

**CIVICS AND CITIZENSHIP**Justice for All – Justice & Law in Australia

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| **UNIT NAME:** Justice for All – Justice & the Law in Australia | **BAND:** Levels 7 - 8 | **TIME:** 6 x 70 mins |
| **Civics and Citizenship Strand/s:**  Laws & Citizens | | |
| **Learning intention:** Students will understand how Australia’s legal system is based on the principle of justice, and be able to describe the types of law, how laws are made and the place of Aboriginal and Torres Strait Islander customary law. | | |

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| **CIVICS AND CITIZENSHIP CONTENT** | | | | |
| **STRAND** | **CONTENT DESCRIPTIONS** | **ACHIEVEMENT STANDARDS** | | |
| **Laws & Citizens** | Explain how Australia’s legal system aims to provide justice, including through the rule of law, presumption of innocence, burden of proof, right to a fair trial and right to legal representation. (VCCCL022)  Compare how laws are made in Australia, including through parliaments (statutory law) and courts (common law), and explain different types of laws, including executive law (delegated law), criminal law, civil law and the place of Aboriginal and Torres Strait Islander customary law. (VCCCL023) | ***Students working at level 5-6 will be able to: (extract only)***  •Explain the role of different people in Australia’s legal system and the role of parliaments in creating law. | ***Students working at level 7-8 will be able to: (extract only)***   * Explain how Australia’s legal system is based on the principle of justice, and * Describe the types of law and how laws are made. | ***Students working at level 9 -10 will be able to:  (extract only)***  • Analyse the role of the High Court and explain how Australia’s international legal obligations influence law and government policy.   * Explain the key principles of Australia’s system of justice and analyse the role of Australia’s court system. |

***PRIOR LEARNING – Students should be able to explain how and why laws are enforced and the role of different people in Australia’s legal system. They should have some idea of the role of parliaments in creating law. This unit relies on resources teachers may choose to download from the resources list.***

| **LEARNING ACTIVITIES** | **ASSESSMENT TASKS** | **TEACHING NOTES** |
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| **Lesson 1. What is Justice?** (VCCCL022)  1. Play Pink’s *Dear Mr President* (available with lyrics online). Discuss in small groups – What ideas about justice are represented through these lyrics? Write these ideas on one half of large poster/butcher’s paper. On the other side, make a list of justice related words that spring to mind, including; fairness, discrimination, rights, responsibilities, freedom, and discuss what these mean. Students may be able to provide scenarios to demonstrate the meanings of these terms.  2. Show **Resource 1** about the definition of Justice. Looking at the concept of justice including the rule of law and presumption of innocence. While watching in groups add justice vocab to the list on the group sheet – e.g. Judiciary, democracy, blind justice, transparent, impartial, constitution, etc. In the group, students are to write definitions for these words then discuss:   * How does the law protect us? * Why is it important to uphold the rule of law? * Group leader to share responses with the whole class.   3. Principles of Australian law - jigsaw task. In groups (ideally of 5), students in each group to research one the following terms and to define and present information on a group poster. Presentation needs to demonstrate a clear definition of each term written in student’s own words, careful organisation and presentation of written material and collaboration of all students in the group.  Topics must include:   * rule of law * presumption of innocence * burden of proof * right to a fair trial * right to legal representation |  | There are many songs about Justice that teachers/students may prefer to use.  **Resource 1 –**  What is justice? by Civics Academy SA, (9mins), published 18.02.2015 on YouTube EDU – Creative Commons Attribution Licences, viewed 17 May 2017,  <https://www.youtube.com/watch?v=hjwYcZR9fIg> |

