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JACARANDA

CIVICS AND CITIZENSHIP ALIVE

7

AUSTRALIAN CURRICULUM | THIRD EDITION

AUSTRALIAN
CURRICULUM
v9.0



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CITIZENSHIP ALIVE 7
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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.

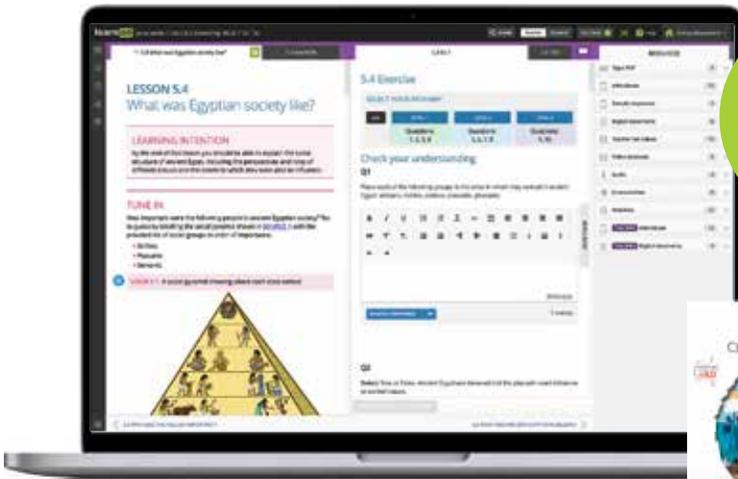


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Contents

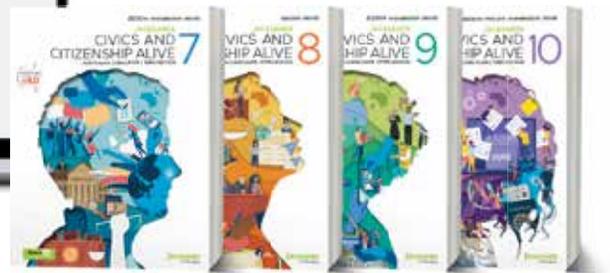
About this resource.....	vii
Acknowledgements	xiv
Understanding cognitive verbs.....	1
1 Civics and Citizenship concepts and skills	2
1.1 Overview.....	3
1.2 Concepts in Civics and Citizenship.....	4
1.3 Skills in Civics and Citizenship.....	7
1.4 SkillBuilder: Notetaking	online only
1.5 SkillBuilder: Writing inquiry questions for research	online only
1.6 SkillBuilder: Writing argument paragraphs	online only
1.7 SkillBuilder: Writing a submission	online only
1.8 SkillBuilder: Debating an issue	online only
1.9 SkillBuilder: Creating political media	online only
1.10 Review.....	11
2 The Australian government and active citizenship	12
2.1 Overview.....	13
2.2 What is the role and structure of the Commonwealth Parliament?	14
2.3 What are the roles and structures of the state and territory parliaments?.....	18
2.4 Why do we have different levels of government?	23
2.5 What does ‘equality for all’ mean?.....	30
2.6 What is ‘active citizenship’?.....	37
2.7 How are our democratic freedoms protected?	41
2.8 INQUIRY: Sharing the power.....	46
2.9 Review.....	48
3 The legal system and you	52
3.1 Overview.....	53
3.2 What are the principles of justice?.....	54
3.3 Where did our justice system come from?.....	60
3.4 How do Australian courts work?.....	64
3.5 What is the presumption of innocence?.....	69
3.6 What is a fair trial?.....	75
3.7 Can everyone access justice?.....	82
3.8 INQUIRY: Access for First Nations Australian women — #Freeher.....	87
3.9 Review.....	88
4 Australian citizenship, diversity and identity	92
4.1 Overview.....	93
4.2 Should we celebrate our multicultural society?	94
4.3 What role does religion play in Australian society?.....	98
4.4 How do we promote cohesion in Australian society?	103
4.5 INQUIRY: Religious Discrimination Bill debate.....	106
4.6 Review.....	109
Glossary.....	112
Index.....	114

About this resource



NEW FOR

AUSTRALIAN CURRICULUM V9.0



JACARANDA

CIVICS AND

CITIZENSHIP ALIVE 7

AUSTRALIAN CURRICULUM
THIRD EDITION

Developed by teachers for students

Tried, tested and trusted. Every lesson in the new *Jacaranda Civics and Citizenship Alive* series has been carefully designed to support teachers and help students evoke curiosity through inquiry-based learning while developing key skills.

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

learnON Jacaranda Civics & Citizenship Alive 7 AC 3e

5.4 What was Egyptian society like? 5.4 teachON

LESSON 5.4

What was Egyptian society like?

LEARNING INTENTION

By the end of this lesson you should be able to explain the social structure of ancient Egypt, including the perspectives and roles of different groups and the extent to which they were able to influence.

TUNE IN

How important were the following people in ancient Egyptian society? Try to guess by labelling the social pyramid shown in [SOURCE 1](#) with the provided list of social groups in order of importance.

- Scribes
- Peasants
- Servants

SOURCE 1 A social pyramid showing where each class ranked

5.3 WHY WAS THE NILE SO IMPORTANT?

powerful learning tool, learnON

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

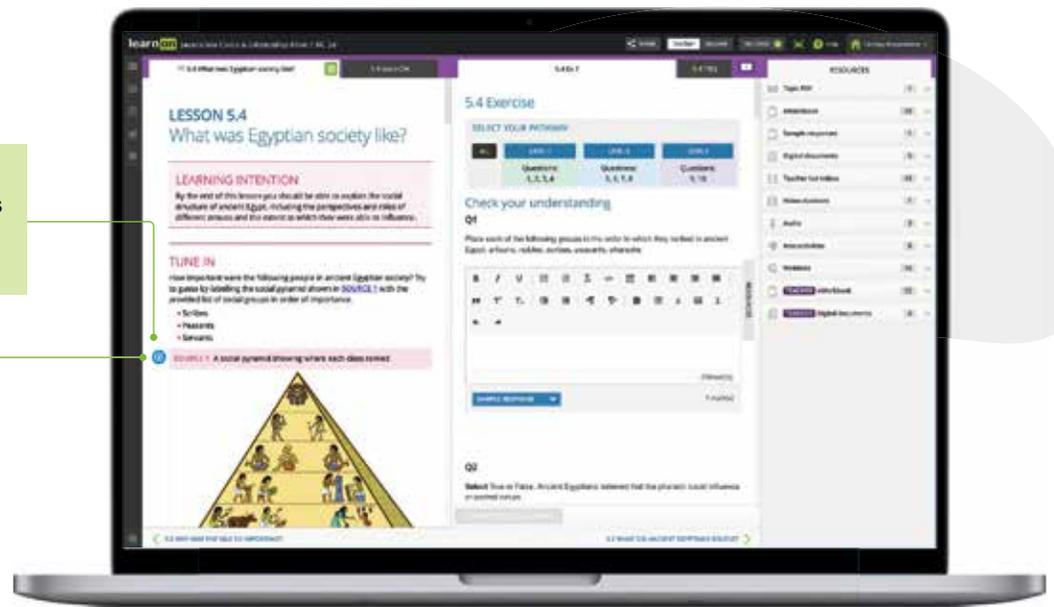
- Differentiated question sets**: Points to the '5.4 Ex 1' and '5.4 TBQ' tabs.
- Teacher and student views**: Points to the 'Teacher' and 'Student' buttons in the top navigation bar.
- Textbook questions**: Points to the '5.4 TBQ' tab.
- eWorkbook**: Points to the 'eWorkbook' resource in the list.
- 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.

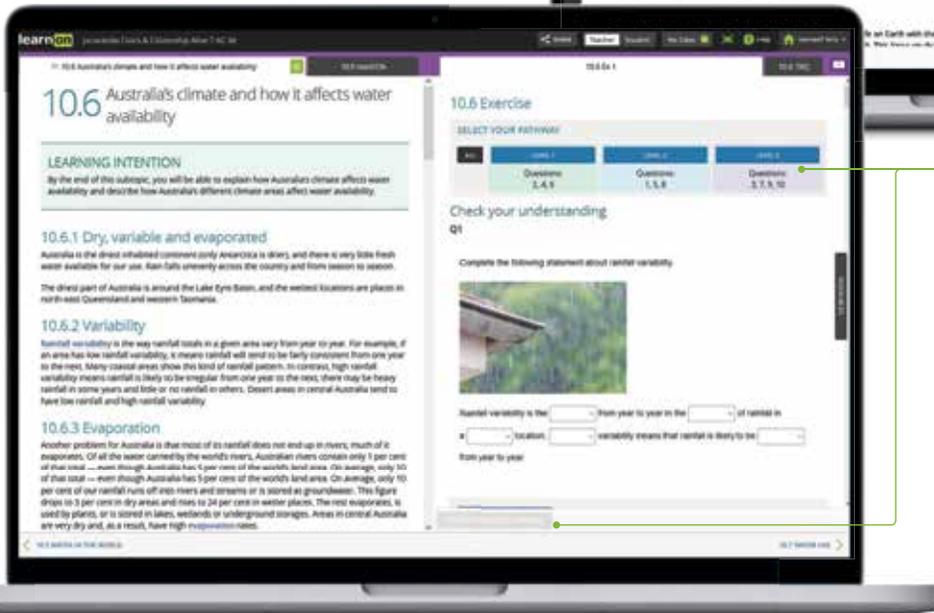
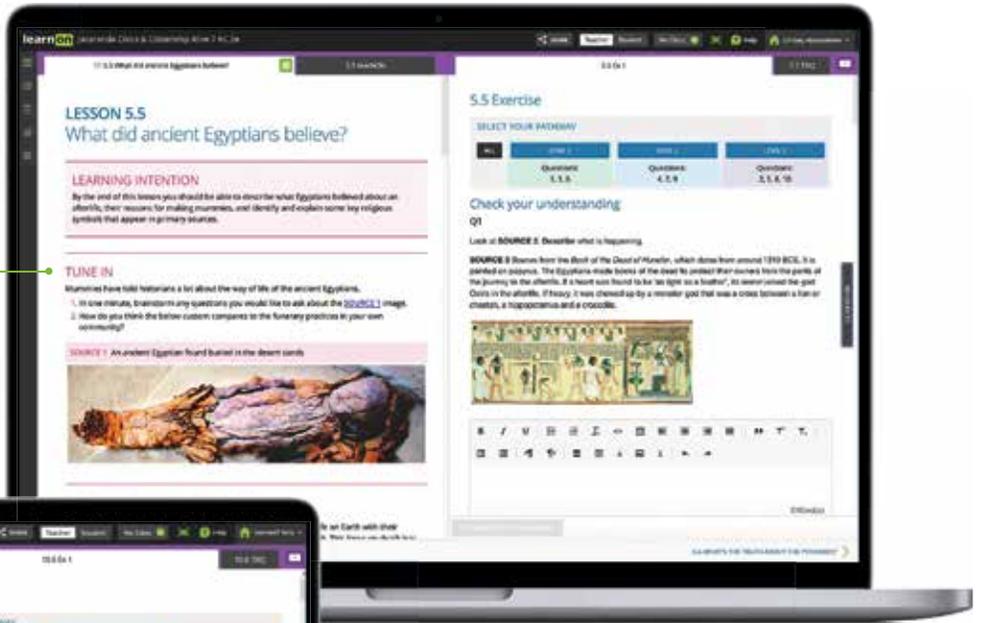
Embedded interactivities and videos enable students to explore concepts and learn deeply by 'doing'.



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.

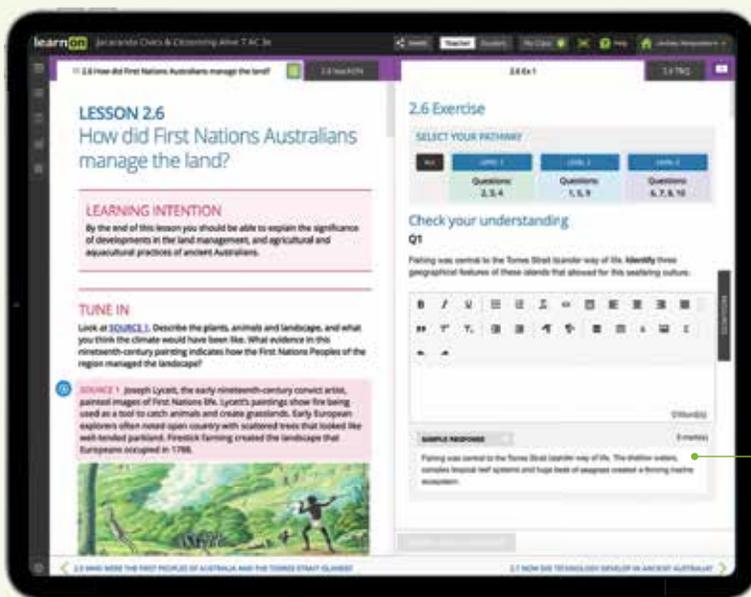
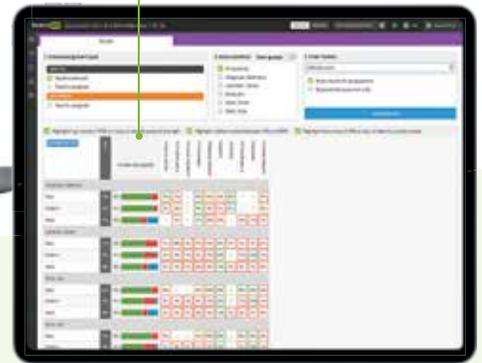


Brand new! Tune in activities to spark interest and kick off every lesson with discussion and source analysis



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.

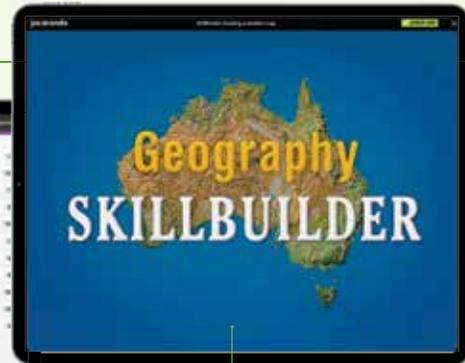
TUNE IN lesson starters

New Tune In activities spark interest and kick off every lesson with discussion and source analysis.



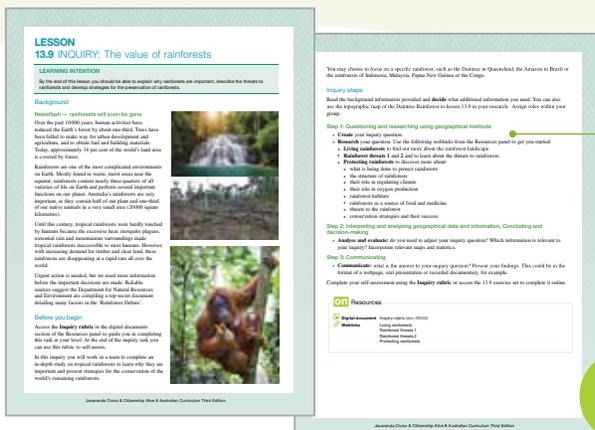
Skill development

New skill activities provide opportunities to develop and build crucial Civics and Citizenship skills using research, collaboration and analysis.



SkillBuilders support and strengthen skill development using our Tell me, Show me, Let me do it approach.

Inquiry projects



New Inquiry lessons use project-based learning and a clear skill structure for a deep dive into every topic while practising the curriculum-specific skills.

A wealth of teacher resources

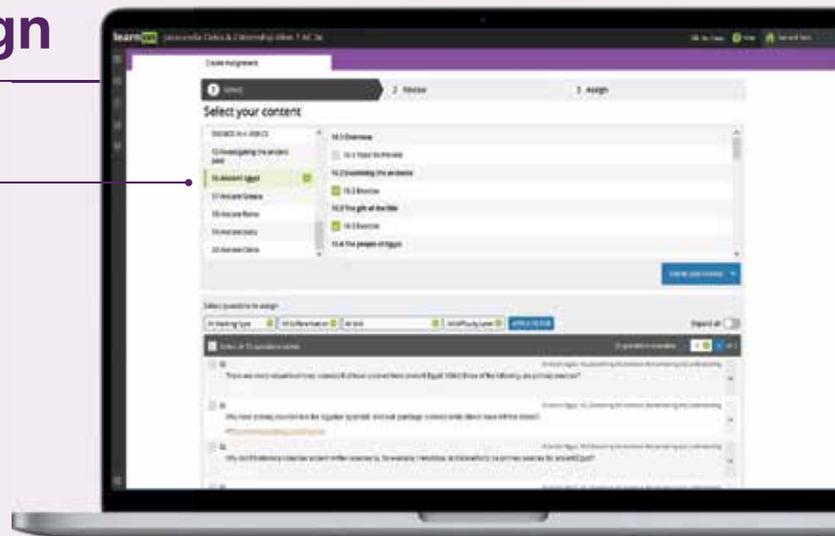


Enhanced teaching-support resources for every lesson, including:

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

Customise and assign

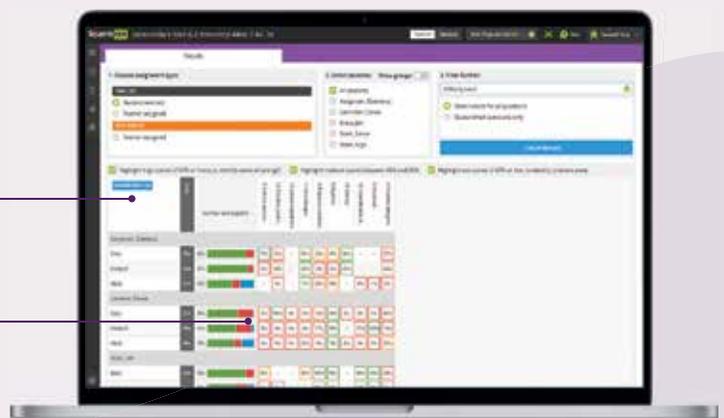
An inbuilt testmaker enables you to create custom assignments and tests from the complete bank of thousands of questions for immediate, spaced and mixed practice.



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 7 and 8.

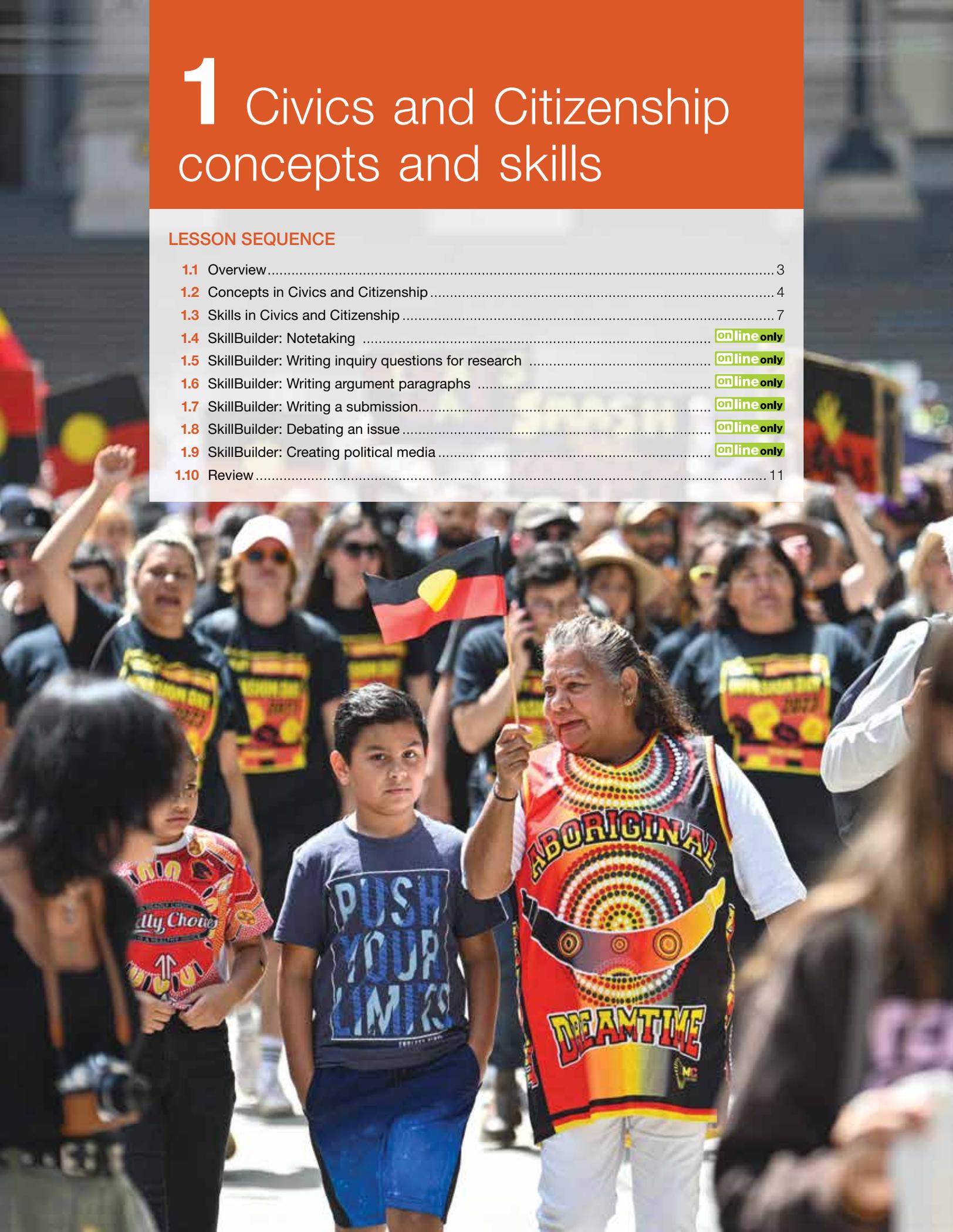
Cognitive verb	Description
analyse	considering something in detail, finding meaning or relationships and identifying patterns. In an analysis you may reorganise ideas and find similarities and differences.
apply	using knowledge and understanding in order to solve a problem or complete an activity. This may involve applying a familiar concept to an unfamiliar situation.
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 in order to develop an idea or opinion.
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 sometimes requires making a decision.
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.
identify	recognising and showing a particular part or feature 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.
select	choosing the most suitable option from a number of alternatives. This might require some consideration of context.

Source: Adapted from the QCAA Cognitive Verbs.

1 Civics and Citizenship concepts and skills

LESSON SEQUENCE

1.1 Overview	3
1.2 Concepts in Civics and Citizenship	4
1.3 Skills in Civics and Citizenship	7
1.4 SkillBuilder: Notetaking	online only
1.5 SkillBuilder: Writing inquiry questions for research	online only
1.6 SkillBuilder: Writing argument paragraphs	online only
1.7 SkillBuilder: Writing a submission.....	online only
1.8 SkillBuilder: Debating an issue	online only
1.9 SkillBuilder: Creating political media	online only
1.10 Review	11



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 you will need to be an active part of our society now and into the future. In your study of Civics and Citizenship, you will cover topics around Australia's systems of government and the justice system.

This subject helps you understand how our society is run and how the legal system works. Studying Civics and Citizenship may also be necessary for your chosen future career.

FIGURE 1 Australian citizenship gives both rights and responsibilities.



Resources



eWorkbook

Customisable worksheets for this topic (ewbk-10553)



Video eLesson

Civics and Citizenship concepts and skills (eles-6014)

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.

1.2.1 Why we study Civics and Citizenship

Compared to many places in the world, Australia is generally a safe place to live. Reasons include:

- We have laws enforced by police that apply to the whole community.
- Public roads are built and maintained by local councils and state governments.
- Many essential services are provided by government, such as electricity, hospitals and the post.
- Australia has comparatively low unemployment levels compared with other countries.

Most of these factors depend on having a stable and secure government. They also depend on the people who we elect to government (parliamentarians) being accountable to the people who elected them (voters).

FIGURE 1 The Houses of Parliament in London are in an area called Westminster, home of the Westminster system of government. The Australian system of government is based on this model.



DISCUSS

Even though you may not notice it on a day-to-day basis, government decisions and laws passed by parliament affect many areas of your life. The political beliefs that influence government decisions also affect you and Australia as a whole. Being a citizen of a country means you have certain rights, but it also means you have responsibilities. It is your responsibility to care about these ideas and to engage with the society that your vote will help shape in the future. Understanding the laws of Australia can also be very important to you personally. This understanding will help you to protect your rights and keep your responsibilities.

Brainstorm as a class what your responsibilities are:

- as a member of this class
- as a member of a household or living community
- as someone who lives in a community, town or suburb
- as an Australian.

How will your rights and responsibilities change as you get older?

1.2.2 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 where power rests with the people. Rules govern the electoral process that is used to choose our government, and rules apply to 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.

Global citizenship

Australia is a part of a global community, which means our civic participation is not confined to within our national borders. On the world stage, we have an obligation to ensure that at a global level we advocate for the rights and freedoms of individuals regardless of where they live. We enter 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 our shared experiences. Distinct communities are evident among First Nations peoples of Australia, 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 celebrating the ANZACS, Reconciliation Week and Mabo Day unite us and help to define our sense of community and belonging.

FIGURE 2 Parliament House in Canberra is the home of the Federal Parliament. Can you identify how the design reflects different parts of Australian society?



1.2.3 Your focus in Year 7

This year, you begin your study of these concepts with the design of our political and legal systems. In particular, you will learn about:

- the purpose and value of the Australian Constitution
- the concept of the separation of powers between the legislature, executive (the prime minister and key members of the government) and judiciary (courts and judges)
- the division of powers between state/territory and federal levels of government in Australia
- the different roles of the House of Representatives and the Senate
- how Australia's legal system aims to provide justice, and the importance of the rule of law
- how citizens participate in providing justice through their roles as witnesses and jurors
- the process for constitutional change through a referendum
- the diverse nature of the Australian community.

FIGURE 3 Extract from Abraham Lincoln's Gettysburg Address

'... that this nation, under God, shall have a new birth of freedom — and that government of the people, by the people, for the people, shall not perish from the earth.' Abraham Lincoln, 19 November 1863



Abraham Lincoln was President of the United States of America during the American Civil War, when a number of southern states formed the 'Confederacy' and sought to break away from the Union. Lincoln's short speech at the dedication of the Soldiers' National Cemetery in Gettysburg, Pennsylvania, has become historic for many reasons. One of these reasons was the way he described democracy, without even using the word. But what does government 'by the people' look like? Democratic systems of government are appealing for a number of reasons, including the fact that they aim to be representative. In your study of Civics and Citizenship, you will learn more about the liberal democratic system of government that Australia chose to adopt in 1901.

LESSON

1.3 Skills in Civics and Citizenship

LEARNING INTENTION

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

1.3.1 What skills will you build this year?

The skills you will develop across all of your subjects fall into four main groups. While you will work on building these skills across all of your subjects this year, you will use these skills in specific ways in Civics and Citizenship in Year 7.

Questioning and researching

You will investigate the operation of Australian democracy, political and legal systems through asking questions. These questions will form 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 Peoples of Australia and refugees.

Data will be gathered from multiple sources, such as tables and media reports (print and visual), and different perspectives will be considered and be evident in your research.

Analysis, evaluation and interpretation

Analysis involves interpreting information to identify the main features or ideas from a range of sources and perspectives. Bias and different perspectives will be considered when selecting information used to form opinions

You will draw evidence-based conclusions about the capacity of Australia's political and legal institutions to enhance and foster democratic values and civic participation. You will evaluate the effectiveness of Australian citizens in using the political and legal systems to contribute at a range of scales

FIGURE 1 People often use cartoons and memes to make points about political decisions. What point do you think this cartoonist is making?



Civic participation and decision-making

Participating in the civic process involves identifying the ways in which active and informed citizens can participate within society. You will be able to explain how our democratic political and legal systems uphold our values and where they might live up to expectations. Working within democratic processes enables us to make decisions in relation to contemporary issues and design an action plan for change in a responsible way.

Communicating

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.

FIGURE 2 To communicate your ideas well, you need to think about who your audience is. How would you explain why it's important to vote to grandparents? Would this be different from how you would explain it to your friends?



1.3.2 SkillBuilders in this topic

In addition to these broad skills, you will learn and practise a range of essential practical skills as you study Civics and Citizenship. The SkillBuilder lessons tell you about the skill, show you the skill and let you apply the skill to the area covered.

The SkillBuilders you will use in Year 7 are:

- Notetaking
- Writing inquiry questions for research
- Writing argument paragraphs
- Writing a submission
- Debating an issue
- Creating political media

LESSON

1.4 SkillBuilder: Notetaking

online only

What is notetaking?

At year 7 level, you should be able to locate relevant and detailed information and/or data from a range of appropriate sources.

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: Writing inquiry questions for research

online only

What are inquiry questions for research?

At a year 7 level, you will learn how to break a research topic or question into smaller parts that make it easier to find relevant information and/or data from a range of appropriate sources. In Civics and Citizenship, writing inquiry questions is an important part of writing detailed descriptions, explaining processes and supporting your point of view with evidence.

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: Writing argument paragraphs

online only

What are argument paragraphs?

Argument paragraphs help you to present an explanation or argument in a straightforward way, and to communicate this in a written form, such as an essay. An argument paragraph discusses either a positive or a negative aspect of an issue — it presents an argument in a ‘scholarly’ or academic way.

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: Writing a submission

online only

What is a formal submission?

Being able to communicate ideas through a variety of methods, including structured writing such as essays, is an important skill. A formal submission is a letter or email to an organisation or government body asking for a specific action to take place, or expressing an opinion on an issue.

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: Debating an issue

online only

What is a debate?

A debate is a discussion about an issue. Debating an issue requires you to present an argument from a particular point of view based on well-researched evidence, and some basic rules and structures need to be followed.

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: Creating political media

online only

What are political media?

Political media often present information about a person or issue from a particular point of view. This is done deliberately to highlight an issue, provide support for people or to criticise a decision or action. At a Year 7 level, students should be able to represent information and use appropriate formats to suit a particular 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

1.10 Review

1.10.1 Key knowledge summary

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

1.2 Concepts in Civics and Citizenship

- Active citizenship means that people participate in the political and legal systems to influence a change in their society.
- Democracy is a political system in which citizens choose the way in which they are governed.
- Global citizenship involves an understanding of Australia's place and obligations on an international level, and our preparedness to take action to influence change.
- Legal systems in Australia are underpinned by the rule of law. Justice should be fair and equitable.
- Identity and diversity in our multicultural society allow for freedom of expression and help shape our shared beliefs and sense of belonging.

1.3 Skills in Civics and Citizenship

- The skills you will develop by studying Civics and Citizenship fall into five main groups.
- Asking questions about civics and citizenship provides an insight our contemporary society and drives us to ask different questions to learn more.
- Investigating contemporary civics and citizenship issues involves locating relevant information and data from different sources to develop an understanding of political and legal issues. Different perspectives are found through analysis of research.
- Participating in civic processes identifies ways to participate actively and responsibly in our democratic society.
- Evaluating political and legal institutions involves drawing evidence-based conclusions about the capacity of Australia's political and legal institutions to foster democratic values and civic participation in a culturally diverse population.
- Communicating means selecting appropriate methods to share your ideas, perspective and arguments on contemporary civics and citizenship issues.

Resources

-  **eWorkbook** Customisable worksheets for this topic (ewbk-10553)
Reflection (ewbk-10554)

Hey teachers! Create custom assignments for this topic



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LESSON

1.4 SkillBuilder: Notetaking

LEARNING INTENTION

By the end of this SkillBuilder you should be able to create organised notes.

At a year 7 level, you should be able to locate relevant and detailed information and/or data from a range of appropriate sources.

1.4.1 Tell me

Different methods are available for taking notes during class, organising these notes, and reviewing them later. In this lesson, we use a simplified version of Cornell Notetaking to help you remember the material that has been covered in class, and revise material that you have learned previously. The same method can be used to take notes from your textbook or an online source.

Do you remember what you had for breakfast on Monday five weeks ago? It is unlikely that you would unless there was a specific reason to, such as it having been your birthday, or you burnt the toast and set smoke alarms off!

Our brain usually remembers information if it is significant for some reason (that's why significant events are described as memorable), or if the brain has gone over the information multiple times. Quoting lines from a movie is difficult if you have seen it only once. But if you see the same movie multiple times, tell friends about your favourite part, and repeat quotes from the movie, you will probably remember some quotable lines!

Taking notes is similar — in that we need to USE and go over information for our brain to RETAIN the information. In this way, the information can be 'transferred' from the short-term to long-term memory. Taking notes by hand helps you retain information, whether you are listening to a teacher, watching a documentary, reading a textbook or doing research on a website. The Cornell Notetaking method was developed at Cornell University by Professor Walter Pauk in the 1950s. Pauk's notetaking method provides a structure for notetaking that means the notes can also be used for revision or research purposes. Pauk devised an approach to notetaking called the '5 Rs' — record, reduce, recite, reflect, review. This is shown in **FIGURE 1**.

1.4.2 Show me

Page layout

The blank lined page is divided into four sections:

- top
- left column
- right column
- bottom section.

Top

Allow enough space to record the title of the book/name of website/textbook chapter, date, topic heading etc.

Right-hand column (approximately 70 per cent of the page width)

Most information is recorded in this column in dot-point form. This means you can record information quicker than writing full sentences.

FIGURE 1 The 5 Rs of notetaking

<p>Original content</p> <p>↓</p> <p>Notetaking</p> <p>↓</p> <p>Your words</p>	<p>Record</p>	<p>During the lesson, write down the key facts legibly.</p>	
	<p>Reduce</p>	<p>Make a summary of the key facts and ideas using cue words and short bullet points.</p>	
	<p>Recite</p>	<p>Without looking at your notes of the text, write the information in your own words.</p>	
	<p>Reflect</p>	<p>Develop your own opinions and ideas. Make links to other topics you have learned. Raise questions and record original ideas.</p>	
	<p>Review</p>	<p>Before studying new material, take ten minutes to review your old notes. Skim over the main ideas and details.</p>	

Left-hand column (approximately 30 per cent of the page width)

This column is used for the key ideas that are in the notes. To use the system for revision, key questions about the material in the notes should be written in this column.

Bottom section (approximately eight lines from the bottom, full width of the page)

The bottom section of the page is used for writing a *summary* of the information in the right-hand column above. Generally, this is done a short while after the session (such as in the evening after your class that day).

The Cornell Notetaking format can also be used for research notetaking. Record the details of the information source at the top of the page. Record relevant information in dot-point form in the right column. In the left column, note key ideas, people or dates that help link information from different sources (and therefore different pages of notes).

FIGURE 2 How to set up your page for the Cornell Notetaking method

●		Class: _____
●		Date: _____
●	Cornell notes	
●		
●	Cue column	Note-taking column
●	-Key words	-Key ideas
●		-Important dates, people, places
●	-Key questions	-Diagrams and pictures
●		-Formulas
●		-Repeated (stressed) information
●		
●	Summary	
●	-Summary of your notes in your own words	
●		
●		
●		
●		

1.4.3 Let me do it

1.4 ACTIVITY

Use the information and tips in this SkillBuilder to practise writing notes using the Cornell method.

Be sure to rule up your page correctly, so that you can follow the structure. Choose any section of this textbook and write out Cornell notes for that chapter, following the steps above.

LESSON

1.5 SkillBuilder: Writing inquiry questions for research

LEARNING INTENTION

By the end of this SkillBuilder you should be able to write inquiry questions for your research in Civics and Citizenship.

At a year 7 level, you will learn how to break a research topic or question into smaller parts that make it easier to find relevant information and/or data from a range of appropriate sources. In Civics and Citizenship, writing inquiry questions is an important part of writing detailed descriptions, explaining processes and supporting your point of view with evidence.

1.5.1 Tell me

Research is investigating a particular topic or event, and collecting information to help you understand it in detail. To do this investigation well, it is important to have some questions to guide your investigation (inquiry). Simply searching key terms online will return a lot of information, and not all of it will be related to what you have been asked to research, so inquiry questions help you to narrow this information down to things that are directly relevant.

In Civics and Citizenship this year, you will use this skill to start investigating topics from sources such as this textbook and websites. Use the format you used in the notetaking SkillBuilder (lesson 1.4). Rule up a page for each of your subheadings.

In later years, you will learn how to create inquiry questions for broader research tasks.

