# Stage 5 Commerce – Core 4: Law, Society and Political Involvement



This resource has been designed to support teachers by providing a range of tasks based on syllabus content. Tasks can be incorporated into context driven teaching and learning programs in full or can be used to supplement existing programs. All content is textbook non-specific to ensure equity.

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## Overview

In this unit, 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.

The following skills should 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.

Outcomes and other elements of syllabus references in this document are from [Commerce 7-10 Syllabus](https://educationstandards.nsw.edu.au/wps/portal/nesa/k-10/learning-areas/hsie/commerce-7-10-2019) © 2019 NSW Education Standards Authority (NESA) for and on behalf of the Crown in right of the State of New South Wales.

## Learning sequence 1: The role and structure of the legal system

**Note:** This topic presents an opportunity for a site study to be integrated into the teaching of commerce. Examples may include the law courts or NSW Parliament. Virtual options are also available, for example, the [Parliament of NSW Virtual tour](https://www.parliament.nsw.gov.au/about/Pages/Virtual-Tour.aspx). As parts of this learning sequence relate to courts and their operation, sensitivity should be used to ensure that students who have interacted with courts, for example the family court, are not adversely affected.

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**).

### Nature of law and reasons for laws

**Note:** Laws are rules that help manage our society; they define how people and organisations are expected to behave. Laws are designed to protect citizens by setting expectations for how people interact with one another and resolve disputes. It is sometimes helpful to relate laws to school rules as these are generally imposed on the school population to set expectations of behaviour and protect students.

Use [law](https://dictionary.cambridge.org/dictionary/english/law) from Cambridge Dictionary and [What's the Difference Between Ethics, Morals and Values?](https://examples.yourdictionary.com/difference-between-ethics-morals-and-values.html) to complete definitions that include an example, for each of the following:

* law
* ethics
* morals
* values.

Laws regulate society and set expectations for how we act and solve problems. As a class, brainstorm as many laws as you can think of and add these to a class [Google Jamboard](https://app.education.nsw.gov.au/digital-learning-selector/LearningTool/Card/593) or whiteboard.

Consider 5 of these laws and explain the reason for this law in one sentence. You may like to use the table following:

Table 1 – Reasons for laws

|  |  |
| --- | --- |
| Law | Reason for the law |
|  |  |
|  |  |
|  |  |
|  |  |
|  |  |

With a partner, discuss whether the laws you have selected reflect the morals, ethics, or values that our society considers to be important.

Use the table to help write a paragraph in response to the following question: ‘Are laws just about power and control, or something more? Discuss.’

Open the *[Crimes Act 1900](https://legislation.nsw.gov.au/view/html/inforce/current/act-1900-040)* [No 40](https://legislation.nsw.gov.au/view/html/inforce/current/act-1900-040)*.* Use the menu on the left-hand side to scroll through all the different divisions of crimes that are listed. Choose one crime that you have never heard of and complete the following:

* Identify the crime.
* Identify the penalty that applies for a person convicted of this crime.
* Suggest what moral, value, or ethic in society this law aims to protect.
* Assess whether you believe that the penalty is appropriate for this crime, that is, do you think it should be higher or lower?

Conduct a media search to find a news article about someone who has been convicted or found guilty in court, of a crime. For this crime, complete the following:

* Identify the crime committed.
* Identify the penalty applied by the court.
* Explain in 1-2 sentences why it is important to have laws prohibiting, or banning, such behaviour.

Use the media research to complete a [Step Inside](http://www.pz.harvard.edu/resources/step-inside) activity to present to the class. Use the following sentence stems as a guide:

* I am … (name and brief details about the convicted person)
* My crime was to … (briefly describe the crime)
* I think that the penalty is too high because … (why might the person feel that they have been punished too harshly?)
* Society might think that the penalty is not enough because … (why might people in society think that the person wasn’t punished harshly enough?)

### Roles and responsibilities of levels of government

**Note:** The Parliamentary Education Office (PEO) has a large range of resources on the [Three levels of government](https://peo.gov.au/understand-our-parliament/how-parliament-works/three-levels-of-government/), including its history.