| **LEARNING ACTIVITIES** | **ASSESSMENT TASKS** | **TEACHING NOTES** |
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| **Lesson 2. What is Justice?** (continued)  1. As a class, recap findings from Jigsaw task (Lesson 1 Activity 3). Revise definitions and discuss how these principles aim to ensure fairness and protect people’s rights.  2. Read the information in Principles of law – Development of our legal system (**Resource 2** **Activity 3**). Students to use this information to identify and list the features of a fair trial on the sketch provided by placing the number of the feature (1-11) at the appropriate place in the scene. They then need to match each of the ‘Features of a fair trial’ to the correct ‘Explanation’.  4. Students discuss and list the criteria that make a fair trial (**Resource 2** **Activity 4**). They rank these in order of importance. They identify new criteria that could enhance the fairness of a trial and delivery of justice.   5. In pairs, students read the details of an actual case **(Resource 2 Activity 5)** tried in court along with the evidence presented in the trial of the accused. They then need to consider whether the features of a fair trial are always present. They apply their criteria to of a fair trial to this case. Pairs to report back to the class. Students evaluate the effectiveness of their criteria and make suggest changes to the criteria for a fair trial to improve its fairness. Students explain their reasons. | ***Appendix 1 Task 1: Group poster – rubric.*** | ***Resource 2 –***  Commonwealth of Australia, 1998, Discovering Democracy - A Guide to Government and Law in Australia, viewed 30 May 2017,  <http://www1.curriculum.edu.au/ddunits/units/ls2fq5acts.htm> |

| **LEARNING ACTIVITIES** | **TEACHING NOTES** |
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| **Lesson 3. Laws**  1. Brainstorm - Why do we need laws? Complete a PMI chart outlining the advantages, disadvantages and interesting things about a lawless society. Share and discuss responses as a class group.   2. Introduction to law making. In small groups, brainstorm some examples of laws in Australia. Explain to students that laws are made in different ways. Using the *Types of Law* information sheet in **Resource 3,** go through each, briefly discussing the differences between each and identifying previous brainstorm ideas as common, statute or delegated laws. This could be done as a table on the board or a group activity or small/whole group discussion.  3. Discuss – (this could be done as a whole group or small group activity such as a jigsaw task where group leaders report elements of their group’s discussion to the whole group).  Why do we need laws? How might our values influence a lawless society? Can you think of examples where values are also laws? To what extent might vales, rather than law influence people’s decision-making? Teachers may choose to focus on discussing one law to model how to explore decision making and concepts.  Brainstorm- Make a list of some current laws that have recently been passed e.g. legalising marijuana for medical purposes, using animals for research.  Groups may focus on one of these issues and discuss considerations that need to be investigated in deciding law-making around this issue. Students list these considerations then rank them in importance and explain their reasoning behind the ranking. How do the rankings differ within the class? What are some possible reasons for the different views? | **Resource 3 –**  Parliamentary Education Office (PEO) 2016, Types of Law information sheet, viewed 30 May 2017,  <http://www.peo.gov.au/uploads/peo/docs/units-of-work/PEO_UOW_year-8_Types-of-law.pdf>  Alternatively, **Resource 5** presents this using real footage for an older audience.  **Resource 5-**  State Library of NSW, 2015, “How Laws Are Made – Parliament”, viewed 17 May 2017,  <http://legalanswers.sl.nsw.gov.au/about-find-legal-answers> |

| **LEARNING ACTIVITIES** | **TEACHING NOTES** |
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| **Lesson 4. How Laws are Made – Types of Law** (VCCCL023)  1. Statute law (How parliament makes laws). See the animation in **Resource 4.** Students take notes from the video about the process of parliamentary law making in Australia then construct a flow chart showing the process of statute law making in Australia. Alternatively, students could also explore these ideas through the interactive links in **Resource 6**. *(Flash required)*  2. Common law (made through courts) See **Resource 7,**  How Laws Are Made – Courts  Discuss examples of common law with students. Divide the class into small groups to explore the process of common law via Activity 1, which discusses “precedent” available in **Resource 8**. Groups to then write their own scenarios, including examples of precedents, and each group leader to present their group’s findings and reasons to the class.  3. Delegated (executive) law (e.g. regulations, rules, by-laws) Discuss the definition of “delegated”. Ask students what “delegated law” might look like. Explain that the Australian Parliament makes laws for Australia but parliaments can delegate (transfer or entrust) their law-making authority to other bodies such as a relevant minister, executive office-holder, local council, government department or other body to make further laws under a particular Act. Students to read the extract from a delegated law and answer questions on Worksheet 3, **Resource 9 & 10.** | **Resource 4 –**  Parliament of Victoria, 2010, How a Law is made animated, viewed 30 May 2017  <http://www.parliament.vic.gov.au/about/how-a-law-is-made/how-a-law-is-made-animated>  **Resource 6 -**  Parliament of Victoria, 2010, How a Law is Made interactive, viewed 30 May 2017,  <http://www.parliament.vic.gov.au/about/how-a-law-is-made/how-a-law-is-made-interactive>  **Resource 7 -**  State Library of NSW, 2015, “How Laws Are Made – Courts”, viewed 17 May 2017  <http://legalanswers.sl.nsw.gov.au/about-find-legal-answers>  **Resource 8 -**  Commonwealth of Australia, 1998, Discovering Democracy - A Guide to Government and Law in Australia, viewed 30 May 2017,  <http://www1.curriculum.edu.au/ddunits/units/ls2fq2acts.htm>  **Resource 9** -  Parliamentary Education Office (PEO) 2016, Delegated Law worksheet 2, viewed 30 May 2017,  <http://www.peo.gov.au/uploads/peo/docs/units-of-work/PEO_UOW_Year-8_7-5_Worksheet2.pdf>  ***Resource 10 -***  Parliamentary Education Office (PEO) 2016, Delegated Law worksheet 3, viewed 30 May 2017,  <http://www.peo.gov.au/uploads/peo/docs/units-of-work/PEO_UOW_Year-8_7-5_Worksheet3.pdf> |