1.5.2 Show me

Imagine you have been asked to investigate how the Australian Constitution was written. You need to plan your investigation and break it into some clear steps. The steps can be summarised like this:

Step 1

Your first step is to clearly identify the essential *key question*. This could be expressed as:

‘What steps were taken to develop and pass the Australian Constitution?’

Step 2

Once you understand the key question you are being asked to answer, break this question down into its parts.

- Look for the main topic idea.
- Look for the information you are being asked to discuss about that topic.

‘What steps were taken to create and pass the Australian Constitution?’

- **Main topic idea:** Australian Constitution
- **Information to find:**
Steps to create
 - Where did the idea come from?
 - What were the different views expressed?
 - How did they negotiate?
 - How did they come to an agreement?Steps to pass
 - Who wrote the document?
 - How did they make it official?

Step 3

It is now necessary to break this down into a series of more specific *inquiry* questions. Brainstorming using the 5-W, 1 H format will also help with this. These inquiry questions could include:

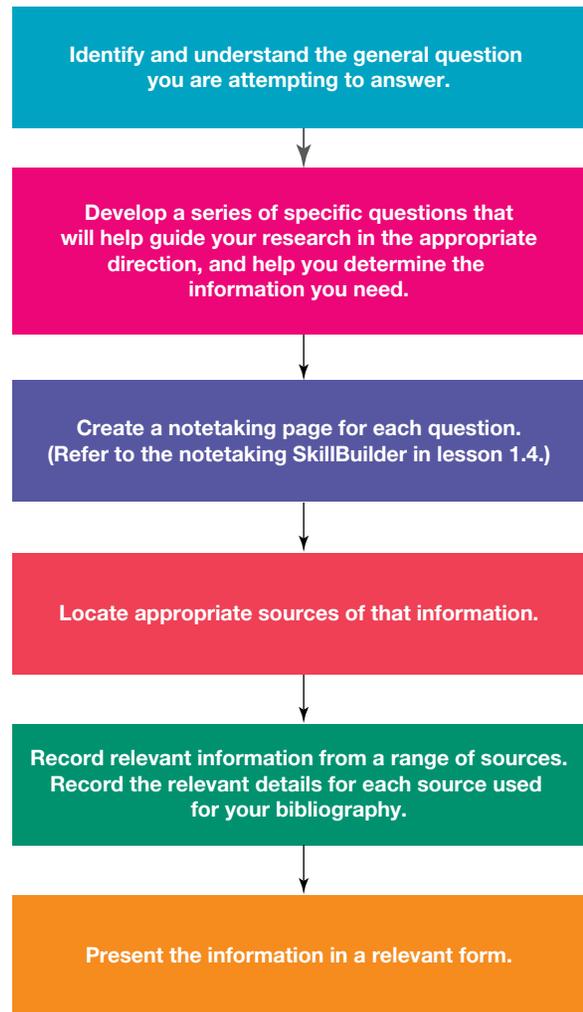
1. What were some reasons for the Australian colonies wanting to unite?
2. Who or what started the process? (Was there an individual, a group of people or a significant event that began the process?)
3. How or why did each of the colonial governments become interested in pursuing the idea of federation?
4. What organisations were set up to support the idea?
5. Who were the founding fathers? (What were their names? Which colonies did they represent?)
6. What specific steps did the founding fathers use to develop a constitution?
7. When and where did they meet to carry out these processes?
8. Which other countries did the founding fathers look at for ideas?
9. What important principles did they include in the Constitution?
10. Did they have the complete support of all colonies? Were some colonies harder to convince than others? How were they convinced?
11. What were the final legal processes that were necessary for the Constitution to come into effect?

Step 4

Road-test your inquiry questions.

- Can you find some information about each question in your textbook or class notes? They may not answer every question in detail but if there is some mention, you are likely on the right track.
- Type your questions, one at a time, into a search engine. Are there plenty of results? Do they look like they are from reliable, accurate sources?
- As you research each question, record your notes on the appropriate notetaking page. Include the information you will need to create your bibliography at the same time.

FIGURE 1 The general process of researching a topic



1.5.3 Let me do it

1.5 ACTIVITY

Practise the skill of using inquiry questions for **research** by selecting one of the following research topics and working through steps 1, 2 and 3.

Research topics:

- **Investigate** the 1999 Referendum
- How do Australian citizens participate in the justice process?

To do this complete a step-by-step **Worksheet** from your online Resources.

LESSON

1.6 SkillBuilder: Writing argument paragraphs

LEARNING INTENTION

By the end of this SkillBuilder you should be able to write argument paragraphs.

Year 7 students are expected to be able to present an explanation or argument, in a straightforward way, and to communicate this in a written form, such as an essay.

1.6.1 Tell me

Many times in your academic career at school and beyond, you will be asked to write essays. An effective essay has several characteristics:

- it clearly explains the background of an issue
- it contains evidence and examples of the issue
- it discusses the positives and negatives of an issue.

This last feature is best demonstrated through argument paragraphs. An argument paragraph is not what we might typically think of as an argument, like you might have with a friend. An argument paragraph discusses either a positive or a negative aspect of an issue — it presents an argument in a ‘scholarly’ or academic way.

WHAT IF I HAVEN'T PLANNED MY PARAGRAPHS?

This stage of writing can begin only after you have planned your whole essay or discussion. If you don't have a plan for the main point in each paragraph, and how your writing will be structured overall, you are not ready to write your paragraphs yet!

1.6.2 Show me

Step 1

The first step in creating a strong argument paragraph is understanding the structure that is expected of this kind of argument.

An argument paragraph is a section of an essay that presents a point of view. It begins 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.

Step 2

Writing argument paragraphs in an essay is straightforward if you think about and use the TEEL structure. Let's see how to do it with the following example.

After studying justice, the presumption of innocence, and the importance of a fair trial, imagine your teacher has given you the following news article 'Juries need to be told how they're allowed to use the internet to make sure fair trials'.

Your teacher then asks you to write an essay focusing on the following statement:

'It is important that court cases in Australia are open and transparent to the public; therefore, social media should be allowed in courts.'

FIGURE 1 Using the TEEL structure will help you organise your argument paragraph.



JURIES NEED TO BE TOLD HOW THEY'RE ALLOWED TO USE THE INTERNET TO ENSURE FAIR TRIALS

Juries are supposed to consider evidence without influence or bias from the outside world. However, the widespread access to and use of the internet and social media threatens to undermine this, with significant consequences for our criminal justice system and those within it.

Given courts cannot effectively police smartphone use they must adapt to it. This week the Tasmania Law Reform Institute completed its year long inquiry into courts and the information age, and has recommendations as to how they can adapt.

The right to a fair and unbiased trial by your peers

An accused person's right to a fair trial is the most fundamental principle of our criminal justice system. It is a phrase that describes a system that affords an accused person many protections. That system relies on jurors being impartial and returning a verdict that is based solely on the evidence that is presented within the courtroom.

FIGURE 2 What jurors see online could affect their choice in the courtroom.



In the past this was readily easy to achieve. Juror communications during trial hours and even after them could be controlled.

...

The shift in the way people access news, information and communications in the modern age has changed this reality.

Almost every Australian has access to the internet via their smartphone or other devices, social media use is habitual among much of our population, and the internet is a ubiquitous source of information for most people.

Jurors are no different — in fact, they represent the wider Australian community these statistics describe. While jurors' smartphones are removed from them during trial, they cannot be before or after the trial period, nor at the beginning or end of the day. As a result jurors may intentionally, or simply by habit, seek out or communicate information about the trial.

Use and misuse of social media

Between 2018 and 2020, the Tasmanian Law Reform Institute conducted an inquiry into juror misuse of the internet and social media during trials. The institute concluded there is likely to be a high, but unquantifiable and undetectable, level of misuse.

However, there is evidence across Australian jurisdictions that jurors have used their internet-connected devices to:

- research legal terms or concepts or other information relevant to the trial. A West Australian juror in a drug-related trial obtained information online about methylamphetamine production
- research the accused, witnesses, victims, lawyers or the judge. Two South Australian jurors sitting in a blackmail trial against multiple defendants conducted online searches about the accused which disclosed past outlaw motorcycle gang affiliations
- communicate with people involved in the trial. Multiple New South Wales jurors on a long-running fraud trial became Facebook friends, sharing posts such as a digitally altered photo of one of the jurors wearing a judge's wig

...

Misuse is under-reported. In those few instances where reports are made, fellow jurors, rather than court officers, tend to be the ones who raise the issue. Indeed, it is an important part of their role.

...

Educate, inform and encourage self-regulation

The law reform institute ultimately concluded it is impossible for, and beyond the capacity of courts to completely police juror internet use. It has thus recommended not reforming the law, but rather strengthening and standardising juror education and directions. These recommendations are divided across two stages of jury selection, as part of an overall strategy:

- pre-selection: prospective jurors should receive improved training and information about the role of the juror and the risks of internet use
- post-selection: once a jury has been selected, judges need to explain to jurors what dangers arise from using the internet to access and publish on social media, seeking information about the case, parties, court officers, lawyers, and self-conducted research into legal concepts or sentences. The report has recommended the court adopt minimum standard directions, but also have the flexibility to make specific directions relevant to any particular trial.

The report recommended certain current practices and laws should remain unchanged, including:

- removing phones from jurors while they are in court (even though the effect is limited it avoids juror distraction)
- leaving contempt (punishment) laws in place for those jurors who intentionally ignore court training and directions. That might include monetary fines and, in severe cases, imprisonment.

This process is aimed at encouraging self-regulation among jurors, by educating them how to curtail their internet use and why it's so important.

Source: The Conversation Media Group Ltd. Jemma Holt and Brendan Gogarty. 'Juries need to be told how they're allowed to use the internet to ensure fair trials'. 22 January 2020. Retrieved from <https://theconversation.com/juries-need-to-be-told-how-theyre-allowed-to-use-the-internet-to-ensure-fair-trials-130127> [Online Resources].

Step 3

Plan your paragraph, using the TEEL structure.

T	What is the argument I am making in this paragraph?	Rules of court cases have to be followed.
E	What is the reason I believe this argument is true or important?	The rules are important for a trial to be fair: the current rules are to give everyone a fair chance to present their evidence. Jurors seeing information on social media might change their view of what they see and hear in court.
E	What evidence can I use to back up my argument?	Rules: each side presents their case and evidence to jurors BUT: when there is extra information they may not be able to weigh up the cases fairly (e.g. researching previous convictions that are not related)
L	How does this link to the main topic?	Social media use in courts should be controlled.

The following paragraph is an example of the kind of paragraph that you would find in this essay. The paragraph was written using the TEEL structure. The different parts of the paragraph have been colour-coded to make it easier to see TEEL in action (**T**opic, **E**xplanation, **E**vidence, **L**ink).

FIGURE 3 Example of an argument paragraph written using the TEEL structure



1.6.3 Let me do it

1.6 ACTIVITY

Use the information and tips in this SkillBuilder to practise writing your own argument paragraphs. Be sure to use the TEEL structure as it will help you logically organise your thoughts and arguments.

Here are some essay topics you can use to form the basis of your argument topics. To do this, complete a step-by-step **Worksheet** from your online Resources.

You will need to do some **research** before writing your practice paragraphs.

1. Witnesses should be allowed to provide written, instead of oral, testimony.
2. Juries are unqualified to make judgements of law.
3. 'Presumption of innocence' protects guilty people more than those wrongly accused.
4. Criminal trials should be held as soon as there is enough evidence to prosecute someone.

LESSON

1.7 SkillBuilder: Writing a submission

LEARNING INTENTION

By the end of this SkillBuilder you should be able to write a simple submission.

Year 7 students are expected to be able to communicate ideas through a variety of methods, including structured writing, such as essays. Another application of this skill is in the form of a formal submission to an organisation or government body.

1.7.1 Tell me

A formal submission is a letter or email to an organisation or government body asking for a specific action to take place, or expressing an opinion on an issue. Submissions from the public are often called for by parliamentary committees investigating community issues, or current bills going through parliament. Any Australian citizen or resident may write a formal submission to government. Formal submissions are also used to request permission from government agencies (for example, permission to hold a community event).

A submission is similar to an essay in that it should have a clear structure and developed ideas, but it is different because it often asks for the recipient to take action, and may be more personal (often written in the first person, 'I...').

The purpose of learning how to write a submission is to apply written communication skills in 'real-world' scenarios, and to enable you to be an active participant within our democratic society.

1.7.2 Show me

Your submission may be one of hundreds of letters sent to that government department or parliamentary committee; therefore, it is important that it is clear and concise (short).

Follow this process:

1. Research or investigate the issue to clearly identify specific problems that need addressing, and possible solutions that may solve those problems.
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.

Step 1

Identify the specific issue/s you wish to have addressed.

Max lives near an intersection with a new roundabout. Max has seen several cars and trucks hit the roundabout in recent weeks.

Specific issue: Traffic safety with the new roundabout

Step 2

Research or investigate the issue to clearly identify specific problems that need addressing, and possible solutions that may solve those problems.

Max was wondering what was causing the vehicles to hit the roundabout, so he had a few questions: Were people driving dangerously? Was the roundabout clearly visible? Was the road surface slippery? Max drove through the intersection himself, and walked on the footpath around the roundabout. Max noticed that it was not easy to see the roundabout from one direction (driving from the north), and it was not lit at night.

Specific problems: The roundabout can't be seen easily from the north, and it is not lit at night.

Step 3

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.

Max wasn't sure which level of government was responsible for the road, so he first rang the government department responsible for roads at the state level. The person he spoke to was able to tell Max that the road was maintained by his local government (council).

Responsible organisation: Local council

Step 4

Write your submission.

The following tips are a useful guide to writing your submission.

- Clearly address the issue (or terms of reference for a parliamentary committee).
- Make sure your points are relevant and highlight your own perspective.
- Begin with a short introduction about yourself or the organisation you represent.
- Emphasise the key points so that they are clear.
- Outline how problems can be addressed.
- Include only documents that directly relate to your key points.
- Include only information you would be happy to see published on the internet (if writing to a parliamentary committee).

WHAT IF I CAN'T FIND A SPECIFIC PERSON TO WRITE TO?

In this example, if Max couldn't find out who in his local government the most appropriate person was, he could address the submission to 'whom it may concern'. In this case, include a very brief summary of the issue at the start of a submission letter. If you are emailing, you should state the issue in the 'subject' line of the email.

Max could write the following submission:

Dear Mr Jones,

I write to express concern with the safety of the new roundabout at the intersection of Tom Road and Jones Street in the suburb of Highwater.

I live on Tom Road in Highwater, close to the intersection of concern. I do acknowledge that roundabouts are generally safer than other forms of controlled intersection and I congratulate Council for selecting this method of traffic control.

However, the design of the roundabout, and lack of visual markers for traffic approaching the intersection from the north on Jones Street, are concerning. Although the roundabout is new, there are already considerable tyre and scrape marks from vehicles going over the island kerbing, suggesting that many drivers have not seen the roundabout until it was too late to stop.

Specific problems with the roundabout are:

1. the roundabout is around a bend, so drivers don't see it until they are at the roundabout
2. there is no street lighting
3. there is only one sign from the north on Jones Street.

I believe that the roundabout could be made much safer with the following suggestions:

1. Additional street signs warning of the roundabout on all roads, but especially on Jones Street to the north of the intersection.
2. That the street lighting on Tom Road be extended so that the roundabout at Jones Street is lit at night.
3. Reflective markers on the road kerbing.

I have included photographs of the roundabout and the approach from the north on Jones Street as evidence of these issues.

I look forward to hearing from you with regards to this matter.

Kind regards,

Max Safety

Step 5

Send your submission.

Members of parliament and local councils generally have websites and social media accounts that provide contact details. These details usually include email and postal addresses.

1.7.3 Let me do it

1.7 ACTIVITY

Practise the skill of writing a formal submission by **selecting** one of the following examples and working through the steps. If it is an issue that genuinely concerns you, then you may choose to send the submission to the relevant organisation.

Examples follow for different levels of issue.

That your school:

- establishes an eSports competition
- modifies the school uniform
- implements a free breakfast program for students
- has the library open after hours for students.

That your local government:

- builds a skate park in public open space
- has regular street-sweeping, especially in bike lanes
- provides bins for 'Green Waste' as well as general rubbish.

To do this, complete a step-by-step **Worksheet** from your online Resources.

on Resources

-  **Weblinks** Making a submission (Parliament of NSW)
Making a submission to a Senate Committee (Australian Parliament House)

LESSON

1.8 SkillBuilder: Debating an issue

LEARNING INTENTION

By the end of this SkillBuilder you should be able to follow the basic rules and structures of debating an issue.

Debating an issue requires students to present an argument from a particular point of view based on well-researched evidence.

1.8.1 Tell me

A debate is a discussion about an issue. The issue is presented as a statement — for example, 'Using a jury is the best way to make sure a trial is fair'. Participants in the debate take it in turns to put forward arguments for and against the statement.

Unlike an argument you might have at home, a debate follows strict rules of conduct.

Why is debating useful in Civics and Citizenship?

A debate requires the participants to carefully investigate an issue and critically analyse both sides of the question. Participating in a debate can develop research skills. It can also help individuals gain confidence in public speaking. The skills used in debating, including researching and analysing information, are considered especially useful in the legal profession. As such, debating is used by lawyers, and by people involved in politics, such as members of parliament.

Conduct of a 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. **FIGURE 2** illustrates how a formal debate is conducted.

FIGURE 1 Being a confident speaker can help you to persuade your audience. What signs are there in this image that the student presenting is a confident speaker?



FIGURE 2 How to conduct a debate

THE RULES AND STRUCTURE OF A DEBATE

Affirmative team

The first speaker should:

1. greet the audience
2. state which team he or she is representing and the issue
3. introduce the other team members, describe their roles 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 roles and the team's view
2. state why the negative team does not 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.

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 speakers from each team introducing their teams 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 both third speakers rebutting the other team's case, summarising the main arguments and restating their team's view
- has arguments that take only three to four minutes.

FIGURE 3 Political debates are often shown on television before an election. Would you be more likely to vote for a party with a leader who sounds impressive in a debate?



1.8.2 Show me

A formal debate follows a set of rules. In a debating contest 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 following the steps below.

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 speakers. Agree on what each member will say.

Step 6

Many people find public speaking very uncomfortable. Even if you don't get nervous when you speak in front of other people, you can always learn how to improve your performance by evaluating the debate when it is over. You can also learn from evaluating performances other teams.

Use the following to evaluate a debating performance:

1. Was the team's viewpoint clearly outlined?
2. Were the speakers' statements well researched?
3. Did the speakers give clear reasons to support their view?
4. Were examples used to support arguments?
5. Were responses to arguments made by the other team given effectively?
6. Were the concluding statements convincing?
7. Did speakers speak loud enough to be heard?
8. Did speakers make good eye contact with the audience?
9. Did speakers speak at a good pace (not too fast or too slow)?
10. Was the overall performance of the team effective?

1.8.3 Let me do it

1.8 ACTIVITY

Work with a partner to complete the following activity and practise this skill.

Step 1	Select one of the following topics: a. 'Our legal system should not presume that an accused person is innocent.' b. 'Judges should participate in finding evidence and questioning witnesses in criminal trials.' c. 'Legal aid should be provided to all people accused of a crime.'
Step 2	Work on your own to compile a list of as many arguments as you can for each side of the topic.
Step 3	Convince your partner in two minutes that you support the topic.
Step 4	Your partner has two minutes to question you about the topic.
Step 5	Reverse the roles in steps 3 and 4 above.

Class debate

As a class, decide on the topic to be debated. Follow the steps given above to prepare for and conduct the debate.

LESSON

1.9 SkillBuilder: Creating political media

LEARNING INTENTION

By the end of this SkillBuilder you should be able to create a cartoon, meme or advertisement to express a point of view about a political issue.

At a Year 7 level, students should be able to represent information and use appropriate formats to suit a particular audience and purpose. This involves an understanding of the audience, and modifying the presentation of information to suit that audience.

1.9.1 Tell me

Political media can take many forms.

- Political cartoons use pictures, words and humour to represent ideas about a person or issue from a point of view.
- Political parties use advertisements to highlight the positive aspects of one party, or the negative aspects of another.
- Political memes are like cartoons — they use humour to highlight an aspect of a person or issue, using a reference that the intended audience understands.

Political media often present information about a person or issue from a particular point of view. This is done deliberately to highlight an issue, provide support for people or to criticise a decision or action.

Part of identifying and using bias relates to **objective** and **subjective** information.

- Objective information is where data or events are presented without **emotive words** or opinion. For example, describing a car accident as a ‘traffic collision’ is objective.
- Subjective information is where information is presented based on opinion or bias. For example, describing the same car accident as ‘a horror smash’ is subjective. This is because ‘horror smash’ is a very emotive phrase that has been used to get a strong reaction from the reader.

1.9.2 Show me

Step 1

The first step is to understand how this form of communication works. Creating political media can be tricky — it requires understanding of the person or issues, and the intended audience, as well as being creative. As stated above, cartoons and political advertisements will generally present one viewpoint of an issue rather than a broad discussion of all points of view. Presenting only one viewpoint is not necessarily a problem, and that is often the purpose of political media.

When creating political media cartoons, start by understanding the issues and people involved. If you want to create a meme, you need to make sure that the intended audience is familiar with the reference image, or that it speaks for itself.

Step 2

Work out the perspective and angle you want to present. Is the issue something you feel should be celebrated or criticised? Do you want to make the reader angry or sad, or to take a certain viewpoint?

Think about how the perspective can be presented, both visually and in words. Think about the colours, facial expressions of the people, symbols and style that will give clues to the audience about the message and perspective. The language used by you

objective objective information is where data or events are presented without emotive words or opinion

subjective subjective information is where information is presented based on opinion or bias

emotive words words that create a strong emotional reaction

as the author can be direct or subtle, because some terminology is not as obvious or emotive as others.

Case study: COVIDSafe

Many examples exist of political cartoons, advertisements and memes. This case study shows how an issue can become the focus of a political cartoon.

In early 2020, Australia was dealing with the pandemic of a new Coronavirus, first identified in 2019. As such, the shortened name for this virus was ‘COVID-19’. One method of identifying people who may have had the virus was called ‘contact tracing’. If someone was confirmed to have the virus, a team of people would try to work out who that infected person had had significant contact with in the previous 14 days. This usually involved a lot of phone calls. To simplify this process, and identify potential new infections sooner, some countries (such as Singapore) developed phone apps to help determine if someone had come into contact with someone else who was COVID-19 positive.

In April 2020, the Australian government introduced its version of such an app — called COVIDSafe. Prior to this, there had been concerns raised by different sections of the Australian community about the safety of data held by the Australian government. Australian data retention laws require phone companies and internet service providers to retain specific user data for two years. Because of these concerns, some people were worried that the COVIDSafe app could send private data to the government.

These concerns meant the federal government took great steps to reassure the Australian public that user data could only be accessed by those people who needed to conduct ‘contact tracing’ for potential COVID-19 infections, and that the data would be deleted in a short period of time.

FIGURE 1 is a screenshot of the COVIDSafe app. You can see that there is information to explain to the user what the app is for and how the app works. This aims to reassure users that the app is safe.

Some cartoonists addressed this issue of people being cautious about giving the government more information, and one of these cartoons was created by cartoonist David Pope (**FIGURE 2**). Here the cartoon refers to public concern about the Department of Home Affairs having access to information about people that might be used for other purposes.

The cartoon shows a likeness of Home Affairs Minister Peter Dutton, who has been drawn as the coronavirus. The Chief Medical Officer for the Australian Government, Brendan Murphy, is shown with the measuring tape, explaining to the Prime Minister, Scott Morrison. The measuring tape and the text in the speech bubble are a play on the concept of social distancing. You should note that the depictions of the three people are a recognisable likeness of each person.

FIGURE 1 The COVIDSafe app



What COVIDSafe is for

The COVIDSafe app helps find close contacts of COVID-19 cases. The app helps state and territory health officials to quickly contact people who may have been exposed to COVID-19.

The COVIDSafe app speeds up the current manual process of finding people who have been in close contact with someone with COVID-19. This means you'll be contacted more quickly if you are at risk. This reduces the chances of you passing on the virus to your family, friends and other people in the community.

State and territory health officials can only access app information if someone tests positive and agrees to the information in their phone being uploaded. The health officials can only use the app information to help alert those who may need to quarantine or get tested.

The COVIDSafe app is the only contact trace app approved by the Australian Government.

How COVIDSafe works

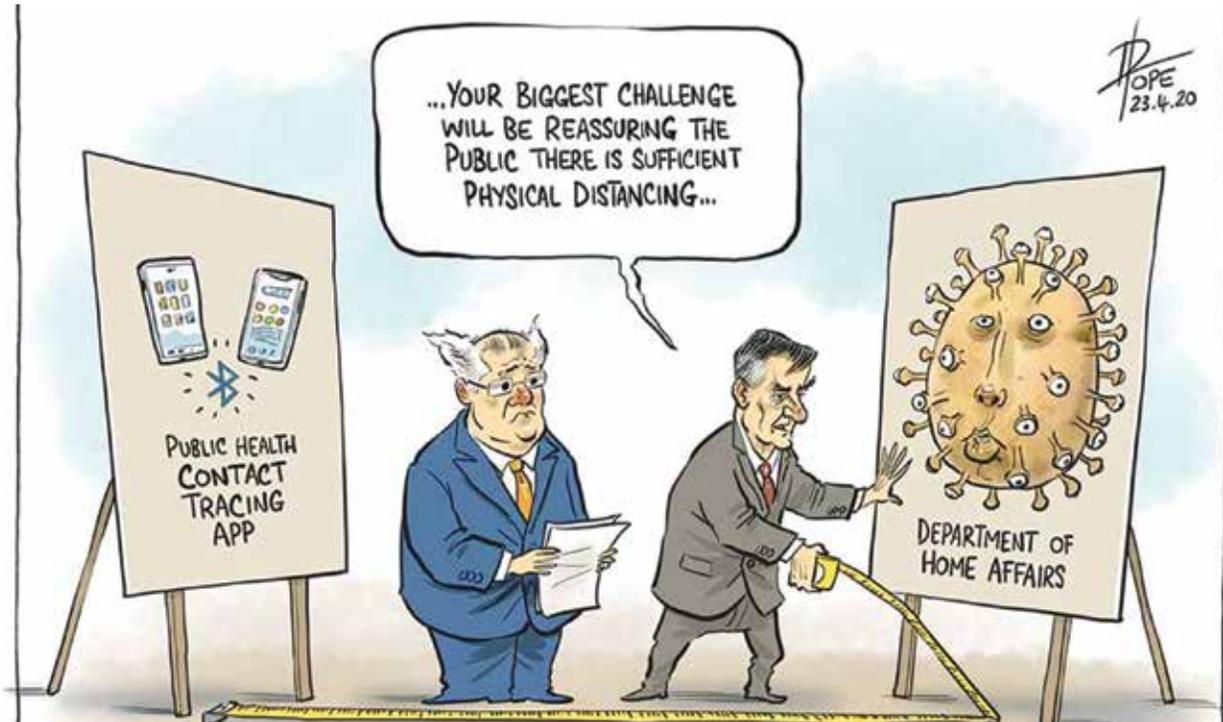
When you download the app you provide your name, mobile number, and postcode and select your age range (see [Privacy](#)). You will receive a confirmation text message to complete installation. The system then creates a unique encrypted reference code just for you.

COVIDSafe recognises other devices with the COVIDSafe app installed and Bluetooth® enabled. When the app recognises another user, it notes the date, time, distance and duration of the contact and the other user's reference code. The COVIDSafe app does not collect your location.

To be effective, you should have the COVIDSafe app running as you go about your daily business and come into contact with people. Users will receive daily notifications to ensure the COVIDSafe app is running.

The information is encrypted and that encrypted identifier is stored securely on your phone. Not even you can access it. The contact information stored in people's mobiles is deleted on a 21-day rolling cycle. This period takes into account the COVID-19 incubation period and the time it takes to get tested. For more, see [Privacy](#).

FIGURE 2 Cartoonist David Pope's take on COVIDSafe privacy issues



Step 3

Draw drafts of your advertisement, cartoon or meme. (Political cartoonists and advertising companies create many amazing drafts that never get published!) When you have finished a draft, test it with friends or family members (or someone from the audience you want to appreciate your work) to see if they can identify:

- the issue
- the people or situation
- the main message.

The purpose of creating this media is to get your point across, so keep on drafting until your test audience understands. Then, create the final version.

1.9.3 Let me do it

1.9 ACTIVITY

Create a political advertisement, cartoon or meme about an issue that is current in state or federal politics. This means that you need to start by watching or reading the news to be aware of current issues. You should note the language and bias that are used to make the audience feel a certain way about the issue.

Key terms

emotive words words that create a strong emotional reaction

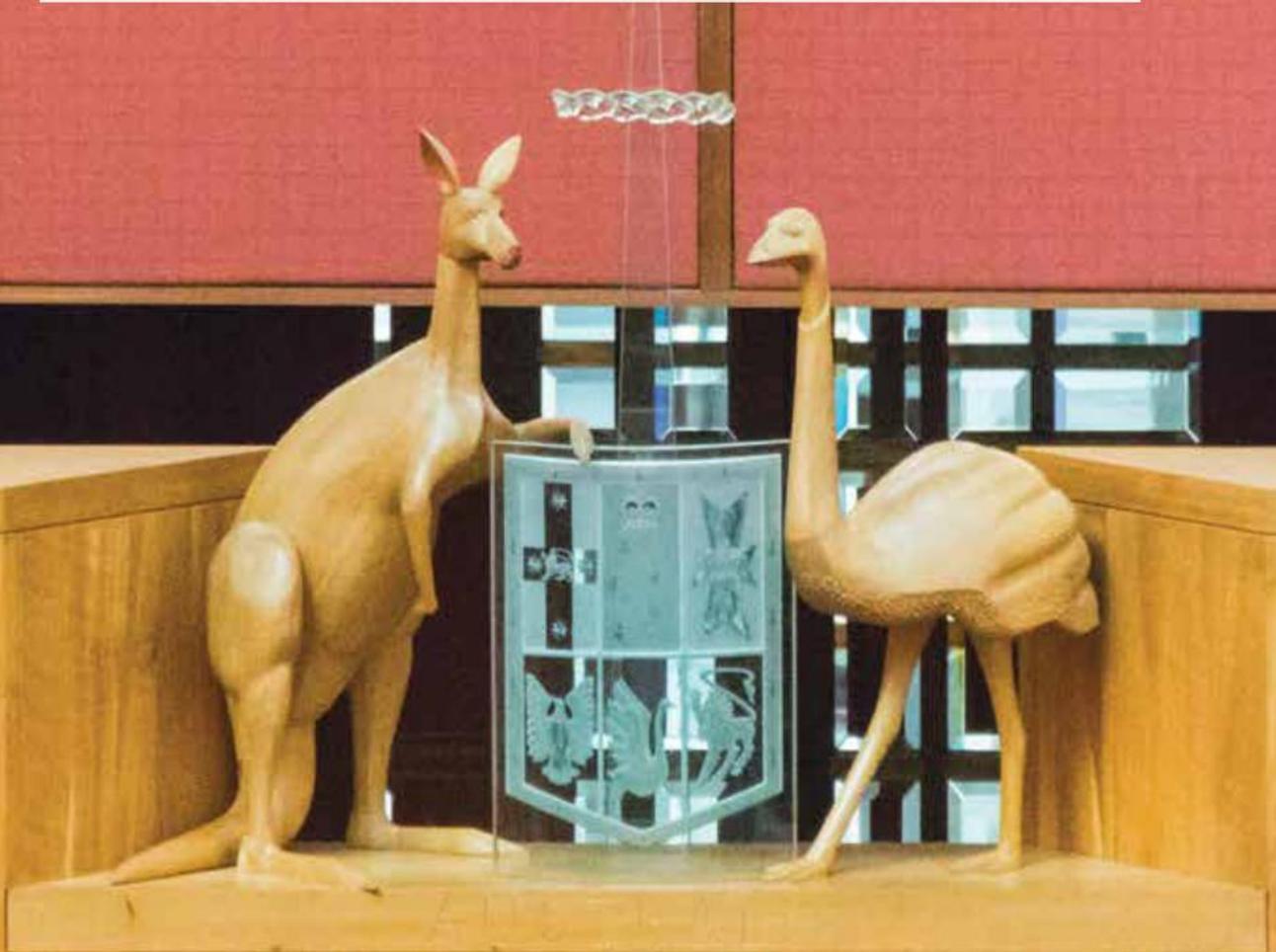
objective objective information is where data or events are presented without emotive words or opinion

subjective subjective information is where information is presented based on opinion or bias

2 The Australian government and active citizenship

LESSON SEQUENCE

2.1 Overview	13
2.2 What is the role and structure of the Commonwealth Parliament?	14
2.3 What are the roles and structures of the state and territory parliaments?.....	18
2.4 Why do we have different levels of government?	23
2.5 What does 'equality for all' mean?	30
2.6 What is 'active citizenship'?	37
2.7 How are our democratic freedoms protected?.....	41
2.8 INQUIRY: Sharing the power	46
2.9 Review	48



LESSON

2.1 Overview

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How does Australia's democracy function for all citizens, and how can citizens get involved?

2.1.1 Democratic Australia

Parliament is the main law-making body in Australia. Parliaments are elected to create laws that represent the wishes and values of their citizens. We describe our system of government as a **democracy** because the people vote to decide who sits in the parliament to make our laws for us. State parliaments in Australia were mostly established in the six former colonies from the 1850s onwards, while the federal parliament came into being with federation in 1901.

Many features of our parliamentary democracy have been adapted from the British system of government, known as the **Westminster system**. As a group of former British colonies, we adopted many features of the Westminster system, including having two houses of parliament at both the federal level and in most of the states.

democracy a political system according to which citizens choose the way in which they are governed, and elect representatives to make laws on their behalf

Westminster system the parliamentary system of Great Britain, which has been copied and adapted by many other countries including Australia; called that because the British Parliament meets in a building called the Palace of Westminster

FIGURE 1 Australian Parliament House in Canberra



on Resources



eWorkbook

Customisable worksheets for this topic (ewbk-13427)



Video eLesson

What is parliament? (eles-2077)

LESSON

2.2 What is the role and structure of the Commonwealth Parliament?

LEARNING INTENTION

By the end of this lesson you should be able to describe the different parts of the Commonwealth Parliament and explain the different roles of the Commonwealth government.

TUNE IN

Australia is a constitutional monarchy. This means that the monarch in Britain, currently King Charles III, is also Australia's head of state.

1. What is your opinion on the British monarch also serving as Australia's head of state?
2. In 1975, the monarchy's representative dismissed the elected government of Australia. Is this fair? Why or why not?
3. In America, the president doesn't work in the parliament; in Australia, the prime minister does. Is this a good thing or a bad thing?

FIGURE 1 King Charles III



2.2.1 The three parts of Parliament

Our Commonwealth Parliament consists of three parts:

- the lower house, known as the House of Representatives
- the upper house, known as the Senate
- the British monarch, represented by the Governor-General.

Our Commonwealth Parliament is **bicameral**. The major role of this body is to make laws in those areas defined by the Constitution.

bicameral a parliament with two houses

2.2.2 The House of Representatives

As the lower house in the federal parliament, the House of Representatives has the following features:

- It has 151 members, each elected for three years. Each member represents an electorate or 'seat' that covers a particular geographic area. All electorates have roughly the same number of electors, currently about 110 000 each, with a 10 per cent variation allowed from this figure. States with larger populations, such as New South Wales and Victoria, elect the largest number of members. States with smaller populations, such as Western Australia and South Australia, elect much smaller numbers.

FIGURE 2 The House of Representatives Chamber in Parliament House



- Meetings of the House of Representatives are chaired (or run) by the Speaker of the House. The Speaker is usually elected by all the members of the House. The Speaker has an important role in chairing the House, maintaining order in debates and ensuring all members observe the rules of the House, known as the ‘standing orders’.
- Most legislation is introduced in the House of Representatives because this is where the government sits. The party that wins the most seats in the lower house forms government and the leader of this party is the Prime Minister. For it to actually become a law of the land, a majority of the members of parliament have to vote in favour of it.
- Most members of the House of Representatives (MHRs) are members of political parties. A party is a group of people who have similar opinions and values, and who will usually all vote together for laws that reflect those views and values.

