



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

## Year 6 Student Pre-Visit Resource

### VOCABULARY OF THE COURTS AND LAW

#### Instructions

1. Think of as many words as you can with a connection to the law and the courts in Western Australia.
2. Write them down in a list and group the words alphabetically..
3. Share your list with the class.

#### HERE'S A START TO YOUR LIST:

<b>A</b>	<i>accused, appeal, affirmation,</i>
<b>B</b>	
<b>C</b>	<i>court</i>
<b>D</b>	
<b>E</b>	
<b>F</b>	
<b>G</b>	<i>guilty</i>
<b>H</b>	
<b>I</b>	
<b>J</b>	
<b>K</b>	
<b>L</b>	
<b>M</b>	
<b>N</b>	
<b>O</b>	

P	
Q	
R	
S	
T	
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V	
W	
X	
Y	
Z	

## MAGNA CARTA

The Magna Carta is described as one of the most important documents in human history. Research the Magna Carta using the hyperlink below and complete the tasks that follow.

BBC Website

Read the Fun Facts on [The Magna Carta](#) and look at the Magna Carta photos. For your research, click on each of the headings: *Richard the Lionheart*; *Magna Carta*; and *Medieval Latin*.

After reading the three pages above you may also like to do the quiz on the Magna Carta on the BBC Website under the Activities section of each page.

### TASKS

1. Why were the Barons very unhappy with King John?

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2. When was the Magna Carta signed?

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3. What does Magna Carta mean?

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4. What happened to the power of a King/Queen in Britain after the Magna Carta was signed?

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You may wish to research further details using the 'More to Explore' hyperlinks on the BBC Website

[Further detail on Magna Carta](#)

[King John and the Magna Carta](#)

[King John \(c.1167 – 1216\)](#)



## RULE OF LAW

The Rule of Law is a principle where everyone is subject and answerable to the law. This includes the Queen, the Government and ordinary citizens. This is known as the supremacy of law and under the Rule of Law everyone has clear rights and responsibilities.

Watch 'Video 1: What is the Rule of Law?' on the [Legal Studies page](#) of the Rule of Law Institute of Australia website and complete the Western Australia worksheet.

## ESTABLISHMENT OF BRITISH LAW IN WESTERN AUSTRALIA

[Captain James Stirling](#) established British law in Western Australia when he proclaimed the foundation of the Swan River Colony on 18 June 1829. A [proclamation ceremony](#) was later held on 12 August 1829. The ceremony is thought to have taken place near where the Perth Town Hall is now located in central Perth (Search Google Maps: Corner Hay Street and Barrack Street Perth Western Australia).

### TASKS

1. Can you see a lot of differences or few differences that have taken place around the location where the proclamation ceremony took place?

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2. What are some of the differences you can identify around the location where the proclamation ceremony took place?

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Additional online resources on the establishment of British Law in WA and the colonisation of WA can be accessed via the [Museum of Australian Democracy: Documenting a Democracy website](#).

[West Australian specific documents](#)

[Timeline 60,000 BC–1836](#)

[Picture Album](#)

## IMPACT OF BRITISH LAW ON ABORIGINAL PEOPLES IN WA

The establishment of British law had a big impact on the Aboriginal Peoples in WA. Click on the hyperlink to the [Kaartdijin Noongar – Sharing Noongar Culture website](#) below. Read about the impacts of laws on Noongar people before 1905 and complete the tasks.

[The Impacts of Laws on Noongar People Before 1905](#)



### TASKS

1. In May 1829 did the Noongar people agree to let the British claim Western Australia?

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2. Did Aboriginal Peoples in WA have established Aboriginal customary lores (laws) at this time?

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3. What was the Noongar people’s understanding of British Law?

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[Aunty Doolann Leisha Eatts tells of her grandmother’s story of contact with Europeans](#)

[Yagan’s Biography](#)

Online video [Weewar](#)

- In 1842 the Crown prosecuted Weewar, a Binjareb Nyungar warrior, for carrying out tribal payback by spearing Dyung of the Mooro Group. When Weewar heard that Dyung, a member of the tribe responsible for the death of his son, was moving through Binjareb Territory he was governed by one law - Traditional Aboriginal Law. Weewar’s trial became the test case in Western Australia which determined that British Law took precedence over traditional law<sup>1</sup>.
- Note: This trial really took place in the Old Court House where the Francis Burt Law Education Programme is based.

1. Kaartdijin Noongar – Noongar Knowledge, Sharing Noongar Culture, South West Aboriginal Land and Sea Council, *In 1842 Weewar, a Noongar, was convicted under British Law for carrying out payback*. < <http://www.noongarculture.org.au/in-1842-weewar-a-noongar-was-convicted-under-british-law-for-carrying-out-payback/>>.

## SEPARATION OF POWERS

Click on the hyperlinks below to the [Parliamentary Education Office website](#) and the [Supreme Court of Western Australia website](#) and complete the tasks below.

[Separation of Powers](#) – Parliamentary Education Office

[Separation of Powers](#) – Supreme Court of Western Australia

### TASKS

1. What are the three arms of government?

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2. What is Parliament responsible for?

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3. What is the Executive responsible for?

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4. What is the Judiciary (Judges) responsible for?

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5. What does security of tenure for judges mean?

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6. Why is security of tenure for judges important?

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## THE COURT HIERARCHY

The highest Australian Court is the High Court of Australia which is a Federal or Commonwealth Court. The High Court is the final court of appeal from the State and Territory Supreme Courts.

In Western Australia there are 3 main levels to the State court hierarchy. The table below lists the three main courts in Western Australia with the highest court being at the top of the table and lowest court being at the bottom.



<b>Supreme Court of WA</b>	Deals with the crimes which attract the most severe sentencing options, i.e. maximum term of imprisonment = life imprisonment.
<b>District Court of WA</b>	Deals with crimes which attract severe sentencing options, i.e. maximum term of imprisonment = up to 20 years imprisonment.
<b>Magistrates Court of WA</b>	Deals with offences which attract the least severe sentencing options, i.e. maximum term of imprisonment = up to 3 years imprisonment.

## VOCABULARY

*Jurisdiction: a court's authority to hear a case, e.g. The Supreme Court of WA has jurisdiction over crimes where a life sentence is a sentencing option.*

## DISCUSSION QUESTIONS

1. What kinds of crimes do you think are heard by the Magistrates Court of Western Australia?

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2. What kinds of crimes do you think are heard by the Supreme Court and the District Court of Western Australia?

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3. Why do you think we have three main levels of court in Western Australia?

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4. What is your image of a court room in Western Australia? Is a court room big or small? Is a court room a scary place or a comfortable place? Do the people in the court room wear casual clothes or formal clothes? Write down whatever you imagine when you think about a court room in WA.

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## POINTS TO THINK ABOUT BEFORE YOUR VISIT TO THE FBLEP

Think about the correct answers to the points below before you visit the FBLEP. You will review your answers after your visit to the FBLEP.



### 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.		

**INSTRUCTIONS:**

Read the sentences below and mark them True or False.

	True	False
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.		



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