Commerce Year 7-10. Core 4 – law, society and political involvement

Students develop an understanding of how laws affect individuals and groups and regulate society, and how individuals and groups participate in the democratic process. Students examine various legal and political systems and learn how strategies are used to resolve contentious legal and political issues.

Skills to be integrated in this topic as appropriate: developing questions, gathering and processing relevant information, analysing familiar and new situations, evaluating options, developing and implementing plans, developing evidence-based conclusions/decisions and reasoned arguments, working independently and collaboratively.

## Outcomes

A student:

* **COM5-1** applies consumer, financial, economic, business, legal, political and employment concepts and terminology in a variety of contexts
* **COM5-2** analyses the rights and responsibilities of individuals in a range of consumer, financial, economic, business, legal, political and employment contexts
* **COM5-3** examines the role of law in society
* **COM5-4** analyses key factors affecting decisions
* **COM5-5** evaluates options for solving problems and issues
* **COM5-6** develops and implements plans designed to achieve goals
* **COM5-7** researches and assesses information using a variety of sources
* **COM5-8** explains information using a variety of forms
* **COM5-9** works independently and collaboratively to meet individual and collective goals within specified timeframes

**Related Stage 4 outcomes:** COM4-1, COM4-2, COM4-3, COM4-4, COM4-5, COM4-6, COM4-7, COM4-8, COM4-9

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## Teaching and learning activities

### Learning sequence 1 - the role and structure of the legal system

Students:

* investigate the nature of laws and the reasons for laws in society in relation to values, morals and ethics
* describe the roles and responsibilities of the three levels of government, including the division of powers (ACHCK048)
* identify key features of Australia’s court system, including the High Court and its role in interpreting the Australian Constitution (ACHCK077, ACHCK092)
* describe the role of legal personnel and the role and selection of juries
* explain how laws are made, including common and statute law (ACHEK063)
* investigate the significance of customary law for Aboriginal and Torres Strait Islander Peoples and changes in its recognition over time (ACHCK064)
* outline types of law, including public and private, criminal and civil, domestic and international (ACHEK064)

#### 1.1 - the nature of laws and the reason for laws in society

**Teachers’ note** - laws, are rules that help manage our society; they define how people and organisations are expected to behave.

#### Activity

Brainstorm -

* Why we have laws in society? Common answers include: safety, control, authority, restriction.
* Laws are designed to protect citizens by setting expectations for how people interact with one another and resolve disputes. Identify some laws which are commonly known, such as murder, assault, theft.
* How do each of these laws protect citizens? Does the existence of the law prevent the behaviour?

#### 1.2 - roles and responsibilities of government

**Teachers’ note -** The Parliamentary Education Office (PEO) has a large range of resources on the [3 tiered system of government](https://peo.gov.au/understand-our-parliament/how-parliament-works/three-levels-of-government/), including its history. The closer look series includes activities, infographics and detailed explanations that are relevant to teaching of this content.

An understanding of the roles of each level of government is required prior to attempting the activity below.

#### Activity

Complete the [Federal, state, local game](https://peo.gov.au/understand-our-parliament/how-parliament-works/three-levels-of-government/federal-state-and-local/) to demonstrate their understanding of the roles and responsibilities of each tier of government. Once completed students should construct a table in their books to demonstrate the responsibilities of each level of government.

#### 1.3 - Australia’s court system

**Teachers’ note** - Australia’s court system has undertaken reform in recent years and this has resulted in some outdated resources on court structure and jurisdiction. Care should be taken to ensure most current information is provided to students. Access to ICT is required for students to complete the following activity.

#### Activity

There are three main courts within New South Wales, the local, District and Supreme Court. Using the [Communities and Justice LawAcess NSW](https://www.lawaccess.nsw.gov.au/Pages/representing/getting_ready_for_court/courts_and_tribunals.aspx) website, complete the questions below for each court.

* Who hears the case in this court?
* Who determines the result of the hearing?
* Who is responsible for sentencing?
* Can the court hear an appeal?

Consider each of the following scenarios. In which court would the matter be heard?

* A driver has been issued a speeding fine and wishes to contest the charge
* Mr Smith is in court to claim poor workmanship on his new home by Cheap as Chips Building Company which has resulted in structural faults that required the home to be knocked down and rebuilt. He is claiming $700 000 in costs.
* Mrs Williams has been accused of murdering her boss. She denies the charges and has been held in custody awaiting trial.

There are also three federal courts which hear matters of federal law where the parties live in NSW or the incident arose in NSW. These three courts are the High Court of Australia, Federal Court of Australia and the Federal Circuit and Family Court of Australia.