2.2.3 The Senate

The Senate is the upper house of the federal parliament, and has the following features:

- It acts as a house of review. This means that it can have a second look at all legislation that has passed through the House of Representatives. Senators also have to vote on any new proposals before they can become law. They can reject or change any legislation that they do not believe is appropriate.
- Apart from a brief period from 2005 to 2008, governments have not had a majority of members in the Senate since 1981. This has meant that the Senate has often sought to change or improve government legislation.
- The Senate has 76 members. Each of the six states elects twelve senators, regardless of size or population, and the Northern Territory and ACT each elect two senators. In contrast, the members of the lower house are elected on the basis of population. Because so many representatives come from New South Wales and Victoria, they could out-vote all the other members combined. The Senate was, therefore, created with equal numbers from each state to act as a safeguard against this happening in the upper house. Senators are elected for six years with half elected every three years.
- Meetings of the Senate are chaired by the President of the Senate. He or she has a similar role in relation to the Senate as the Speaker has in relation to the House of Representatives.

FIGURE 3 The Senate Chamber in Parliament House

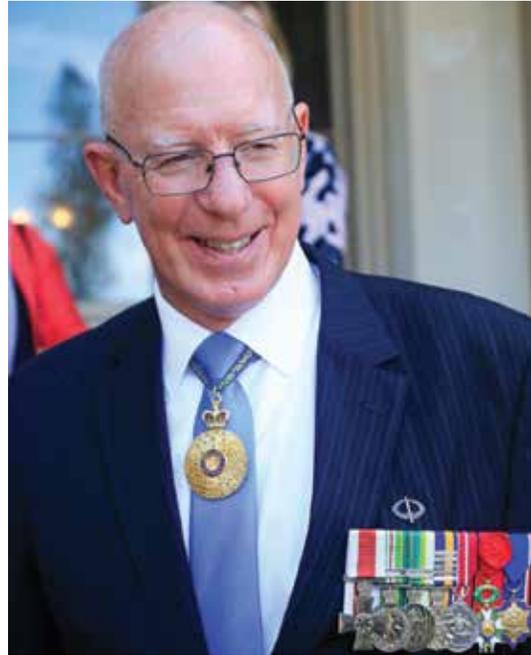


2.2.4 The Governor-General

The third element in the Commonwealth Parliament is the British monarch, represented in Australia by the Governor-General. He or she performs the following roles and functions in the parliamentary system:

- The Governor-General gives the **royal assent** to legislation that has been passed by both houses of parliament. This is the final stage that must occur before the law comes into force. Under Section 58 of the Constitution, the Governor-General also has the power to withhold the royal assent and return a Bill to parliament with recommended changes.
- The Governor-General also has a number of special powers, known as ‘reserve powers’. These include the power to summon parliament (calling for a new parliament to assemble after a federal election), open and dissolve parliament (ending parliament before a federal election takes place). These powers are usually exercised on the advice of the government of the day, although the Constitution gives the Governor-General the power to ignore that advice. In 1975, the Governor-General at the time dissolved parliament and called an election, effectively dismissing an elected government.

FIGURE 4 General David Hurley, Australia’s 27th Governor-General



2.2.5 Executive government

Under s. 61 of the Constitution, executive power of the Commonwealth government is held by the Governor-General, on behalf of the British monarch. The Governor-General chairs a body called the Executive Council, which exists to advise him or her. In reality, executive power is exercised by the Prime Minister and **Cabinet**, and all ministers are automatically appointed members of the Executive Council.

An Executive Council meeting can consist of the Governor-General and as few as two Cabinet ministers, and these meetings usually occur fortnightly. Such meetings are required to formally approve decisions already made by the Cabinet, so the Executive Council has no separate executive power. Much of executive government is based on ‘**conventions**’ that existed in the Westminster system before Australian federation, but were not specifically included in the Constitution.

Examples include the following:

- The Governor-General is generally required to act on the advice of ministers, following accepted practice in the Westminster system as it operates in Britain.
- The Constitution makes no mention of the position of ‘Prime Minister’ or ‘Cabinet’. Those drawing up the Constitution assumed that the Commonwealth Parliament would follow accepted Westminster tradition and create these roles.
- The Prime Minister and Cabinet, as the centre of executive power, actually do more than put laws into action. As the leaders of the majority party in the House of Representatives, they generally decide which Bills will be put before the Parliament, and so can determine which laws will be created. The Cabinet also decides how government money will be spent, usually through the development of an annual budget.

royal assent the formal approval by the monarch’s representative, and the final step necessary before a law comes into force

Cabinet the top-level decision-making group within the Australian Government made up of most or all ministers

convention an unwritten rule, not a law; an accepted way of doing something

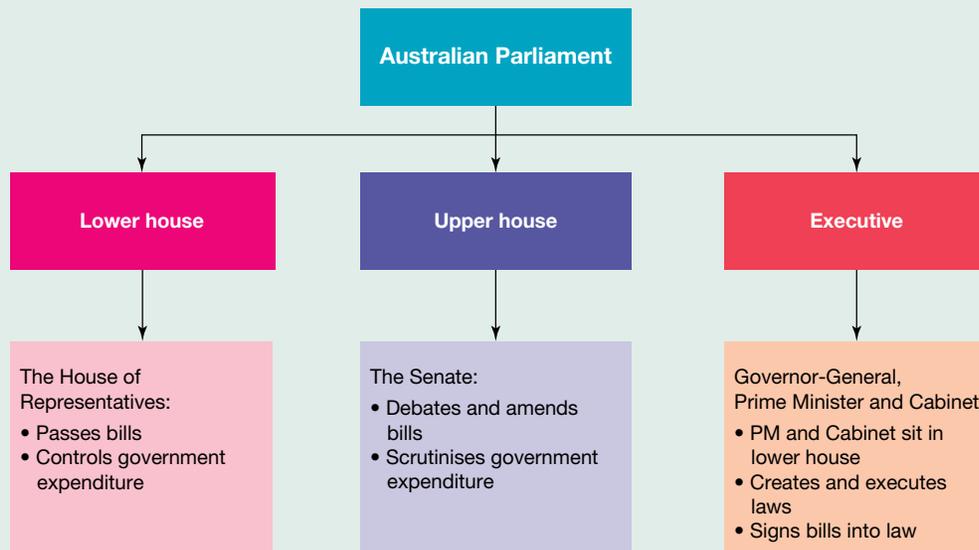
SkillBuilders to support skill development

- 2.4 Notetaking
- 2.5 Writing inquiry questions for research

2.2 SKILL ACTIVITY: Questioning and researching, Communicating

1. **Research** the parliamentary system of the United States of America or the United Kingdom.
2. **Present** your findings using a diagram similar to the one provided in **FIGURE 5**, including all the names of the current leaders and the names of the 'houses'.

FIGURE 5 Australian parliamentary system



2.2 Exercise

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2.2 Exercise

Learning pathways

■ LEVEL 1

1, 3

■ LEVEL 2

2, 4, 5

■ LEVEL 3

6, 7, 8

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Check your understanding

1. **Determine** if the following statements are true or false.
 - a. A bicameral parliament has three houses to make laws in those areas defined by the Constitution.
 - b. The Governor-General gives the royal assent to legislation that has been passed by both houses of parliament.
2. Imagine that the Governor-General rejects a proposed law and sends it back to the parliament with recommended changes. **Describe** what has to happen in both houses before the Bill returns to the Governor-General.
3. In federal parliament, what is the name of the lower house?
 - A. The Senate
 - B. The House of Representatives
 - C. The Legislative Assembly
 - D. The Legislative Council
4. **Outline** the two main functions of the Senate.

Apply your understanding

Communicating

5. **Describe** the difference between the way in which members of the House of Representatives are elected and the way in which Senators are elected.
6. **Identify** two possible consequences if either or both Houses of Parliament refuse to accept the Governor-General's recommended changes.
7. **Identify** and explain two conventions that relate to Commonwealth executive government but are not included in the Constitution.

Analysis, evaluation and interpretation

8. The Senate was established to preserve the rights of the smaller states so all states have an equal number of senators. Given that almost all senators are now elected as representatives of political parties, does the Senate still perform its original purpose? **Justify** your response.

LESSON

2.3 What are the roles and structures of the state and territory parliaments?

LEARNING INTENTION

By the end of this lesson you should be able to explain the role and the responsibilities of state and territory parliaments.

TUNE IN

Australian states and territories have a similar bicameral parliamentary set-up (that is, most have an upper and lower house) but they can have different names. A few are unicameral, meaning they only have one house.

TABLE 1 lists the names of each lower house and (if relevant) upper house in each state and territory.

TABLE 1 The lower and upper house in each state and territory

State or territory	Lower house	Upper house
New South Wales	Legislative Assembly	Legislative Council
South Australia	House of Assembly	Legislative Council
Victoria	Legislative Assembly	Legislative Council
Northern Territory	Legislative Assembly	No upper house
Queensland	Legislative Assembly	No upper house
Tasmania	House of Assembly	Legislative Council
Western Australia	Legislative Assembly	Legislative Council
Australian Capital Territory	Legislative Assembly	No upper house

1. As a group, discuss the similarities and differences between the lower and upper houses for the states and territories. Why do you think they were given the names they have?
2. Suggest reasons some states have two houses and one state and the territories only have one.

2.3.1 Eight separate parliaments

Although considerable powers were handed over to the federal parliament at the time of federation, the newly established states retained the parliamentary structures that had been established during the colonial period. They still perform an important function in our system of government.

In addition to the federal parliament, Australia has eight state and territory parliaments. This includes the original six state parliaments created at federation, plus two parliaments that have been established to make laws for the two mainland territories — the Northern Territory and the Australian Capital Territory (ACT). The two territories were governed directly by the federal parliament for most of the twentieth century, with the Northern Territory gaining its own parliament in 1974 and the ACT in 1989. The federal parliament retains the power to change or overrule any laws passed in the territory parliaments. It does not have this power over the six state parliaments.

int-8958

FIGURE 1 Each state and territory's parliament house



2.3.2 Features of the state and territory parliaments

State and territory parliaments have many similar features, although some have unique characteristics:

- All of the state parliaments were originally established as bicameral parliaments, with an upper and a lower house. In 1922, the Queensland Parliament abolished its upper house, so it is now a **unicameral** parliament.
- In each of the bicameral parliaments, the upper house is known as the Legislative Council. In Western Australia, New South Wales and Victoria, the lower house is called the Legislative Assembly. This is also the name given to the only house in Queensland. The lower house in South Australia and Tasmania is known as the House of Assembly.

unicameral a parliament with only one house

- The territory parliaments are also unicameral, with the one house in each territory known as the Legislative Assembly.
- The leader of the government in each of the states is called the premier, while the leader of the government in the two territories is called the chief minister.
- Each of the states and territories mirrors the separation of powers that applies at the federal level: legislative, executive and judiciary. Each parliament has legislative powers, allowing it to pass laws that apply within the boundaries of the state or territory. Each has an executive arm, in the form of a group of ministers with particular responsibilities for different government functions. Each also has a judiciary to enforce laws and settle disputes. The highest court in each state and territory is known as the Supreme Court; however, the High Court is the highest court in Australia and, as such, is at the top of all state court hierarchies.
- Each of the states has a Governor, representing the British monarch. He or she has a similar role within each state as the Governor-General has at the federal level.

2.3.3 Role of the state and territory governments

State and territory governments provide many of the essential services we rely on in everyday life.

Criminal law

State and territory governments have the power to make laws to prohibit most types of criminal activity. They also have the power to decide the appropriate punishments for people who break the law. Laws relating to crimes such as murder, assault and theft are all made at the state level. State governments also control the road laws, including speed limits, driver's licences, car registration and drink-driving laws.

Transport

State and territory governments are responsible for building and maintaining most of the roads and freeways within their own borders. Sometimes they arrange for private companies to build these roads. Such companies are usually given the right to charge tolls on the roads they have built. Public transport is also a state government responsibility. In some states, the government owns and operates the public transport system. In others, all or part of the public transport system is operated by private operators. In either case, state and territory governments make the laws that govern how the system operates.

FIGURE 2 State governments make laws to prohibit criminal activity.



FIGURE 3 Public transport is one of the responsibilities of state governments.



Police and emergency services

Each state and territory has its own police force, fire brigade, ambulance service and other emergency services. Police from one state generally cannot enter another state to arrest someone without special permission. However, the different police and emergency services from each state and territory usually cooperate with each other. We regularly see this when there is a major bushfire in one state and firefighters from other states come in to assist.

Health and hospitals

Public hospitals are built and operated by state and territory governments. These days, state governments rely on money from the federal government to help fund their health systems because hospitals are extremely expensive to run.

FIGURE 4 State governments are responsible for emergency services.



FIGURE 5 Public hospitals are built and managed by state governments.



Education

Each state and territory has its own primary and secondary education systems. The states often have different starting ages for school students, and each state has its own type of certificate for students completing Year 12; for example, the Queensland Certificate of Education (QCE) in Queensland. In recent years, the state and federal governments have jointly set up a national curriculum. The aim is to make sure that each education system covers the same subject matter at each year level. This means that students will do similar classwork wherever they live, even if they move from one state to another.

FIGURE 6 Each state and territory has its own primary and secondary education systems.



2.3 SKILL ACTIVITY: Questioning and researching

Use internet resources to answer the following.

- State** which states and territories commence secondary school at Year 7 and which ones do so at Year 8.
- State** the minimum age at which you can get your provisional (P-plate) driver's licence in each of the states and territories.
- State** the name of the Year 12 certificate in each state and territory.
- Identify** the current premier of the state you live in. How long has his or her government been in power?

2.3 Exercise

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2.3 Exercise

Learning pathways

■ LEVEL 1

2, 3, 4

■ LEVEL 2

1, 5, 6

■ LEVEL 3

7, 8, 9, 10

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Check your understanding

- Define** the term 'unicameral parliament'.
- Determine** if the following statements are true or false.
 - Queensland and the Northern Territory have unicameral parliaments.
 - The federal parliament retains the power to change or overrule any laws passed in the six state parliaments.
- Select** the title given to the British monarch's representative in each of the states.
 - Governor
 - Governor-General
 - President
 - Speaker of the House
- Select** the title given to the leader of the government in each of the states.
 - Prime Minister
 - Chief Minister
 - Premier
 - Chief
- Explain** how the separation of powers applies in all of the states and territories.

Apply your understanding

Communicating

- Using an example, **explain** how emergency services from the different states can cooperate with each other.
- Should all states have the same rules and ages for young people gaining a driver's licence, or should it be left to individual states to make different laws as is currently the case? **Justify** your response.
- Determine** the advantages of having all states following a national school curriculum, rather than each state going its own way.

Analysis, evaluation and interpretation

- In 1995, the Northern Territory passed a law allowing terminally ill people to voluntarily end their own lives. This law was overruled by the federal parliament in 1997. In 2017, the Victorian parliament passed a similar law, but the federal parliament has not overruled it. **Explain** the difference in these two cases.

Communicating

- Many people have argued recently that we no longer need state governments in Australia, and that all their powers could be handed over to the federal parliament. **Propose** one argument in favour of retaining state governments and one argument in favour of abolishing (removing) state governments.

LESSON

2.4 Why do we have different levels of government?

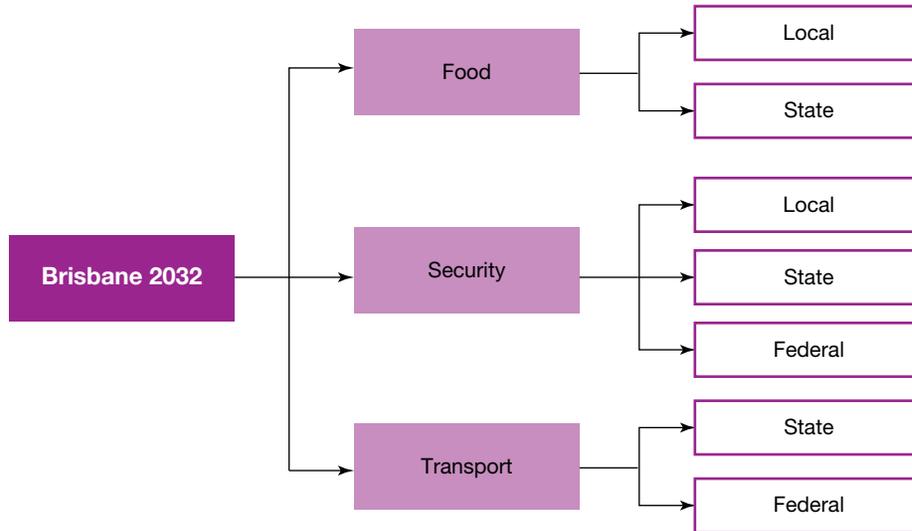
LEARNING INTENTION

By the end of this lesson you should be able to explain how power is shared between state and federal governments, and explain which level of government is responsible for which services.

TUNE IN

Brisbane has won the right to host the 2032 Summer Olympic Games. Create a concept map and brainstorm the services that will be required to host the games and which level of government is responsible for the delivery of those services. An example has been provided in **FIGURE 1**.

FIGURE 1 Level of government responsible for delivery of services



2.4.1 The separation of powers

The Australian continent had been colonised by the British, and the vast majority of white colonisers were of British origin, so the founding fathers looked to the British Westminster system of government as a model for the new Australian Commonwealth government.

The Westminster system had a long history, dating back to the Middle Ages, and had a number of safeguards designed to protect its citizens. One such safeguard is known as the ‘separation of powers’. Under the separation of powers, government functions are shared across three ‘arms’ of government: the legislative, the executive and the judicial. This means that the power to make laws (legislative) is separate from the power to put those laws into action (executive), and that both of these arms are separate from the power to enforce the law and settle legal disputes (judicial).

This also means we have a court system that is presided over by independent judges who are sworn to uphold principles of justice and fairness. The concept of the separation of powers can be traced back to the signing of the Magna Carta in England in 1215.

FIGURE 2 Our parliamentary system is based on the Westminster system. Westminster is a district of London in which the British Parliament is located.



The separation of powers in the Australian Constitution

The Australian Constitution supports the idea of the separation of powers to allow for three arms of government:

1. legislative arm
2. executive arm
3. judicial arm.

repeal to remove a law so that it no longer applies

2.4.2 The legislative arm

The legislative arm is the parliament, which has the power to make new laws and to change or **repeal** existing laws. It consists of two separate ‘houses’ — the House of Representatives and the Senate — together with the Governor-General as the representative of the British monarch (currently King Charles III).

A proposed law is known as a Bill. To become law, a Bill must be debated and voted on by both houses of parliament, and then approved by the Governor-General. It then becomes known as an Act or a statute, which are the formal names of laws that have been passed by parliament.

FIGURE 3 When all government ministers meet together, they are known as the Cabinet. Such meetings usually take place in the Cabinet Room in Parliament House.



2.4.3 The executive arm

The executive is the arm of government with the responsibility of putting the laws into action. Executive power officially lies with the Governor-General, but it is usually exercised by government ministers. These are members of parliament who have special responsibility for particular areas of government.

For example, the minister for defence is responsible for administering all laws that relate to the defence forces; the minister for immigration is responsible for laws dealing with migrants wishing to come to Australia; and the minister for the environment is responsible for those laws that are designed to protect the environment. Public servants and other government employees are part of the executive arm of government.

2.4.4 The judicial arm

The judicial arm includes the **judiciary** and the courts, which are responsible for enforcing the law and settling disputes that might arise under the law. The courts can also ensure that the law is applied fairly and equally to everyone, so they are a safeguard for our rights and freedoms.

The High Court of Australia has the power to interpret and enforce the Constitution. It can make sure that neither the legislative arm nor the executive arm acts in a way that is outside the constitutional powers of that arm.

Once a judge has been appointed, he or she cannot be easily removed by the executive arm. This means that judges can be independent and make decisions without being influenced by others.

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

FIGURE 4 The High Court of Australia has the power to interpret and enforce the Constitution.



Why do we have the separation of powers?

The separation of powers provides a system of checks and balances on the power of government. This works in the following ways:

- Members of parliament can make laws but have to face elections on a regular basis. If laws prove to be unpopular or unfair, the people can vote for new and different members to replace them.
- An independent judiciary has the power to ensure that parliament and the executive are acting within the limits of the Constitution. This is a way of protecting individual freedoms. The High Court can declare any law invalid if it is contrary to the Constitution.
- Government ministers have to gain the approval of a majority of both houses of parliament if they want to bring in any new laws. If they cannot convince enough members, the law will not be passed.
- Government ministers are all members of parliament, and are individually accountable (or answerable) to parliament. They are required to answer questions in parliament about actions they take as part of their executive role.

DISCUSS

'The separation of powers exists to protect us from the abuse of power.'

1. Discuss what this statement means.
2. List arguments to support the statement.
3. List arguments to counter the statement.
4. Which do you support? Explain why.
5. Use your responses to hold a class debate or discussion.
6. Use your responses to write an extended response. (This can be as well as or instead of the class discussion.)

2.4.5 The division of powers

One of the key reasons for having a constitution is to reinforce the rights of citizens in a democracy such as Australia. Our Constitution does this by ensuring that no one person or organisation within our structure of government has all the power. Instead, power is shared in a number of ways, and the Constitution reinforces this arrangement.

FIGURE 5 The federal government controls the issuing of currency to ensure the same money is used throughout Australia.



Most of the colonial parliaments that were to become state parliaments after federation had been in existence since the 1850s. State parliaments were accustomed to passing laws and governing their areas of Australia, and everyone expected them to continue doing this after 1901.

For this reason, the Constitution supports the idea of a division of powers between the state parliaments and the federal parliament. Law-making powers are divided in such a way that national issues can be handled by the central government, while state governments can concentrate on providing essential services for their citizens.

Section 51 of the Constitution is the part of the Constitution that outlines the specific role and power of the federal government. It lists all the areas of government that are the responsibility of the federal parliament. These are usually referred to as the ‘specific powers’, and they include:

- trade and commerce with other countries
- postal and telephone services
- the defence forces
- quarantine regulations
- immigration and emigration issues
- weights and measures used in Australia
- the banking and currency systems
- relationships with other countries (through our embassies and diplomats).

Any area of government not included in Section 51 remains the responsibility of state parliaments. Examples include:

- health and hospitals
- police and emergency services
- primary and secondary education
- transport, including public transport, road rules and road construction.

The powers that remain with state parliaments are known as the ‘residual powers’.

FIGURE 6 The provision of essential services such as firefighting is the responsibility of state governments.



Local government

Although not mentioned in the Constitution, another level of government — local government — operates in Australia. Local government is carried out by city and municipal councils. These councils usually have responsibility for:

- parks and recreational facilities, such as swimming pools and sports grounds
- town planning
- rubbish removal
- maintenance of local streets
- libraries and kindergartens.

FIGURE 7 Public swimming pools are valuable facilities provided by local councils.



on Resources

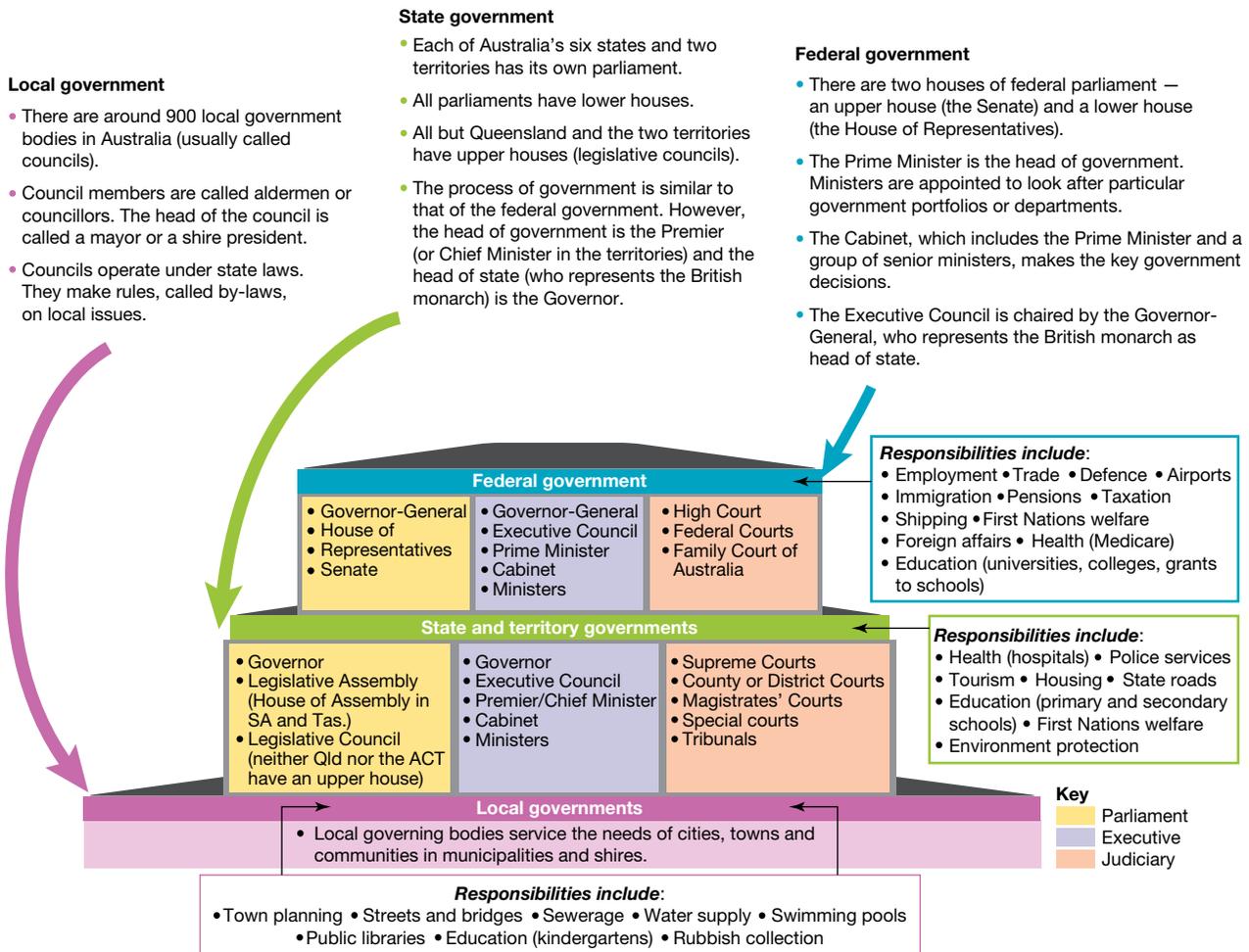
Interactivity Time out: Responsibilities (int-1207)

SkillBuilders to support skill development

- 1.6 Writing argument paragraphs
- 1.8 Debating an issue

FIGURE 8 The division of powers and the separation of powers

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2.4 SKILL ACTIVITY: Questioning and researching

Using internet resources, find out who currently performs the following roles in our system of government. For each one, **indicate** in a table whether their role is legislative, executive or judicial.

- The minister for defence
- Your local member of the House of Representatives
- The Chief Justice of the High Court
- The minister for education in your state

2.4 Exercise

learn**on**

2.4 Exercise

Learning pathways

■ LEVEL 1

3, 4, 5

■ LEVEL 2

1, 2, 6

■ LEVEL 3

7, 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

- Outline** the role of each of the following arms of government, and provide an example of each.
 - Legislative arm
 - Executive arm
 - Judicial arm
- Identify** three examples of the responsibilities of each of the following levels of government.
 - Federal government
 - State government
 - Local government
- Select** which of the following is not an example of a specific power.
 - Postal services
 - Internet services
 - Weights and measures
 - Quarantine regulations
- Determine** whether the following statements are true or false.
 - The Constitution supports the idea of a division of powers between the state parliaments and the federal parliament.
 - The Governor-General has the power to change or repeal existing laws.
- Select** the correct options to complete the sentence. The separation of powers is a safeguard designed to **allow / encourage / prevent** one particular group **to hold / from holding** all of the **members / power / seats**.

Apply your understanding

Communicating

- For each of the following, **state** whether the role is legislative, executive or judicial.
 - Members of parliament
 - Government minister
 - High Court judge
 - The Cabinet
- Of the three levels of government, federal, state and local, which has most influence on ordinary people? Give reasons or examples to support your opinion.
- Describe** the ways in which the executive arm is not completely separate from the legislative arm of government.
- Explain** why it is significant that the High Court has the power to interpret the Australian Constitution.
- 'The separation of powers is an important safeguard of our rights and freedoms in Australia.' Do you agree or disagree with this statement? **Justify** your answer.

LESSON

2.5 What does 'equality for all' mean?

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

LEARNING INTENTION

By the end of this lesson you should be able to explain the multicultural make-up of Australian society, and discuss the Uluru Statement and the campaign for a First Nations Voice in the Australian parliament.

TUNE IN

After being sworn in as Australia's 31st Prime Minister, Anthony Albanese changed the flags behind the lectern he gives press conferences at to include the Aboriginal and the Torres Strait Islander flags.

FIGURE 1 The Australian flag, Aboriginal flag and Torres Strait Islander flag



Discuss why you think this is important when considering the notion of 'equality for all'.

2.5.1 Our differences define us

You wear a school uniform to help identify you as being part of your school. Without this uniform, there would be no way to tell which school you belong to. But what if your school was known for not having a uniform, instead allowing its students to wear their casual clothes to school? This freedom of choice and diversity of dress would then become a way in which your school could be identified. Australian society is exactly like this kind of school. Our identity is characterised by its diversity, and our differences bring us together.

2.5.2 What is national identity?

National identity is much more than a national cuisine, costume or anthem. It is a way for people to identify with others and feel a sense of community. When a country is made up of people from only one cultural group, it is easier to see examples of their national identity. Such is the case with many of the smaller eastern European nations such as Slovakia, Serbia and Croatia. However, when countries have a more multicultural population, like Australia, defining a singular national identity can be harder.

FIGURE 2 Serbian men demonstrating traditional dress and dance



2.5.3 To integrate or to congregate?

Upon arrival in Australia, new migrants may face a range of difficulties. They need to find somewhere to live and somewhere to work, and often need to learn English as well. Migrants are also faced with a cultural challenge — they must find a balance between their existing national identities and their new Australian identity.

With close to 200 nationalities already represented in Australian society, new migrants can usually find existing communities of people sharing the same background. But should they **congregate** in these communities and follow their existing traditions and customs, or should they **integrate** into multicultural communities?

This question is fiercely debated by both politicians and members of the general public. Without displays of migrant culture, we would not have the diverse society we see today. However, if new migrants only associate with their own communities, they will not gain exposure to Australian culture and values. Therefore, a balance between these two choices is needed to ensure the protection of traditional identities and the development of new ones.

FIGURE 3 Brisbane's Chinatown reflects the diversity of Australian society.



congregate to come together in a smaller crowd or group within a larger community
integrate to merge with a larger community

DISCUSS

Instead of being concerned with identifying one single Australian cultural identity when we live in such a multicultural society, would it be simpler to accept that an Australian cultural identity doesn't actually exist? Discuss as a class.

2.5.4 First Nations Australians and identities

At the 1994 Commonwealth Games, athlete Cathy Freeman, a Kuku Yalanji and Birri Gubba woman, controversially draped herself in both the Australian and Aboriginal flags upon winning the 200-metre sprint. Freeman's celebration caused much debate because the Aboriginal flag was not considered an official flag of Australia. Freeman chose her victory as an opportunity to demonstrate and celebrate her identity. For her, the recognition as being First Nations Australian as well as Australian was an important symbol of reconciliation and pride.

At the beginning of many school assemblies around Australia, we read the 'Acknowledgement of Country' — an acknowledgement of the traditional land owners and custodians. At state and federal government events a 'Welcome to Country' may be performed and First Nations Australian Elders and community leaders are often in attendance and appropriate customs, such as smoking ceremonies, are conducted. These acts recognise First Nations Australian cultures and their place in Australian identity. However, it is important for us to remember why we do these things. If we do not, these actions lose their meaning and become only tokens of First Nations Australian cultures and identities. The impact of **tokenistic** cultural performances is serious. If the meaning behind these and other customs is lost, then so too is a part of this identity.

FIGURE 4 Cathy Freeman's controversial celebration at the 1994 Commonwealth Games



tokenistic describes an act that is completed only as a gesture rather than being sincerely meant

FIGURE 5 A smoking ceremony



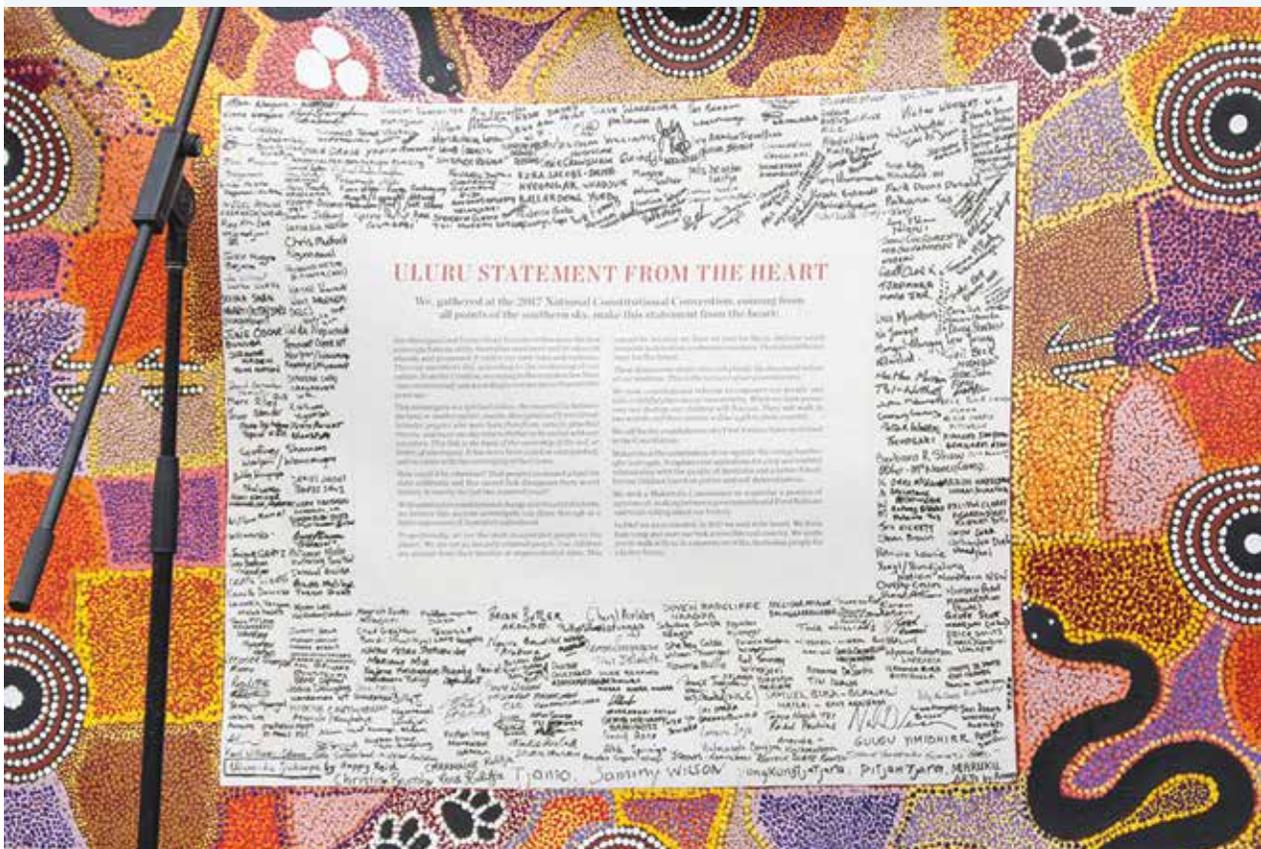
2.5.5 The Uluru Statement from the Heart

The Uluru Statement from the Heart was presented to the Australian people in May 2017. It was delivered on the fiftieth anniversary of the 1967 Referendum acknowledging First Nations Peoples and allowing them to be counted in the national census. The Statement took two years of work and collaboration between First Nations leaders and communities.

The Uluru Statement is the first time that the matter of constitutional recognition has reached an agreement after years of heated debate from both First Nations and non-Indigenous Australians.

The Uluru Statement is an invitation from First Nations Australians to ‘walk with us in a movement of the Australian people for a better future’. It was decided at the National Convention on the Constitution on 26 and 27 May 2017.

FIGURE 6 The Uluru Statement from the Heart



Three key elements of reform are set out in the Uluru Statement:

- *Voice*: enshrining a First Nations Voice in the Australian Constitution.
- *Treaty*: the establishment of the Makarrata Commission to supervise the process of agreement-making with Australian governments.
- *Truth*: establishing processes for the truth-telling about Australia’s history.

on Resources

 **Weblink** The Uluru Statement

DID YOU KNOW?