Complete a [fishbone diagram](https://app.education.nsw.gov.au/digital-learning-selector/LearningActivity/Card/599) that summarises the responsibilities of the 3 levels of government in Australia, that is, the local government, the state government, and the federal government. The following parliamentary resources may be useful for this task:

* [The roles and responsibilities of the three levels of government](https://peo.gov.au/understand-our-parliament/how-parliament-works/three-levels-of-government/the-roles-and-responsibilities-of-the-three-levels-of-government/)
* [Levels of government](https://peo.gov.au/understand-our-parliament/how-parliament-works/three-levels-of-government/levels-of-government/)
* [Three levels of government: governing Australia](https://peo.gov.au/understand-our-parliament/how-parliament-works/three-levels-of-government/three-levels-of-government-governing-australia/).

Play the Parliamentary Education Office, [Federal, state and local](https://peo.gov.au/understand-our-parliament/how-parliament-works/three-levels-of-government/federal-state-and-local/) game to practice distinguishing between the roles and responsibilities of each tier of government.

### Key features of Australia’s court system

**Note:** For this activity, explicitly teach students the meaning of the terms ‘appeal’ and ‘hierarchy’. It can be helpful to explain the terms with a school example. For example, if a student believes that the mark they have been awarded for an HSC task by their classroom teacher is unfair or inaccurate, they might ask the faculty Head Teacher to review the decision. When teaching this content, it is also important to remember that Australia’s court system has undertaken reform in recent years. This has resulted in some outdated resources on court structure and jurisdiction. Care should be taken to ensure the most current information is provided to students. Access to ICT is required for students to complete the following activity. Additional resources that may be of assistance in teaching this topic may be found at the [Supreme Court of Victoria: Court Education Program](https://www.supremecourt.vic.gov.au/going-to-court/for-students-and-teachers/court-education-program).

Use [Justice Journey: Overview of the court system (1:10)](https://www.youtube.com/watch?v=JkM69_G_FBQ), [Criminal Justice System in NSW – Structure](https://www.bocsar.nsw.gov.au/Pages/bocsar_court_stats/cjs_structure.aspx) and [Courts and tribunals](https://www.lawaccess.nsw.gov.au/Pages/representing/getting_ready_for_court/courts_and_tribunals.aspx) to complete the following table for the NSW and federal courts.

Table 2 – NSW and Federal Court hierarchy

|  |  |
| --- | --- |
| Court | Types of cases heard in this court |
| Local |  |
| District |  |
| Supreme |  |
| NSW Court of Criminal Appeal |  |
| Federal Circuit and Family Court of Australia |  |
| Federal court |  |
| High Court of Australia |  |

**Scenario**: Your cousin has been convicted of an offence in the local court. She has heard that she might be able to appeal to another court but is not sure what this means. Conduct research, using [NSW Communities and Justice, Appeals](https://www.lawaccess.nsw.gov.au/Pages/representing/driving_offences_and_crime/driving_and_crime_after_court/appeals.aspx), to write a one paragraph email to your cousin explaining:

* what an appeal is
* how an appeal may be able to help her.

One role of the High Court is to assess whether new laws made by the federal government are legal, that is, there is permission to make such a law in the Australian constitution. Examine the article [Clive Palmer loses High Court challenge to Western Australia's coronavirus border closure](https://www.abc.net.au/news/2020-11-06/clive-palmer-loses-high-court-challenge-against-wa-border-close/12855286) relating to a recent High court case and use this to work in small groups to consider the following:

* Who is Clive Palmer?
* What did Mr Palmer attempt to challenge in the High Court and why?
* Did Mr Palmer win the case?
* How does the ability of the High Court to review government laws benefit society?