Research the roles of each court using the [Australian Government Attorney-General's Department](https://www.ag.gov.au/legal-system/courts) website and complete each of the questions below:

* Who hears the case in this court?
* Who determines the result of the hearing?
* Who is responsible for sentencing?
* Can the court hear an appeal?

#### 1.4 - legal personnel and juries

**Teachers’ note** - the activity can be presented using an interactive whiteboard or other technology. Teachers will need to establish the rules or procedure for the mock trial in advance.

#### Activity

* Explore the [3D interactive courtroom](https://www.nationaltrust.org.au/educationprograms/3d-interactive-court-room/) from the old Melbourne Gaol. This site shows key personnel in the courtroom and gives a detailed description of their roles. Allocate key roles. Write a description of each position which outlines their role in proceedings.
* Conduct a [mock trial.](https://www.lawsociety.com.au/for-the-public/mock-trial-competition) Use the story of [Three Little Pigs - The Guardian](https://vimeo.com/37734800) (duration 2.01) to conduct the trial. This version of the story contains information that can be used to look at law reform later in this topic.

#### 1.5 - how laws are made

**Teachers’ note** - The PEO [Making a law in the Australian Parliament](https://peo.gov.au/understand-our-parliament/how-parliament-works/bills-and-laws/making-a-law-in-the-australian-parliament/) fact sheet is a useful teaching resource including diagrams to demonstrate the path of a bill. Students will require access to ICT and appropriate technology to create an infographic.

#### Activity

* Examine the process of making new laws. Create an infographic to represent this process.
* Explain how new technologies may require changes to the law? Use the [PEEL writing structure](https://gradecrest.com/peel-paragraph-writing-and-tips/) to assist with this.
* Examples of new technologies requiring legislation may include: driverless technologies, drones and airborne vehicles. Some of the newest laws are a result of advancement in new technologies that require regulation. Draft an outline of a bill ensuring that the draft contains all [parts of a bill](https://peo.gov.au/understand-our-parliament/how-parliament-works/bills-and-laws/making-a-law-in-the-australian-parliament/) necessary to be made law. Once completed, complete the following:
	+ Assess the challenges in implementing the law you have proposed
	+ Consider the issues that might be points of discussion in the House of Representatives/Senate when the bill is presented?
	+ Justify the need for the legislation and the possible consequences of breaking the law

#### 1.6 - significance of customary law for Aboriginal and Torres Strait Islander peoples

**Teachers’ note** - Customary law, refers to comprehensive systems of governance in Aboriginal and Torres Strait Islander cultures, including ownership and custodianship, caring for Country/Place responsibilities, kinship, ceremonial duties, marriage and childcare, as well as sanctions and dispute resolution processes.

#### Activity

Referring to the following [quote](https://humanrights.gov.au/about/news/speeches/integration-customary-law-australian-legal-system-calma) from: The Integration of Customary Law into the Australian Legal System, Speech by Mr Tom Calma, Aboriginal and Torres Strait Islander Social Justice Commissioner.

“Recognising Aboriginal customary law is about recognising our competence – and recognising the strength that comes from our culture: the core of our identity”.

* Examine the customary law case studies on the Australian Law Reform Commission webpage.
* How does customary law help to satisfy communities’ sense of justice?
* What factors need to be considered in order to make customary law work effectively within the legal system?
* Customary law is most often used when sentencing offenders. What impacts does failure to consider customary law in sentencing have on the:
	+ offender
	+ victim
	+ community

#### 1.7 - types of law

**Teachers’ note** – the following table detailing types of law may be helpful with the teaching of this unit.

|  |  |
| --- | --- |
| Law | Purpose |
| Public | Deals with relationships between individuals and the government. Public law includes administrative law, tax law and constitutional law. |
| Private | Deals with relationships between individuals and organisations.  |
| Criminal | Deals with crime, including investigation, enforcement, prosecution and sentencing. Criminal actions can include crimes against a person, the state and property. |
| Civil | Deals with relationships between individuals. Civil law includes property ownership and marriage. |
| Domestic | The law or legal system established within a nation state |
| International | Consists of rules and principles which facilitate the conduct of states and international organisations in their relations with one another. |

#### Activity

Complete the following table by defining the types of law and providing examples.

|  |  |  |
| --- | --- | --- |
| Law | Definition | Example |
| Public |  |  |
| Private |  |  |
| Criminal |  |  |
| Civil |  |  |
| Domestic |  |  |
| International |  |  |

### Learning sequence 2 - Law reform, political action and decision-making

Students:

* investigate why laws change, how they change and the effect of the changes
* research methods an individual or group has taken to influence politicians and evaluate their effectiveness, for example individual action, actions of lobby groups and political parties and the use of the media (ACHCK062, ACHCK076)
* outline the process by which referendums to change the Australian Constitution are initiated and decided (ACHCK049)

#### 2.1 - why and how laws change

**Teachers’ note** - If using current law reform to provide examples, it is important that the example and the law reform does not relate to controversial issues or consult the [controversial issues in schools policy](https://policies.education.nsw.gov.au/policy-library/policies/controversial-issues-in-schools).

