



AUSTRALIA AS A NATION: AUSTRALIA'S SYSTEM OF GOVERNMENT AND CITIZENSHIP

Year 6 Student Post-Visit Resource

POINTS TO THINK ABOUT AFTER YOUR VISIT TO THE FBLEP

Review the points below and your previous answers with a partner or in a small group and then discuss them with your class.

INSTRUCTIONS:

Read the sentences below and mark them True or False.

	True	False
1. The accused person must prove to the court that s/he is not guilty of the crime.		
2. The judge decides if an accused person is guilty or not guilty for serious charges.		
3. An accused person is thought to be innocent until proven guilty.		
4. Jury duty is a responsibility of everyone who can vote in WA except in special situations and except for people in special types of jobs.		
5. You have the right to trial by jury if you are accused of a serious crime in WA.		
6. The British colonists lived under customary Aboriginal lore (law) in the early days of the colony.		
7. The Australian legal system was inherited from England.		
8. The law for the Queen and Prime Minister is different to the law for everyone else.		
9. The government can remove a judge from his/her position at anytime.		
10. The Australian Constitution describes what laws and courts for which the Federal Government is responsible and what laws and courts for which the State Governments are responsible.		

Rule or Law?

Read each of the following statements and circle True or False.

1. Everyone is equal in the eyes of the law.	True	False
2. The rule of law creates responsibilities for both the government and citizens in WA.	True	False
3. The rule of law makes sure that the government has all the legal power.	True	False

HOW LAWS ARE MADE

In Australia generally speaking there are two main kinds of laws; State/Territory laws and Federal/Commonwealth laws.

FEDERAL/COMMONWEALTH LAWS

Use the [Parliamentary Education Office website](#) hyperlink that follows to research how Federal/Commonwealth laws are made and complete the tasks.



Making a Law: You might also like to read the [‘Making a Law’](#) and the [‘Bills and Laws’](#) Fact Sheets.

1. What is a bill? (*Hint: The Parliamentary Glossary will help you*)

2. Who makes Federal/Commonwealth laws?

3. Who signs on behalf of the Queen before a Federal/Commonwealth bill becomes an Act of Parliament, i.e. a new law?

STATE/TERRITORY LAWS

Use the hyperlink that follows to the [Parliament of WA](#) website to research how WA State laws are made and complete the tasks.

[From a Bill to a Law](#) video

TASK 2

1. Who makes WA State laws?

2. How many Houses of the WA Parliament must approve a bill?

3. Who signs on behalf of the Queen before a WA State bill becomes an Act of Parliament, i.e. a new law?

An Act of Parliament that has been signed on behalf of the Queen then becomes a Statute or Legislation and is officially a law.

Additional Resources

[The Three Levels of Law Making](#)

[Image Library: The Law](#)

DIFFERENT TYPES OF LAW

Match the different types of law to the descriptions in the table.

criminal law, statute law, civil law, common law

The teacher may like to make the table below into cards for a student activity.



Type of Law	Description
	Law which is created by judge's decisions. Those decisions set precedents which all the lower courts must follow. This type of law is only created when there is a gap in the existing statutes/legislation.
	Law which is created by Parliament through legislation.
	Law which aims to stop anti-social behaviour and danger in our community.
	Law which focuses on formal disagreements between two or more people in our community.

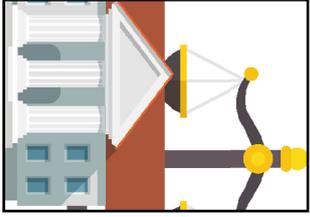
COURT PERSONNEL CHALLENGE

Instructions:

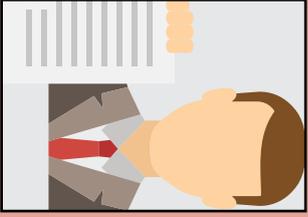
1. The Court Personnel Challenge is a card game.
2. Place the cards face down on the desk.
3. Each person chooses a card and must try to describe the duties of the court personnel on the card without giving the name of the court personnel.
4. The challenge for the other students is to guess which of the court personnel is being described.
5. If the other students can guess which of the court personnel is being described the person reading will keep the card. Then another student has his/her turn.
6. If the other students cannot guess which of the court personnel is being described the person reading puts the card back. Then another student has his/her turn.
7. Keep going until you have been able to describe the duties of all of the court personnel on the cards.