Use a [Think-Pair-Share](https://app.education.nsw.gov.au/digital-learning-selector/LearningActivity/Card/645) strategy to consider each of the following scenarios and determine which court the matter would be heard in:

* A driver has been issued a speeding fine and wishes to contest or challenge 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.
* A couple have separated and have been unable to resolve their issues relating to where their children will live and how they will split their assets or possessions.
* Mrs Williams has been accused of murdering her boss. She denies the charges and has been held in custody awaiting trial.
* A businessman believes that state ‘lockdown laws’ are illegal according to the constitution and wants to challenge these.
* New evidence has been found about a murder case previously heard in the Supreme court. The lawyers for the accused person wish to appeal the case.

Watch [About Murri Court (3:36)](https://www.courts.qld.gov.au/courts/murri-court/about-murri-court) and use this to create an infographic that highlights how this initiative may benefit First Nations offenders in Queensland.

### Role of legal personnel and role and selection of juries

**Note:** The activity can be presented using an interactive whiteboard, or other technology. A mock trial may be used at this point as an engaging way for students to learn about the role of various court personnel. You will need to establish the rules or procedure for the mock trial in advance. Resources to support running a mock trial can be found in [Appendix 1](#_Appendix_1,_conducting).

Explore the [3D Interactive Court Room](https://www.nationaltrust.org.au/educationprograms/3d-interactive-court-room/) from the old Melbourne Gaol and use this to complete a table of key court personnel and a description of their role in proceedings.

Table 3 – Court personnel

|  |  |
| --- | --- |
| Court personnel | Role description |
| Judge |  |
| Defendant |  |
| Plaintiff |  |
| Prosecuting barrister |  |
| Defending barrister |  |
| Witness |  |
| Jury |  |
| Tipstaff or bench clerk |  |

**Scenario**: Your uncle has received a letter stating that he has been selected as a possible member for a jury. He is very confused about the process of jury selection and what will happen next. To help your uncle, complete a [Storyboard](https://app.education.nsw.gov.au/digital-learning-selector/LearningActivity/Card/559) showing the steps in the process. The written materials [About jury service](https://courts.nsw.gov.au/courts-and-tribunals/for-jurors/jury-service.html) and the video [Welcome to Jury Service (19:50)](https://courts.nsw.gov.au/courts-and-tribunals/for-jurors/jury-service.html#:~:text=PDF%20%2C%20271.9%20KB)-,Watch%20welcome%20to%20jury%20service%20video,-Welcome%20to%20jury) **may help with this task.**

### How laws are made

**Note:** In this unit, it is important that there is a clear distinction made between court made common law and parliament made statute law. The [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 for the making of statute law as it includes diagrams to demonstrate the path of a bill. In the first activity, the simple example will assist students to develop an understanding of precedent in common law. For the final activity, students can work as a class to pass a bill. Resources and specific directions to assist with this can be found at [Make a law: House of Representatives](https://peo.gov.au/teach-our-parliament/classroom-activities/parliamentary-processes-and-practices/make-a-law-house-of-representatives/).

**Scenario**: A commerce class is working on a poster task. Previously students have only been allowed to use white paper. A student notices that the teacher has a large pile of orange paper on her desk and asks if he may be able to use this. The teacher replies, ‘Of course, Ben. I will look forward to seeing your orange poster when it is finished.’

Consider the scenario above and use this to discuss these questions as a class:

* Has a precedent been set? That is, would the next person who asks, expect to be allowed to use orange paper?
* How would the class perceive the teacher’s actions if her reply to the next student was, ‘No you cannot use orange paper. It is a rule that we only use white paper for posters.’

Use [Types of law](https://peo.gov.au/understand-our-parliament/how-parliament-works/bills-and-laws/types-of-law/%22%20%5Cl%20%22%3A~%3Atext%3DCommon%20law%20is%20made%20by%2Cfor%20a%20future%20similar%20case.) and [How Laws are made – Courts (8:31)](https://www.youtube.com/watch?v=tOvqFzOYblQ) to complete a [concept map](https://app.education.nsw.gov.au/digital-learning-selector/LearningActivity/Card/577) on how laws are made by the courts.

Use the concept map to write a paragraph in response to the following question, ‘How do the courts make law?