Repeal is the removal or reversal of a law

#### Activity

Changing laws are often a reflection of advances in technology or changing societal values.

* Research the following laws:
	+ It’s illegal to be in possession of more than 50kg of potatoes in Western Australia.
	+ It’s illegal to operate a vacuum cleaner at specific times in Victoria.
	+ Taxi drivers must keep a bale of hay in their boot at all times in Queensland.
	+ It’s illegal to splash a bus passenger by driving through a puddle in New South Wales.
* How did these laws come into force? Are they still relevant or should they be repealed?

Consider the story of [Three Little Pigs - The Guardian](https://vimeo.com/37734800) (duration 2.01) from Activity 1.4. Discuss how law reform might result from this case.

#### 2.2 - influencing politicians

**Teachers’ note -** teachers are reminded that care needs to be taken when teaching about active citizenship.

Local members may be invited onto school grounds by arrangement between the principal and the local member’s office. For political representatives other than the local member additional requirements are found in the [controversial issues in schools procedures.](https://policies.education.nsw.gov.au/policy-library/policies/controversial-issues-in-schools)

#### Activity

* Identify issues that may be affecting the local community or school. These may include environmental concerns, public transportation or the use of personal technology in schools.
* Research an issue in detail including, size of the issue, number of people impacted, suggested solutions.
* Construct a list of people and organisations that may be able to help resolve the issue.
* Think it through:
	+ Did they include local and state political representatives?
	+ How might they be able to help?
	+ Who is able to approach politicians for help?
* Examine the issues identified and the evidence gathered during the research task. Which of the issues does the class think is most significant?
* Construct a detailed proposal regarding the issue and invite the local member to discuss what might be done to improve/resolve the issue.

#### 2.3 - the referendum process

**Teachers’ note -** a clear explanation of the requirements to pass a referendum can be found in the [PEO referendums and plebiscites](https://peo.gov.au/understand-our-parliament/having-your-say/elections-and-voting/referendums-and-plebiscites/) factsheet which includes the infographic featured in the learning activity. The AEC offers useful resources relating to [changing the constitution](https://education.aec.gov.au/making-a-nation/module4/default.html).

Referendum, a compulsory vote used to approve a change to the Australian Constitution

#### Activity

* Referendums (aka referenda) are usually carried out at the same time as a federal election, reducing the number of times a person is required to attend a polling place and reducing the cost of the vote. The Australian Constitution may only be changed with the support of the majority of voters and a majority of voters in at least four states.
* [AEC case study - the 1999 referendum](https://education.aec.gov.au/making-a-nation/module4/default.html#Activity6Landing) was undertaken to determine if Australia should continue to be a monarchy. Complete the online AEC activity which examines the process and results of the 1999 referendum. The activity requires the application of a range of skills to synthesise and extract information from a variety of sources.

### Learning sequence 3 - Participation in the democratic process

Students:

* investigate the rights and responsibilities of individuals and groups in the democratic process, including the right to vote (ACHCK061, ACHCK062)
* explain how an election is conducted and the range of voting methods – first past the post, preferential, optional preferential and proportional
* describe the role of political parties and independent representation in Australia’s system of government, including the formation of governments (ACHCK075)
* describe the process through which government policy is shaped and developed, including the role of Prime Minister and Cabinet (ACHCK103)
* discuss the significance of a parliamentary majority, a hung parliament and minority government (ACHCK075)
* explain how and why the separation of powers exists between the Parliament (legislative), Executive and Judiciary (ACHCK048, ACHCK090)

#### 3.1 rights and responsibilities of individuals and groups

**Teachers’ note** - This sections is not designed to cover the issues around rights and responsibilities, rather to identify how rights and responsibilities are addressed within the democratic process. Students are encouraged to examine the reasons for compulsory voting as part of this area of study, however, it should not become the focus.

#### Activity

Rights of individuals and groups go hand in hand with responsibilities. Responsibilities begin early in life with simple tasks assigned by parents and develop into legal rights and responsibilities over the course of a persons’ life.

The right to vote in a government election in Australia is enforced after a person has reached the age of 18. After this time is becomes compulsory to vote in local, state and federal elections as well as referendums.