| **LEARNING ACTIVITIES** | **ASSESSMENT TASKS** | **TEACHING NOTES** |
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| **Lesson 5. Types of Laws – continued** (VCCCL023) 1. Introduce Criminal law via brainstorm/discussion. Make a list on the board of the types of crimes we mostly see or hear about. Write the following four areas of criminal law on the board and ask students to list the brainstorm ideas under one of the four headings. Note which list is the longest and ask group to discuss possible reasons for this. Students to then come up with a definition of criminal law. This can be written on the board.   1. Traffic/road laws 2. Public order (peaceful and safe community) 3. Property 4. People  .   2. Introduce Civil law by listing and explaining the four areas of civil law as below. Ask students to think of one legal issue about each area. Discuss some of these to ensure students understand. Write a definition for civil law.   1. Contract law (agreements, responsibilities) 2. Employment law 3. Family law 4. Law of Torts  .   3. Students then to create a mind map using ICT. Using Appendix 2, map an example of a law that addresses each of the criminal and civil law areas listed. | Appendix 2: Examples of criminal and civil laws presented as a mind map. | **Resource 11 -**  Commonwealth of Australia 2011, Civics and Citizenship Education, Types of Laws, viewed May 30 2017,  <http://www.civicsandcitizenship.edu.au/cce/pl_law_types,9538.html> |

| **LEARNING ACTIVITIES** | **ASSESSMENT TASKS** | **TEACHING NOTES** |
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| **Lesson 6 Types of Laws – continued**  (VCCCL023)  1. Customary law – View Aboriginal Bush Law, **Resource 12\***. As a class group, discuss ideas raised about “their laws and our laws” such as respect for each other and each other’s laws, the significance of bush law vs judicial law to Aboriginal people, etc. In small groups, students investigate different customary laws eg. Circle sentencing, Tribal Punishment, Payback, etc. and present findings via a multimodal presentation to the class.  2. Watch the animated clip on Customary Law, **Resource 13**. Watch **Resource 14** Background to Koorie Courts and discuss why Koorie courts were set up in Victoria and how they could benefit all Australians.  Using **Resource 15**, read **Aboriginal customary law** and complete tasks in Activity 3. Students todecide whether modern Australian law or traditional Aboriginal law should be applied in the case presented. They need to draw up a table summarising their arguments (pros and cons of this case) then discuss whether the actual decision made in this case was a good one. Discussion needs to include ideas about context and experience in ethical decision-making and actions.  3. Students to compare and contrast Aboriginal and non-Aboriginal ways of resolving conflict for eg. see the table **Resource 16** and create a Venn diagram that shows the similarities and differences between the Aboriginal and judicial ways of resolving conflict.  4. Students use information from the Venn diagram to plan, draft, edit and redraft a piece of writing that explores the similarities and differences and the pros and cons between the Aboriginal and judicial ways of resolving conflict. They may choose to present their understanding in any genre but need to include consideration of the role of context and experience in ethical decision-making and actions. | ***Appendix 1 Task 2 - Groups to present a multimodal presentation to the class about the place of one type of customary law – rubric***  ***Appendix 1 Task 3 -***  ***Students to complete a piece of drafted creative writing reflecting their understanding of the differences between customary and judicial laws in Australia.*** | Recently, there has been recognition that Australia’s Aboriginal people had systems of customary law that regulated their societies. To a limited extent, Australian courts – particularly in areas with high Aboriginal populations living more traditional lifestyles – are now giving some consideration to customary law in reaching decisions.  **Resource 12** – (Part 1-15mins) My Country Australia, BBC documentary – includes comments from and footage of members of the Lajamanu community). |

