies that include all members of a society

Indigenous Peoples a distinct cultural group that shares collective ancestral ties to the traditional land and natural resources where they live, regardless of whether they have been displaced from that land.

infer to form a conclusion based on evidence

infrastructure the basic physical and organisational structures and facilities (e.g. buildings, roads, power supplies) needed for the operation of a society

intergovernmental organisation (IGO) an organisation made up of sovereign states, through treaties to collaborate on issues of common interest. They are governed by international law. Examples include the United Nations and International Criminal Court.

international sanctions actions or penalties — usually economic but also diplomatic or military — imposed on a country by a group of other countries

judiciary the collective name given to the judges who preside over law courts

justice treating everyone fairly, holding people accountable for their actions, and making sure that everyone has equal opportunities and rights

legally binding an agreement that is enforceable by law

Makarrata a word from the language of the Yolngu people of Arnhem Land, referring to the process of conflict resolution, peacemaking and justice

marginalisation a social process by which groups or individuals are pushed to the fringes of society

martial law when a country's government/s bring in the military to enforce law in a society and suspend normal legal processes

mediation a dispute resolution process involving a third party who is trained to promote a mutually agreeable outcome

multilateral describes a policy or program that involves three or more countries or parties

multilateral treaty a treaty with more than one signatory

multinational describes an organisation operating in several countries

non-refoulement the principle that a refugee should not be sent to a country where they face serious threats to their life or freedom, such as torture, inhumane treatment or death

persecution hostility toward or mistreatment of an individual or group by another individual or groups, due to factors such as race, religion or political beliefs

Politburo (or political bureau) the executive committee or policy-making body in the CCP

political ideologies sets of ideas and beliefs about how societies should be organised and governed, influencing people's views on issues like power, equality and the role of government

precedent an action or decision on which later actions or decisions might be based; a law made by a superior court that must be applied by lower courts in future cases with the same or similar facts

preferential voting a system in which voters are required to number all candidates on the ballot paper in order of preference. If no candidate wins more than 50 per cent of the vote, the preferences are distributed until one candidate has a majority of votes.

presumption of innocence a person is considered innocent until proven guilty in a court of law, and they should be treated as such

proportional representation a system where candidates are elected according to the proportion (or quota) of the vote achieved by their party

radicalised when a person has adopted radical political or social ideologies after prolonged or intense exposure to those views

ratify the process a treaty goes through within a nation or state to indicate its consent and intention to be bound by a treaty. In Australia this means it has passed through the legislative process; passed by both houses of federal parliament and received royal assent from the governor-general.

refugee a person who has fled war, violence, conflict or persecution, has crossed an international border seek safety and has been granted refugee status

representative democracy a system in which the people elect the members of government to make laws and policies on their behalf. It is sometimes referred to as an indirect democracy.

republic a form of government where supreme power is held by the people and their elected representatives, rather than by a monarch

rights those things that a person is entitled to by virtue of being a member of society

right to a fair trial every person accused of a crime has the right to be heard in court and have their case decided impartially, with proper legal procedures in place

Royal Commission a public inquiry into an important issue. It has the power to compel individuals to appear before it and give evidence and compel the production of official records. Following its inquiry, recommendations will be made to the government.

rule of law a legal principle that all citizens are subject to the law and equal before the law. The law applies equally to all citizens, regardless of status or wealth.

separation of powers the division of government into the legislature (parliament), executive (ministers and the public service) and judiciary with the aim of providing a system of checks and balances that prevents the excessive concentration of power in one group

social cohesion the ties within a diverse community that create a sense of connection

social consensus a commonly shared viewpoint or ideology that appropriately represents that community

tariffs taxes imposed on imported goods and services to make them more expensive

tenure a system by which particular individuals or groups are given a legally recognised right to occupy a defined area of land

terra nullius ('land belonging to no-one') in Australia, the legal idea that since no-one was 'using' the land when the first Europeans arrived, it could be claimed by the British Crown

trade the activity of buying, selling or exchanging goods and services between producers and consumers and/or countries

treaty an agreement between two or more sovereign states (countries) to undertake a particular course of action. It usually involves matters such as human rights, the environment or trade.

ultra vires acting beyond the power of the law maker. It usually refers to situations where parliaments pass a law that is outside their area of authority.

unicameral a parliament consisting of one legislative house, or chamber

unitary state a political system where most or all of the governing power rests with a central government that has control of the whole country

Westminster system the democratic parliamentary system based on the British system of parliament

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