Makarrata is a word that does not translate completely into English. It's a Yolngu (northwest Arnhem land) word that describes a process of conflict resolution and peacemaking. A Makarrata is used to move forward in solidarity. It not only is an agreement but also shows ongoing respect. Makarrata is a philosophy that helps develop and maintain a lasting peace among First Nations Peoples of Australia.

The Referendum Council included as part of its demands to Australian governments that a Makarrata Commission be created to allow First Nations Australians and non-Indigenous Australians to move forward. The purpose of the commission will be to begin the discussions around treaties and a truth-telling commission that will explore, openly and honestly, Australia's history.

2.5.6 A Voice to Parliament

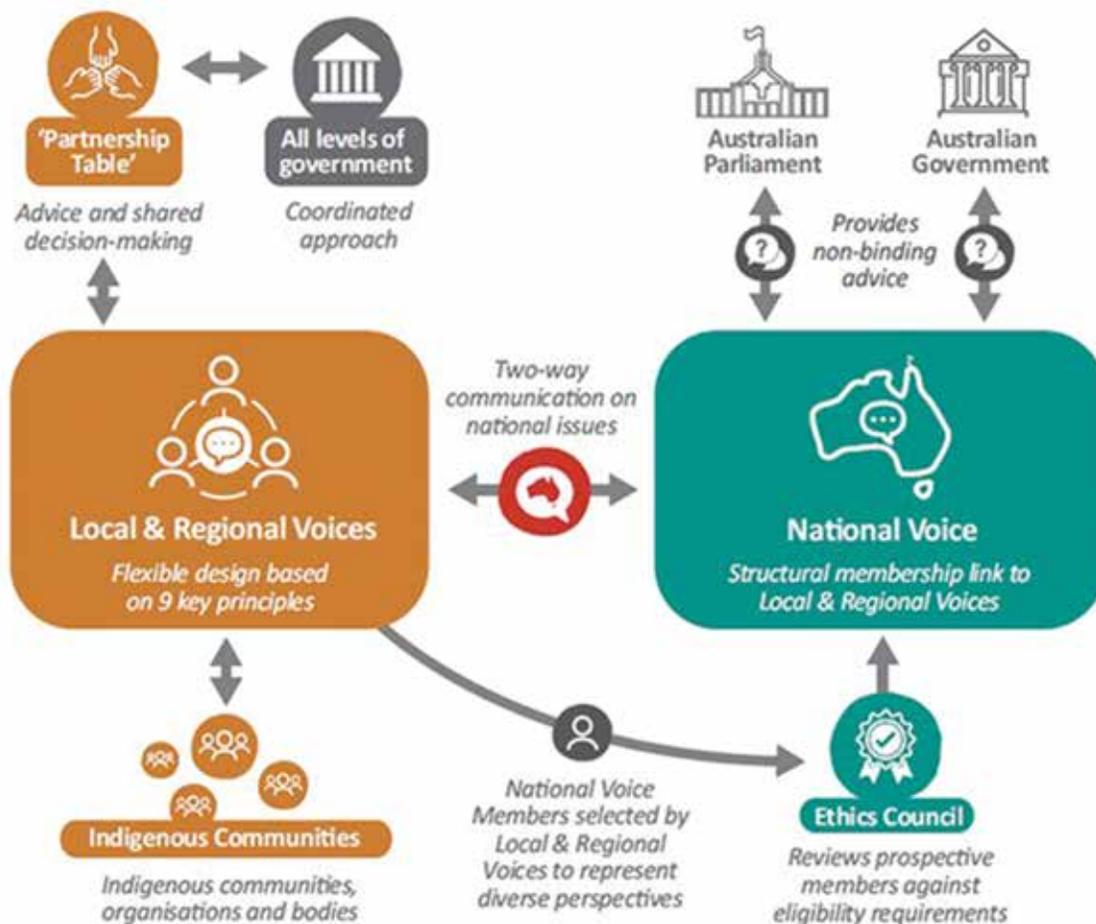
A Voice to Parliament is a body that would be written into Australia's Constitution that would give First Nations Australians a platform to provide advice to the Parliament on policies that affect the First Nations Peoples of Australia. A Voice to Parliament gives the federal government the opportunity to create legislation *with* First Nations Australians rather than *for* First Nations Australians.

In 2021, the Australian Government released its report into how a consultative body might fit into the national parliament. The Indigenous Voice Co-Design Process outlines an Indigenous Voice made up of two parts that work together: Local and Regional Voices and a National Voice.



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FIGURE 7 The two-part Indigenous Voice model



The Indigenous Voice would provide a way for First Nations Australians to have a greater say on the design, development and implementation of legislation that affects them. It will also foster a greater partnership between the government and First Nations Australians, and allow Australian parliament and government opportunities to seek advice on policies and programs.

As with all proposals, vigorous debate continues around how this works on a day-to-day basis. That's one of the strengths of Australia's democracy: people can argue about what and how things might work without fear of violence or attack.

The prime minister at the time of the proposal, Scott Morrison, argued that the inclusion of a First Nations Australian national body might lead to the creation of a third house of parliament, effectively slowing down the business of government and preventing legislation from being created and enacted. Advocates for the Voice to Parliament argue that it will not become a third house of parliament, but it would be a body that is designed to sit outside the parliament, to give frank input on policies, and to ensure First Nations People have a say in laws that impact them.

FIGURE 8 Many Australians believe that a Voice to Parliament is a welcome change.



on Resources

 **Weblink** Indigenous Voice

SkillBuilders to support skill development

- 1.8 Debating an issue
- 1.9 Creating political media

2.5 SKILL ACTIVITY: Questioning and researching, Communicating

Modern political campaigns try to reach a broad audience and sell their message. The days of posters on power poles are fast disappearing. Political parties use a range of platforms to get their message across, including social media, staged interviews, debates and town hall meetings.

Your task is to **respond** to one of the following statements in the form of a modern political campaign.

1. Australian identity: no such thing exists.
2. It is not important for a country to have a national identity.
3. The Australian, Aboriginal and Torres Strait Islander flags are important historical symbols of our complex national identity.

4. Religion and government should remain separated.
5. It is impossible for people from different backgrounds to share common values.
6. New migrants should be encouraged to maintain their traditions and customs after they arrive in Australia.
7. New migrants should be encouraged to speak their native language after they arrive in Australia.

Your campaign can be a social media campaign, a recorded debate between two people from opposing sides, or a town hall-like question-and-answer session. You may like to complete this in small groups.

1. **Conduct research** into your chosen topic and **record** the latest thinking and debates to make sure your campaign is across the issues.
2. **Decide** what form your campaign will take and assign roles to each team member.
3. **Plan** how you will deliver your main arguments and write them in a style to match your campaign delivery.
4. **Share** your campaign with the class and ask for feedback on how convincing your messages are.

2.5 Exercise

learnon

2.5 Exercise

Learning pathways

LEVEL 1

4, 5, 6

LEVEL 2

1, 2, 8

LEVEL 3

3, 7, 9, 10

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Check your understanding

1. **Describe** the ways in which a national identity is important to a country.
2. **Describe** your idea of a typical Australian.
3. **Explain** the difference between the terms ‘congregate’ and ‘integrate’ in relation to migration.
4. **Determine** if the following statements are true or false.
 - a. It’s not necessary to believe in the importance of the Acknowledgement of Country when conducting one, it’s just necessary to include it.
 - b. A Voice to Parliament is a body that would be written into Australia’s Constitution.
5. In what year did the Reconciliation Council deliver the Uluru Statement of the Heart to the Australian government?
 - A. 1997
 - B. 2006
 - C. 2017
 - D. 2016
6. The Uluru Statement of the Heart has three elements. **Identify** them from the following list.
 - A. *Treaty*: between First Nations Australians and non-Indigenous Australians that reflects the loss of First Nations land due to colonisation.
 - B. *Voice*: enshrining a First Nations Australian voice into Australia’s Constitution.
 - C. *Truth*: establishing a commission to explore Australia’s history truthfully.
 - D. *Makarrata*: a process of peacemaking and conflict resolution.

Apply your understanding

Communicating

7. In a short paragraph, **describe** which of the Uluru Statement of the Heart’s three elements you think is the most important and why.
8. **Discuss** why Cathy Freeman’s celebration at the Commonwealth Games caused such controversy.
9. **Consider** why it’s important that a First Nations Australian Voice is in the nation’s parliament.
10. **Outline** the steps the government will need to take to alter Australia’s Constitution and include the recommendations from the Uluru Statement of the Heart.

LESSON

2.6 What is 'active citizenship'?

LEARNING INTENTION

By the end of this lesson you should be able to describe the difference between active and passive citizenship, and explain ways that citizens can get involved in the political process.

TUNE IN

Young people can be a powerful force for making change in the world, and have the right to a voice in any issues that affect them as citizens.

1. What is a change that you'd like to see in your school or local community?
2. Do you feel like you can do anything about it? Why or why not?
3. If the problem is bigger than you first thought, who else can you involve in solving the problem?

FIGURE 1 Student activists voice their opinions.



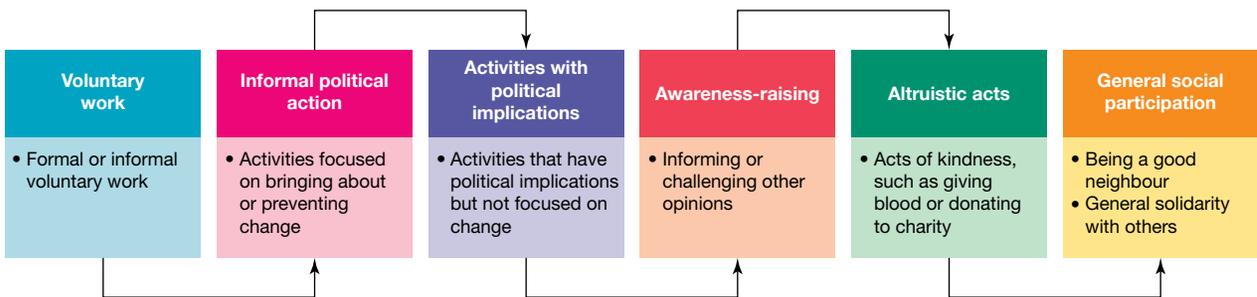
2.6.1 Active versus passive citizenship

Citizenship is more than just a legal status. It also relates to the way you engage with your community. All Australian citizens engage with the community around them in some capacity. Some might carry out their traditional roles in the community, such as paying taxes. These are called **duties**. Others might do more, such as voice their opinions and organise petitions. These are called **rights**.

duties obligations placed on citizens to ensure society runs smoothly
rights guarantees of equal social opportunities and protection under the law

Active citizenship means getting involved with your local community. Active citizenship can be as small as organising a clean-up of your local street, park or even your school. Or it can be as big as educating people about Australia's democratic values, skills and participation. Active citizenship involves six broad categories of political participation, shown in **FIGURE 2**.

FIGURE 2 The six categories of political participation



So, while active citizenship is all about engaging with your local community, passive citizenship is doing the minimum activities needed to ensure the functioning of Australia's democracy. Two things come to mind when thinking of passive citizenship: paying taxes and voting.

In Australia, everyone who earns an income must pay tax on the money they earn. This money is then used to fund roads, hospitals, schools and various other government services. People don't *actively* pay more tax; the tax is just taken out of their income every payday.

Likewise, voting in Australia is compulsory. Every person over 18 must vote in their local, state and federal election. Again, this isn't something that people do more than they need to. When the election is called, they mark it in their calendars and make time to cast their ballot. Citizens don't *actively* vote more than they need to — actually, that's illegal!

2.6.2 Active digital citizenship

A myth exists in the community that young people (like you, and those in your school) are disengaged from the political process and just don't care. Well, this isn't the case. Young people are getting more involved in the political processes of the country than ever before. Thanks to the internet and the advent of social media, young people can share their views and values to a wide audience.

Social media has increased the space for civic engagement. It's changing the ways we communicate with each other and share ideas, and how political parties and government institutions connect with us. The internet is an open space that is allowing young people the chance to get involved in society. You don't have to wait until you're 18 to have your say about what's happening in your local community, your state or your country. So next time you're on your social media — if you have accounts — consider ways that you can use it to get more involved in your school, local community or city.

Remember, though, that while social media has increased the number of young people engaging in the political process at home and abroad, it's also leading to an increase in information and targeted content. This includes the spread of fake or misleading news, and opens the possibility of antagonistic countries interfering in elections in another country. And always protect yourself and others — if you wouldn't say or do it in real life, then don't do it online.

FIGURE 3 The 2012 US Presidential Election was called 'the social media election' because of the way President Obama used it so successfully to win the race.



2.6.3 Protecting democracy

Australia is a lucky country. Our democracy is strong and stable. We hold regular elections that are free and fair. It's vital for the protection of democracy that people engage with the political processes. Active citizens actively protect Australia's democratic way of life.

The more people are engaged in the political processes of a country, the more enriched those processes become. By actively involving yourself in the debates around the country, you're ensuring that not only your voice is being heard, but also all voices are being heard.

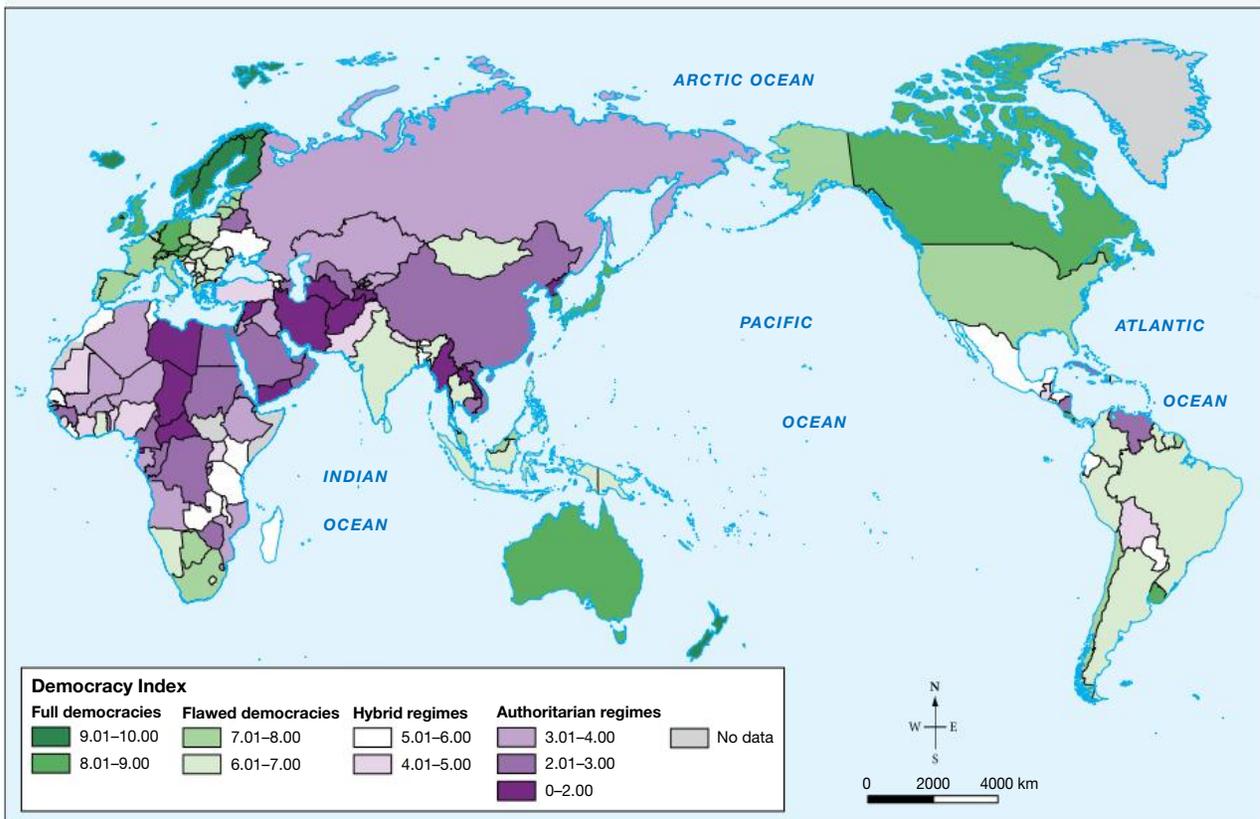
Democratic processes risk disappearing if people don't engage with them. Fortunately, Australia has compulsory voting, which means that people will always have their say. In some countries, such as the United States and the United Kingdom, voting isn't compulsory, and people are choosing to not engage in their country's national debates. Consider the map shown in **FIGURE 4**, outlining the 2021 Democracy Rankings.

TABLE 1 Types of political systems

Political system	Characteristics
Full democracies	Nations where civil liberties and fundamental political freedoms are reinforced by a political culture. These nations have a valid system of governmental checks and balance, an Independent Judiciary, and a diverse, independent media.
Flawed democracies	Nations where elections are free and fair and basic civil liberties are honoured, but there may be issues. These nations have minor suppression of political opposition, infringement on media freedom, low levels of political participation, and issues in the function of government.
Hybrid regimes	Hybrid regimes are found in most developing countries. They are called hybrid regimes because they combine some democratic principles – frequent elections – with autocratic principles. Namely, political repression.
Authoritarian regimes	Authoritarian regimes are characterised by strong central power, reductions in the rule of law, and limited or no democratic voting. The governments of China and Russia operate in an authoritarian manner.

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FIGURE 4 2021 global Democracy Rankings



Source: Map redrawn by Spatial Vision based on data from © The 2021 Economist Intelligence Unit Democracy Index map.

Note: Based on 60 indicators, countries are given a rating on a zero to ten scale, and the overall index is the average of the five total category scores.

on Resources

- Weblinks** Freedom House
Democracy Matrix

2.6 SKILL ACTIVITY: Analysis, evaluation and interpretation

Consider **FIGURE 4** and visit the **Freedom House** and **Democracy Matrix** weblinks in the Resources panel that quantify how democracies around the world are faring. You may need to conduct your own research for this task as well.

1. **Research** Australia's democracy score and give reasons for this score. What type of democracy is Australia classified as?
2. **Select** two other countries to **compare** to Australia.
 - a. What are their scores?
 - b. What type of democracy, if any, are they both classified as?
3. **Propose** reasons you think these countries got the score they did.
4. **Propose** ways that you think these scores can be lifted.
5. **Identify** if avenues exist for citizens to get more involved in these countries. **Determine** what they are.
6. **Present** your findings as a report.

2.6 Exercise

learnon

2.6 Exercise

Learning pathways

■ LEVEL 1

1, 2, 3

■ LEVEL 2

4, 6

■ LEVEL 3

5, 7, 8

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Check your understanding

1. **Determine** if the following statements are true or false.
 - a. Compulsory voting in Australia's elections is an example of active citizenship.
 - b. Organising a working bee to clean up your local creek or river is active citizenship.
 - c. Young people are becoming more and more disengaged from the political processes of their country.
2. **Select** which of the following are examples of active citizenship.
 - A. Informal political action
 - B. Awareness-raising
 - C. General social participation
 - D. All of the above
3. **Identify** the year in which the US Presidential Election was called 'the social media election'.
 - A. 2008
 - B. 2020
 - C. 2022
 - D. 2012

Apply your understanding

Civic participation and decision-making

4. **Describe** two ways that you can become an active citizen today.
5. **Outline** one reason social media can lead to more political engagement.
6. **Explain** how being an active citizen will safeguard democracy.

Analysis, evaluation and interpretation

7. Refer to **FIGURE 4** and **describe** the spread of the four types of political systems across the world.
8. **Analyse** why social media can also be bad for engaging in the political processes of one's country.

LESSON

2.7 How are our democratic freedoms protected?

LEARNING INTENTION

By the end of this lesson you should be able to explain the reasons we have a constitution, discuss the advantages and disadvantages of having a constitution and discuss if Australia needs a Bill of Rights written into the Constitution.

TUNE IN

Democratic freedoms are important and apply to all Australians — even students in a Year 7 class.

1. What rights do you have in the classroom?
2. What rights do you think your teacher has in the classroom?
3. If you had to draw up a set of rules for your classroom, to make sure both the teacher and the students were both represented equally, what would be your top three rules?
4. Who has the responsibility to ensure these rules are maintained and followed?

FIGURE 1 What rules and rights exist in a typical Year 7 classroom?

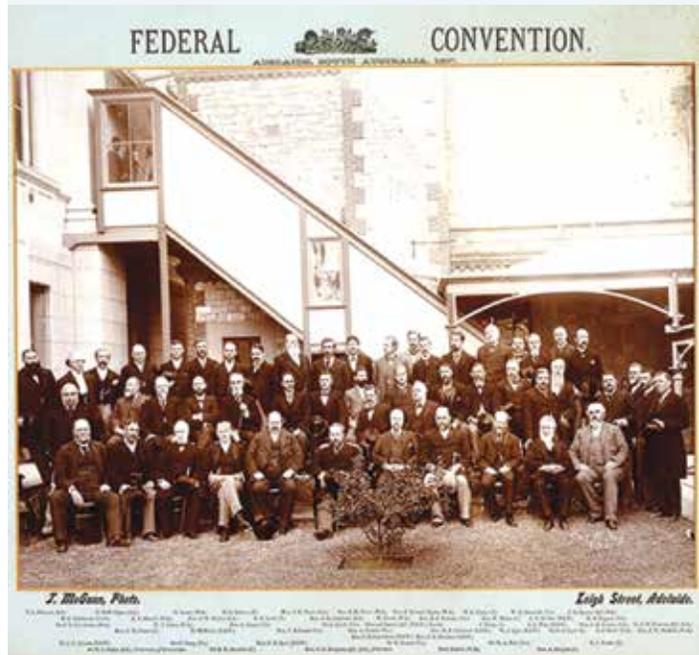


2.7.1 The creation of our Constitution

During the 1890s, the idea of joining the six colonies on the Australian continent to create one united country had a lot of support. This united country of Australia would need a new national government, while still retaining the existing parliaments to make laws for their respective states. Representatives of the different colonies met on several occasions to create a set of rules that would allow for a division of powers between these parliaments.

After the gold rush era of the 1850s, the population of all six Australian colonies grew rapidly. During the 1880s, the population rose from just over 2 million to around 3 million. By 1890, over 60 per cent of the population had been born locally (that is, in the Australian colonies rather than overseas). Large numbers of these people felt a greater loyalty to the colonies of their birth than to the countries of their parents' birth. It was not surprising that many saw the unification of the colonies into one country — the Commonwealth of Australia — as a desirable idea.

FIGURE 2 Representatives of the colonies met on a number of occasions to draft a constitution for the proposed federation of Australia.



During the 1890s, representatives of the different colonies held meetings to develop a **constitution**. These men are often referred to as the ‘founding fathers’ of our Constitution. (No women were allowed to take part in the process!) None of the colonial governments wanted to hand over all their law-making powers to a central government, so they had to adopt a structure that would allow these powers to be shared.

When a group of states decide to join together and hand over some of their powers to a central government, this arrangement is known as a **federation**. In this arrangement, it is important that everyone understands which powers are retained by the states and which powers will be taken over by the central government. This was a major reason for the development of the Australian Constitution. It allowed the state parliaments to keep some law-making powers for issues that could be managed at the state level. At the same time, it gave the central parliament the power to make laws of national importance. Before Federation, for example, each colony had its own currency, army and navy. With Federation, it made sense to have one consistent currency and a national defence force.

FIGURE 3 *Opening of First Federal Parliament by HRH the Duke of Cornwall & York* by Charles Nuttall, 1901



By 1898 the main principles of the new Constitution had been agreed to, and each of the colonies held a **referendum** to allow their citizens to vote on whether they wished to join this new federated Australia. By 1900, a majority in all six colonies had voted in favour, and the new Constitution was passed into law by the British Parliament.

The newly created Commonwealth of Australia came into being on 1 January 1901. Elections for the national parliament were held in March of that year, and the newly elected parliament was opened in Melbourne’s Exhibition Building on 9 May 1901. Federal parliament then met in Victoria’s Parliament House until 1927, when it was transferred to the new national capital of Canberra.

constitution a set of rules that determines the structure of government and its law-making powers

federation the formation of a united country from a number of separate states or colonies, with law-making power shared between the national government and the governments of each of the states

referendum a process of allowing the people to vote on an important issue

on Resources

 **Weblink** Federation

2.7.2 Why have a constitution?

Not all countries in the world have a written constitution such as Australia's. The United States of America is one country that, like Australia, is a federation guided by a written constitution. However, some countries that are similar to Australia in many ways have no single constitutional document. Australia, Canada and New Zealand all recognise the British monarch as their head of state and have similar systems of government, but neither Canada nor New Zealand has a written constitution. Their rules of government are contained in a number of different pieces of **legislation**.

legislation a term used to describe laws passed by parliament

Advantages of having a constitution

1. A constitution provides a system of rules that a government is required to follow. In Australia, it means that laws have to be made by a democratically elected parliament, not by any individual.
2. A written constitution can include some rights and freedoms to be enjoyed by all citizens of the country. For example, the Australian Constitution guarantees freedom of religion.
3. In Australia, the Constitution aims for a clear distinction between the powers of the federal parliament and the powers of the state parliaments.

Disadvantages of having a constitution

1. A written constitution can be difficult to change as society changes. Australia today is not the same as the colonies of the 1890s when the Constitution was written, and yet we are still bound by a document that is over 100 years old. Back then, it was illegal for anyone to bathe on public beaches between 6 am and 8 pm. Imagine if such a law still existed today!
2. Any written document can be open to interpretation. Some words have a number of different meanings. People could argue over those meanings, making a constitution less clear than we would want.
3. Enforcing a constitution depends on the willingness of everyone to obey it. In some countries, **dictators** have seized power by force and refused to follow the constitution of that country. In 1933, for example, Adolf Hitler seized complete power in Germany. Although Germany had a constitution at the time, Hitler used his majority support in the German Parliament to pass laws suspending many of the safeguards (protections) in that constitution, including passing the Enabling Act, which gave him the power to introduce any law. These suspended safeguards included rights such as free expression of opinion and freedom of the press, as well as constitutional protections that made sure executive government did not have excessive power. The new laws made it easier for Hitler to persecute his political opponents and minority groups such as the Jewish people. Once he gained complete control of Germany, Hitler was responsible for the murder of more than six million Jewish people.

FIGURE 4 Adolf Hitler became a dictator in Germany in 1933 by suspending the protections in Germany's constitution.



dictator a person who has absolute power within a country, and who usually cannot be voted out of power by democratic elections; a government headed by a dictator is usually referred to as a dictatorship

2.7.3 An Australian Bill of Rights?

The United States of America has written into its Constitution a Bill of Rights. The Bill of Rights document is the first ten amendments to the US Constitution. The amendments spell out Americans' rights in relation to their government. It guarantees civil rights and liberties to the individuals and sets out the rules for due process of law.

In Australia, some protections for human rights can be found in the Constitution. These include protection against acquisition of property on unjust terms, freedom of interstate trade, the right to a trial by jury, freedom of religion, and prohibition of discrimination based on state residency.

Outside of the areas listed in the Constitution, the High Court of Australia decided that other human rights are implied in the language of the document. The right to political communication, for example, was found to be a right necessitated by the fact that the Constitution established how the government would function and how Australia's representative democracy would operate. Namely, the statute that declares that Australians would go to the polls every three years wouldn't be very valid if people weren't able to communicate their political ideas and philosophies, and thus make informed decisions.

In terms of voting, however, the Constitution doesn't declare the explicit right to vote. The High Court fell short of declaring this an explicit right and thus it remains implied. Voting rights can be curtailed with just reason — for example, for people serving longer than three-year prison terms, or people who are not of sound mind.

While the Constitution may imply certain rights, some areas need explicit protection. The Australian parliament plays an important role in protecting human rights by passing laws that shield vulnerable groups from persecution. These include:

- *Racial Discrimination Act, 1975*
- *Sex Discrimination Act, 1984*
- *Disability Discrimination Act, 1992*
- *Age Discrimination Act, 2004*

Debate is ongoing about whether Australia should adopt a statutory Bill of Rights, similar to that found in the United States. Advocates for this movement argue that including explicit protections in the Constitution would clarify the rights held by individuals in Australia, and thus positively affect the day-to-day lives of Australians.

Resources

 **Weblink** The federal parliament and the protection of human rights

2.7 SKILL ACTIVITY: Questioning and researching, Communicating

The Australian Government has decided, after a long debate in both the House of Representatives and the Senate, that they want to include a Bill of Rights in the Australian Constitution. You have been given the task of designing the Bill of Rights and the Referendum question.

1. **Research** other Bills that are present in other countries (such as the European Union, the United States, the United Kingdom).
 - a. What rights are listed in these Bills?
 - b. Are they all the same? What's different?
2. Using **The federal parliament and the protection of human rights** weblink in your Resources panel, **research** what rights are already present in Australian law and the Constitution.
 - a. What can be improved on?
 - b. What can be added?

- The government only wants to include seven rights in the proposed Bill of Rights. **Decide** which ones are most important and reflective of the Australian people.
- Create** a question that can be asked in a Referendum.
- Communicate** your Bill of Rights and your referendum question on a poster or presentation.

2.7 Exercise

learnon

2.7 Exercise

Learning pathways

■ LEVEL 1

1, 2, 3, 4

■ LEVEL 2

5, 6, 7

■ LEVEL 3

8, 9, 10

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Check your understanding

- When a group of states decide to join together and hand over some of their powers to a central government, what is this arrangement known as?
 - Federation
 - Constitution
 - Referendum
 - Legislation
- Identify** which section of the Constitution outlines the specific role and power of the federal government.
 - 42
 - 67
 - 19
 - 51
- Identify** the country on which Australia's parliamentary system is based.
 - Japan
 - Spain
 - Britain
 - America
- Identify** how many amendments were made to the US Constitution to make up the Bill of Rights.
 - 4
 - 7
 - 10
 - 9
- Explain** the process by which the Australian Constitution came into existence.

Apply your understanding

Communicating

- Under the new federation model proposed by the colonies, powers needed to be shared between state and federal governments. **Identify** at least two reasons for this.
- Identify** which freedoms or groups in Australia could possibly be threatened if a dictator seized power.
- In your own words, **explain** the meaning of the term 'federation'.
- Identify** the ways in which a written constitution may not be clear to everyone.
- After reading about the advantages and disadvantages of having a written constitution, do you believe it is a positive or negative feature of our system of government? **Outline** your opinion in writing and **compare** it with the opinions of your classmates.

LESSON

2.8 INQUIRY: Sharing the power

LEARNING INTENTION

By the end of this lesson you should be able to explain what division of powers means, and communicate how the needs of different states and groups might be balanced.

Background

The Australian Constitution outlines the rules for how Australia is governed. It outlines how the federal and state governments share the power to make laws. This is known as the division of powers.

At Federation, the states handed over some areas to be managed by the federal government, such as immigration and defence, which they believed would be best managed by a central authority. These powers are outlined in Section 51 of the Constitution, and are known as **specific powers**.

However, the states chose to retain much of their power in areas such as health, education and public housing. These powers are not listed in the constitution and are known as **residual powers**. The federal and state parliaments share some law-making power in some areas such as marriage and taxation. Powers which are shared are known as **concurrent powers**.

Each level of government is responsible for their resources and the provision of services to their people. Often they can govern independently, but in some circumstances they are required to collaborate with other governments where resources are shared.

One resource that is shared between governments is water. The Murray–Darling Basin is Australia’s largest river system. On average, the Basin receives about 530 000 gigalitres of inflow per year. The river system that feeds the Basin stretches across four states (Queensland, New South Wales, Victoria and South Australia) as well as the Australian Capital Territory.

Each of these governments must work together to ensure a fair distribution of water and the river system remains healthy into the future. The Murray–Darling Basin is also on the land of several First Nations Peoples. First Nations Australians share a deep connection to Country, and with the new Indigenous Voice in the federal parliament, they too will have a say on this issue.

Discuss the following:

1. What does the term ‘division of powers’ mean?
2. How do you balance the different needs of different states and groups?

FIGURE 1 The river system that feeds the Murray–Darling Basin stretches across four states and the ACT.



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

Working in groups of five, you will experience the division of powers at work through the creation of a plan for the allocation of the Murray–Darling Basin’s water. Each group member will take on the role of water minister for their state or territory.

Step 1: Questioning and researching

Each member will be required to **research** the water needs of their state or territory and negotiate with the other ministers to devise a water management plan. You are to **present** this plan, as well as any difficulties you had in reaching a solution, to the class.

Research the volume of water your state or territory requires from the Murray–Darling Basin. **Determine** what volume you deem essential and what would be ideal for the additional needs of your state. This will allow you to know which areas you can compromise on, if necessary.

Step 2: Analysis, evaluation and interpretation

Analyse your research to consider the following:

- how much water originates in your state
- drinking water needed for towns in the Basin
- water needed for the health of the Basin’s ecosystem
- water needed for irrigation for food production
- water needed for tourism, fishing and social activities
- how the management of the Basin will impact the Traditional Owners.

Step 3: Civic participation and decision-making

Conduct a negotiation with the other ministers over the water in the Murray–Darling Basin. Aim to secure the water you need for your state, while also protecting the needs of the other states and territory, and the rivers’ ecosystem.

Step 4: Communicating

Once you have come to an agreement, **write** up your plan for the Murray–Darling Basin.

- **Present** your plan in a PowerPoint presentation. Include the strengths and weaknesses of the division of power system based on your experience in this activity.
- Your PowerPoint presentation should have one idea per slide. It will usually represent a single sentence summary of a larger amount of information. In presenting information in a PowerPoint format, you should be prepared to provide extra information and explanation relating to each slide, not merely read from the slide.
- Once you have completed your presentation, submit it to you teacher for assessment and feedback, or present it to your class.

Note: if you are working in a group with fewer than five members, you may choose to omit the roles of the ACT and/or Queensland water ministers, because they have a smaller role in the Basin and water allocation than New South Wales, Victoria and South Australia.

Complete your self-assessment using the **Inquiry rubric** or access the 2.8 exercise set to complete it online.

Resources

 **Digital document** Inquiry rubric (doc-39381)

LESSON

2.9 Review

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



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2.9.1 Key knowledge summary

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

2.2 What is the role and structure of the Commonwealth Parliament?

- Parliament is the main law-making body in Australia.
- Parliaments are elected to create laws that represent the wishes and values of citizens. Our system of government is known as a democracy because the people vote to decide who sits in the parliament.
- State parliaments were mostly established in the six former colonies from the 1850s, while the federal parliament came into being with federation in 1901.
- Many features of our parliamentary democracy have been adapted from the British system of government, known as the Westminster system.
- As a group of former British colonies, we adopted many features of the Westminster system, such as having two houses of parliament at both the federal level and in most of the states.

2.3 What are the roles and structures of the state and territory parliaments?

- Each of the six states and two territories has its own parliament to make laws for its citizens on those matters over which the state or territory has constitutional power.

2.4 Why do we have different levels of government?

- Under the Australian Constitution, we have a separation of powers. This means that power is separated between the legislative arm of government, which makes laws, the executive arm, which implements (or carries out) the laws, and the judicial arm, which resolves disputes that may arise under those laws.
- The Constitution also provides for a division of powers between the state parliaments and the federal parliament. Law-making powers are divided in such a way that national issues can be handled by the central government, while state governments can concentrate on providing essential services for their citizens.

2.5 What does 'equality for all' mean?

- Representations of Australian identity are diverse.
- Australia is a multicultural and secular society in which cultural differences are celebrated.
- While Aboriginal and Torres Strait Islander Australians remain strongly connected to their culture and traditions, other parts of Australian society are characterised by their cultural diversity.
- The Uluru Statement from the Heart is an invitation from the First Nations Peoples of Australia to non-Indigenous Australians to walk with them into a better future, where all voices are heard.

2.6 What is 'active citizenship'?

- There are two types of citizenship: active and passive.
- Active citizenship is all about getting involved in your community; passive citizenship is carrying out the duties associated with being an Australian citizen (such as voting and paying taxes).
- Social media presents young people with new ways to engage in the political debates and to become active citizens.
- By becoming active citizens, we can protect the democratic foundations of Australia.