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| **RESOURCES** | |
| **Resource 1** | What is justice? by Civics Academy SA, (9mins), published 18.02.2015 on YouTube EDU – Creative Commons Attribution Licences, viewed 17 May 2017, <https://www.youtube.com/watch?v=hjwYcZR9fIg> |
| **Resource 2** | Commonwealth of Australia, 1998, Discovering Democracy - A Guide to Government and Law in Australia, viewed 30 May 2017, <http://www1.curriculum.edu.au/ddunits/units/ls2fq5acts.htm> |
| **Resource 3** | Parliamentary Education Office (PEO) 2016, Types of Law information sheet, viewed 30 May 2017,  <http://www.peo.gov.au/uploads/peo/docs/units-of-work/PEO_UOW_year-8_Types-of-law.pdf> |
| **Resource 4** | Parliament of Victoria, 2010, How a Law is made animated, viewed 30 May 2017 <http://www.parliament.vic.gov.au/about/how-a-law-is-made/how-a-law-is-made-animated> |
| **Resource 5** | State Library of NSW, 2015, “How Laws Are Made – Parliament”, viewed 17 May 2017, <http://legalanswers.sl.nsw.gov.au/about-find-legal-answers> |
| **Resource 6** | Parliament of Victoria, 2010, How a Law is Made interactive, viewed 30 May 2017, <http://www.parliament.vic.gov.au/about/how-a-law-is-made/how-a-law-is-made-interactive> |
| **Resource 7** | State Library of NSW, 2015, “How Laws Are Made – Courts”, viewed 17 May 2017 <http://legalanswers.sl.nsw.gov.au/about-find-legal-answers> |
| **Resource 8** | Commonwealth of Australia, 1998, Discovering Democracy - A Guide to Government and Law in Australia, viewed 30 May 2017, <http://www1.curriculum.edu.au/ddunits/units/ls2fq2acts.htm> |
| **Resource 9** | Parliamentary Education Office (PEO) 2016, Delegated Law worksheet 2, viewed 30 May 2017, <http://www.peo.gov.au/uploads/peo/docs/units-of-work/PEO_UOW_Year-8_7-5_Worksheet2.pdf> |
| **Resource 10** | Parliamentary Education Office (PEO) 2016, Delegated Law worksheet 3, viewed 30 May 2017,  <http://www.peo.gov.au/uploads/peo/docs/units-of-work/PEO_UOW_Year-8_7-5_Worksheet3.pdf> |
| **Resource 11** | Commonwealth of Australia 2011, Civics and Citizenship Education, Types of Laws, viewed May 30 2017, <http://www.civicsandcitizenship.edu.au/cce/pl_law_types,9538.html> |
| **Resource 12** | BBC, 2010, Aboriginal Bush Law - 1 of 2 - My Country Australia - BBC Culture Documentary, recorded 10.04.2010, viewed 30 May 2017 <http://www.atsiphj.com.au/index.php/atsiphj-video-feed?task=play&id=270&sl=search&layout=listview&start=135> |
| **Resource13** | QSM 457- Customary Law, 4:56mins, viewed 30 May 2017  <https://www.youtube.com/watch?v=k86gDHdSK3I> |
| **Resource 14** | ABC Indigenous Programs Unit, Message Stick - Koorie Court (2005), viewed May 30 2017 <https://aso.gov.au/titles/tv/message-stick-koori-court/clip1/> |
| **Resource 15** | Commonwealth of Australia, 1998, Discovering Democracy - A Guide to Government and Law in Australia Aboriginal customary law, Activity 3, viewed 30 May 2017,  <http://www1.curriculum.edu.au/ddunits/units/ls2fq2acts.htm> |
| **Resource 16** | Australian Indigenous Governance Institute, 8.1 Aboriginal and Torres Strait Islander and non-Indigenous approaches, viewed May 30 2017  <http://toolkit.aigi.com.au/toolkit/8-1-disputes-about-governance> |