Jury



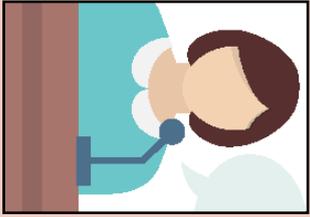
Judge



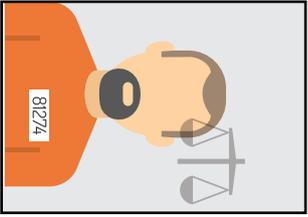
**State
Counsel**



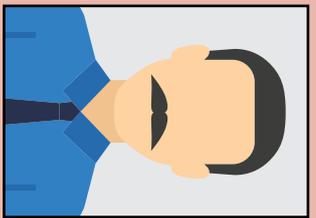
**Judge's
Associate**



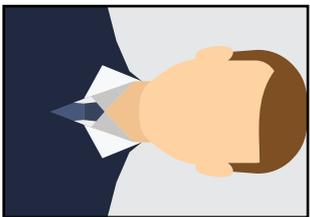
Witness



Accused



Usher

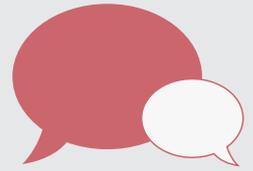


**Defence
Counsel**



**Jury
Foreperson**

GENERAL QUESTIONS



1. Who do you think has the hardest job in a court room? Why?

2. Which job would you like to have if you worked in a court room? Why?

IMPACT OF BRITISH LAW ON ABORIGINAL PEOPLES IN WA

As you now know the establishment of British Law had a big impact on Aboriginal Peoples in WA. Click on [Kaartdijin Noongar – Sharing Noongar Culture website - WA list of legislation and read the WA list of legislation](#) that applied to Aboriginal people and complete the timeline.

WA LEGISLATION THAT APPLIED TO ABORIGINAL PEOPLE

Year	WA Legislation	Brief Description
1829	Western Australian Act. (UK)	Gave effect to the 'settlement' of Western Australia on 'wild and unoccupied lands'. In his despatches to the British government, Governor James Stirling would refer to the physical occupation of land as an invasion. ¹
1841	An Act to allow the Aboriginal Natives of Western Australia to give information and evidence without the sanction of an oath 1841	Evidence admitted in court that would allow Aboriginal people to give evidence against each other and Europeans. This part was initially attached to summary punishment provisions that aimed to prosecute Aboriginal people for the theft of settlers' property. it was taken out of the Act on the insistence of the British Government. ²
1874	The Game Act	Authorised Aboriginal people to kill native animals for food. ³

1. Kaartdijin Noongar – Noongar Knowledge, Sharing Noongar Culture, South West Aboriginal Land and Sea Council, List of WA Legislation <<http://www.noongarculture.org.au/list-of-wa-legislation/>>.

2. Ibid.

3. Ibid.

1886	The Aborigines Protection Act	Established Aborigines Protection Board (APB). Officials including Chief Protector had increased power to regulate the employment and movement of Aboriginal people. ⁴
1905	The Aborigines Protection Act	Governor had power to declare or confine Aboriginal people on reserves, or remove them. 1905 Aborigines Act ⁵
1907	The Electoral Act	Prohibited any 'Aboriginal native' from enrolling as an elector, or if enrolled, from voting in an election. ⁶
1950	The Fauna Protection Act	'Natives' could take fauna from Crown land (or other land with permission) for food for sustenance. ⁷
1962	Commonwealth Electoral Act	Aboriginal people over 21 achieve right to enrol (not compulsory) and vote at Federal elections. At this point, Western Australia passed laws that meant that Aboriginal people could vote for the first time. ⁸
1967	The Commonwealth Constitution Amendment Act	Referendum to change section 51(29) to authorise the Commonwealth parliament to make special laws relating to Aboriginal people and remove s127 of the Constitution so that Aboriginal people could be counted in the census.
1972	The Aboriginal Heritage Act	First Act that focused on Aboriginal cultural heritage. Aim is protection of Heritage sites of significance to persons of Aboriginal descent. ⁹
1992	The Native Title Act	Enacted following the <i>Mabo</i> decision in 1992, which recognised that Aboriginal people had native title rights that survived the assertion of British sovereignty. ¹⁰