2.7 How are our democratic freedoms protected?

- The way we are governed in Australia is determined by a set of rules outlined in our Constitution.
- The Constitution outlines the powers of those governing us, and what they are and are not permitted to do in exercising those powers. Commonwealth and state parliaments are all expected to operate within the rules laid out in this Constitution.
- The law courts are also expected to uphold the rules contained in the Constitution, and to ensure that all individuals and organisations act within these rules.
- A Constitution was necessary because Australia already consisted of six self-governing colonies. Because a national parliament would be introduced to govern the new nation, it was important to have clear statements about how power would be shared between the national parliament and the six existing parliaments.
- Australia's human rights are protected by five explicit rules in the Constitution. Other rights are protected by the implied language of the Constitution and the laws executed by the parliament.

2.8 INQUIRY: Sharing the power

- The allocation of water in the Murray–Darling basin is an example of the division of powers at work.

2.9.2 Key terms

bicameral a parliament with two houses

Cabinet the top-level decision-making group within the Australian Government made up of most or all ministers

congregate to come together in a smaller crowd or group within a larger community

constitution a set of rules that determines the structure of government and its law-making powers

convention an unwritten rule, not a law; an accepted way of doing something

democracy a political system according to which citizens choose the way in which they are governed, and elect representatives to make laws on their behalf

dictator a person who has absolute power within a country, and who usually cannot be voted out of power by democratic elections; a government headed by a dictator is usually referred to as a dictatorship

duties obligations placed on citizens to ensure society runs smoothly

federation the formation of a united country from a number of separate states or colonies, with law-making power shared between the national government and the governments of each of the states

integrate to merge with a larger community

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

legislation a term used to describe laws passed by parliament

referendum a process of allowing the people to vote on an important issue

repeal to remove a law so that it no longer applies

rights guarantees of equal social opportunities and protection under the law

royal assent the formal approval by the monarch's representative, and the final step necessary before a law comes into force

tokenistic describes an act that is completed only as a gesture rather than being sincerely meant

unicameral a parliament with only one house

Westminster system the parliamentary system of Great Britain, which has been copied and adapted by many other countries including Australia; called that because the British Parliament meets in a building called the Palace of Westminster

2.9.3 Reflection

Complete the following to reflect on your learning.

Revisit the inquiry question posed in the Overview:

How does Australia's democracy function for all citizens, and how can citizens get involved?

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.

on Resources

-  **eWorkbooks** Customisable worksheets for this topic (ewbk-13427)
Reflection (ewbk-10691)
Crossword (ewbk-10556)
-  **Interactivities** Parliament and government crossword (int-5312)
The Australian Constitution crossword (int-8250)

2.9 Review exercise

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Multiple choice

- When a group of states decide to join together and hand over some of their powers to a central government, what is this arrangement known as?
 - Federation
 - Constitution
 - Referendum
 - Legislation
- Which section of the Constitution outlines the specific role and power of the federal government?
 - 42
 - 67
 - 19
 - 51
- Australia's parliamentary system is based on the Westminster system from which country?
 - Japan
 - Spain
 - Britain
 - America
- How many amendments were made to the US Constitution to make up the Bill of Rights?
 - 4
 - 7
 - 10
 - 9
- Which of the following is *not* a disadvantage of having a constitution?
 - A constitution protects the rights and freedoms of citizens.
 - A constitution can be difficult to alter.
 - A constitution can be open to interpretation.
 - A constitution relies on citizens to follow its principles.
- Out of the 44 proposals to change the Constitution, how many have been successful?
 - 8
 - 6
 - 4
 - 2
- What was the goal of the Australian Republican Movement?
 - To elect a president instead of prime minister
 - To allow state governments to have more control
 - To remove Australia from the Commonwealth
 - To strengthen ties with the British Monarchy

8. What is the separation of responsibilities across local, state and federal governments known as?
 - A. The separation of responsibilities
 - B. The division of responsibilities
 - C. The separation of powers
 - D. The division of powers
9. What is the separation of the government's responsibilities into legislative, executive and judicial arms known as?
 - A. The separation of responsibilities
 - B. The division of responsibilities
 - C. The separation of powers
 - D. The division of powers
10. Which court of Australia has the power to interpret and enforce the Constitution?
 - A. Magistrates Court
 - B. Supreme Court
 - C. Court of Appeals
 - D. High Court

Short answer

Analysis, evaluation and interpretation

11. Australia's Constitution would never have been agreed to if it had not guaranteed a role for state governments. It was state politicians who met to develop the Constitution, believing that they would continue to have considerable powers. Over the last 100 years, many Australians have argued that we no longer need state governments. They argue that countries with much larger populations than Australia manage without both levels of parliament. They also argue that local councils could be enlarged to become elected regional authorities, so that we would have only two levels of government instead of three. Those who support retaining state governments argue that the federal parliament is too distant from ordinary people, and that state governments are best placed to deliver essential services. Removing state parliaments would require several changes to the Constitution.

Consider the following, and give reasons for your responses.

 - a. Modern communications did not exist when the Constitution was drafted, so the federal government would have seemed very distant. State governments, however, were based in every capital city and so were closer to the people. Have changes in our forms of communication made state governments unnecessary?
 - b. **Identify** three changes that would have to happen for a referendum to abolish the states to be successful.
 - c. Can you think of some powers that are currently held by one level of government that could be transferred to a different level of government? For example, the state governments could transfer their responsibility for health and hospitals to the federal government.
12. People wishing to be elected to parliament often make promises and develop policies that they hope will appeal to the majority of voters. Justify in detail why you would vote for or against someone who proposed each of the following policies.
 - a. Lowering the voting age to 16
 - b. Raising the licensed driving age to 21
 - c. Introducing compulsory military service for all 18 year olds
 - d. Introducing tolls on all roads to help pay for improved public transport

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3 The legal system and you

LESSON SEQUENCE

3.1 Overview	53
3.2 What are the principles of justice?	54
3.3 Where did our justice system come from?	60
3.4 How do Australian courts work?	64
3.5 What is the presumption of innocence?	69
3.6 What is a fair trial?	75
3.7 Can everyone access justice?	82
3.8 INQUIRY: Access for First Nations Australian women — #Freeher	87
3.9 Review	88



LESSON

3.1 Overview

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How do features of the Australian legal system protect the rights of individuals and uphold the principles of justice?

3.1.1 Our legal system

Picture yourself standing in court, accused of a crime you did not commit, facing a trial and then being found guilty of the crime. **FIGURE 1** shows John Button at Fremantle Prison, where he served five years of his sentence. Why do you think he returned to the prison for the photo? How would you feel if you were found guilty of a crime that you did not commit and sent to prison?

Australia's **rule of law** and our **legal system** should protect you from this happening. But how much do you know about Australia's legal system? Would you know where to find a lawyer? Would you know what would make your trial fair? All Australian citizens should have the opportunity to access justice no matter who they are.

rule of law the legal principle that all citizens are subject to the law, and equal before the law, as it is upheld by independent courts

legal system a system for interpreting and enforcing the laws of a country

FIGURE 1 John Button was wrongfully convicted of the manslaughter of his girlfriend in 1963. He was acquitted 39 years later (found not guilty of committing the crime) after serving his sentence in prison.



Resources



eWorkbook

Customisable worksheets for this topic (ewbk-13428)



Video eLesson

The courtroom (eles-2078)

LESSON

3.2 What are the principles of justice?

LEARNING INTENTION

By the end of this lesson you should be able to explain what is meant by the rule of law and explain the principles of justice.

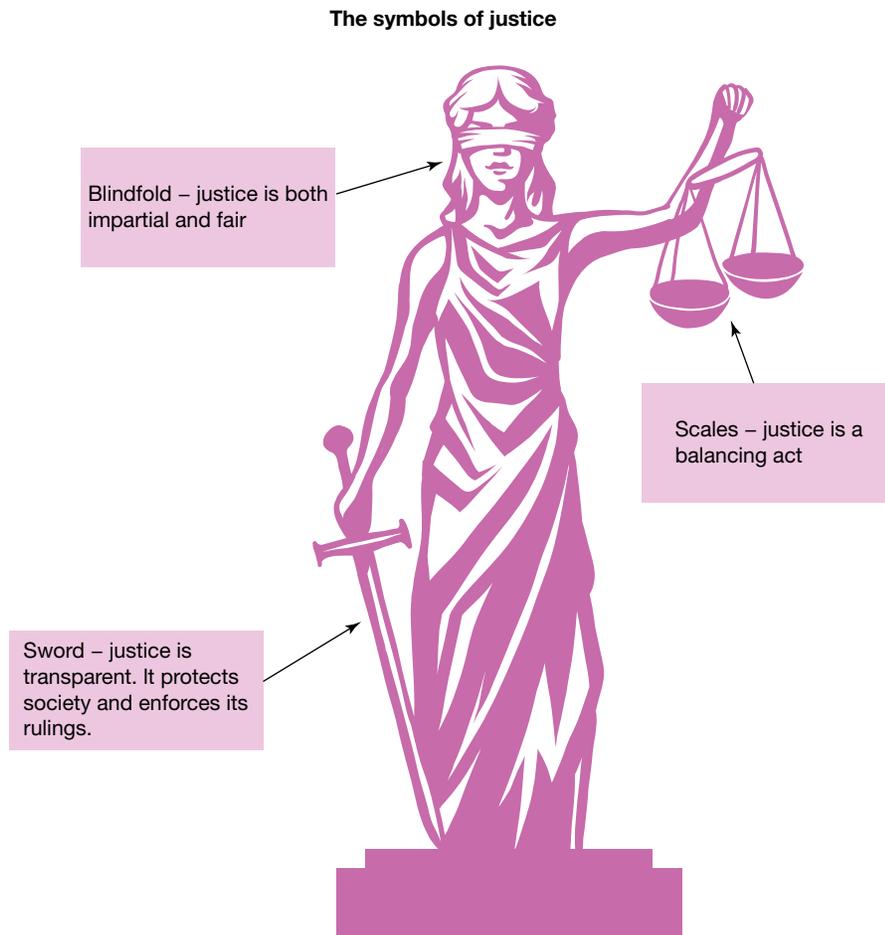
TUNE IN

Did you know that the concepts of justice can be found in ancient Greek, Roman and Egyptian societies? Lady Justice has her origins in the time of Emperor Augustus during the early first century CE, although the blindfold first appeared in the sixteenth century.

Work with a partner and complete the following.

1. What message is being conveyed in **FIGURE 1**?
2. Formulate a shared understanding or definition of justice.
3. Brainstorm other elements we might need to ensure justice.

FIGURE 1 Lady Justice is commonly used to represent the idea of justice.

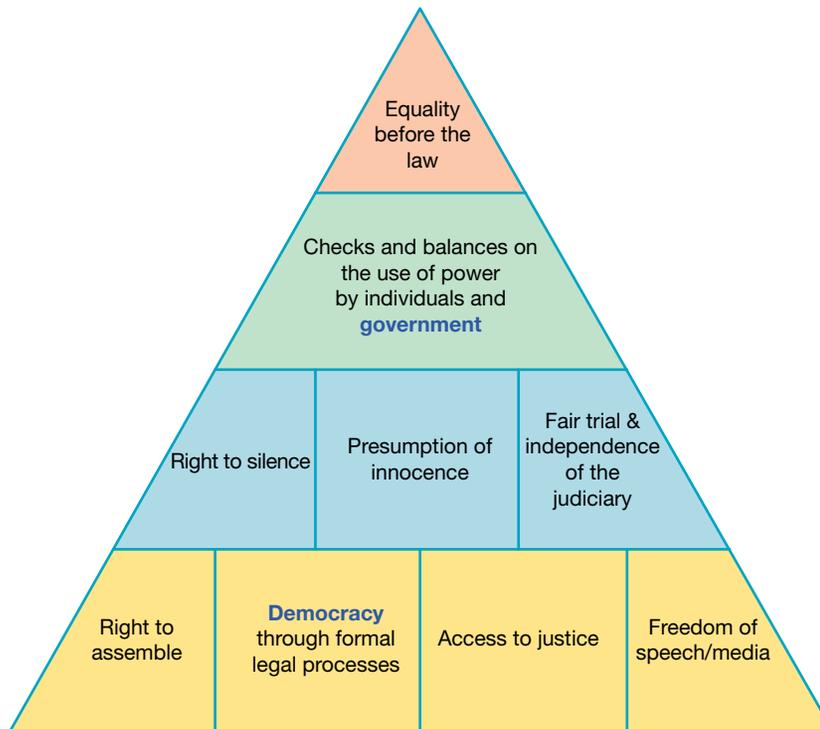


3.2.1 Introducing justice

Our legal system is built on several key principles that are designed to protect the rights of all Australian citizens. The rule of law is one of these principles and helps promote the three principles of justice: fairness, equality and access.

tlvd-10560

FIGURE 2 The rule of law brings together key aspects of our legal system to protect the rights of citizens.



3.2.2 The principles of justice

The legal system recognises three broad principles of justice: fairness, equality and access.

Fairness

Within the legal system, fairness means that everyone has the same opportunities and receives impartial treatment. This is achieved by having an independent decision-maker, in the form of a judge and/or jury.

Within this context:

- each party (the **prosecution** and the **accused**) can present evidence and question the case and evidence presented by the other side
- strict rules of evidence and procedure are applied, ensuring **procedural fairness** so that neither side is disadvantaged. For example, a court has strict rules of evidence and procedure, such as the jury not hearing evidence about prior criminal history, so that a decision is based on the facts of the case.

But is this fair (see **FIGURE 3**)? Does treating everyone the same lead to a fair result?

Fairness may also mean that we need to make adjustments to cater for the needs of individuals.

government a group of people with the power to rule over a country or state and make decisions and laws on behalf of the people

democracy a political system according to which citizens choose the way in which they are governed, and elect representatives to make laws on their behalf

prosecution the person who presents a criminal case on behalf of the state

accused a person who has been charged with a criminal offence

procedural fairness refers to having fair procedures in place to protect the rights of all parties

FIGURE 3 In the legal system, equality suggests we treat everyone the same — but is this fair?



"I'm sorry, Mum. But, if I let you off, I'll have to let everyone's mum off."

Equality

Equality means that all people are treated the same and we do not discriminate between individuals because of their personal characteristics or attributes — such as race, gender, sexual orientation, marital or family status.

Some overlap exists between the principles of fairness and equality. This is because many of the features of the legal system that uphold the idea of fairness are also relevant to the idea of equality. For example:

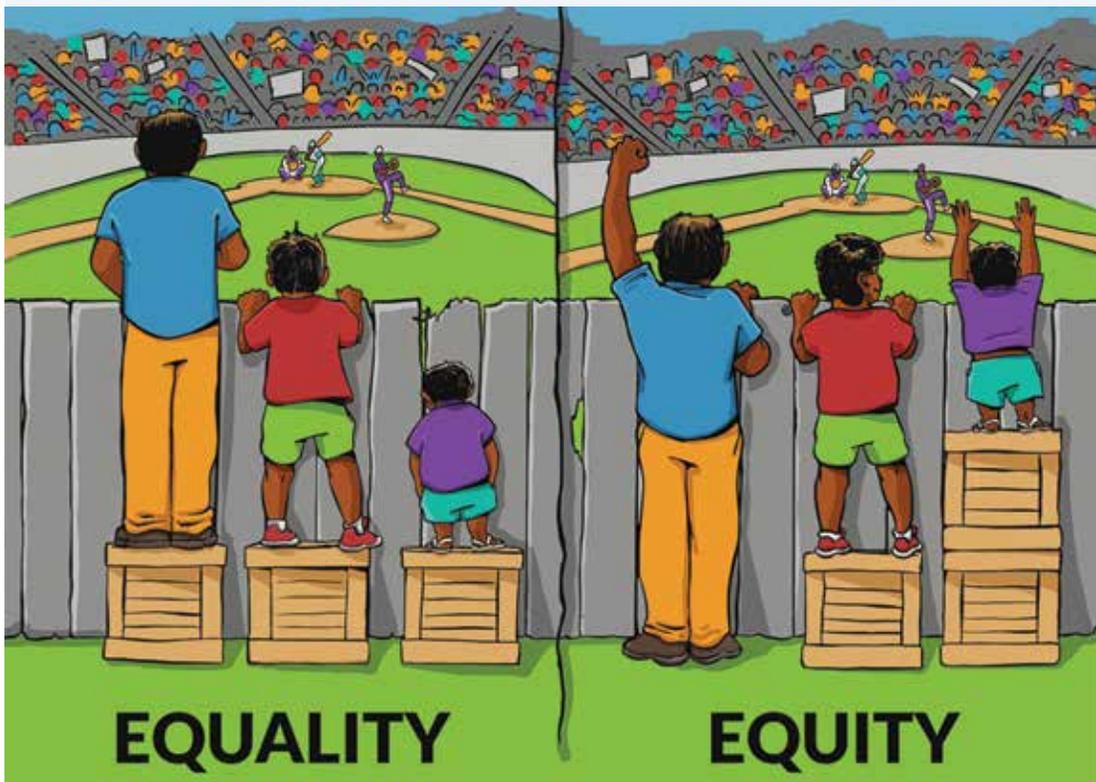
- the presence of an independent decision-maker
- the rules related to evidence and procedure.

For example, think about equality and fairness in school rules in relation to school uniform:

- *Equality* — students who are not in the correct uniform are given a detention (the same rule for all).
- *Fairness* — students who have a valid note will be given a uniform pass and will not receive a detention (making an adjustment).

Sometimes the legal system needs to treat people differently to ensure justice is served (see **FIGURE 4**). For example, the legal system sometimes provides legal aid for people who cannot afford a lawyer.

FIGURE 4 Fairness means we must make sure that we ‘level the playing field’ because simply treating everyone equally might lead to an injustice.



Access

Having access to the legal system means that individuals are aware of their legal rights and can obtain information and advice about the legal system — for example, advice on what happens when they go to court. Legal aid services can provide this advice (see **FIGURE 5**). Additionally, access means that individuals can pursue their case within the legal system, which may mean using the court system or resolving a dispute without the need to go to court.

FIGURE 5 Legal aid provides information about the legal system in different languages. In 2021, legal aid services provided some form of advice or assistance to more than 130 000 people Australia-wide. This figure does not include people who found what they needed on legal aid websites.

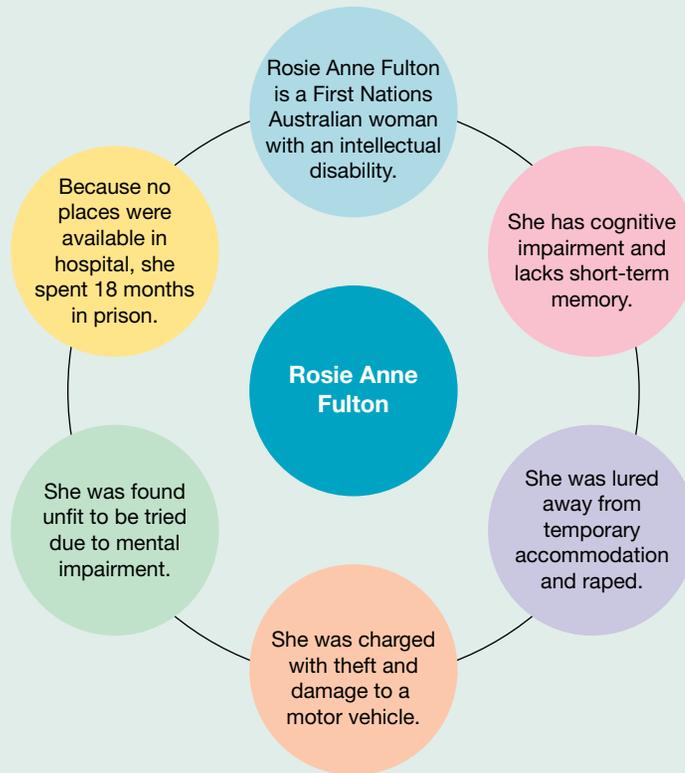


3.2 SKILL ACTIVITY: Analysis, evaluation and interpretation, Communicating

Case study: When the system is not just

Read the information on Rosie Anne Fulton provided in **FIGURE 6**. You can also read more about inequality in the legal system in relation to this case using the **Rosie Anne Fulton** weblinks in the Resources panel.

FIGURE 6 Which of the principles of justice are relevant to this case?



1. **Create** two tables similar to those provided and work with a partner to fill them in.
 - a. In the first table, **provide** evidence of the rule of law protecting and not protecting rights in the Rosie Anne Fulton case.

Applying the rule of law

Rights protected	Rights not protected

- b. In the second table, apply the principles of justice and **provide** evidence of how the principles were met and not met in the Rosie Anne Fulton case.

Meeting the principles of justice

Principles met	Principles not met

2. Using the information in your tables, write two paragraphs that **summarise** your findings.
3. With your partner, **propose** a solution to help ensure the legal system achieves the principles of justice.

Resources

- Weblinks** Rosie Ann Fulton 1
- Rosie Ann Fulton 2

3.2 Exercise

Learning pathways

■ LEVEL 1

1, 3, 4

■ LEVEL 2

2, 5, 8

■ LEVEL 3

6, 7, 9, 10

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Check your understanding

- Identify** the three principles of justice.
 - Fairness, equity, access
 - Fairness, equality, access
 - Rule of law, fairness, access
 - Rule of law, equality, access
- Identify** the three symbols of justice.
 - Legal Aid, scales, courtroom
 - Fairness, equality, access
 - Sword, blindfold, scales
 - Police, lawyers, judges
- Rules that prevent a jury from hearing evidence related to the prior criminal history of the accused during the trial are an example of what?
 - The rule of law
 - Procedural fairness
 - The principles of justice
 - A symbol of justice
- In 2021, the Victorian premier Daniel Andrews was fined \$400 for failing to wear a mask as required during the COVID-19 pandemic. This is an example of the application of what?
 - The rule of law
 - Procedural fairness
 - The principles of justice
 - A symbol of justice
- Sarah has been charged with driving without a licence. She has been in contact with Legal Aid Queensland and is now aware of what to expect when she goes to court. This is an example of what principle of justice?
 - Fairness
 - Equality
 - Access
 - All the above

Apply your understanding

Communicating

- Explain** how the cartoon shown in **FIGURE 3** is linked to both fairness and equality.
- a.** Which principles of justice overlap?
 - Fairness and access
 - Equality and access
 - Fairness and equality
 - They all overlap**b. Justify** your answer to part **a.**
- Distinguish** between the prosecution and the accused in a criminal case.
- Define** the term 'procedural fairness'.
- Using an example, **distinguish** between fairness and equality.

LESSON

3.3 Where did our justice system come from?

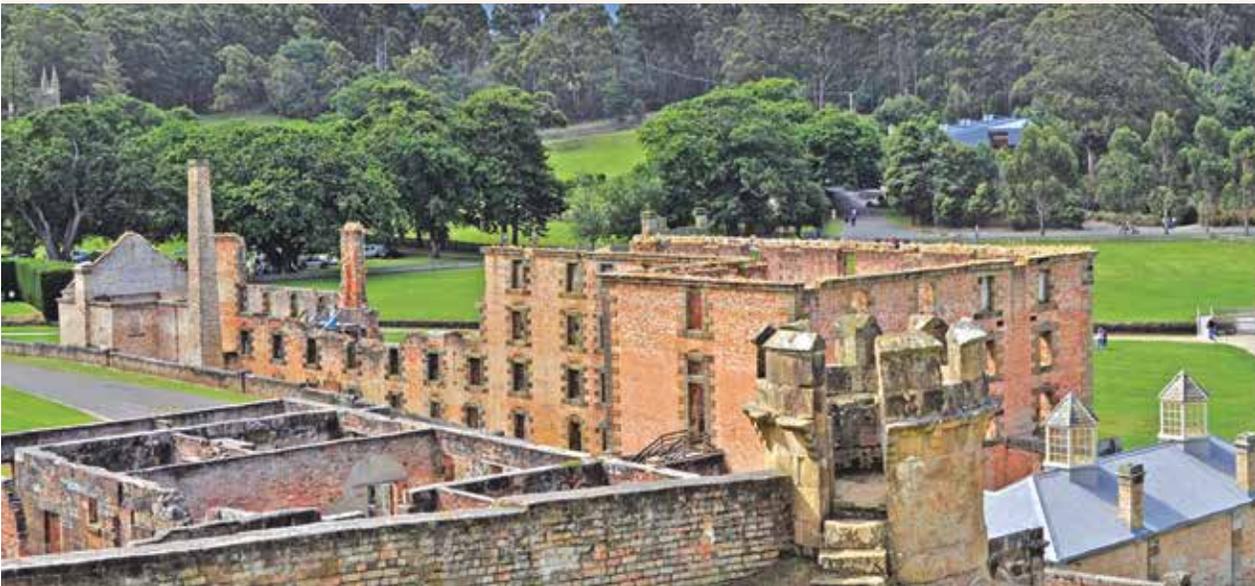
LEARNING INTENTION

By the end of this lesson you should be able to explain the origins of the Australian legal system and make connections between the Australian legal system today and past events.

TUNE IN

A penal colony is a settlement that was used to exile prisoners, often in a remote location. The historic penal colony of Port Arthur is a reminder of our early **colonial** history.

FIGURE 1 Penal colony of Port Arthur in Tasmania



1. Brainstorm the reasons the British founded a colony in Australia.
2. Suggest a link between the establishment of a colony in Australia and our legal system.

3.3.1 A legal system before European settlement

Before the arrival of European settlers, First Nations Peoples of Australia had their own system of customary law. Different laws applied in different regions, according to the belief system of the clan in a particular region. These laws had developed over time and were accepted as the norm within each Indigenous society.

The laws of First Nations Peoples of Australia had become entwined with the customs, stories and practices of the people, and had been passed on through the generations. Much like the laws we have today, these laws and intricate systems regulated human behaviour and relationships and strengthened the connections people had with the land and each other. **Sanctions** were imposed for offences.

When the first colonists arrived, they set about establishing their own legal system and ignored the systems that were in place and had evolved over 60 000 years.

colonial relating to the time when Australia was a British colony, under the control of the British government

sanction a penalty that is applied for breaking the law

3.3.2 Our British roots

Topic 14 covers the way the Australian system of government is based on the Westminster system. This is the system of government used in England. The early colonisers were of British origin, and it made sense to them that they would adopt a system of government they were familiar with.

The same principles from the Westminster system were applied to the development of the Australian legal system (see **FIGURE 2**). The early settlers brought the British legal system with them and said that all the laws that existed in England also applied to their new colony.

3.3.3 The independence of the courts

Most of our laws are made by an elected parliament; however, courts sometimes make laws when they are hearing cases. This occurs because parliament has not made a law in a particular area or the law that parliament made is not clear.

In lesson 3.2 you learned about the rule of law, which protects the rights and freedoms of all citizens regardless of their status or position. The rule of law is protected by the courts; anyone can challenge the actions of the government through the courts if they think the law is not just.

Independent courts that are free from the influence of government is a key element of the rule of law.

The Magna Carta

The judiciary has not always been independent. Before the signing of the Magna Carta in the thirteenth century CE, the monarch was the most powerful person in England — responsible for making laws and enforcing them.

FIGURE 2 The Australian legal system is based on the British legal system, including the operation and structure of our courts.



FIGURE 3 An artist's impression of King John signing the Magna Carta in 1215



During the years 1199 to 1216, England was ruled by King John, who believed he had absolute power to do as he wished. As king, he could make any laws he wanted to, and he also had the power to act as a judge to decide on the fate of any of his subjects who might come before a court. This meant that he could find anyone he didn't like guilty of a crime, whether they were actually guilty or not. He sometimes used this power to heavily tax the people, and to confiscate the lands of some of the powerful barons in the kingdom. In 1215, these barons rebelled against King John, and demanded that he guarantee them certain rights. They presented these rights to the king in a 'Magna Carta' (Latin for 'Great Charter') and demanded that he sign it as a promise that he would respect these rights.

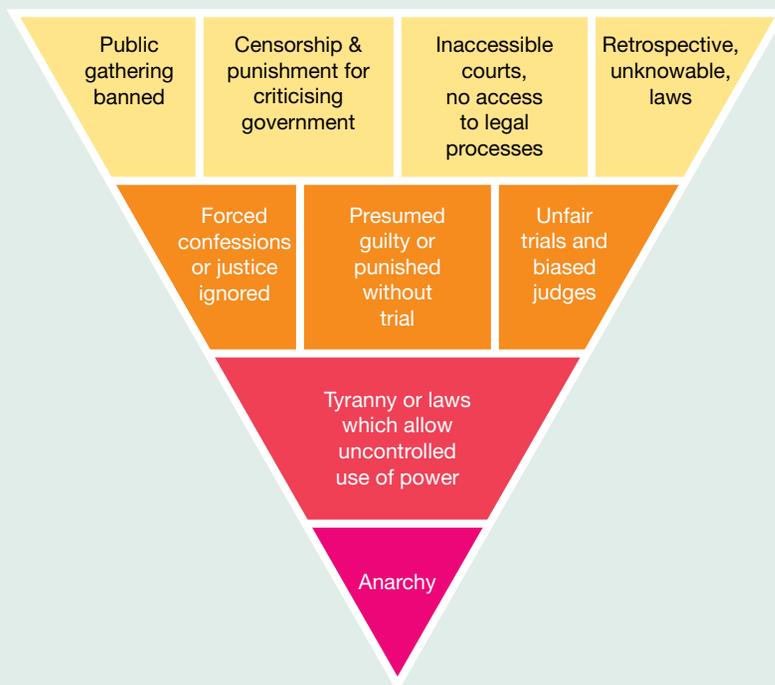
These rights included freedom from excessive taxes, and the right to own and inherit property. It also established a council of 25 barons to act as an advisory group for the king, and to ensure he did not abuse his powers. This is seen by many as the beginnings of a body, such as a parliament, to limit the powers of the king. Another significant clause in the Charter related to legal entitlements before the courts. Clause 39 read:

No free man shall be arrested or imprisoned . . . or outlawed or exiled or in any way victimised, neither will we attack him or send anyone to attack him, except by the lawful judgement of his peers or by the law of the land.

This effectively reduced the power of the king to imprison anyone without a proper legal process. It is the beginning of the idea of an independent judicial arm of government, free of the influence of the king or ruling body, and also reinforces the principle of trial by jury. This is stated in the words 'lawful judgement by (one's) peers'. A person's peers are those considered to be their 'equals' in society.

3.3 SKILL ACTIVITY: Questioning and researching, Communicating

FIGURE 4 When the rule of law is absent, our rights and freedoms are no longer protected.



Refer to **FIGURE 2** in lesson 3.2 and **FIGURE 4** in this lesson.

1. **Explain** the difference between the two pyramids.
2. **a.** Match two elements in the two pyramids to **investigate** in more detail.
b. Explain what the element means under the rule of law and what would change if the rule of law did not exist.
3. **Create** a cartoon to illustrate the importance of the rule of law.

3.3 Exercise

learn**on**

3.3 Exercise

Learning pathways

■ **LEVEL 1**

1, 2, 5, 7

■ **LEVEL 2**

3, 4, 8

■ **LEVEL 3**

6, 9, 10

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Check your understanding

1. **Identify** which of the following features is not an aspect of the rule of law.
 - A. Unfair trials and biased judges
 - B. Freedom of speech
 - C. Right to assemble
 - D. Independence of the judiciary
2. **Identify** the correct statements in relation to King John.
 - A. King John was a fair and democratic leader.
 - B. King John was a British king.
 - C. King John signed the Magna Carta.
 - D. King John was a popular king.
3. **Recall** what a sanction is.
 - A. An element of the rule of law
 - B. A system of rules and laws that exist within a society
 - C. A penalty imposed on a person who breaks the law
 - D. A custom or usual practice
4. What is the Australian legal system based on?
 - A. The British legal system
 - B. The American legal system
 - C. Customary law
 - D. None of the above
5. **Determine** if the following statements are true or false.
 - a. The first European colonists adopted the laws that had been established by First Nations Peoples of Australia.
 - b. Peasants rebelled against King John and demanded he sign the Magna Carta.
 - c. Our laws can only be made by the elected parliament.
 - d. The rule of law is protected by the courts.

Apply your understanding

Communicating

6. **Explain** the connection between the rule of law and the independence of the courts.
7. **Identify** the year in which King John signed the Magna Carta.
8. **Explain** why courts can make laws.
9. **Explain** the system of laws that existed prior to the arrival of European settlers.
10. King John signed the Magna Carta in the thirteenth century CE. **Justify** the celebration of the signing of the Magna Carta 800 years after the event.

LESSON

3.4 How do Australian courts work?

LEARNING INTENTION

By the end of this lesson you should be able to arrange the courts into a hierarchy. You should also be able to distinguish between state and federal courts and explain the role of the courts.

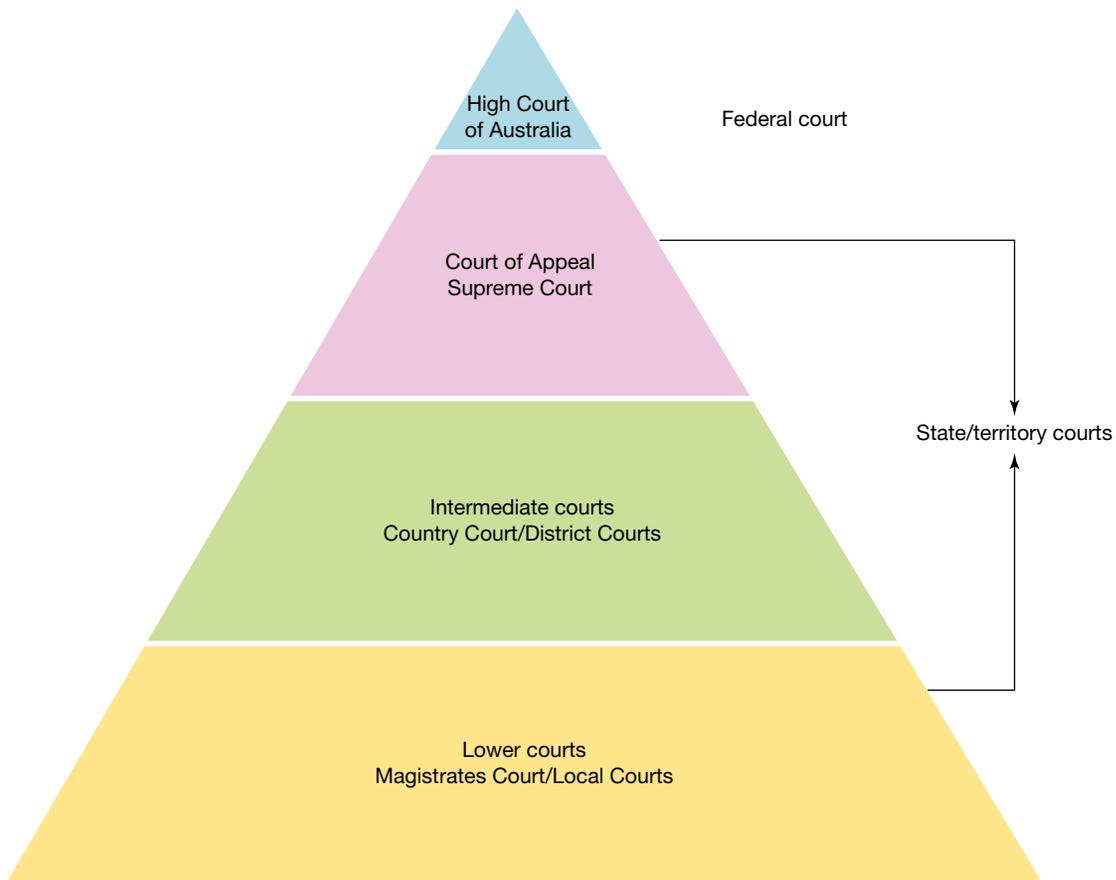
TUNE IN

Did you know that Australian courts are arranged in a hierarchy? Some courts operate at state level and others within the states and territories. The states and territories have different names for the courts in the different levels.



tlvd-10561

FIGURE 1 The hierarchy of Australia's court system



1. Why do you think we have state and federal courts?
2. Brainstorm a list of reasons for arranging the courts in a hierarchy.

3.4.1 Guilty or not guilty?

Courts interpret laws and settle disputes. A person who has been charged with a criminal offence may have his or her case heard by a court. It is up to the court to decide if the accused is guilty or not guilty. Let us look at what happens when a criminal matter goes to **trial** before a court.

trial the court process to determine whether someone committed a criminal act

Courts can be tense places. The decisions made in court can have an enormous impact on people's lives. Courts and the officials who work in them deal with real-life dramas. The main courtroom officials include a **magistrate** or **judge**, **jurors**, a **prosecutor** and **counsel for the accused**. Australia has an independent system of courts, with different courts at different levels. Courts are often referred to as higher or lower courts.