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| **OTHER RESOURCES** |
| Creative Spirits, Jens Korff, (Archived since 2011 by the National Library of Australia), viewed 30 May 2017,  <https://www.creativespirits.info/aboriginalculture/#axzz4iXGNRRfr>  Parliament of Australia website,making laws, viewed 2 May 2016, <http://www.aph.gov.au/About_Parliament/House_of_Representatives/Powers_practice_and_procedure/00_-_Infosheets/Infosheet_7_-_Making_Laws>  Parliamentary Education Office (PEO) 2016, making a law, viewed May 30 2017,  <http://www.peo.gov.au/uploads/peo/docs/fact-sheets/making_law.pdf>  Parliamentary Education Office (PEO) 2016, bills & laws, viewed May 30 2017,  <http://www.peo.gov.au/uploads/peo/docs/fact-sheets/bills_laws.pdf>  Parliamentary Education Office (PEO) 2016, the path of a bill, viewed May 30 2017, [http://www.peo.gov.au/uploads/image\_gallery/the-law/PEO\_0702\_path-bill.pd](http://www.peo.gov.au/uploads/image_gallery/the-law/PEO_0702_path-bill.pdf)f  Parliamentary Education Office (PEO) 2016, parliamentary unit yr 8, viewed May 30 2017, <http://www.peo.gov.au/uploads/peo/docs/units-of-work/PEO_UOW_Year-8.pdf>  State Library of NSW, 2013, Information about the law, viewed May 30 2017, [www.legalanswers.sl.nsw.gov.au](http://www.legalanswers.sl.nsw.gov.au)  Australian Electoral Commission, <http://education.aec.gov.au/>  Passport to Democracy, <http://passport.vec.vic.gov.au/>  High Court, <http://www.hcourt.gov.au/education/student-resources/resources-for-primary-secondary-and-tertiary-students>  Victorian Courts, <https://www.courts.vic.gov.au/>  Victorian Legal Aid,  <https://www.legalaid.vic.gov.au/>,  <https://www.legalaid.vic.gov.au/find-legal-answers/all-publications-and-resources> |

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| **ASSESSMENT**  **Level 7-8 Civics & Citizenship: Laws & Citizens**  *The following uses the Achievement Standard and is for teacher use only. Teachers may choose to elaborate on the statements by developing an assessment rubric that describes student achievement in the task.* | | | | | | |
| **Task 1** | | **Task 2** | | | **Task 3** | |
| **PRINCIPLES OF LAW**  Poster  **Name:**  **TASK:** *In groups (ideally of 3-4), students in each group are to research one of the given terms of Australian Law. The group is to define and present information on a group poster. The presentation needs to demonstrate a clear definition of each term written in the student’s own words and be a presentation of written material resulting from collaboration of all students in the group* | | **CUSTOMARY LAW**  Multimodal group presentation  **Name: Other group members:**  **TASK:** *to present a multimodal presentation to the class about the place of one type of customary law*  **Name of customary law:** | | | **CREATIVE WRITING**  Writing task  **Name:**  **TASK:** To complete a piece of drafted creative writing reflecting understanding of the differences between customary and laws in Australia | |
| **CIVICS AND CITIZENSHIP** | **Laws & Citizens** | |  | | | |
| ***Students working at level 5-6 will be able to: (extract only)*** | ***Score allocations*** | | **High** | **Medium** | | **Low** |
| •Explain the role of different people in Australia’s legal system and the role of parliaments in creating law. | |  |  | |  |
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| ***Working at level 7-8, you will be able to:*** | * explain how Australia’s legal system is based on the principle of justice, and | |  |  | |  |
| * describe the types of law and | |  |  | |  |

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| ***Students working at level 9 -10 will be able to:  (extract only)*** | • Analyse the role of the High Court and |  |  |  |
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| • explain how Australia’s international legal obligations influence law and government policy. |
| Explain the key principles of Australia’s system of justice and analyse the role of Australia’s court system. |  |  |  |
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| **Comments:** | | | | |

**AND JUSTICE FOR ALL**

Property

Public order

Traffic

**CIVIL LAW is** designed to help solve problems which occur between individuals or groups - trained legal personnel and courts help

Contract law

Employment

Law of torts

Family law

**CRIMINAL LAW** is designed to protect society as a whole from wrongful actions -police can take action