In pairs, students research the following:

* Has it always been compulsory to vote in Australia?
* Did everyone have the right to vote after federation?
* Discuss groups who have struggled to achieve voting rights/equality in Australia?
* Explain why is voting both a right and a responsibility?

Investigate some of the democratic rights included in the table below. What responsibilities come with each of the rights?

|  |  |
| --- | --- |
| Right | Responsibility |
| The right to vote  |  |
| The right to express my ideas and opinions |  |
| The right to equal treatment |  |

#### 3.2 - how an election is conducted

**Teachers’ note** - The Australian Electoral Commission (AEC) provides a full set of resources to run a free and fair election in your school. Care must be taken not to use or endorse material from current political parties

#### Activity

* Run an election. The election may be conducted for school prefects, house captains, Student Representative Council (SRC) or as an in-class activity. Work through the 5 steps for running an election:

Figure 1 - 5 Steps for running an election

* At the conclusion of the election process, discuss whether the electoral process was fair and just.

#### 3.3 - the role of political parties and independent representation

**Teachers’ note** - The Parliamentary Education Office (PEO) provides a detailed description of the formation and role of [political parties](https://peo.gov.au/understand-our-parliament/parliament-and-its-people/people-in-parliament/political-parties/). A Political party is an organisation that represents a particular group of people or set of ideas. An Independent candidate is a politician not affiliated to any political party

#### Activity

During an election, political parties provide the resources required to support candidates through the electoral process in return for the support of these individuals in parliament. Parties are complex and are required to register and comply with the regulations of the Australian Electoral Commission.

A candidate is not required to have an affiliation with a political party and may instead choose to run as an independent candidate. If elected, the independent candidate may have considerable power if a clear majority is not held by one of the major parties (see 3.5 below).

**Research**

* Identify the two major parties in Australian politics?
* Which political party currently holds power at each level of government (local, state and federal), how might this become complex?
* Examine the current policies/campaigns for each party. Compare the differences and similarities.

#### 3.4 - the process through which government policy is shaped and developed

**Teachers’ note** - care should be taken not to discuss government policy in a manner that contravenes the Code of Conduct.

#### Activity

Government policy is the responsibility of ministers with cabinet as the focal point of the decision-making process. Departments and agencies provide policy advice to ministers to help ensure that government decisions are appropriately supported and informed. Consultation is required as ministers make policy decisions on issues outside of their area of expertise.

* Imagine that you are undertaking the process of constructing a government policy to manage invasive weeds at a federal level. Investigate where the information that is required may be located in order to be fully informed on the issues. Consider the following questions:
	+ What are the issues?
	+ Who are the experts?
	+ Who are the stakeholders?
	+ What are the impacts of this policy (expense, enforcement, evaluation)

Consider the amount of information that is required to be fully informed on the issue.

Government ministers rely on the opinions and information provided by experts in other departments, agencies and community members to make decisions that are in the best interests of their constituents.

#### 3.5 - significance of a parliament majority, hung parliament and minority government

**Teachers’ note** - majority government, is formed by the party or coalition of parties that has a majority (more than half) of the 150 members in the House of Representatives.

Hung parliament results from no party or coalition winning a majority in the House of Representatives at a federal election.

Minority government, is formed if any party or coalition can then gain the support of a majority of members through an agreement with Independent and/or minor party members.

#### Activity

1. Assign all members to being either in the Yellow or Pink party. Model how a majority government works by having one party larger than the other
2. Each party must elect a leader.
3. Discuss the concept of voting ‘along party lines’
4. Introduce three new bills
	1. Discount of 10% for Stage 6 students at the school canteen
	2. Extending the school day by 1 hour
	3. Abolishing school sport
5. Give each party time to decide their party line – ultimately this is often the decision of the leader of the party.
6. Vote should now occur for each of the bills. Each vote should see the majority government making the critical number for the bill to pass in their favour.
7. Now, remove members from each party to form a hung parliament. The members removed are now independent candidates and can choose which party they wish to affiliate themselves with, or if they choose not to support a minority/coalition government. If one party can secure the support of more independents than the other, they become the government. Discuss.

#### 3.6 - the separation of powers

**Teachers’ note** - the separation of powers, proposes that the power to govern should be divided between different groups, to avoid any one group having all the power.

In Australia, the government is separated into the Parliament, the Executive and the Judiciary. Power to manage federal laws is divided between the groups, however, there are some areas of overlap that need to be highlighted

#### Activity

Examine the [PEO’s ‘Separation of powers’](https://peo.gov.au/understand-our-parliament/how-parliament-works/system-of-government/separation-of-powers/) factsheet which demonstrates the role of each group.

* What is meant by ‘exceptions to the principle’?
* How does this complicate the separation of powers?
* Are there any benefits of the exceptions?