3.4.2 Lower courts

Most people charged with a criminal offence will have their cases heard in the Magistrates Court (also known as the Magistrates' Court in Victoria and the Local Court in New South Wales). Lower courts such as the Magistrates Court are more informal than the higher courts. There is no **jury**, and magistrates do not wear a wig or a robe in court. However, people still need to address the magistrate as 'Your Honour', as they do in the higher courts.

The Magistrates Court hears minor criminal cases, such as minor assault and drink-driving. After hearing the cases presented by both sides, the magistrate decides whether a person is guilty or not guilty. If a person is found guilty, the magistrate decides the consequence. This is known as the sentence. For more serious criminal offences, the magistrate will listen to the evidence and decide whether enough evidence exists to send the case to trial before a jury in a higher court.

3.4.3 Higher courts

Each Australian state and territory has a Supreme Court, which hears the most serious criminal cases. These very serious criminal cases include murder and treason. Below the Supreme Court is an intermediate court. In some states, this court is referred to as the County Court and in others as the District Court. Tasmania and the two territories do not have an intermediate court.

This intermediate court hears criminal cases such as armed robbery, drug trafficking and serious assaults.

magistrate a court official who hears cases in a Magistrates Court

judge a court official who hears cases in the higher courts, such as the District or County Court, or the Supreme Court

juror a person selected to hear and assess the evidence in a court case

prosecutor the party bringing a criminal action against the accused

counsel for the accused a lawyer who represents the accused person

jury a group of ordinary people randomly selected to hear and assess the evidence in a court case

FIGURE 2 Brisbane Magistrates Court



At the beginning of a criminal trial in a higher court, the accused is asked, 'How do you plead?' A jury of 12 people may be selected to hear the trial if the accused responds with 'Not guilty'. The jury's role is to listen to the evidence and decide whether the accused is guilty or not guilty. If the verdict is not guilty, the accused is free to leave the court. If the verdict is guilty, the judge decides the sentence.

int-7803

FIGURE 3 Inside a serious criminal trial



- 1 The judge's associate is a trained lawyer who manages much of the paperwork.
- 2 Anyone whose name is on the electoral roll can be called as a juror. In a criminal case, the jury consists of 12 people. The jury must decide beyond reasonable doubt whether a person is guilty. For murder or manslaughter cases, all the jurors have to agree.
- 3 The prosecutor has to convince the jury that the accused person is guilty. This is done by asking questions of witnesses to draw out relevant information.
- 4 The judge is addressed as 'Your Honour'. He or she listens to arguments presented by the prosecutor and the counsel for the defence, and is not allowed to ask a witness questions (except to clarify a point). The judge has to make sure jury members understand the proceedings and evidence presented. If a jury announces a guilty verdict, the judge decides the sentence.
- 5 The counsel for the defence represents the accused. If the accused pleads guilty, the counsel for the defence presents arguments to try to lessen the punishment. If the client pleads not guilty, defence counsel must convince the judge or jury that the client is innocent.
- 6 The tipstaff helps the judge keep order in the court.
- 7 Witness box, from which people give evidence
- 8 Members of the public, who listen to and observe the court proceedings
- 9 A prison officer from the prison where the accused has been held
- 10 The accused
- 11 Members of the media, who observe proceedings so they can report what happens

3.4.4 High Court of Australia

The High Court is a federal court and is the highest court in Australia. Under criminal law it has the power to:

- hear appeals from state Supreme Courts
- hear crimes committed under federal law, such as tax fraud, illegal immigration and the importation of drugs into Australia.

FIGURE 4 The High Court of Australia in Canberra



SkillBuilders to support skill development

- 1.4 Notetaking

3.4 SKILL ACTIVITY: Questioning and researching, Communicating

Find a news article from the last 12 months that reports on a criminal case in an Australian state or territory court and complete the following table.

Note:

- First complete rows 1 to 6.
- Complete rows 7 and 8 if the information is available in your article.
- If you cannot complete rows 7 and 8, complete row 9.

1	Title of article	
2	Date and source (including the URL)	
3	Name of the court	
4	Name of the accused	
5	Identify the charge or charges	
6	The names of other court officials named and their role (including lawyers)	
7	The decision — what was the outcome of the case? Guilty or not guilty?	
8	The sentence imposed	
9	If you were the judge or magistrate, what do you think would be an appropriate penalty? Justify your decision.	

3.4 Exercise

Learning pathways

■ LEVEL 1
2, 3, 5

■ LEVEL 2
1, 4, 6

■ LEVEL 3
7, 8, 9, 10

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Check your understanding

1. **Identify** the four main courtroom officials in a serious criminal case.
2. **Match** the key terms with the correct definitions in the following table by placing the corresponding letter in the answer column.

A court official who hears cases in the Magistrates Court		a. Prosecutor
A court official who hears cases in the higher courts, such as the District or County Court, or the Supreme Court		b. Counsel
A lawyer who represents the accused person		c. Juror
A person selected to hear and assess the evidence in a court case		d. Magistrate
The party bringing a criminal action against the accused		e. Judge

3. **Select** the correct option to complete the sentence. Magistrates and judges are addressed in court as **Your Highness / Your Honour / Sir or Madam / Professor**.
4. **State** how many jurors are assigned for criminal cases.
5. **Identify** the phrase that best explains the responsibility of a jury in a criminal trial.
 - A. To determine a defendant's guilt beyond any reasonable doubt
 - B. To determine a defendant's guilt on the balance of probabilities
 - C. To determine a defendant's guilt to any standard they deem appropriate
 - D. To determine a defendant's guilt and decide on an appropriate punishment

Apply your understanding

Communicating

6. The system of courts for each state or territory is referred to as a hierarchy. **Arrange** the courts in their correct position in the hierarchy.
 - District Court
 - High Court
 - Magistrates Court
 - Supreme Court
 - County Court
7. In most court hierarchies, for all but the most serious offences (such as murder), a person can be found guilty by a jury if 11 of the 12 jurors (a majority verdict) or all 12 (a unanimous verdict) conclude that the accused is guilty. **Explain** why this might be hard to achieve.
8. **Justify** the procedural rule that prevents judges from asking a witness a question except where this is required to clarify a point.
9. **Justify** the need for courts in our legal system.
10. **Explain** why you think our legal system has a hierarchy that classifies courts as higher and lower.

LESSON

3.5 What is the presumption of innocence?

LEARNING INTENTION

By the end of this lesson you should be able to explain the presumption of innocence and why it is important. You should also be able to identify key elements of reasonable doubt and the burden of proof and how they support the presumption of innocence.

TUNE IN

People can find themselves in unexpected and dangerous situations.

Sometimes they have put themselves in these situations and sometimes it is through no fault of their own.

1. What do you think is meant by the term 'presumption of innocence'?
2. Do you think a person can be found guilty of a crime if no-one witnessed the crime?
Give reasons for your answer.
3. Brainstorm a list of ways this principle is upheld in the Australian criminal justice system.

FIGURE 1 Was it the dog, or did someone else make a mess?



3.5.1 Innocent until proven guilty

If you were in trouble at school for something you hadn't done, you would hope that your teacher or principal would believe your claim that you had done nothing wrong. You would expect to be deemed innocent unless it was proved you had done the wrong thing.

In the same way, most Australians expect that when they go to court, they will be presumed to be innocent until proven guilty. But does this actually happen?

The **presumption of innocence** is a belief that we have inherited from English law. It means that all accused people who appear before an Australian court are presumed to be innocent until, and should be treated as such, the prosecution proves that they are guilty.

Not only are they presumed to be innocent, but they can also only be found guilty if the court is reasonably certain that the accused person committed the crime. This means that the magistrate, judge or jury must believe that the accused is guilty **beyond reasonable doubt**. The prosecution has the **burden of proof** in a criminal trial.

presumption of innocence the principle that all accused people who appear before a court are presumed to be innocent until the prosecution proves that they are guilty

beyond reasonable doubt the standard of proof required in a criminal trial where the prosecution must prove that the accused is guilty to such a high degree that a reasonable person would have little doubt that the accused committed the crime

burden of proof the legal principle describing who has to prove a case in court; in a criminal trial, this burden is on the prosecution

FIGURE 2 Defining beyond reasonable doubt



3.5.2 Presumption of innocence around the world

The presumption of innocence is contained in article 11 of the Universal Declaration of Human Rights, and in article 14 of the International Covenant on Civil and Political Rights (ICCPR). This means that it is seen as very important across the world. Many nations — including the United Kingdom, the United States of America, France, Italy and New Zealand — recognise this principle.

3.5.3 Presumption of innocence and bail

Observing the presumption of innocence means that if a person is charged with a criminal offence, they may be granted **bail** by a magistrate or judge. Bail is the promise that an accused person makes to appear in court at a later date. It allows the accused to go home to wait for their trial, rather than stay in custody until he or she must go to court. Sometimes bail will have conditions attached, including the payment of money, surrendering a passport, remaining at the same address or reporting to police. Bail usually applies only to serious cases.

bail the promise that an accused person makes to appear in court at a later date

FIGURE 3 Unlike in this image, the presumption of innocence suggests the accused should not be handcuffed when appearing in court unless he or she presents a risk to other people.



FIGURE 4 Arguments for the presumption of innocence

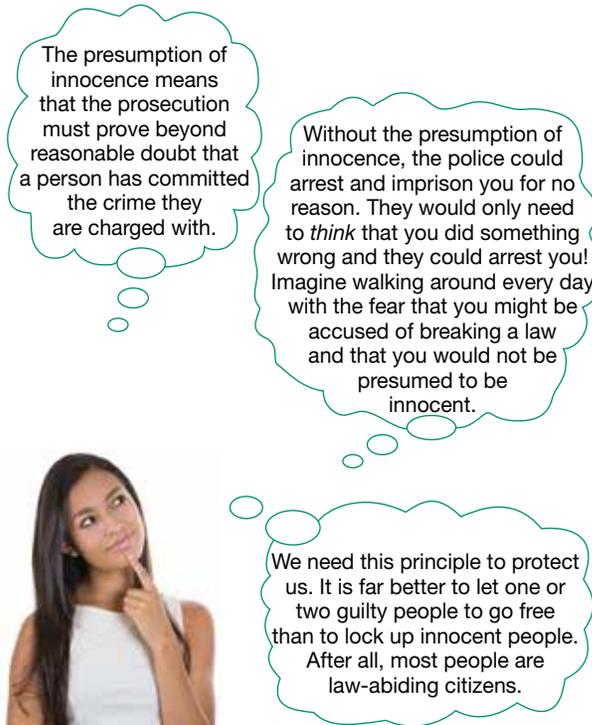
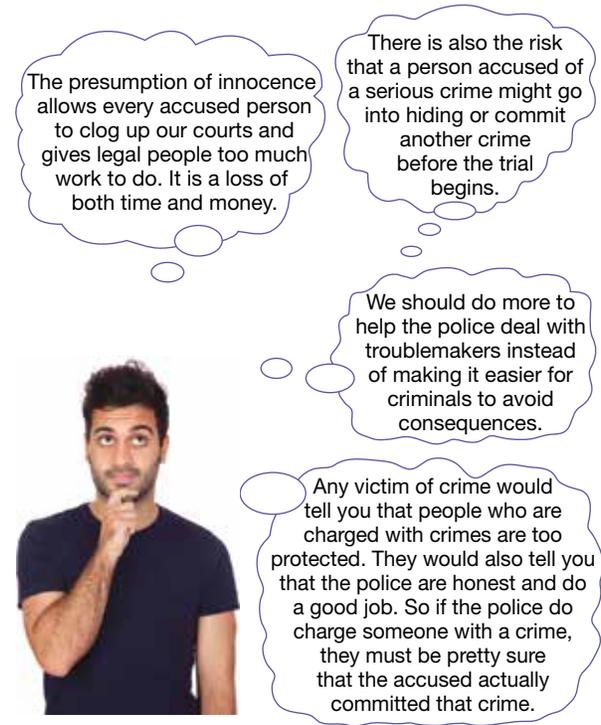
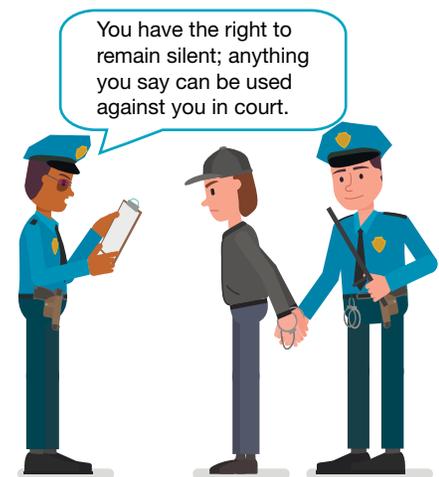


FIGURE 5 Arguments against the presumption of innocence



In some cases, the court may suspect that an accused person who is charged with a serious crime might not turn up for their court appearance, or might be at risk of causing danger to the public. In this case, bail is refused and the accused is detained (held in custody) until the trial. In 2017, while high on drugs, George Gargasoulas stabbed his brother and then drove his car dangerously and erratically down Bourke Street in Melbourne. Through his actions, six people were killed and 27 people were injured. At the time of the offence, Gargasoulas was on bail.

FIGURE 6 An accused person must be informed of their right to silence. The judge and jury are not allowed to draw any conclusions when an accused person does not give evidence in court.



3.5.4 The presumption of innocence and the right to silence

In Australia, the right to silence is a common law principle, which means it was developed through the courts. It protects an accused person from self-incrimination during the police investigation and during the trial. Criminal suspects in Australia have the right to refuse to answer questions posed to them by the police before trial and to refuse to give evidence at trial.

The presumption of innocence is upheld through the right to silence. It reflects and is linked to the burden of proof, which requires the prosecution to prove the accused is guilty, rather than the accused having to prove their innocence.

CASE STUDY

Presumption of innocence — on your bike

Queensland introduced new laws in 2013 to target the illegal activities of gangs, including criminal motorcycle (bikie) gangs. The laws are commonly referred to as 'bikie laws'. The government prepared a list of declared criminal organisations and created new offences for them. These included bans on members of a criminal gang gathering in groups of three or more, visiting locations such as clubhouses or gang events, and recruiting for their organisations. The laws have been criticised for going against the principle of the presumption of innocence.

Steven Smith, Scott Conley, Joshua Carew, Paul Lansdowne and Dan Whale were arrested and detained in custody in December 2013, following a meeting at the Yandina Hotel. They were alleged by police to have links to the Rebels motorcycle club. Joshua's wife, Tracy Carew, said her husband had been locked up for delivering a pizza to the other men. 'These boys aren't guilty of this crime, they haven't been proven guilty. They haven't been put in front of a jury and deemed guilty yet,' she said. Mrs Carew told the media that the men were placed in solitary confinement awaiting their court hearings. Joshua Carew, and some of the other men, were released from custody under bail conditions in mid-January 2014.

FIGURE 7 Joshua Carew and other men were arrested due to alleged association with the Rebels motorcycle club in Queensland. They were held in custody for an extended period without trial.



3.5.5 First Nations Pioneers

Cathy Freeman's victory at the 2000 Sydney Olympic Games was a proud moment for First Nations Peoples in Australia. Cathy Freeman is one of many First Nations Australians who have crusaded for reconciliation and equality, and continue to do so.

Neville Bonner

Neville Bonner was born on Ukerebagh Island on the Tweed River in New South Wales in 1922. Like many First Nations children of his time in Australia, he had little formal schooling. Following the 1967 referendum that gave the Commonwealth Government the power to make laws in relation to First Nations Australians, Bonner joined the Liberal Party. In 1971, following his selection to fill a vacant Senate seat, he became the first First Nations Australian to sit in the Commonwealth parliament. He went on to win his seat back at the 1972, 1974, 1975, and 1980 elections.

Using his seat in the Senate, Bonner continued to advocate for Indigenous issues in Australia. Bonner believed that the interests of First Nations Australians would be best served by working within the system and the existing political institutions of Australia. Bonner said he had 'an all-consuming burning desire to help my own people'. A cause he dedicated himself to until his death in 1999.

FIGURE 8 Neville Bonner, the first First Nations Australian to sit in the Commonwealth parliament



Adam Goodes

Adam Roy Goodes is an Adnyamathanha man, born in 1980. Goodes is a champion AFL player and a fierce advocate for First Nations issues in Australia. Extremely proud of his Indigenous heritage, Goodes is actively involved with several First Nation sporting and community programs, with a focus on helping troubled youths.

In 2014, Goodes was named Australian of the Year. Using this platform, Goodes has continued to advocate for greater education, employment and healthy lifestyles for Australia's First Nations Australians. Together with his cousin and teammate Michael O'Loughlin, Goodes established the Go Foundation to advance these causes.

FIGURE 9 Adam Goodes advocates for greater education, employment and healthy lifestyles for Australia's First Nations Australians.



Goodes is a passionate sportsperson and continues to fight against stigmas and racism both on and off the field. In 2022, he was awarded a place on the advisory council of Indigenous Football Australia, a body charged with overseeing the development and expansion of First Nations football in Australia.

SkillBuilders to support skill development

- 1.4 Notetaking
- 1.6 Writing argument paragraphs
- 1.7 Writing a submission

3.5 SKILL ACTIVITY: Communicating

Read the following case study.

In 2021, Jason Ruscoe allegedly struck and killed a traffic controller in Carrum Downs when he travelled at speed through a 40 kph zone. He then allegedly escaped on foot and called his friend Ashley Luke Powell, informing him of the accident and asking him to pick him up, which Mr Powell allegedly did.

In a public park, the two men later allegedly burned the clothes they had been wearing.

It is alleged that at the time, Mr Powell was driving while disqualified, driving at police officers, and forcing a police pursuit that endangered the lives of others. He is further alleged to have impeded the police investigation. Mr Powell has a long criminal record and, at the time of the offence, was on bail for other driving offences, including driving while disqualified, and had previously breached a community corrections order.

With the support of his grandfather, Mr Powell applied for bail. His grandfather described his grandson as having a good heart and deserving of a second chance, despite making bad choices in this case and in relation to using cars.

The police have opposed bail. The police believe that Mr Powell's actions demonstrate a significant risk to the community; he did not have a licence at the time of the offence and placed others, including the police, at risk so that both he and Mr Ruscoe could escape.

You be the judge

In your opinion, should Mr Powell be granted bail? **Justify** your point of view.

In your answer, refer to different perspectives such as the accused, his grandfather, the police and the family of the person who was killed. Refer to the presumption of innocence and the rule of law.

3.5 Exercise

learnon

3.5 Exercise

Learning pathways

■ LEVEL 1

1, 2, 3

■ LEVEL 2

4, 5, 6, 7

■ LEVEL 3

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

1. **Determine** if the following statements are true or false.
 - a. All countries believe in the presumption of innocence.
 - b. The prosecution has the burden of proof in a criminal trial.
 - c. The right to silence only applies in serious criminal cases.
2. **Select** the phrase that best defines the term 'beyond reasonable doubt'.
 - A. To be sure that no other logical explanation can be concluded from the evidence presented in court
 - B. To be sure that it is more likely that the defendant is guilty than not guilty
 - C. To suspect the defendant is guilty based on your first impression of them
 - D. To doubt that the suspect is telling the truth
3. **Select** the correct option to complete the following sentence.
Arrest / Remand / Bail / Compensation describes the situation in which a person charged with a criminal offence may return to their normal life, instead of remaining in custody.
4. **Explain** two circumstances that would lead to bail being refused.
5.
 - a. **Explain** what the burden of proof is.
 - b. **Recall** who has the burden of proof in a criminal trial.

Apply your understanding

Analysis, evaluation and interpretation

6. **Explain** how **FIGURE 3** undermines the presumption of innocence.
7. Read the case study 'Presumption of innocence — on your bike'. Joshua Carew was held in solitary confinement for approximately six weeks before being released on bail. Briefly **describe** what this suggests about the attitude of the Queensland government towards the presumption of innocence principle.
8. **Explain** what might happen if an accused person went to court and was put on trial without the presumption that they were innocent.
9. Using **FIGURES 4** and **5**, **discuss** the advantages and disadvantages of the principle of presumption of innocence.
10. **Explain** the connection between the presumption of innocence, the right to silence and the burden of proof.

LESSON

3.6 What is a fair trial?

LEARNING INTENTION

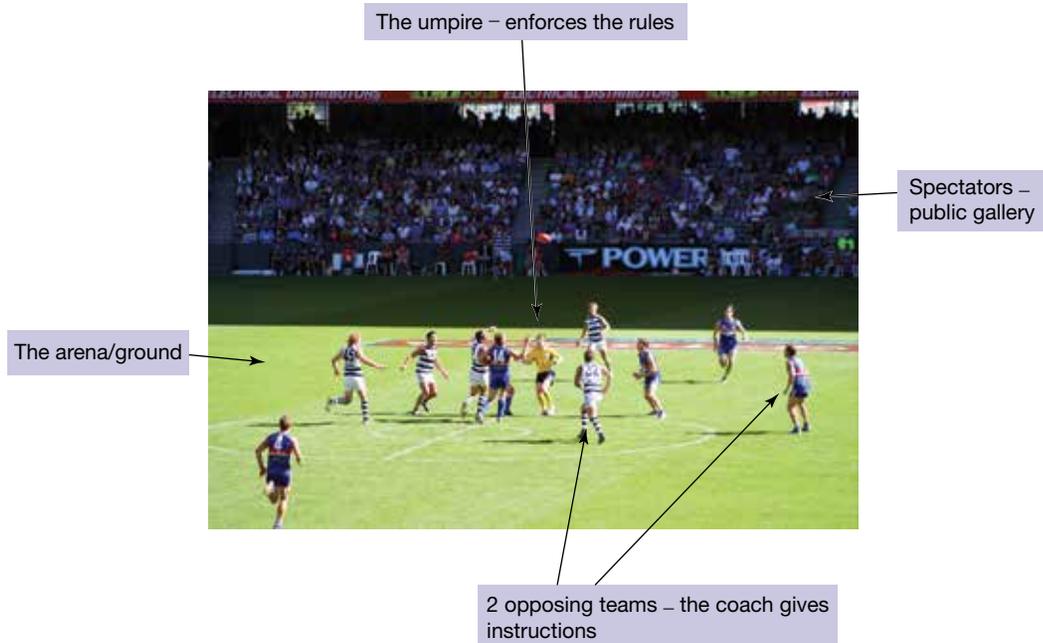
By the end of this lesson you should be able to identify and discuss the elements of a fair trial, and make connections between a fair and just legal system and the principles of democracy.

TUNE IN

The Australian trial system has sometimes been compared to a football match.

1. What comparisons can you make between what happens in a courtroom and what happens on a football field? Brainstorm a list of similarities and differences between a football match and a trial.
2. Refer to your two lists. Do you think trials and sporting matches are similar? Justify your opinion.

FIGURE 1 The courtroom and the concept of a fair trial can be compared to a sporting competition such as a game of football.



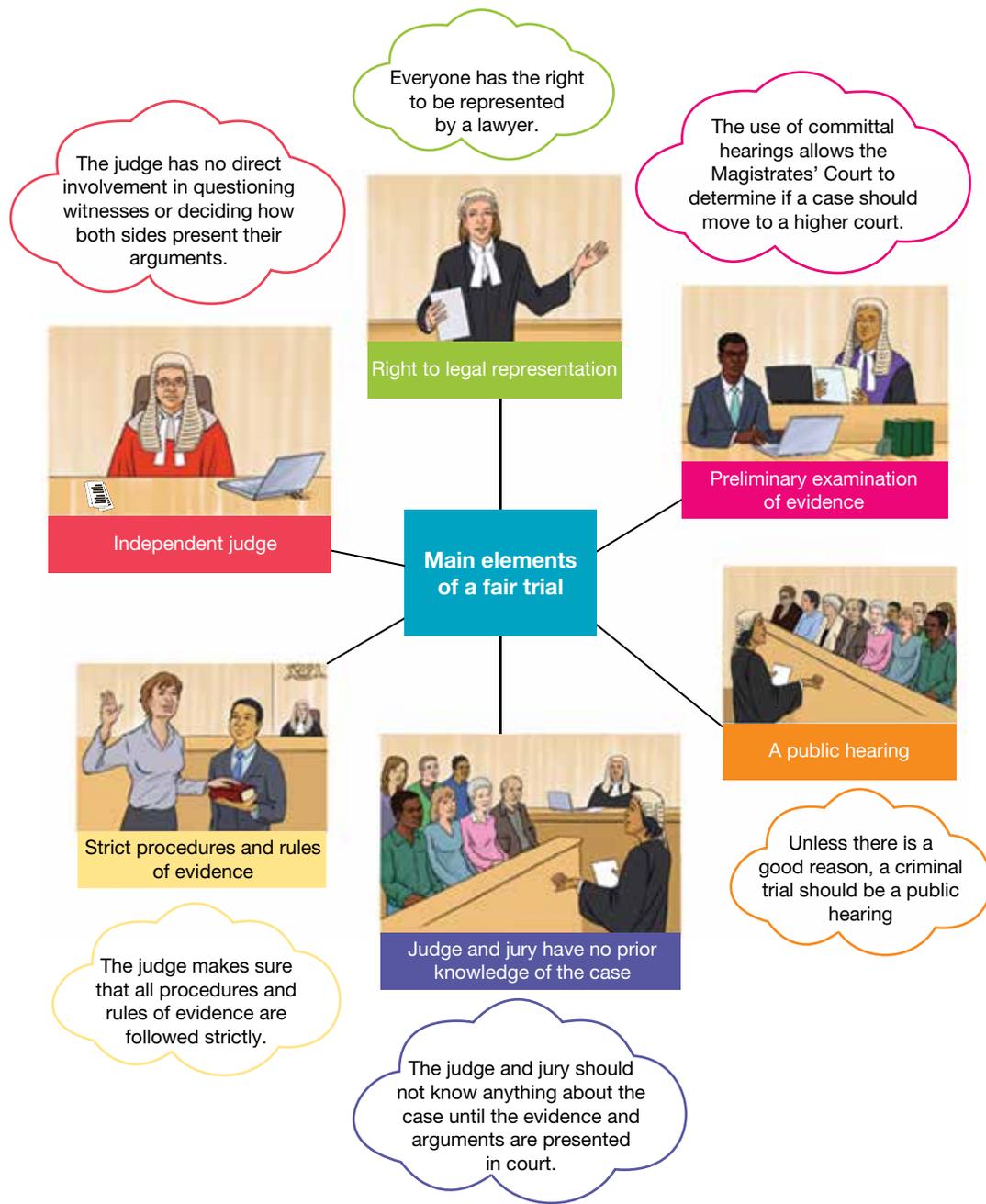
3.6.1 Equal treatment for all

In Australia, we believe that our legal processes protect the right of every accused person to receive a fair trial — a trial held before a competent, independent and unbiased court recognised by the law. If you were accused of a crime, you would expect that you would be provided with the opportunity to contest any charges made against you. You would presume that your side of the story would be listened to. You would think that the person listening to both sides would not favour either of those sides.

3.6.2 Main elements of a fair trial

The main elements of a fair trial are summarised in **FIGURE 2**. Let us now look at each element in more detail.

FIGURE 2 Main elements of a fair trial



Preliminary examination of evidence

When a person is charged with a criminal offence, they will be told to attend a Magistrates Court. The Magistrates Court hears minor offences and some serious cases. This court also examines very serious cases to decide whether the accused person should be put on trial in a higher court. This is called a **committal hearing**. If the magistrate decides enough evidence exists and the case is serious enough, the case will be heard in an intermediate court such as the County Court or District Court, or in the Supreme Court.

Committal hearings guarantee a fair trial because the prosecution must disclose all the evidence and witnesses related to the case. Because the accused is fully aware of the case against them, they can better prepare for trial. An accused will be able to gather evidence to support a defence and test the evidence of the prosecution.

committal hearing in very serious cases, the procedure held in a lower court to determine if enough evidence exists for the case to move to a higher court

Right to legal representation

The right to a fair trial means everyone is entitled to be treated equally by the court. Both sides have the right to present their case. The two opposing sides will gather evidence and present their case to an independent judge or magistrate. The side with the strongest argument is likely to win the trial.

For a trial to be fair, each side should have **legal representation**. This means a lawyer will present their case. In certain cases, legal aid can be provided for people who cannot afford the cost of hiring a lawyer (see lesson 3.7)

A public hearing

Unless a good reason exists, an accused person will have their case heard at a public hearing. This means members of the public can observe the trial and information about the trial will be freely available in the media. This promotes fairness because the community can see that the rules of evidence and procedure are being followed.

A trial will only be closed when it is in the interests of justice; for example, because a witness is very young. Where the offence is committed by a person under the age of 18, the case will be heard in the Children's Court, and will not be open to the public.

Independent judge

The judge is very much like the umpire in a game of football. Their job is to make sure that both sides follow the rules. Judges are independent, which means that they have no direct involvement in questioning witnesses or deciding how either side will present its arguments. The judge makes sure that all the rules of evidence and procedure are followed and that both sides are treated equally.

Judge and jury have no prior knowledge of the case

Neither the judge nor the jury should know anything about the case until the evidence and arguments are presented in court. They cannot use the internet or any other source to learn more about any aspect of the case.

During the trial, the judge will clarify any legal issues for the jury and, at the end of the trial, explain the relevant law to them.

Jurors must listen very carefully to the evidence given in the trial and make a decision based only on that evidence and the law as explained by the judge.

Jurors are not allowed to discuss the case with anyone else, even after the trial has finished. They are not allowed to post information about the case on social media or give media interviews.

Strict procedures and rules of evidence

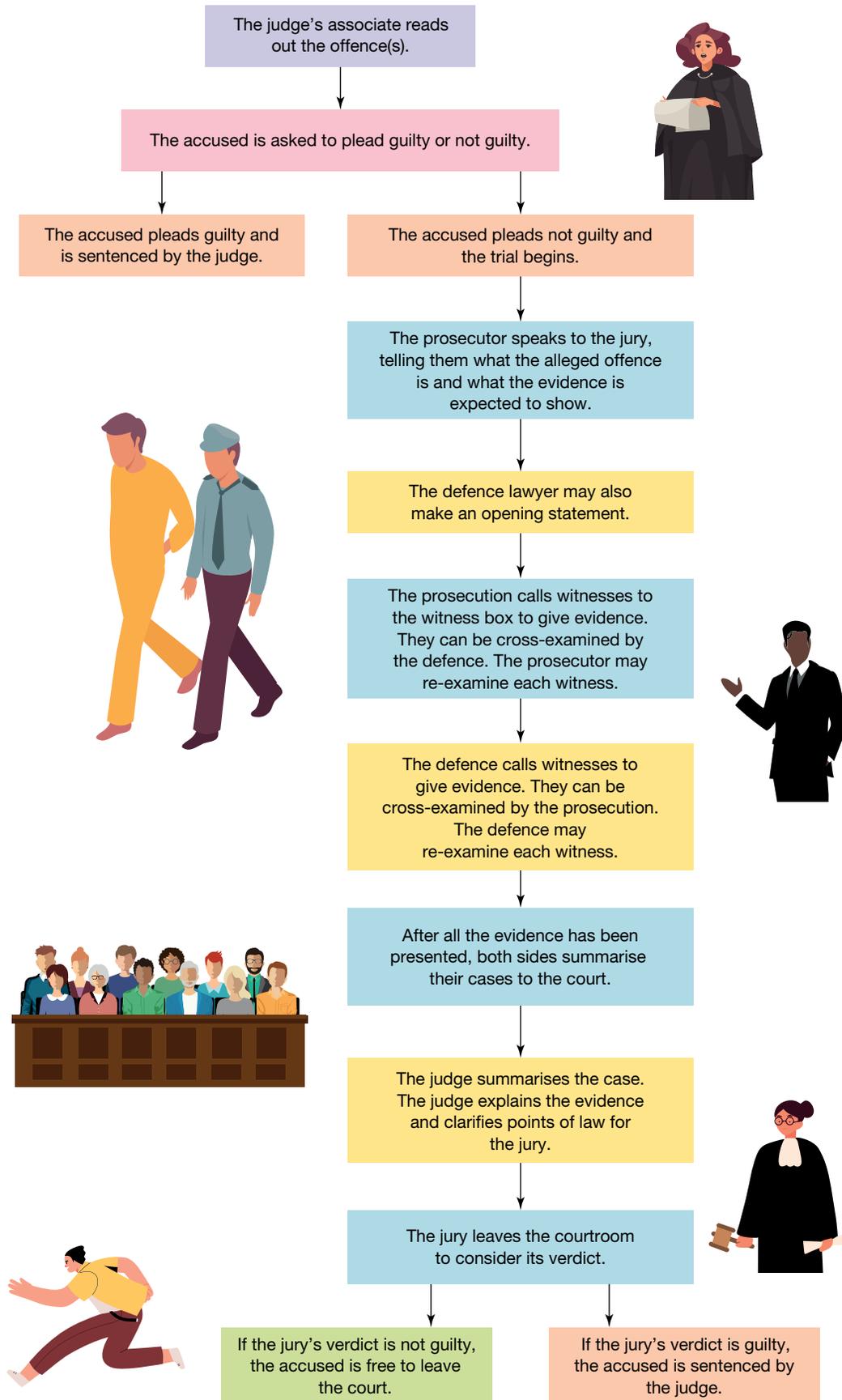
A fair trial follows strict procedures. These procedures are designed to ensure that each side has an equal opportunity to present its own case as well as challenge the evidence introduced by the other side. A fair trial will also observe strict rules for the type of evidence that can be looked at in court. For example, a witness who is not a doctor cannot give medical evidence. The procedure for a trial in a higher court with a jury is shown in **FIGURE 4**.

FIGURE 3 Any citizen who is listed on the electoral roll can be randomly summoned for jury service.



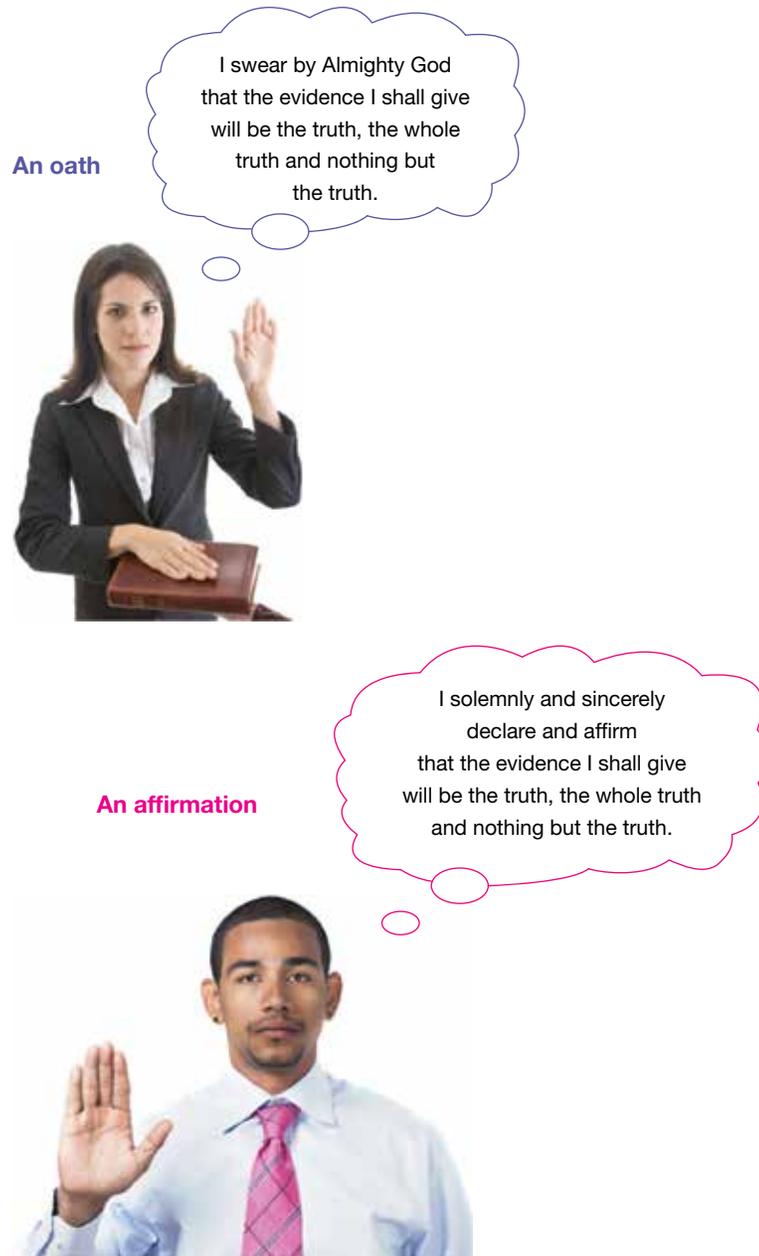
legal representation services performed by a qualified legal practitioner, such as a lawyer, who deals with legal matters on behalf of the person who has hired them

FIGURE 4 Procedure for a trial in a higher court with a jury



Witnesses can be asked to give evidence at a criminal trial if they are the victim of the crime, if they have direct information about the crime or if they are an expert providing specialist opinion. Expert witnesses might give evidence on topics such as whether a written document matches the handwriting of the accused, or whether the accused person's actions might have been influenced by things such as mental illness or prescription drugs. Each witness must promise to tell the truth.