DISCUSSION QUESTIONS

1. In 1841 Aboriginal people were given the right to give evidence without an oath in WA courts. What does this tell us about what happened to Aboriginal people in WA courts between 1829-1841?

4. Ibid.
5. Ibid.
6. Ibid.
7. Ibid.
8. Ibid.
9. Ibid.
10. Ibid.

2. In 1874 the Game Act allowed Aboriginal people to take native animals for food. If you are an Aboriginal person, what do you think your ancestors thought about this new law? Why? If you are not an Aboriginal person, what do you think the Aboriginal people at that time thought about this new law? Why?

3. In 1962 all Aboriginal people over 21 could vote if they wanted to. Are you surprised that it took so long for Aboriginal people to given the right to vote? Why?

4. The 1905 Aborigines Act had a devastating effect on Aboriginal Peoples in WA. At that time Aboriginal Peoples were thought of as a 'dying race'. Despite all of the hardships and injustices that Aboriginal Peoples have experienced since colonisation the Aboriginal Peoples have survived and are very much a living race. What does this tell us about Aboriginal Peoples?

5. Which WA legislation in the timeline above most surprised, interested or shocked you? Why?

SCRIPTED MOCK TRIAL TASK (See Appendix 1 and 2 for student task sheets)

Create a scripted Supreme Court OR District Court OR Magistrates Court mock trial. Be sure to include legal words and phrases in your script and follow the trial process as outlined in the Tasksheet.



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Appendix 1

AUSTRALIA AS A NATION: AUSTRALIA'S SYSTEM OF LAW

YEAR 6 SCRIPTED MOCK TRIAL TASK

Create a scripted Supreme Court or District Court mock trial. Be sure to include the court personnel, essential legal principles, legal words and phrases in your script and follow the trial process.

SUPREME COURT AND DISTRICT COURT PERSONNEL

Judge, Judge's Associate, Usher, Accused, Security Officer, State Counsel, Defence Counsel, Jury, Jury Foreperson, Sheriff's Officer, Witnesses