Use [Parliament of Victoria Explains: How Parliament makes laws (2:38)](https://www.youtube.com/watch?v=pSCMpX9stW0), [How laws are made – Parliament (10:47)](https://www.youtube.com/watch?v=NhYpkVclXbA) or [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/), to create an infographic in [Canva](https://app.education.nsw.gov.au/digital-learning-selector/LearningTool/Card/653) to represent the process of creating a statute law in parliament.

Choose an area of emerging or new technology where new laws may be required to regulate behaviour and operation of the technology. Examples may include drones, driverless cars or gene technology. Try to think of your own. For this technology, complete a bill, or proposal for a new law, that covers the following:

* an overview of the new technology
* a justification of why a new law is required in this area
* a suggestion of possible penalties for breaching this new law
* predictions of concerns or issues that both houses of parliament may raise when considering whether to pass this bill.

### Significance of customary law for Aboriginal and Torres Strait Islander peoples

**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 (punishments) and dispute resolution processes. Where circle sentencing activities and content related to domestic violence are not suitable for the context or maturity level of students, these may be replaced. The Koori Court may be a possible alternative. Please note that in the resources provided on circle sentencing, there are references to domestic violence and criminal matters. These should be watched prior to teaching to ensure suitability for the context and maturity level of the class. Care should also be taken to teach this material in a manner that complies with the [Controversial Issues in Schools](https://education.nsw.gov.au/policy-library/policies/pd-2002-0045) policy.

Use [Customary law (4:56)](https://www.youtube.com/watch?v=k86gDHdSK3I) to write a one sentence definition for customary law.

[Customary law (4:56)](https://www.youtube.com/watch?v=k86gDHdSK3I) explains that in sentencing Mr Djambuy and Mrs Yakayaka, the judge took into consideration the Yolngu customary punishments that this couple would receive. Identify what these punishments were and the benefits of this process for the following:

* offenders
* victims and society.

One example of the integration of Aboriginal customary law into the broader Australian legal system is through circle sentencing. This sentencing process involves community and Elders in the sentencing of some Aboriginal people convicted of crimes. Access [Circle sentencing 'helping to keep our mob out of jail](https://www.sbs.com.au/nitv/article/2016/03/08/circle-sentencing-helping-keep-our-mob-out-jail),' and watch the video, [Circle Sentencing Part 2 (13:59)](https://www.youtube.com/watch?v=g0uA1b9E7ug) to help explain the following in 2-3 sentences:

* How does circle sentencing operate?
* How does this process reflect elements of customary law, for example involvement of Elders and community in sentencing?
* What are the benefits of programs like this for: victims, offenders, and broader society?

### Types of law

**Note:** This unit provides students with a brief overview of different types, or areas, of law. Useful definitions may include:

* Public law deals with relationships between individuals and the government, for example administrative law, tax law, and constitutional law.
* Private law deals with relationships between individuals and organisations.
* Civil law deals with disputes between people or corporations, involving money.
* Criminal law deals with crime, including investigation, enforcement, prosecution and sentencing. Criminal actions can include crimes against a person, the state and property.
* Domestic laws are the internal laws established within a nation state.
* International law consists of rules and principles which facilitate the conduct of states and international organisations in their relations with one another.

Arrange the class into groups of 6 and assign each group one of the following types of law: public; private; civil; criminal; domestic and international.

Use the resources following to create a [cartoon or comic](https://app.education.nsw.gov.au/digital-learning-selector/LearningActivity/Card/559) that explains the assigned type of law in a memorable way for the class. Resources for this task may include:

* [Chapter 4: What the law deals with](https://legalanswers.sl.nsw.gov.au/hot-topics-australian-legal-system/what-law-deals)
* [What is international law? (1:00)](https://www.youtube.com/watch?v=jTzKgI68VLc)

Nominate a spokesperson to briefly explain the cartoon to the class. As this person presents, write a definition for this type of law into the following table:

Table 4 – Types of law

|  |  |  |
| --- | --- | --- |
| Type of law | Definition | Examples |
| 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**).