FIGURE 5 Before witnesses in court can give their testimony, they have to take either an oath or an affirmation promising to tell the truth.



SkillBuilders to support skill development

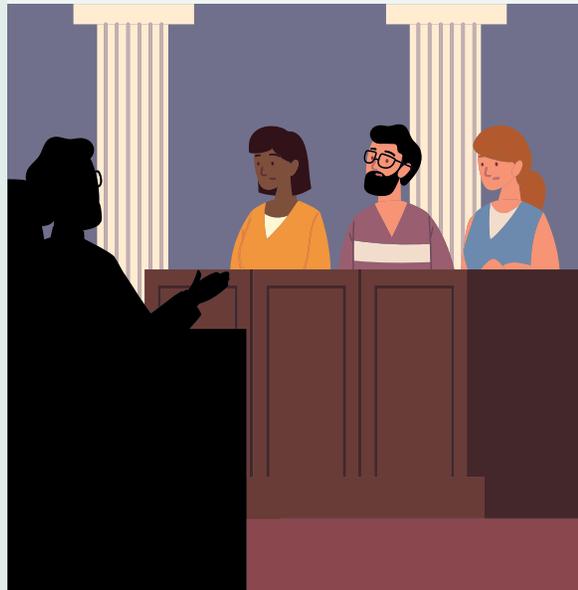
- 1.4 Notetaking
- 1.5 Writing inquiry questions for research
- 1.9 Creating political media

-  **Interactivities** The courtroom (int-1206)
Criminal trials (int-5313)

3.6 SKILL ACTIVITY: Analysis, evaluation and interpretation, Communicating

Evidence plays an important role in a criminal trial. In a fair trial, the jury can only find the accused guilty if this decision is supported by the evidence presented in court.

FIGURE 6 Due process relates to procedural fairness during the trial.



Procedural fairness means that strict rules are in place about the type of evidence that can be used during the trial.

1. **Investigate** the different types of evidence that can be used in court. Draw up a table similar to the one provided to **classify** each type of evidence as either admissible or inadmissible in court. The first row has been provided for you.

Admissible evidence (allowed)	Inadmissible evidence (not allowed)
Video recordings	Hearsay evidence

2. **Select** at least three examples that interest you from each column of your table to investigate in more detail.
3. **Create** a visual presentation of your findings. This might be a PowerPoint presentation or a short documentary or commercial.
 - a. Begin by introducing your topic.
 - b. **Explain** what is meant by due process and the difference between admissible and inadmissible evidence.
 - c. Include your chosen evidence types — remember to make your presentation engaging.
 - d. Include a bibliography.

3.6 Exercise

Learning pathways

■ LEVEL 1

1, 2, 5, 6

■ LEVEL 2

4, 7, 8

■ LEVEL 3

3, 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

- After a person is charged with a serious criminal offence, they must appear in the Magistrates Court where they are told whether they will face a trial in a higher court. **Identify** this process.
 - Committal hearing
 - Pre-trials
 - Sentence hearing
 - Civil hearing
- What is legal representation best **defined** as?
 - A lawyer will act for the person in court.
 - A family member will act for the person in court.
 - A judge will act for the person in court.
 - A jury will act for the person in court.
- Define** the elements of a fair trial by matching each element to its corresponding description.

a. Preliminary examination of evidence	b. Right to legal representation	c. A public hearing
d. Independent judge	e. Judge and jury have no prior knowledge of the case	f. Strict rules of evidence and procedure

The prosecution must present the evidence it wishes to use in the court. This information must be provided to the accused's lawyers before the trial begins.	
The case for the accused will be presented by their lawyer.	
Unless a good reason exists not to, the trial will be open to the public.	
The judge must have no direct involvement in questioning witnesses or determining how either side presents its arguments and evidence.	
Both the judge and the jury learn about the case as each side presents their evidence during the trial.	
Due process means the judge will make sure established rules and procedures are followed.	

- Explain** the role of a juror and a witness in a fair trial.
- Identify** a situation in which a judge might be permitted to ask a witness questions during a trial.

Apply your understanding

Communicating

- Any citizen who is on the electoral role can be randomly selected to sit on a jury. True or false?
- Create** your own diagram showing the steps involved in a trial with a jury. Use an appropriate illustration for each step to show that you understand it.

Analysis, evaluation and interpretation

- Select two elements that contribute to a fair trial. **Explain** how each element might contribute to a fair trial.
- Examine **FIGURE 4**. **Explain** the possible impact on procedural fairness and the concept of a 'fair trial' if one of the procedures were removed.
- Identify** what you consider to be the most important element contributing to a fair trial. **Justify** your response.

LESSON

3.7 Can everyone access justice?

LEARNING INTENTION

By the end of this lesson you should be able to explain how Australians can access justice and legal representation.

TUNE IN

Did you know that robot lawyers operate in 85 countries, and across 80 languages? Computers are providing new avenues for people to access the legal system when they have been charged with a criminal offence and need to go to court.

1. Brainstorm a list of reasons people might have difficulty accessing the criminal justice system.
2. How do you think robot lawyers work?
3. Compare your ideas with those of other members of your class.

FIGURE 1 Computers may improve accessibility to the legal system.



3.7.1 Difficulties in gaining access to the legal system

All Australians must have the opportunity to access **justice**. We all have the right to legal representation but, for various reasons, not all Australians can gain access to the law.

Some people may have little to no understanding of the law. People with limited English may find it difficult to communicate their problem. They may not be aware of their rights or where they can find the information and help they need. Some people may feel intimidated by lawyers or may be unable to pay for legal representation.

Our legal system has devised ways of providing access to justice and legal representation for everyone.

justice the use of laws to treat people fairly and in a way that is morally right

legal aid the provision of legal assistance to those involved in a dispute or criminal matter who are unable to pay for legal representation

3.7.2 Legal aid

In Australia, we believe that **legal aid** is important in providing access to justice. Without legal aid, some people would not have legal representation. They would lose their right to be treated equally by the law and, therefore, to receive a fair trial.

Legal aid is provided for people who cannot afford to hire a lawyer. It is offered by several organisations, including legal aid commissions, community legal centres, and First Nations legal services.

FIGURE 2 Everyone has the right to legal representation under our legal system, but not everyone can afford it.



Legal aid commissions

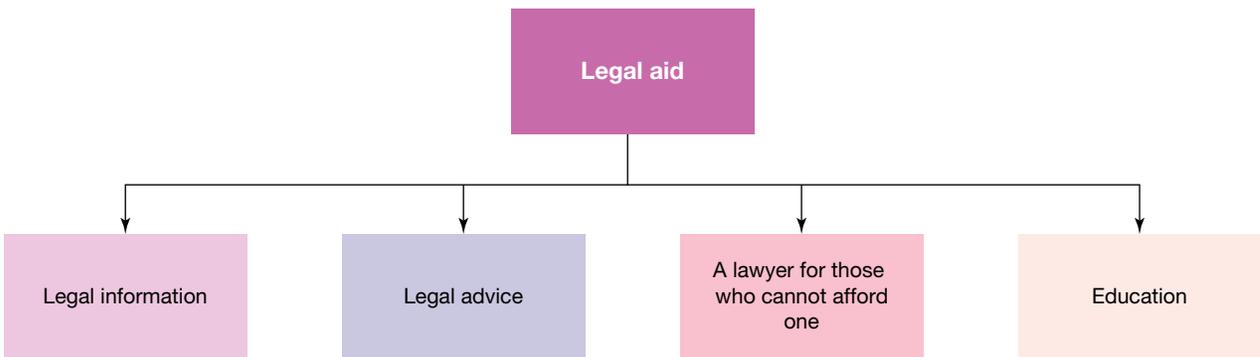
Each state and territory has its own legal aid commission. Legal aid commissions are funded by state and federal governments, and provide legal assistance, legal information and advice, lawyers to represent people attending court, and grants of money to help people to obtain legal representation.

Its services are free, unless the legal assistance required is ongoing. In this case, a small financial contribution may be required. The name of the service differs slightly depending on which state or territory you live in; examples include the Legal Service Commission South Australia, Legal Aid Victoria and Tasmania Legal Aid.

Legal information is freely available on legal aid websites in 25 languages other than English. Strict eligibility requirements apply for people needing a lawyer to represent them in court.

Additionally, legal aid services have entered into arrangements with private law firms to increase the number of people they can assist. Lawyers in private practice donate their time and work as duty lawyers and support people who do not have a lawyer when they attend the court.

FIGURE 3 What legal aid provides



Community legal centres

Community legal centres provide free legal advice and assistance as well as related services to the public. They focus on the disadvantaged and people with special needs.

The centres may receive funds from state and federal governments and from donations, but some centres receive no or very little money and are largely or entirely staffed by volunteers. These volunteers can be lawyers or non-lawyers.

Community legal centres are often specialised to meet the needs of the local community in which they operate. It is rare for them to provide legal representation in court.

FIGURE 4 Community legal centres are funded by state and federal governments and by donations from the public. These centres provide legal advice and assistance, and focus on helping the disadvantaged and people with special needs.



3.7.3 First Nations Australians and access to the law

First Nations Australians are at considerable disadvantage when they meet the legal system for a variety of reasons; for example, language, culture and a lack understanding by people within the criminal justice system. Indigenous people are overrepresented in the criminal justice system; while they make up around 3.3 per cent of the Australian population, they make up 30 per cent of the prison population.

Aboriginal and Torres Strait Islander legal services

To address the specific needs of First Nations Peoples of Australia, each state has an Aboriginal and Torres Strait Islander legal service, funded by the federal government and through donations. It was established to provide free legal advice and information, and representation for First Nations Peoples regardless of where they live in within Australia. Additionally, these legal services play a vital role in community education and advising the government in areas of law reform.

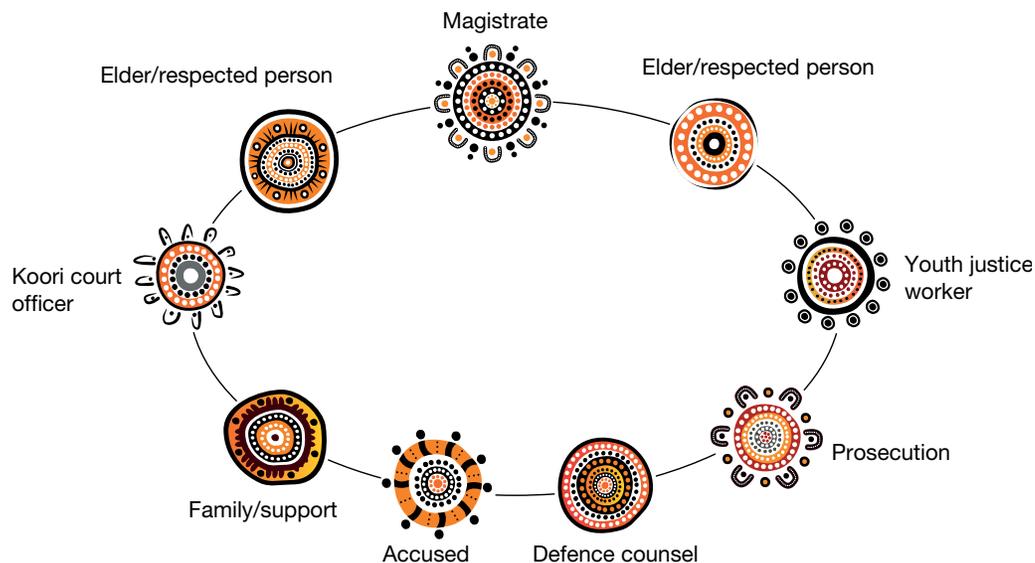
First Nations Australians sentencing courts

Except for Tasmania, all states and territories in Australia have an Indigenous sentencing court. The aim of this court is to provide culturally appropriate justice to First Nations Peoples of Australia. The name of the court varies from state to state; for example, in New South Wales it is referred to as the Circle Court, in Queensland as the Murri Court, in South Australia as the Nunga Court and in Victoria as the Koori Court.

Indigenous courts such as the Koori Court are sentencing courts. The accused person must plead guilty to the offence as a sign they are taking responsibility for their offending.

FIGURE 5 reflects the layout of a typical Koori Court. Having everyone at an oval table and at the same level reduces the overall formality of the court and encourages an offender to be involved in the process.

FIGURE 5 In the Koori Court, everyone sits at the same level, around an oval table



First Nations elders or respected persons are present to advise the magistrate about cultural issues, the background of the accused and possible reasons for the offending. Additionally, they provide the court with an insight into how the crimes have affected the First Nations community and kinship connections. They provide the court with guidance in relation to cultural practices and their perspective in sentencing.

Elders or respected persons are recognised within their community as the custodians of knowledge and **lore**. As such, their voices are highly regarded and send a clear message to the accused that their actions are not condoned by Koori or non-Koori people.

lore the accumulated traditional knowledge, beliefs and customs passed down from generation to generation in a society; it is passed on orally, not in written form

The Victorian Koori Court and, in particular, the Youth Koori Court have been effective in addressing the underlying factors related to offending. The recognition of Indigenous culture has also played an important role in reducing the rates of reoffending. The program has been expanded into the County Court, and more courts around Victoria are adopting the Koori Court for dealing with Indigenous offenders. You can find out more by using the **County Koori Court** weblink in your Resources panel.

FIGURE 6 A traditional welcome to country and smoking ceremony were held as a sign of respect in the Dandenong Koori Court.



3.7.4 Legal awareness

The law touches the lives of everyone, so people need to be aware of their legal rights and responsibilities. Awareness of the law can be improved through education, information and the media. Schools teach civics and citizenship so that students have some awareness of the law. Reliable information can be found on the websites for organisations such as the Law Society of New South Wales and Legal Aid Queensland. The website of the Attorney-General's department provides information on access to justice. Advertising is used to promote understanding of new laws so that people are aware of them.

3.7 SKILL ACTIVITY Analysis, evaluation and interpretation, Communicating

Work in groups of three or four.

1. **Identify** one factor that can improve access to justice and legal representation (for example, robot lawyers).
2. **Create** a storyboard that:
 - **explains** this factor
 - **outlines** how it can improve access to justice and legal representation.
3. **Produce** a video presentation that will engage your audience (other Year 7 students).
4. **Share** your video with the rest of your class.

on Resources

 **Weblink** County Koori Court

3.7 Exercise

Learning pathways

■ LEVEL 1

1, 2, 3, 6

■ LEVEL 2

5, 7, 8

■ LEVEL 3

4, 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** the statement that best **describes** what is meant by the term 'justice'.
 - The treatment of people that is fair, honest and genuine
 - A person who represents a defendant in court
 - The branch of criminal law
 - The word that is used when a 'not guilty' verdict is handed over
- Identify** the statement that best **describes** the role of legal aid.
 - Legal assistance to people who could not otherwise afford the cost of hiring a lawyer
 - Legal representation for all defendants on trial
 - Tutoring for people who are studying to be a lawyer
 - The assistant of the court when a trial is in progress
- Match** the legal assistance body with the statement that best **describes** the services it provides by placing the correct number in the relevant place in the table.
 - Legal aid commissions
 - First Nations legal services
 - Community legal centres

Services provided	Correct option
Provide legal assistance, information and advice. These bodies can also assign lawyers to people or help fund legal representation.	
Provide free legal advice and assistance, focusing on the disadvantaged and people with unique needs. These centres often receive very little funding and can be staffed by both lawyers and those with no formal legal training.	
Funded by the federal government, these bodies provide general and specialist legal advice to people from First Nations backgrounds.	

- Explain** how legal awareness can improve access to justice and legal representation.
- Explain** what is meant by the term 'legal representation'.

Apply your understanding

Analysis, evaluation and interpretation

- Analyse** the following scenarios. Advise each person of the most appropriate body that could provide them with legal advice.
 - Janet is an elderly pensioner who has been charged with growing cannabis for commercial use.
 - Tahni is a First Nations Australian who has been charged with assault.
 - Yousif has recently arrived in Australia from Africa and has been charged with driving without a licence.
- Explain** the consequences of not providing options for everyone to access the law.
- Explain** why you think our legal system provides the means for allowing everyone to receive access to justice and legal representation.
- Megan is interested in finding out more about how Australians can receive access to justice and legal representation. **Communicate** appropriate advice to Megan.
- Identify** what you believe is the most appropriate means for providing access to justice and legal representation for everyone. **Explain** your response.

LESSON

3.8 INQUIRY: Access for First Nations Australian women — #Freeher

LEARNING INTENTION

By the end of this lesson you should be able to discuss issues related to the campaign to stop imprisoning First Nations Australian women for the non-payment of fines, and communicate your findings on whether community action can make a difference.

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

Formulate your inquiry question. Use the below as inspiration.

- Why are people sent to prison for not paying fines? What are the reasons that fines are not paid?
- Are there any alternatives to sending people to prison?
- What are the rates of imprisonment for First Nations men and women and non-Indigenous men and women in Australia? Why does this matter? Does it seem fair? Why has this become an issue?
- How can ‘people power’ lead to a change in the legal system?
- What other questions do you have in relation to this topic?

Conduct research to find out more about this topic so that you can answer your inquiry question. Use the **#Freeher** weblinks in the Resources panel to get you started.

Step 2: Civic participation and decision-making

Identify strategies that individuals can use to bring issues related to the law to the attention of lawmakers.

What would you do if you thought an aspect of the law needed to change?

Step 3: Analysis, evaluation and interpretation

Identify individuals and groups who have campaigned to change the law.

- What strategies did they use?
- How effective were these strategies?

Step 4: Communicating

Select a format to present your point of view. For example, this could be a short video, a mock TV interview or a PowerPoint presentation.

Complete your self-assessment using the **Inquiry rubric** or access the 3.8 exercise set to complete it online.

Resources

 **Digital document** Inquiry rubric (doc-39384)

 **Weblinks**

- #Freeher 1: Women in jails
- #Freeher 2: Women and children in prison
- #Freeher 3: Woman jailed over unpaid fines
- #Freeher 4: Campaign to free jailed women

LESSON

3.9 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



3.9.1 Key knowledge summary

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

3.2 What are the principles of justice?

- The Australian legal system is based on several key principles such as the rule of law, which means the law applies equally to everyone and everyone must obey the law.
- The Australian legal system recognises three key principles of justice: fairness, equality and access.
- Fairness and equality overlap and must be carefully balanced. Sometimes, in the interests of fairness, we need to treat people differently.

3.3 Where did our justice system come from?

- Before the arrival of European settlers, First Nations Peoples of Australia had a system of laws. These were ignored by British colonisers, in favour of their own system.
- The legal system we have today is based on the British legal system.
- Our legal system can be traced back to the signing of the Magna Carta, which established that those who make the law should not be responsible for enforcing the law.

3.4 How do Australian courts work?

- Every individual has the right to access justice in Australia. Our legal system exists to make sure that any person accused of a crime receives a fair trial.
- Both the prosecution and defence will have the opportunity to present evidence and question witnesses before a judge who is competent, independent and unbiased.
- Everyone has the right to be represented by a lawyer in court, regardless of whether or not they can afford it or even understand the law.

3.5 What is the presumption of innocence?

- Presumption of innocence means that any accused person who appears before a court is presumed to be innocent until the prosecution proves that he or she is guilty beyond reasonable doubt.
- The right to bail and the right to silence uphold the presumption of innocence.

3.6 What is a fair trial?

- A fair trial occurs when evidence is examined at a committal hearing before proceeding to a trial, when both sides present their case, when the judge is independent, and when strict procedures and rules of evidence are followed.
- Ordinary citizens can play a part in a fair trial in their roles as witnesses (providing evidence to the court) and jurors (making decisions about the guilt of the accused based on the law and the evidence presented to the court).

3.7 Can everyone access justice?

- Legal aid can be provided to people involved in a dispute or criminal matter who would otherwise be unable to afford legal representation or access to the law.
- People can be made aware of the law through education, information and the media.
- Indigenous sentencing courts have been introduced to provide access to culturally appropriate justice for First Nations Peoples of Australia.

3.8 INQUIRY: Access for First Nations Australian women — #Freeher

- First Nations Peoples are overrepresented in the criminal justice system, and one reason for this is imprisonment for non-payment of fines.
- What be done to address this issue and how individuals can influence law-makers can be explored.

3.9.2 Key terms

accused a person who has been charged with a criminal offence

bail the promise that an accused person makes to appear in court at a later date

beyond reasonable doubt the standard of proof required in a criminal trial where the prosecution must prove that the accused is guilty to such a high degree that a reasonable person would have little doubt that the accused committed the crime

burden of proof the legal principle describing who has to prove a case in court; in a criminal trial, this burden is on the prosecution

colonial relating to the time when Australia was a British colony, under the control of the British government

committal hearing in very serious cases, the procedure held in a lower court to determine if enough evidence exists for the case to move to a higher court

counsel for the accused a lawyer who represents the accused person

democracy a political system according to which citizens choose the way in which they are governed, and elect representatives to make laws on their behalf

government a group of people with the power to rule over a country or state and make decisions and laws on behalf of the people

judge a court official who hears cases in the higher courts, such as the District or County Court, or the Supreme Court

juror a person selected to hear and assess the evidence in a court case

jury a group of ordinary people randomly selected to hear and assess the evidence in a court case

justice the use of laws to treat people fairly and in a way that is morally right

legal aid the provision of legal assistance to those involved in a dispute or criminal matter who are unable to pay for legal representation

legal representation services performed by a qualified legal practitioner, such as a lawyer, who deals with legal matters on behalf of the person who has hired them

legal system a system for interpreting and enforcing the laws of a country

lore the accumulated traditional knowledge, beliefs and customs passed down from generation to generation in a society; it is passed on orally, not in written form

magistrate a court official who hears cases in a Magistrates Court

presumption of innocence the principle that all accused people who appear before a court are presumed to be innocent until the prosecution proves that they are guilty

procedural fairness refers to having fair procedures in place to protect the rights of all parties

prosecution the person who presents a criminal case on behalf of the state

prosecutor the party bringing a criminal action against the accused

rule of law the legal principle that all citizens are subject to the law, and equal before the law, as it is upheld by independent courts

sanction a penalty that is applied for breaking the law

trial the court process to determine whether someone committed a criminal act

3.9.3 Reflection

Complete the following to reflect on your learning.

Revisit the inquiry question posed in the Overview:

How do features of the Australian legal system protect the rights of individuals and uphold the principles of justice?

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.

on Resources

 **eWorkbooks** Customisable worksheets for this topic (ewbk-13428)
Reflection (ewbk-10561)
Crossword (ewbk-10560)

 **Interactivity** The legal system and you crossword (int-5314)

3.9 Review exercise

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Multiple choice

1. Identify the statement that best describes the meaning of the term 'legal system'.
 - A. A way of breaking the law of a country
 - B. A system for interpreting and enforcing the laws of a country
 - C. A system for making the jails of a country
 - D. A way of going through law school
2. Identify the main role of courts.
 - A. To deal with people who have done bad things
 - B. To only hear serious crimes, such as murder
 - C. To apply the law and settle disputes
 - D. To decide if accused people will go to jail or not
3. Where will most criminal cases be heard?
 - A. The District Court/County Court
 - B. The Supreme Court
 - C. The High Court
 - D. The Magistrates Court/Local Court
4. Define the term 'presumption of innocence'.
 - A. All accused people who appear before a court are presumed to be guilty until the courts find them innocent.
 - B. All accused people who appear before a court are presumed to be innocent until the prosecution proves that they are guilty.
 - C. All accused people who appear before a court must prove their innocence.
 - D. All accused people who appear before a court are presumed to be innocent until they are found guilty on the balance of probabilities.
5. Identify a purpose of committal hearings.
 - A. To commit to both sides being available to present their cases
 - B. To guarantee that evidence will be presented using court procedures
 - C. To ensure that the judge is independent
 - D. To determine if enough evidence exists for a case to move to a higher court

6. Explain what we mean when we refer to a judge as being ‘independent’.
 - A. They sit by themselves in court.
 - B. They have no direct involvement in how either side will present its case.
 - C. They can enter and leave the court when they please.
 - D. They always decide if an accused is guilty or not guilty.
7. Identify one reason for calling an expert witness.
 - A. To give evidence on whether or not the accused’s actions are the result of a mental illness
 - B. To tell the court what someone told them they saw the accused do
 - C. To give instructions to the jury
 - D. To present their version of events to the court
8. Which of the following statements best describes a jury?
 - A. A group of people who present evidence in court
 - B. The party bringing a criminal action against the accused
 - C. A group of ordinary people randomly selected to hear and assess the evidence in a court case
 - D. The person who represents the accused
9. Which statement best describes the reason for strict procedures and rules of evidence in a court?
 - A. To make sure that a case can move on to a higher court
 - B. To interpret and enforce the laws of the country
 - C. To guarantee that a verdict is reached by the jury
 - D. To ensure that each side has an equal opportunity to present its own case
10. Identify which group of people can access legal aid.
 - A. People who would otherwise be unable to afford a lawyer
 - B. People who wish to change the law
 - C. People who have been selected to be on a jury
 - D. People who need to learn about the law

Short answer

Evaluating, concluding and decision-making

11. **a. Identify** and explain one factor that can improve access to justice and legal representation.
b. Outline how this factor improves access to justice and to legal representation.
12. **Distinguish** between the principles of justice, fairness and equality.
13. Using an example, **explain** why the legal system may need to treat people differently.
14. **Explain** the similarity between British law and the customary law of First Nations Peoples of Australia.
15. **Explain** how a sentencing court, such as the Koori Court, can lead to improved outcomes for First Nations offenders.

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4 Australian citizenship, diversity and identity

LESSON SEQUENCE

4.1 Overview	93
4.2 Should we celebrate our multicultural society?	94
4.3 What role does religion play in Australian society?	98
4.4 How do we promote cohesion in Australian society?	103
4.5 INQUIRY: Religious Discrimination Bill debate	106
4.6 Review	109



LESSON

4.1 Overview

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Answer questions and check results

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How is Australia a diverse society and what factors contribute to a cohesive society?

4.1.1 Diverse backgrounds, diverse stories

This topic is about **active citizenship** and all the questions this raises. What gives us a sense of belonging? What makes us feel apart, and what can we all do to contribute to our **diverse, pluralistic** and multicultural society?

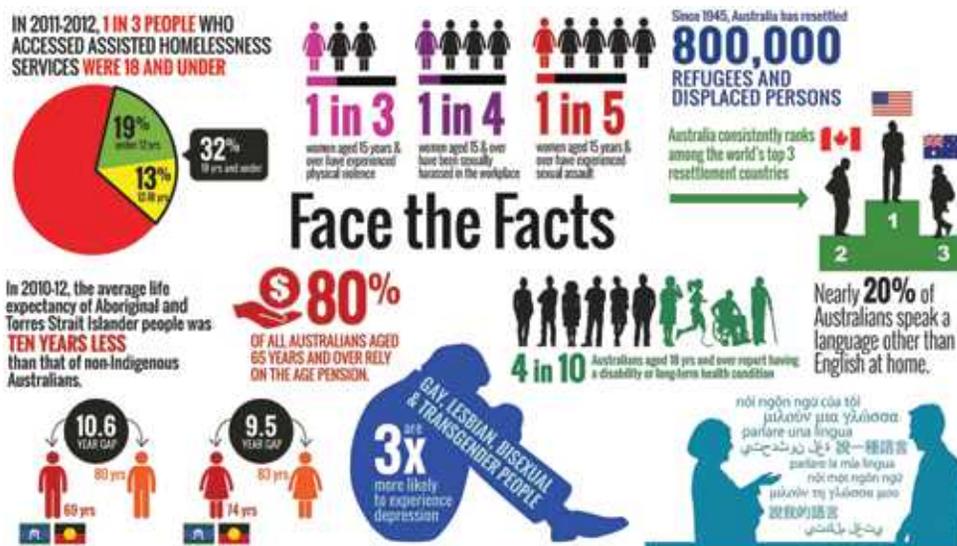
In this topic, you will learn how values contribute to Australian identity, and explore how shared values can promote **social cohesion** and connectedness. You will also learn about the diverse belief systems in our country. How can we celebrate our differences and still feel a sense of togetherness as one nation?

Learn more about active citizenship by visiting the Australian government's **What does an active citizen look like?** weblink in the Resources panel.



tivd-10563

FIGURE 1 Is Australia's multicultural society fair and equal for all?



active citizenship relates to getting involved in your local community and displaying values such as respect, inclusion and helping others

diverse showing a great deal of variety

pluralistic a society in which members of individual cultural, ethnic or religious groups can maintain their distinctive cultural identities while remaining part of the overall community

social cohesion the degree to which communities are united by shared values, traditions and experiences

on Resources



eWorkbook

Customisable worksheets for this topic (ewbk-13429)



Video eLesson

Our national identity (eles-2079)



Weblink

What does an active citizen look like?

LESSON

4.2 Should we celebrate our multicultural society?

LEARNING INTENTION

By the end of this lesson you should be able to describe how diversity is expressed in our Australian communities.

TUNE IN

Australian artist Peter Drew created and pasted the posters shown in **FIGURE 1** on walls around Australian cities and suburbs.

FIGURE 1 AUSSIE posters by Peter Drew



1. What do you think is the message of these posters, and how do you feel about them?
2. What is an 'Aussie'?
3. How many different cultures are represented in your class?
4. Does everyone in your class feel 'Aussie'?

4.2.1 Multiculturalism

Imagine your classroom is a mini-version of Australian society. At least six of your classmates are likely to have been born overseas and ten people in your class will likely have at least one parent who was born outside Australia. This is an example of **multiculturalism**. Australia is an excellent example of a multicultural society, with people from almost 200 nations represented in our country. Look around your classroom. Only those people with First Nations heritage can truly call themselves Australians. All other people have, at some stage of their family's history, migrated to Australia from another country.

multiculturalism a society in which the cultures and traditions of many different groups coexist and are encouraged

FIGURE 2 Australian school children



4.2.2 Cultural diversity

Celebrating and embracing cultural diversity is important for several reasons. Unless you have been lucky enough to travel to (or live in) another country, it is difficult to truly understand what life is like in other countries. We tend to think that everyone lives in the same way that we do, but this is simply not the case. By learning about other cultures, values and traditions, we not only learn about these countries, but we also learn more about ourselves. For example, you might think that your parents expect you to do too much around the house. Yet what you may not realise is that some children your age are already working real jobs, just to help their families earn more money. In this way, considering someone else's experiences can also help you appreciate the life that you have.

Knowledge is also said to be the key to tolerance. Sometimes people fear what they do not know and we can see this in the history of Australian immigration. Some groups of immigrants were initially treated with unease and distrust before an understanding of their culture and tradition was gained. It may seem like a silly example but when the children of Italian and Greek migrants brought soccer balls to school in Australia, they were teased by their classmates. Fast-forward to today and soccer is one of the most popular sports in Australia! If we extend this example to people, values and traditions, you can clearly see how knowledge leads to tolerance and then to acceptance.

FIGURE 3 A citizenship ceremony. Australia Day is a popular day for migrants to formally become Australian citizens.



4.2.3 Conflict and division

With so many different cultures and traditions present, multicultural societies like Australia are often very friendly and understanding. However, at times in Australian history these differences have led to conflict and division, including

- the treatment of First Nations Australians by European colonisers (1778 onwards)
- the White Australia Policy (1901–1973)
- the race riots in Cronulla, New South Wales (2005).

These are all examples of **cultural intolerance**. It is important for us to learn from these events and ensure that cultural differences are understood, celebrated and embraced, instead of used as a wedge to push our communities apart.

SkillBuilders to support skill development

- 13.6 Writing argument paragraphs

cultural intolerance when individual differences are not accepted by others

tribalism behaviour and attitudes that stem from strong loyalty to one's own social group, sometimes in opposition to other groups



tlvd-10564

4.2 SKILL ACTIVITY: Questioning and researching

Different perspectives: the Cronulla Race Riots

Being Australian can unite us, but does that mean we all have to be the same? As the song goes, *'We are one, but we are many.'*

Maybe you support a sports team. You go to a match wearing the colours of your team. You stand in the crowd of supporters barracking for your side, and maybe also booing when the other team wins a goal. It feels good to be part of the group. Being part of a cultural group such as this can give us a sense of belonging, identity and pride. However, what happens if we go home and keep our 'colours' on? What if we start to think that the other group is a *threat* to our own group and identity? What happens if this becomes 'us' vs 'them'? This is known as **tribalism**. An extreme example of this occurred in Cronulla, a Sydney suburb, in 2005.

The Cronulla race riots of 2005 were one of the darkest days of Australia's multicultural history. On 11 December 2005, thousands of mostly Anglo-Australians assembled to protest what they saw as the violent and threatening behaviour of a group of young men of Middle-Eastern origin. Tensions between the two groups had been simmering for weeks after an attack on local surf lifesavers. Fueled by incendiary text messages, a huge crowd gathered in the morning and began chanting racist slogans and physically threatening anyone of Middle-Eastern appearance. Violence soon escalated with 26 recorded injuries and 104 people arrested.

The following statements capture the reactions of then-Prime Minister John Howard and then-Coordinator of the Lebanese Muslim Association's welfare centre, Eman Dandan. John Howard said:

I do not accept that there is underlying racism in this country. I have always taken a more optimistic view of the character of the Australian people. I do not believe Australians are racist.

While Eman Dandan said,

There has always been invisible racism in Australia, unsaid feelings towards certain communities but never expressed publicly.

1. Use the **The Cronulla Riots** weblink in the Resources panel to **investigate** the following:
 - a. the short-term and long-term causes of the riot
 - b. the role of the media, including social media, before, during and after the riot
 - c. efforts to build bridges between communities such as the On the Same Wave project.

FIGURE 4 Police and protestors clash in Cronulla.



2. We are born into certain groups, and these influence our **values** and **perspectives**. Our cultural upbringing can influence us to think in a certain way. What influences our perspective?
 - a. Look at John Howard's comment. Why do you think he had this perspective?
 - b. Look at Eman Dandan's comment. Why do you think she had this perspective?
 - c. Which of these two perspectives is closest to your own? **Justify** your answer and **consider** why you hold that perspective.
3. **Discuss:** How can we work together to prevent another situation like the Cronulla race riots in the future?

values principles that help you to decide what is right and wrong, and how to act in various situations

perspective a particular attitude toward or way of regarding something

4.2 Exercise

learn **on**

4.2 Exercise

Learning pathways

■ LEVEL 1

1, 2, 3, 4, 5

■ LEVEL 2

6, 7, 8

■ LEVEL 3

9, 10

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Check your understanding

1. **Examine** the infographic in **FIGURE 1** in lesson 4.1. What percentage of Australians speak a language other than English at home?
 - A. 10%
 - B. 20%
 - C. 25%
 - D. 50%
2. How many different nationalities are represented in Australia?
 - A. 50
 - B. 100
 - C. 150
 - D. 200
3. **Discuss** who you think can truly call themselves Australians.
4. **Identify** one reason given in the lesson that might explain why some people could be intolerant of other cultures.
5. **Identify** one event in Australia's history in which cultural intolerance has led to conflict.

Apply your understanding

Analysis, evaluation and interpretation

6. Look at **FIGURE 2**. **Infer** what this photo suggests about being Australian.
7. **Reflect on** what the example of soccer given in this lesson can teach us.
8. **Describe** the benefits of multiculturalism in Australian communities.
9. Do you think the phrase 'knowledge is the key to tolerance' is correct? **Explain** your reasoning.
10. **Infer** why cultural differences might sometimes be used as 'a wedge to push our communities apart' and **consider** who could benefit from dividing us.