ESSENTIAL LEGAL PRINCIPLES

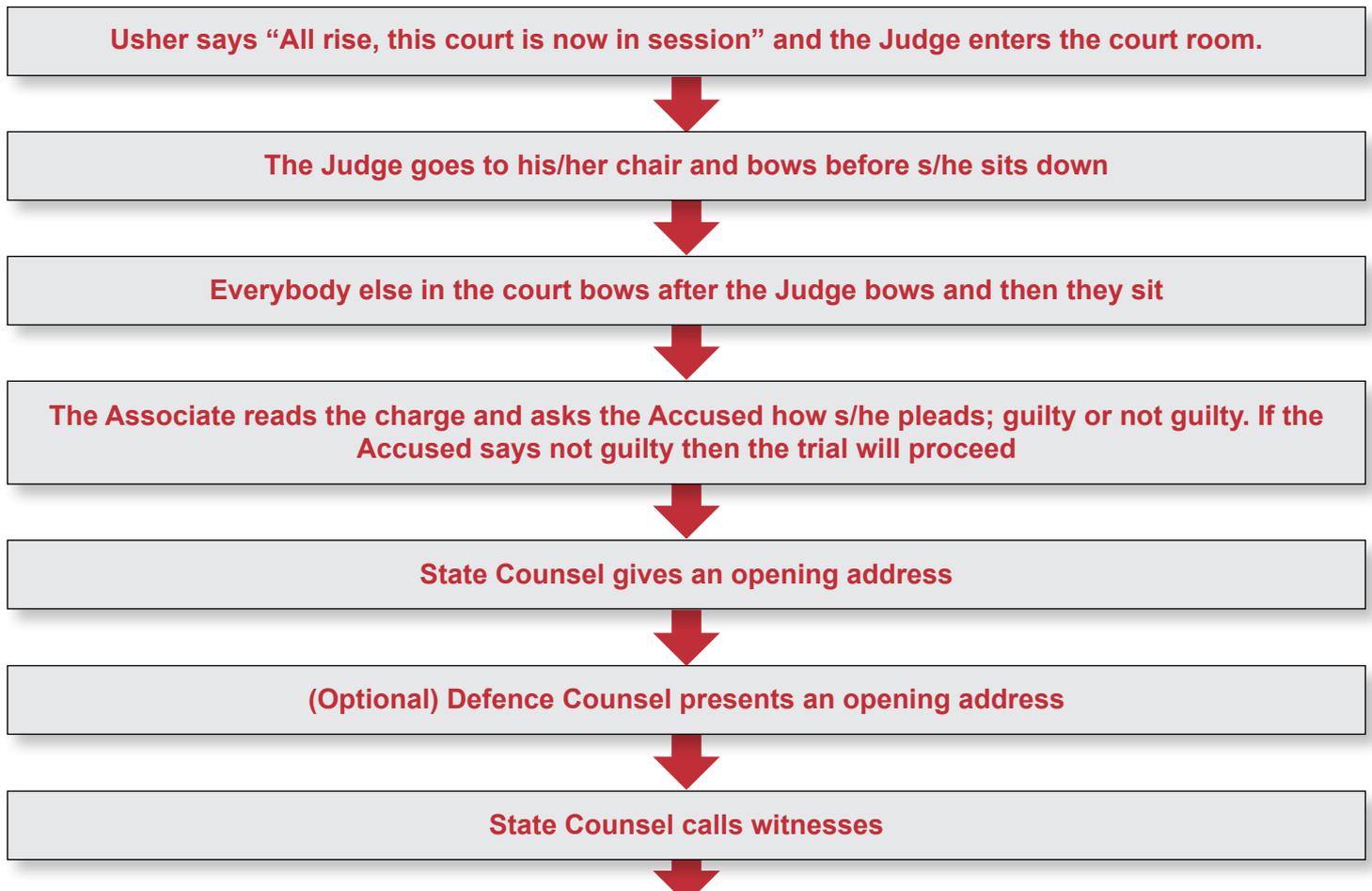
1. Presumption of innocence: the Accused is thought to be innocent until proven guilty.
2. Burden of proof: the State must prove that the Accused person is guilty.
3. Standard of proof: to find a person guilty you must be convinced beyond reasonable doubt.