### How and why laws are reformed

**Note:** Comprehensive resources for teaching this topic are available at [Conduct a law reform inquiry](https://peo.gov.au/teach-our-parliament/classroom-activities/democratic-ideas/conduct-a-law-reform-inquiry/). Care should be taken to ensure that they are suitable for the cohort and context and that lessons comply with the [Controversial Issues in Schools Policy](https://policies.education.nsw.gov.au/policy-library/policies/controversial-issues-in-schools). Where an example is not suitable, it should be replaced.

Define law reform. Use school resources or [Law Reform in Australia](https://www.timebase.com.au/support/legalresources/Law_Reform_in_Australia.html#:~:text=%22Law%20reform%20is%20the%20modernisation,of%20justice%22%20(Encyclopaedic%20Australian%20Legal) for this task.

Changing laws are often a reflection of advances in technology or changing societal values. As a class, brainstorm examples of law reform in the past 100 years.

Use [14 of the most obscure Australian laws you’ve never heard of](https://www.slatergordon.com.au/media/14-of-the-most-obscure-australian-laws-youve-never-heard-of) to identify 3 outdated Australian laws. For each law, discuss the following:

* why the law may have been in force
* why the law is no longer relevant in our society.

As a class, research the 2014 law reform on sentences for alcohol-fuelled violence and summarise this into the table below. Useful resources for this task may include:

* [Parents of Thomas Kelly 'absolutely horrified' at sentence for king-hit killer Kieran Loveridge](https://www.abc.net.au/news/2013-11-08/kieran-loveridge-sentenced-to-six-years27-prison-over-king-hit/5078728?nw=0&r=HtmlFragment)
* [‘One punch laws': Sweeping changes to tackle alcohol-fuelled violence in Sydney](https://www.abc.net.au/news/2014-01-21/one-punch-laws-to-tackle-sydney-alcohol-fuelled-violence/5210740?nw=0&r=HtmlFragment#:~:text=The%20so%2Dcalled%20one%2Dpunch,be%20increased%20by%20two%20years.)
* [A short review of the NSW Government’s “one-punch” alcohol control reforms](https://sydneyhealthlaw.com/2016/03/28/a-short-review-of-the-nsw-governments-one-punch-alcohol-control-reforms/).

Table 5 – Law reform summary

|  |  |  |  |
| --- | --- | --- | --- |
| Law reform | Why the reform was needed | Details of the new law | Effectiveness of the new law |
| ‘one punch’ laws |  |  |  |
|  |  |  |  |

In small groups, research a law reform of your choice. Examples may include marriage equality laws, data protection laws, or gun law reform. You should add your research to the law reform summary table, at Table 5.

The Australian Law Reform Commission (ALRC) is an independent Australian Government agency. It provides recommendations for law reform to Government on issues referred to it by the Attorney-General of Australia. Use the [Australian Law Reform Commission](https://www.alrc.gov.au/about/) website to research the ALRC and complete the following:

* Explain in 1-2 sentences how the ALRC influences law reform.
* Suggest the benefits of this commission being independent of the government.
* Explain the importance of the commission taking submissions from the public.

### Influencing politicians

**Note:** 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 Policy](https://policies.education.nsw.gov.au/policy-library/policies/controversial-issues-in-schools). If the class has previously studied the one-punch laws, you can introduce this section by discussing the actions of Thomas Kelly’s parents and the media in successfully pressuring the government for laws to reduce alcohol-fuelled violence.

Research the actions of an individual or group in pressuring the government to change the law in a particular area. Examples could be the [Lock The Gate alliance](https://www.lockthegate.org.au/), or [Carly’s law introduced to Federal Parliament to protect minors from online predators](https://www.abc.net.au/news/2017-03-30/carlys-law-introduced-to-protect-minors-from-predators/8400780). Your research should cover the following:

* issues of concern that led to action being taken
* a summary of the types of actions the group has taken to pressure politicians, for example use of media or protests
* design a criteria that identifies 2 ways you can assess how effective the group has been
* collaboratively write one paragraph to evaluate how successful this group has been. You should use your criteria to make this evaluation.