LESSON

4.3 What role does religion play in Australian society?

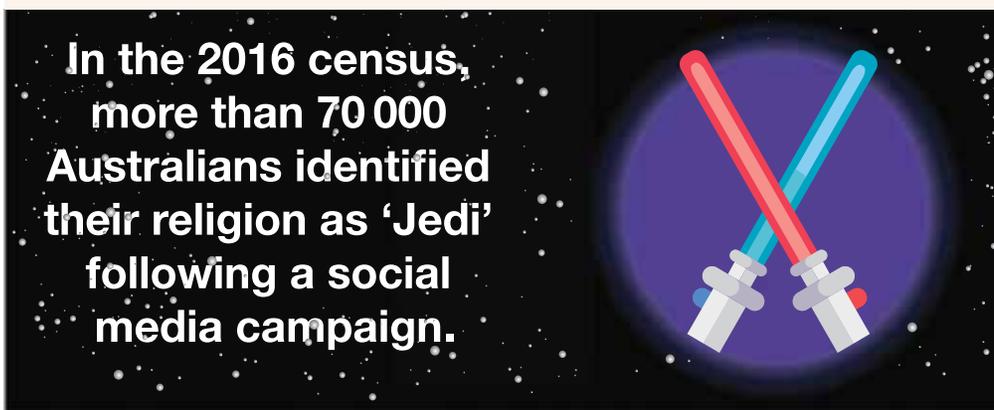
LEARNING INTENTION

By the end of this lesson you should have an understanding of how religion plays a role in Australian society and politics.

TUNE IN

The Jedi 2016 census social media campaign referred to in **FIGURE 1** was meant as a joke. Yet, a large number of Australians listed 'Jedi' as their religion.

FIGURE 1 The Jedi are a fictional ancient order of protectors from the Star Wars movies.



1. Why do you think some people found the campaign offensive?
2. The data collected in the census is very useful. Do you believe it matters that some people did not take this survey seriously? Explain your reasoning.
3. Make a list of the ways in which governments may use census data to plan for the future.

4.3.1 Secularism and the separation of Church and State

Throughout history, religion and governments have been closely linked. In ancient Egypt, pharaohs promoted themselves as 'god kings' and in medieval Europe, kings claimed they had been chosen by God to rule their lands — a concept known as 'divine right'. Yet as society developed, people began to question the role of religion in politics, especially when religious laws and customs resulted in the **persecution** or **discrimination** of other faiths.

Increasingly, governments began to adopt a more secular approach to religion, clearly separating religion and state. In a **secular** society, religion is not allowed to influence the laws of a country. All citizens are considered equal, regardless of what religion they follow or whether they follow a religion at all. Without a government or leader telling its people what religion they should follow, people are allowed to choose their own religious beliefs. This is what occurs in Australia today. Australia is a secular nation, with secularism even written into our Constitution:

the Commonwealth shall not make any law for establishing any religion, or for imposing any religious observance, or for prohibiting the free exercise of any religion (section 116, Australian Constitution).

persecution hostility, violence or ill-will directed at a person or group of people on the basis of their personal characteristics
discrimination unfair or prejudicial treatment of people and groups based on race, gender, age or sexual orientation
secular not having a connection to religion

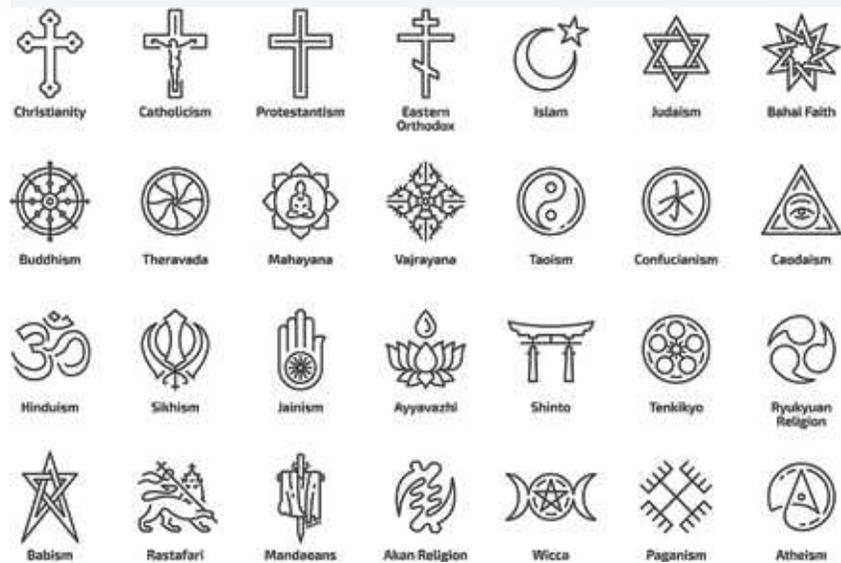
By using these words, the authors of the Australian Constitution allowed for all religions and cultures to safely and actively participate in Australian society. This laid the foundation for the religious freedom that we now experience. However, despite Australia's secular status, at times religion and politics have collided, creating fierce debate in society and in our parliament. Before we investigate the most recent of these debates, it is important to consider the historical foundations of religion in Australian society.

4.3.2 The historical foundations of religion in Australian society

Christianity

Since European settlement of Australia, Christianity has been the dominant religion of our country. As the European influence over Australia spread, so too did the influence of Christianity. The vast majority of convicts and official members of the First Fleet identified themselves as Christian. Specifically, they were Anglican and, therefore, aligned with the Church of England. The popularity of Catholicism increased as transportation to the colonies continued. According to the 2021 census, 43.9 per cent of the population identify as Christian.

FIGURE 2 Over 120 different faiths are practised in Australia.



Judaism

Together with Christianity, Judaism was one of the first religions practised in colonial Australia. Between eight and 16 convicts on the First Fleet were Jewish, and the first Jewish free settlers arrived in the early nineteenth century. The number of Jewish immigrants continued to increase, with the majority initially coming from Britain and later from Germany. As with many migrant groups, the Jewish population in Australia increased during the gold rush in the 1850s. However, the biggest period of Jewish immigration occurred during and directly after World War II. Australia was one of the main destinations for Jews fleeing the atrocities of Nazi Germany. In fact, outside of Israel, Melbourne has the largest per capita population of Holocaust survivors in the world. Today, Australian Jewish communities are small yet vibrant; 0.4 per cent of all Australians identify themselves as Jewish.

Buddhism

The first Buddhists in Australia were Chinese immigrants who arrived during the gold rush. Although many of these people returned home after the gold rush, some remained in Australia. A second wave of early Buddhist immigration occurred in the 1870s with Sri Lankan nationals arriving to work in the sugar plantations of northern Queensland. Permanent Buddhist communities were established during this time, but it was not until nearly 100 years later that the popularity of Buddhism began to explode. From the 1970s, Australia witnessed huge increases in Asian immigration and many of these new immigrants practised Buddhism. In contemporary Australia, 2.4 per cent of Australians practise this religion.

Islam

Australia has likely been known to the Islamic world for hundreds of years. Evidence suggests that Islamic scholars knew about Australia as early as 820 CE! We know that First Nations Australians traded with the Macassans (from what is now Indonesia), who had converted to Islam in the seventeenth century. While records exist of a small number of Islamic convicts, the main period of Islamic immigration occurred with the arrival of the Afghan cameleers in the 1860s. With their expert knowledge of desert conditions, the cameleers were heavily involved in major construction projects across rural Australia. Despite its early success, Muslim immigration was severely restricted by the **White Australia policy** of the twentieth century. Since the official removal of this policy in 1973, Muslim immigration and the practice of Islam have steadily increased in Australia. Today, approximately 3.2 per cent of Australia's population is Muslim.

Hinduism

Hinduism is the oldest major religion in the world and has been practised for more than 5000 years. However, Hinduism only came to Australia in the mid-nineteenth century. Hindu immigrants undertook several roles in early Australian society — as labourers, camel drivers, domestic staff and merchants. By 1911, more than 1000 people in Australia were affiliated with the Hindu faith. However, as with Islam, the growth of Hinduism in Australia was stalled by the White Australia policy. Today, Hinduism is a popular religion, especially among Indian, Sri Lanka, Fijian and South African immigrants. According to the 2021 Australian census, Hindu practitioners account for 2.7 per cent of the population.

Atheism

Religion is not a significant part of life for all Australians. An atheist is someone who does not believe in the existence of god and, therefore, believes there is no need for religion. According to the 2021 census, approximately 38.9 per cent of Australians describe themselves as being atheists or as having no religion. Interestingly, this figure has nearly doubled since the Australian census of 2011. This suggests that for many Australians, the importance of religion in everyday life is changing.

White Australia Policy
informal name for the
*Immigration Restriction
Act 1901*, which effectively
prevented non-European
immigration to Australia

TABLE 1 Religious affiliation in Australia, 2016 and 2021

Religion	2016	2021
Buddhism	563 070	615 823
Christianity	12 201 600	11 148 814
Hinduism	440 300	684 002
Islam	604 200	813 392
Judaism	91 000	99 956
Other religion	221 590	325 421
No religion	7 040 700	9 886 957

Source: Data derived from Census of Population and Housing: Census article — Religious affiliation in Australia, 2021, Table 4: Religious affiliation (religious groups) — 2016 and 2021.

To find out more about how Australians celebrate their religion, go to the **Religious celebrations** weblink in the Resources tab.

Resources

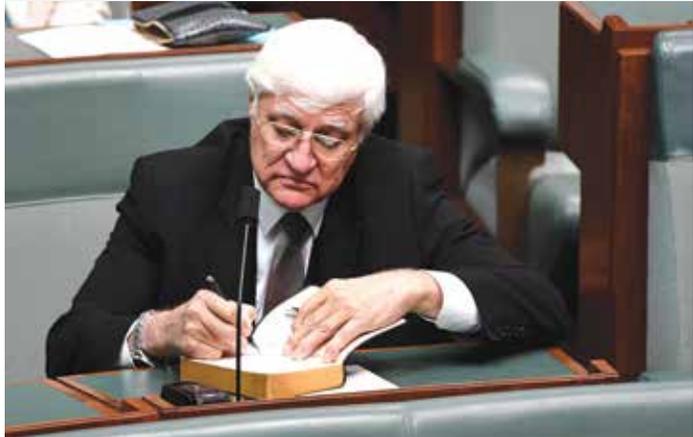
 **Weblink** Religious celebrations

4.3.3 The influence of religion on Australian politics and legal systems

Religion and Australian law have always been closely linked. Former High Court Judge Michael Kirby argues that ‘our law . . . was influenced by notions which were shared by Christian churches and belief’ (interview on ABC Radio, 16 May 2012). Although Australian law has no direct references to Christianity, our legal system has been shaped by Christian values. For example, our criminal law forbids murder and theft, crimes that are condemned in the Ten Commandments of Christianity.

More recently — and controversially — religion has influenced the debate surrounding the rights of the Australian LGBTQIA+ community. Although there is no official reference to Christianity in the documentation of the Australian Liberal Party, the party remained opposed to marriage equality until it was finally legalised in 2018, due to a perceived belief that same-sex marriage is forbidden in the Christian Bible. More controversy was caused in 2022 when the Morrison Government attempted to introduce the Religious Discrimination Bill. We will return to this issue for the Inquiry activity later in this topic.

FIGURE 3 Minister Bob Katter signs his Bible at Parliament House.



4.3.4 First Nations Australians’ spirituality

For much of European Australia’s history, First Nations Australians’ spirituality has been misunderstood. As a result, First Nations Australians’ spirituality is poorly reflected in contemporary Australian culture and identity. This is problematic because spirituality is seen as being at the core of First Nations cultures. First Nations Australians see the world as animistic. This means all living and non-living things are alive and connected to each other. As such, humans are not seen as above nature but instead are part of a system much bigger than ourselves. Totemism is a significant part of the spirituality of First Nations Australians. A totem is a natural object that is seen as a symbol of each clan or family group. Totems are passed on from one generation to the next and the clan is responsible for the protection of their totem.

FIGURE 4 A traditional First Nations Australian smoking ceremony



Nowadays, at the beginning of school assemblies and other events around Australia, an Acknowledgement of Country or a Welcome to Country is practised. The practice performed depends on whether it is performed by a First Nations Australian on their own Country, or whether it is performed by someone else acknowledging the traditional custodians of the land. At state and federal government events, First Nations leaders are often in attendance and appropriate customs, such as smoking ceremonies, are conducted. These acts recognise First Nations Australians’ cultures and foster First Nations Australian identity.

4.3 SKILL ACTIVITY: Questioning and researching

Use the data in **TABLE 1** to answer the following questions.

1. Which religions have experienced growth between 2016 and 2021?
2. The number of Australians who do not identify with any religion has dramatically increased since 2016. **Suggest** why you think this has happened.
3. **Predict** what will happen to these statistics over the next four years. Do you think the percentage of religious observance in Australia will increase or decrease? **Justify** your response.

4.3 Exercise

learnon

4.3 Exercise

Learning pathways

■ LEVEL 1

1, 2, 3, 4, 5

■ LEVEL 2

6, 7, 8

■ LEVEL 3

9, 10

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Check your understanding

1. **Identify** the correct definition of the term 'multiculturalism'.
 - A. A society in which the cultures and traditions of many different groups coexist and are encouraged
 - B. Which individual differences are not accepted by others
 - C. The movement of people from one country to another usually for political, cultural or economic reasons
 - D. When a smaller community merges with a larger community
2. What concept did some European kings use to claim the throne?
 - A. Royal right
 - B. Birth right
 - C. Divine right
 - D. Legal right
3. Immigration refers to the movement of _____ from one _____ to another, usually for political, cultural, environmental or _____ reasons.
4. **Identify** two benefits of a secular nation.
5. **Explain** how animism and totemism are part of the spirituality of First Nations Australians.

Apply your understanding

Analysis, evaluation and interpretation

6. **Identify** and explain one positive influence that religion can have on society.
7. **Identify** and explain one negative influence that religion can have on society.
8. Do you believe the government should have any influence on religious observance in Australia? **Justify** your response.
9. **Suggest** some ways in which First Nations Australians' spirituality could be better represented in Australian society.
10. **Use** the latest census data to **create** a pie chart showing the breakdown of religions in Australia.

LESSON

4.4 How do we promote cohesion in Australian society?

LEARNING INTENTION

By the end of this lesson you should be able to explain how our values promote cohesion in Australian society.

TUNE IN

The Sikh Volunteers Australia organisation is an excellent example of a group of people using their community's values to help society as a whole.

FIGURE 1 Sikh volunteers march during an Australia Day parade in Melbourne.



Watch the **Volunteers to the rescue** weblink in the Resources panel.

1. After watching the video, brainstorm reasons the Sikhs decided to help people in need.
2. If the food the Sikhs distributed was free, what benefits did they gain from giving it out?
3. Why do you believe this example was chosen to start a lesson about Australian values?

on Resources

 **Weblink** Volunteers to the rescue

4.4.1 What are values?

We are all guided by our values. These help us answer the question, ‘How should we live our lives?’ By demonstrating the value of compassion, you will feel a closer connection to the person whom you are helping. If you demonstrate the value of honesty, you will develop a sense of trust with your confidant. In this way, your identity, and indeed the shared identity of an entire community, can be heavily influenced by the values that are followed.

Differences in values can sometimes drive individuals, and even entire communities, apart. We see this frequently in society. When politicians from opposing parties debate issues, they are doing so because their parties often stand for differing sets of values. However, *shared* values can be a source of unification. You likely chose your friends because you share things in common. What you share may be a football team or a favourite band, but it can also be a value. In the same way that shared values can bring friends together, they can also unite entire countries.

4.4.2 Do unique Australian values exist?

Defining a singular set of values for such a culturally diverse country such as Australia is challenging. Yet if you ask someone to do just that — to define a shared set of Australian values — they would likely mention phrases like ‘a fair go’ and ‘mateship’, and values such as freedom and equality. It may surprise you to learn that all people who apply for an Australian visa are required to sign the Australian Values Statement (see **FIGURE 2**).

FIGURE 2 All new visa applicants are required to sign the Australian Values Statement.

Australian Values Statement

You must sign this statement if you are aged 18 years or over.

I confirm that I have read, or had explained to me, information provided by the Australian Government on Australian society and values.

I understand:

- Australian society values respect for the freedom and dignity of the individual, freedom of religion, commitment to the rule of law, Parliamentary democracy, equality of men and women and a spirit of egalitarianism that embraces mutual respect, tolerance, fair play and compassion for those in need and pursuit of the public good
- Australian society values equality of opportunity for individuals, regardless of their race, religion or ethnic background
- the English language, as the national language, is an important unifying element of Australian society.

I undertake to respect these values of Australian society during my stay in Australia and to obey the laws of Australia.

I understand that, if I should seek to become an Australian citizen:

- Australian citizenship is a shared identity, a common bond which unites all Australians while respecting their diversity
- Australian citizenship involves reciprocal rights and responsibilities. The responsibilities of Australian Citizenship include obeying Australian laws, including those relating to voting at elections and serving on a jury.

If I meet the legal qualifications for becoming an Australian citizen and my application is approved I understand that I would have to pledge my loyalty to Australia and its people.

Signature of Applicant

4.4.3 How well are values and traditions reflected in Australian society?

Most Australians would like to believe that we are a society of tolerant, compassionate and inclusive people. But is that really the case? Two recent research projects have sought to answer that question.

Global study the Social Progress Index combines 53 social and environmental indicators to calculate an overall ranking for each country. Australia was the 11th highest ranked country, receiving excellent results in perceptions of **inclusiveness** (18th), personal freedom and choice (14th) and personal rights (10th).

The *Face Up to Racism (2016)* report was supported by a study run by Western Sydney University. The project surveyed over 6000 culturally diverse Australians about their experiences with racism. This survey revealed some disturbing trends — for example, 34.8 per cent of respondents had experienced racism in public, and 32.8 per cent of respondents had experienced racism in educational settings.

Perhaps most concerning is that 80 per cent of respondents believed that racism was a problem in Australia.

The conflicting results of these two reports suggests that Australia is not yet a truly cohesive society.

inclusiveness providing equal access to opportunities and resources for everyone

4.4 SKILL ACTIVITY: Civic participation and decision-making

Can you create a sense of cohesion and inclusion in your classroom community so that you have a common set of shared values, while also ensuring that diversity is respected?

1. Work collaboratively in a group to **create** a values statement for your class.
2. Prepare a brief presentation or speech **explaining** the new statement, making sure everyone is involved in some way.
3. At the end of each presentation, the rest of the class should ask questions about one or two of the values you presented, so be prepared to **defend** or alter your values in response to feedback.
4. When all groups have finished presenting, try to reach a consensus on one shared set of values that everyone in your class can agree to.
5. **Discuss:** Are the set of values you have created uniquely 'Australian'? **Justify** your responses.

FIGURE 3 Does your classroom community have a common set of shared values?



4.4 Exercise

Learning pathways

■ LEVEL 1

1, 2, 3, 4, 5

■ LEVEL 2

6, 7, 8

■ LEVEL 3

9, 10

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Check your understanding

- What are 'values'?
 - Proposals to parliament made to change laws
 - Principles or standards of behaviour
 - The fair treatment of all citizens
 - The uniting of a community
- Who is required to sign the Australian Values Statement?
 - All Australians
 - All Australian politicians
 - All Australian visa applicants
 - All Australian job applicants
- Identify** two values the Sikh community demonstrate by volunteering to help other Australians.
- Name** two so called Australian values. Are these values other countries don't have? **Explain** your answer.
- Explain** how values both divide and separate us.

Apply your understanding

- Explain** why you think visa applicants must sign an Australian Values Statement if they want to enter the country.
- Do you disagree with any values in the Australian Values Statement? **Justify** your opinion.
- In your opinion, are any values missing from the Australian Values Statement? **Justify** your opinion.

Analysis, evaluation and interpretation

- Compare** findings from the Social Progress Index and the *Face Up to Racism (2016)* report in your own words.

Communicating

- Create** a meme to be displayed on social media that celebrates diversity at your school.

LESSON

4.5 INQUIRY: Religious Discrimination Bill debate

LEARNING INTENTION

By the end of this lesson you should be able to understand whether Religious Discrimination Bill will protect us all, and communicate either your support for or opposition to it.

Background

When Scott Morrison became prime minister in 2018, he set out to make changes to protect people from discrimination on the basis of their religious beliefs. Morrison also wanted to amend laws surrounding the exclusion of LGBTIQ+ staff and students on religious grounds.

On the surface, these two goals *appear* to be a positive change because everyone's rights appear to be protected. However, the changes Morrison proposed in his Religious Discrimination Bill do not provide the same level of protection to all.

In fact, they would make it easier for religious institutions (such as schools) to discriminate against someone on the basis of their identity.

Let's use an example to make this issue easier to understand. David attends a local religious high school. David uses she/her pronouns, prefers to be known as Skye and has asked the school if she can wear the school uniform dress. Despite continued attempts, the school has refused these requests.

So let's now ask the question: whose rights are protected under the government's proposed changes — Skye's or the school's? If you said the school's, then you would be correct. The school is free to argue that Skye's requests are opposed to the religious values of its community. This leaves Skye with the dilemma of whether to display her true identity or to follow the school's direction.

Perhaps now you can see why this debate has sparked such controversy. Many parliamentarians, on both sides of parliament, voiced their concerns about the changes.

One such individual was Stephen Jones MP. An excerpt of Jones' impassioned plea to parliament is provided in **FIGURE 2**. After much debate, the government decided to recall the proposed legislative changes and launch an investigation of their impacts on individual rights. This is one clear example of when Christian values and traditions are incompatible with the diverse nature of Australian society.

FIGURE 1 Some members of Australia's LGBTIQ+ community opposed Prime Minister Scott Morrison's proposed Religious Discrimination Bill



FIGURE 2 Stephen Jones' speech to parliament during debate on the Religious Discrimination Bill

But the fact is Australia is a much more diverse place than we project from our pulpit in this place. Being an Aussie is much more complex than punting on the Melbourne Cup or shouting 'go Sharkies'. It is the high responsibility of us called to this place to reflect and shape the sort of Australia we want to have. It's a bloody diverse place. It is black and white and brown. It prays in a church, in a mosque, at a shrine, in a hall, or on a surfboard just behind the breaking waves. It's men and women, it's straight and gay and trans and intersex . . . the whole bloody lot.

(This is an edited transcript of a speech given to parliament during the debate on the government's Religious Discrimination Bill on Thursday 9 February 2022.)

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

Your task is to **create** a campaign either in support of or opposed to the proposed Religious Discrimination Bill. Create a poster or a 40- to 60-second audio or visual clip. The purpose of the campaign is to convince the public to agree with your point of view.

Step 1: Questioning and researching

Inquiry question: Will the Religious Discrimination Bill protect us all?

- **Refine** the inquiry question so that it focuses on one aspect of the debate.
- **Investigate** different perspectives and campaigns that already exist by watching the **Ian Thorpe's campaign** and **Scott Morrison's speech** weblinks located in the Resources panel.

Step 2: Analysis, evaluation and interpretation

- **Evaluate** the arguments for and against the Religious Discrimination Bill. What are its strengths and weaknesses?
- Does the Bill uphold our values, show respect for universal human rights, and promote the principle of justice?

Step 3: Civic participation and decision-making

- Participate as a group to **create** your campaign. **Decide** together what your central message will be and the most effective way to convey it. Plan and organise the task. Make sure everyone in your group plays a part in the process.

Step 4: Communicating

- **Communicate** your point of view to the whole class by presenting your campaign. The class should ask questions and give feedback.
- Use the **Inquiry rubric** to complete a self-assessment.

Complete your self-assessment using the **Inquiry rubric** or access the 4.5 exercise set to complete it online.

Resources

-  **Digital document** Inquiry rubric (doc-39385)
-  **Weblinks** Ian Thorpe's campaign
Scott Morrison's speech

LESSON

4.6 Review

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



Review your results



Watch teacher-led videos



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4.6.1 Key knowledge summary

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

4.2 Should we celebrate our multicultural society?

- Modern Australia is characterised by its cultural diversity and a multicultural identity.
- Embracing cultural diversity improves social cohesion, with knowledge being a key to cultural tolerance.

4.3 What role does religion play in Australian society?

- Australia is a secular society that encourages the freedom of religious expression.
- Migrants to Australia have brought with them religious beliefs and cultural traditions.
- Despite recent improvements, the spirituality of First Nations Australians is still poorly reflected in Australian culture.

4.4 How do we promote cohesion in Australian society?

- Values are like a set of instructions that tell people how to live a good life.
- Differing values can be divisive, whereas shared values increase social cohesion.
- Australian values have evolved from the diverse backgrounds of the people who call our country home.

4.5 INQUIRY: Religious Discrimination Bill debate

- The rights of all Australians need to be protected by legislation.
- Religious views and values can influence the decision-making of politicians.

4.6.2 Key terms

active citizenship relates to getting involved in your local community and displaying values such as respect, inclusion and helping others

cultural intolerance when individual differences are not accepted by others

discrimination unfair or prejudicial treatment of people and groups based on race, gender, age or sexual orientation

diverse showing a great deal of variety

inclusiveness providing equal access to opportunities and resources for everyone

multiculturalism a society in which the cultures and traditions of many different groups coexist and are encouraged

persecution hostility, violence or ill-will directed at a person or group of people on the basis of their personal characteristics

perspective a particular attitude toward or way of regarding something

pluralistic a society in which members of individual cultural, ethnic or religious groups can maintain their distinctive cultural identities while remaining part of the overall community

secular not having a connection to religion

social cohesion the degree to which communities are united by shared values, traditions and experiences

tribalism behaviour and attitudes that stem from strong loyalty to one's own social group, sometimes in opposition to other groups

values principles that help you to decide what is right and wrong, and how to act in various situations

White Australia Policy informal name for the *Immigration Restriction Act 1901*, which effectively prevented non-European immigration to Australia

4.6.3 Reflection

Complete the following to reflect on your learning.

Revisit the inquiry question posed in the Overview:

How is Australia a diverse society and what factors contribute to a cohesive society?

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

on Resources

-  **eWorkbooks** Customisable worksheets for this topic (ewbk-13429)
Reflection (ewbk-10564)
Crossword (ewbk-10563)
-  **Interactivity** Australian identity and diversity crossword (int-5315)

4.6 Review exercise

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Multiple choice

1. What is Australian society characterised by?
 - A. Age
 - B. Gender
 - C. Diversity
 - D. Size
2. In a tolerant society, cultural differences
 - A. are hard to identify.
 - B. are easy to identify.
 - C. pull people together.
 - D. push people apart.
3. Which of the following is a benefit of cultural diversity?
 - A. You can learn about other cultures.
 - B. You can learn about yourself.
 - C. You gain an appreciation for your living conditions.
 - D. All of the above

4. A secular country is one in which
 - A. religion is part of life.
 - B. religion is part of the government.
 - C. religion is separate from the government.
 - D. religion is not allowed.
5. Religious freedom is allowed by what part of the Australian legal system?
 - A. The Constitution
 - B. The Bill of Rights
 - C. The Royal Assent
 - D. The Parliament
6. According to the most recent census data, what is the most practised religion in Australia?
 - A. Christianity
 - B. Islam
 - C. Hinduism
 - D. Judaism
7. _____ are like a set of instructions that helps you know how to act and live your life.
 - A. Traditions
 - B. Values
 - C. Customs
 - D. Beliefs
8. Which of the following is *not* a value from the official Australian Values Statement?
 - A. Freedom of religion
 - B. Tolerance
 - C. Gender equality
 - D. Mateship
9. What happens if migrants only associate with members of their own communities?
 - A. They will be bored.
 - B. They won't gain exposure to the culture and values of other communities.
 - C. They won't make any new friends.
 - D. They will forget about their own culture and traditions.
10. What was the outcome of the Religious Discrimination Bill debate in February 2022?
 - A. The bill was passed by parliament.
 - B. The bill was voted down by parliament.
 - C. The bill was withdrawn from parliament.
 - D. The bill is still being debated by parliament.

Short answer

Analysis, evaluation and interpretation

11. **Evaluate** the presence of First Nations Australians cultures in Australian identity. Provide two examples.
12. From your own experiences, do you believe that cultural tolerance exists in Australian society?
13. Australia is a secular nation. **Explain** how secularism is protected in Australian society.
14. Shared values can increase social cohesion. To what extent do you agree with this statement?

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GLOSSARY

- accused** a person who has been charged with a criminal offence
- active citizenship** relates to getting involved in your local community and displaying values such as respect, inclusion and helping others
- bail** the promise that an accused person makes to appear in court at a later date
- beyond reasonable doubt** the standard of proof required in a criminal trial where the prosecution must prove that the accused is guilty to such a high degree that a reasonable person would have little doubt that the accused committed the crime
- bicameral** a parliament with two houses
- burden of proof** the legal principle describing who has to prove a case in court; in a criminal trial, this burden is on the prosecution
- Cabinet** the top-level decision-making group within the Australian Government made up of most or all ministers
- colonial** relating to the time when Australia was a British colony, under the control of the British government
- committal hearing** in very serious cases, the procedure held in a lower court to determine if enough evidence exists for the case to move to a higher court
- congregate** to come together in a smaller crowd or group within a larger community
- constitution** a set of rules that determines the structure of government and its law-making powers
- convention** an unwritten rule, not a law; an accepted way of doing something
- counsel for the accused** a lawyer who represents the accused person
- cultural intolerance** when individual differences are not accepted by others
- democracy** a political system according to which citizens choose the way in which they are governed, and elect representatives to make laws on their behalf
- dictator** a person who has absolute power within a country, and who usually cannot be voted out of power by democratic elections; a government headed by a dictator is usually referred to as a dictatorship
- discrimination** unfair or prejudicial treatment of people and groups based on race, gender, age or sexual orientation
- diverse** showing a great deal of variety
- duties** obligations placed on citizens to ensure society runs smoothly
- emotive words** words that create a strong emotional reaction
- federation** the formation of a united country from a number of separate states or colonies, with law-making power shared between the national government and the governments of each of the states
- government** a group of people with the power to rule over a country or state and make decisions and laws on behalf of the people
- inclusiveness** providing equal access to opportunities and resources for everyone
- integrate** to merge with a larger community
- judge** a court official who hears cases in the higher courts, such as the District or County Court, or the Supreme Court
- judiciary** a collective name given to the judges who preside over law courts
- juror** a person selected to hear and assess the evidence in a court case
- jury** a group of ordinary people randomly selected to hear and assess the evidence in a court case
- justice** the use of laws to treat people fairly and in a way that is morally right
- legal aid** the provision of legal assistance to those involved in a dispute or criminal matter who are unable to pay for legal representation

legal representation services performed by a qualified legal practitioner, such as a lawyer, who deals with legal matters on behalf of the person who has hired them

legal system a system for interpreting and enforcing the laws of a country

legislation a term used to describe laws passed by parliament

lore the accumulated traditional knowledge, beliefs and customs passed down from generation to generation in a society; it is passed on orally, not in written form

magistrate a court official who hears cases in a Magistrates Court

multiculturalism a society in which the cultures and traditions of many different groups coexist and are encouraged

objective objective information is where data or events are presented without emotive words or opinion

persecution hostility, violence or ill-will directed at a person or group of people on the basis of their personal characteristics

perspective a particular attitude toward or way of regarding something

pluralistic a society in which members of individual cultural, ethnic or religious groups can maintain their distinctive cultural identities while remaining part of the overall community

presumption of innocence the principle that all accused people who appear before a court are presumed to be innocent until the prosecution proves that they are guilty

procedural fairness refers to having fair procedures in place to protect the rights of all parties

prosecution the person who presents a criminal case on behalf of the state

prosecutor the party bringing a criminal action against the accused

referendum a process of allowing the people to vote on an important issue

repeal to remove a law so that it no longer applies

rights guarantees of equal social opportunities and protection under the law

royal assent the formal approval by the monarch's representative, and the final step necessary before a law comes into force

rule of law the legal principle that all citizens are subject to the law, and equal before the law, as it is upheld by independent courts

sanction a penalty that is applied for breaking the law

secular not having a connection to religion

social cohesion the degree to which communities are united by shared values, traditions and experiences

subjective subjective information is where information is presented based on opinion or bias

tokenistic describes an act that is completed only as a gesture rather than being sincerely meant

trial the court process to determine whether someone committed a criminal act

tribalism behaviour and attitudes that stem from strong loyalty to one's own social group, sometimes in opposition to other groups

unicameral a parliament with only one house

values principles that help you to decide what is right and wrong, and how to act in various situations

Westminster system the parliamentary system of Great Britain, which has been copied and adapted by many other countries including Australia; called that because the British Parliament meets in a building called the Palace of Westminster

White Australia Policy informal name for the *Immigration Restriction Act 1901*, which effectively prevented non-European immigration to Australia

INDEX

A

- Aboriginal and Torres Strait Islander
 - legal services 84
- argument paragraphs 10
- atheism 100
- Australia
 - democracy in 13, 38–40
 - religion in 99
 - religious affiliation in 99
- Australian citizenship 3
- Australian Constitution 41–2
 - advantages of 43
 - Bill of Rights 44–5
 - disadvantages of 43
 - freedom of religion 43
 - holding referendum 42
- Australian courts
 - bail 70–1
 - burden of proof in criminal trial 69
 - equal treatment for all 75
 - fair trial 74, 75–80
 - hierarchy 64
 - High Court 67
 - higher courts 65–6
 - lower courts 65
 - presumption of innocence 69, 70–1
 - right to silence 71–2
 - trial 64
- Australian LGBTQIA+
 - community 101
- Australian society 30
- Australian Values Statement 104

B

- Bonner, Neville 72
- Buddhism 99
- Button, John 53

C

- Christianity 99
- civics and citizenship 3
 - active citizenship 5, 37–8, 93
 - active digital citizenship 38
 - analysis, evaluation and interpretation 7
 - citizenship ceremony 95
 - communicating 8
 - democracy 5
 - global citizenship 5

- identity and diversity 5
- legal systems 5
- passive citizenship 37–8
- questioning and researching 7
- rationale for studying 4
- social cohesion and connectedness 93
- Commonwealth Parliament
 - bicameral 14
 - Executive Council 16–17
 - Governor-General 16
 - House of Representatives 14–15
 - parts of 14
 - Senate 15
- community legal centres 82
- cultural diversity 95

D

- debate 10
- democracy 38–40
 - global rankings 37
- dictators 43

F

- Face Up to Racism (2016)*
 - report 105
- fairness 55, 57
- fair trial
 - independent judge 77
 - judges and jurors 77
 - preliminary examination of evidence 76
 - public hearing 77
 - right to legal representation 77
 - strict procedures and rules of evidence 76
 - with jury 78
- fair trial 75–80
- federation 42
- First Nations Australians
 - access to law 84
 - identity of 32
 - sentencing courts 84–5
 - spirituality 101–2
- formal submission 10
- Freeman, Cathy 72

G

- Goodes, Adam Roy 73–4
- government
 - division of powers 26–9, 28

- executive arm 16, 25
- judicial arm 25–6
- legislative arm 24
- levels and responsibilities 23
- local 28
- residual powers 27
- separation of powers 23–4, 26, 28

H

- Hinduism 100

I

- inquiry questions for research 9
- Islam 100

J

- Judaism 99
- justice 55
 - principles of 55
 - symbols of 54

K

- Koori Court 84–5

L

- legal aid commission 83
- legal aid services 57, 82
- legal awareness 82–3
- legal system 53
 - access 57–8
 - before European settlement 60
 - equality in 56
 - fairness 55, 57
 - independence of courts 61–3
 - influence of religion 101
 - sanctions 60
- Lincoln, Abraham 6

M

- Magna Carta 61–3
- multiculturalism 94
 - conflict and division in multicultural societies 96–7

N

- national identity
 - diversity 31–2
- notetaking 9

P

- political media 10
- political systems 39
- procedural fairness 55

R

referendum 42
Religious Discrimination Bill 101

S

secularism 98–9
secular society 98
state and territory governments,
essential services by 20–2

state and territory parliaments
features of 19–20

T

tokenistic cultural performances
32

U

Uluru Statement 33–4

V

values 104
in Australian society
105
set of Australian 104
Voice to Parliament 34–6

W

White Australia Policy 100