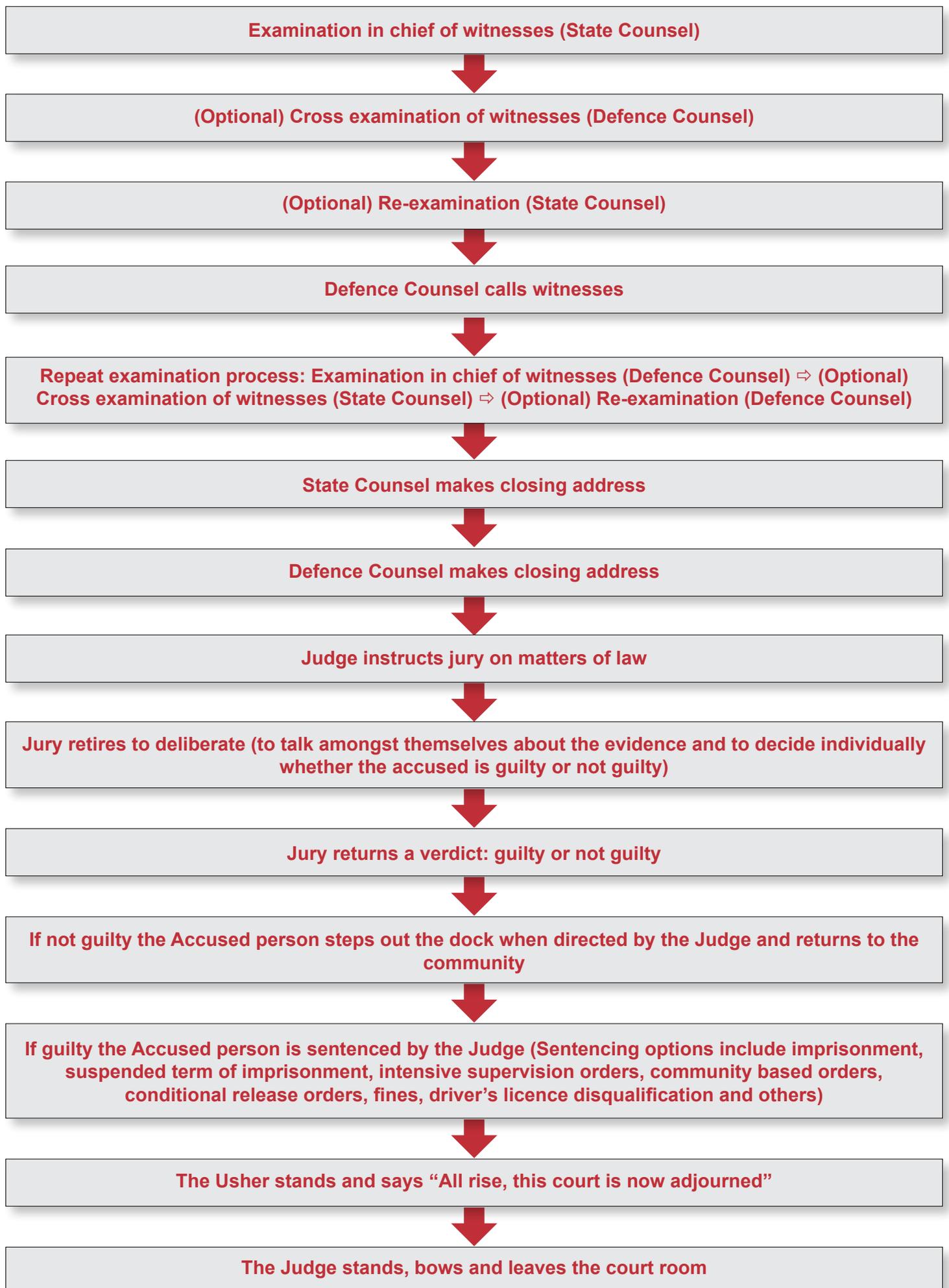
CRIMINAL CHARGE IDEAS FOR YOUR TRIAL

Supreme Court: Armed robbery, Arson

District Court: Drug dealing, Stealing over \$10,000 in value or Burglary

SUPREME COURT AND DISTRICT COURT TRIAL PROCESS





Appendix 2

AUSTRALIA AS A NATION: AUSTRALIA'S SYSTEM OF LAW

YEAR 6 SCRIPTED MOCK TRIAL TASK

Create a scripted Magistrates Court mock trial. Be sure to include the court personnel, essential legal principles, legal words and phrases in your script and follow the trial process.

MAGISTRATES COURT PERSONNEL

Magistrate, Judicial Support Officer (JSO), Orderly, Accused, Prosecutor, Defence Counsel, Witnesses

LEGAL PRINCIPLES

1. Presumption of innocence: the Accused is thought to be innocent until proven guilty.
2. Burden of proof: the State must prove that the Accused person is guilty.
3. Standard of proof: to find a person guilty you must be convinced beyond reasonable doubt.

CRIMINAL CHARGE IDEAS FOR YOUR TRIAL

Magistrates Court: A traffic offence, Stealing under \$10,000 in value, Disorderly conduct, e.g. being drunk in public and disturbing people, Criminal damage, e.g. graffiti.

MAGISTRATES COURT TRIAL PROCESS