Use your research to complete the following:

* Write a [Headline](http://www.pz.harvard.edu/resources/headlines) that captures the important role of lobbyists and influencers in law reform.
* Explain in 1-2 sentences how your headline may differ from what you may have said last week.

### HPGE extension activity

In small groups, identify an issue that may be affecting the local community or school. These may include environmental concerns, public transportation or the use of personal technology in schools. For the issue, complete the following:

* Describe the issue.
* Describe the extent of the issue, for example, the size of the issue, the number of people impacted.
* Suggest solutions to resolve the issue.
* Construct a list of people and organisations who may be able to help resolve the issue. These people may include local or state political representatives.

As a class, select one local issue from those studied and use this to construct a detailed proposal to resolve it. Invite the local member to discuss what might be done to improve or resolve the issue.

### The referendum process

**Note:** 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 4 states.

A clear explanation of the requirements to pass a referendum can be found in the [Referendums and plebiscites](https://peo.gov.au/understand-our-parliament/having-your-say/elections-and-voting/referendums-and-plebiscites/) factsheet. Prior to completing the online activity, students should understand the meaning of the term monarchy and that Australia has the Queen as our Head of State.

Use the [Referendums and plebiscites](https://peo.gov.au/understand-our-parliament/having-your-say/elections-and-voting/referendums-and-plebiscites/) factsheet, to complete the following:

* Briefly explain what a referendum is.
* Construct a [Storyboard](https://app.education.nsw.gov.au/digital-learning-selector/LearningActivity/Card/559) summarising the referendum process.

Access the [AEC Case study: the 1999 referendum](https://education.aec.gov.au/making-a-nation/module4/default.html%22%20%5Cl%20%22Activity6Landing) and use this to complete the interactive activity that examines the 1999 referendum on whether Australia should continue to be a monarchy.

Use the knowledge you gained in the interactive AEC activity to complete a [T-chart](https://app.education.nsw.gov.au/digital-learning-selector/LearningActivity/Card/599) summarising strengths and weaknesses of the referendum process.

## 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**).

### Rights and responsibilities in the democratic process

**Note**: For the next 2 activities, the teacher resources at [Voting in Australia](https://education.aec.gov.au/teacher-resources/) may be a useful reference for teachers and students.

As a class discuss what it means to vote in a parliamentary election in Australia.

Your teacher will provide you with access to a copy of [Voting in Australia](https://education.aec.gov.au/teacher-resources/files/voting-in-australia.pdf) [PDF 6.6 MB]. Use this to write one paragraph explaining how voting rights in Australia have changed since federation in 1901.

With a partner, discuss the following:

* Why is it important for our voting system to allow all Australians to participate?
* Why aren’t young people allowed to vote?
* Does this weaken the authenticity of Australia’s voting system?

Use [Your vote – your privilege – and your responsibility](https://www.aec.gov.au/About_AEC/25/theme2-voting-any-way-you-can.htm) to identify at least 2 rights and 2 responsibilities associated with voting in Australia.

Use a [Think-Pair-Share](https://app.education.nsw.gov.au/digital-learning-selector/LearningActivity/Card/645) strategy to complete 1-2 sentence responses to the following questions:

* Why is voting both a right and a responsibility?
* What might happen if voting was voluntary rather than compulsory?

### How an election is conducted

**Note:** The Australian Electoral Commission (AEC) provides a full set of resources to run a free and fair election in your school. [Get organised](https://education.aec.gov.au/getvoting/content/step-two.html), provides many resources, including automatic ballot paper and voter list generators. [Get voting](https://education.aec.gov.au/getvoting/content/step-four.html) provides instructions on how to set up the classroom on election day. Teachers can order a free [Election Equipment Pack](https://getvoting.aec.gov.au/register) from the AEC.

In this resource, students are running a class-based election to select a class captain. If required, this activity can be adapted. Commerce students may, under supervision, be able to run an election for school prefects, house captains, or Student Representative Council (SRC).

As a class, use [Get voting: Get started](https://education.aec.gov.au/getvoting/content/step-one.html), to prepare for a class vote for a ‘class captain.’ Complete the following activities:

* Discuss what makes a good election.
* Discuss the types of rules that may need to be in place in the class to ensure a fair and effective election.
* Establish the rules for who you can nominate to be elected for class captain.
* Establish the rules for who can vote for class captain.

Read AEC, [instructions for election officials](https://education.aec.gov.au/getvoting/content/instructions-officials.html) and summarise the role of each of the following people on an election day:

* issuing officer
* queue controller
* ballot box guard.

Use [Types of elections](https://education.aec.gov.au/getvoting/content/types-of-elections.html), to write one paragraph explaining the difference between ‘first-past-the-post’ and ‘preferential’ voting.

Use [Instructions for counting](https://education.aec.gov.au/getvoting/content/instructions-counting.html), to make notes on how votes are counted in ‘first-past-the-post’ and ‘preferential’ elections.

In small groups, select one person from each group to nominate for election as class captain. Provide the name to the teacher so that ballot papers and voter lists can be printed. Then, use the resources at [Get voting: Instructions for candidates](https://education.aec.gov.au/getvoting/content/instructions-candidates.html), to prepare a campaign to get your candidate elected. Steps in this process include:

1. Decide on how the class captain could benefit the class. Remember to choose ideas that will interest the voting class members.
2. Create campaign posters to display around the classroom. Good campaign advertising should introduce who the candidate is and why they would be a good representative.
3. Collaboratively write a speech for the candidate to make to the class, explaining why they would make a good representative.
4. Use [Get voting](https://education.aec.gov.au/getvoting/content/step-four.html) to set up the classroom and hold an election for class captain. On completion, one person will count and tally the votes with the whole class acting as scrutineers to make sure that the count is fair and accurate.

At the conclusion of the election process, hold a class discussion on whether the electoral process was fair and just.

### The role of political parties and independent representation

**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. 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.

Use [Political parties](https://peo.gov.au/understand-our-parliament/parliament-and-its-people/people-in-parliament/political-parties/) to complete the following:

* Define ‘political party’.
* Identify the 3 steps in forming a political party.
* Explain in 1-2 sentences, the main role of a political party.
* Explain what is meant by a coalition party.

Use [Prime Minister](https://peo.gov.au/understand-our-parliament/parliament-and-its-people/people-in-parliament/prime-minister/%22%20%5Cl%20%22%3A~%3Atext%3Dchairing%20meetings%20in%20which%20the%2Cas%20the%20chief%20government%20spokesperson) to complete a [Step Inside](http://www.pz.harvard.edu/resources/step-inside) thinking routine, using the following sentence stems as a guide:

* I am a Prime Minister, and I am chosen by …
* My role is to …
* I am important because …

The Prime Minister works with 19 others in Executive government. These people make up ‘cabinet’. Use [Cabinet](https://peo.gov.au/understand-our-parliament/parliament-and-its-people/government/cabinet/) to write short paragraphs to:

* describe what cabinet is.
* explain the role of cabinet.

Use [Independents](https://peo.gov.au/understand-our-parliament/parliament-and-its-people/people-in-parliament/independents/), to explain in 1-2 sentences, why an independent member of parliament may be important.

Access [House of Representatives current numbers](https://peo.gov.au/understand-our-parliament/parliament-and-its-people/house-of-representatives/house-of-representatives-current-numbers/). Use this to explain why the Liberal/National coalition currently holds power at the federal level of government.

Review the websites of the 2 major Australian political parties, the [Australian Labour Party](https://www.alp.org.au/) (ALP) and the [Liberal Party of Australia](https://www.liberal.org.au/). Use this to:

* identify and explain 2 major policies for each party
* create a [Venn diagram](https://app.education.nsw.gov.au/digital-learning-selector/LearningActivity/Card/599) to highlight similarities and differences in the policies of each party.

### The process of developing government policy

**Note:** Making government policy is the responsibility of ministers. 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.

In teaching this unit, care should be taken not to discuss government policy in a manner that contravenes the [Code of Conduct](https://education.nsw.gov.au/policy-library/policies/pd-2004-0020) or the [Controversial Issues in Schools Policy](https://education.nsw.gov.au/policy-library/policies/pd-2002-0045).

As a class, discuss:

* What is meant by government policy?
* Why is it important for governments to get expert advice before making decisions on policy?

Review the graphic at [From policy to law](https://peo.gov.au/understand-our-parliament/how-parliament-works/bills-and-laws/from-policy-to-law/) and use this to write 1-2 sentences explaining the role that policy formation has on our lives.

Imagine that you are undertaking the process of constructing a government policy to manage the invasive weed, ‘Cat’s Claw Creeper’, at a federal level. To decide on how to manage this, conduct research at sites like [DPI, Cat’s Claw Creeper](https://weeds.dpi.nsw.gov.au/Weeds/CatsClawCreeper) and [Save our Catchment, Episode 2 (2:06)](https://education.nsw.gov.au/teaching-and-learning/curriculum/hsie/virtual-excursions---stages-4-6/save-our-catchment-virtual-excursion#/asset2) Use this research to:

* Identify the issues caused by this weed.
* Identify the experts on this problem.
* Identify the stakeholders in managing this issue.
* Outline in half a page, 5 key points that you would include in a policy to manage this issue at a national level.
* Explain in 1-2 paragraphs, the impacts of this policy, for example the costs to the government and the likelihood of success.

### Significance of a parliament majority, hung parliament and minority government

**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.

For the activity below, students should be assigned to a political party, the Yellow Party (majority) or Pink (minority) Party. The Yellow Party should be significantly larger than the Pink Party to enable modelling of how a majority government works. For the second vote, the teacher should remove some of the Yellow Party and make these independents. There should be 3 groups of equal size. The independents will then decide who they wish to vote with as they are not restricted by party lines. This represents a hung parliament. Please note, it is important that the parties do not all vote the same. If required, the teacher may need to encourage one party to vote in a different way, perhaps by suggesting different points of view that the group has not considered.

Watch [What's the Difference Between a Minority & Majority Government? (3:52)](https://www.youtube.com/watch?v=NwmaFaJwbPc). Use this to hold a class discussion about the difference between a majority and a minority government.

In your assigned party, elect a leader. In your party, you must make decisions together and then all vote for the same thing, that is, ‘along party lines’. If you can’t decide as a party, often the leader will decide. Now, as a party, discuss how you will vote on the following 3 bills:

* discount of 10% for Stage 6 students at the school canteen
* extending the school day by 1 hour
* abolishing school sport.

As a class, vote on each bill by raising hands or saying ‘I’ as the teacher reads out the bill. Discuss the following:

* Which party had a decision made in their favour and why?
* What is the significance of majority government?

The teacher will now rearrange the Yellow Party and make some of the party ‘independents’ rather than part of the majority government. These people can now choose which party they wish to affiliate themselves with and move to sit with this party. Count the members of each party. If one party can secure the support of more independents than the other, they become the government.

Write one paragraph explaining the importance of independent candidates in forming government.

### The separation of powers

**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.

Examine the [Separation of powers: Parliament, Executive and Judiciary](https://peo.gov.au/understand-our-parliament/how-parliament-works/system-of-government/separation-of-powers/) factsheet and use this to complete the following:

* Describe the role of Parliament, Executive and Judiciary in 1-2 sentences
* Explain the concept of separation of powers in one paragraph.
* Predict what might happen in Australia if there was no separation of powers.
* Create a visual representation of the separation of powers.

As a class, discuss the benefits of separation of powers.

Write one paragraph in response to the following question, ‘Explain how exceptions to the principle described in ‘Separation of powers’, weaken separation of powers.

## Assessment task: Law reform

**Note:** When using this task, ensure it is placed on the school template and follows all assessment requirements. Teachers should also ensure that the content for this task is not explicitly taught in class.

### **Outcomes**

* **COM5-3** examines the role of law in society
* **COM5-7** researches and assesses information using a variety of sources.

### **Syllabus content**

Investigate why laws change, how they change and the effect of the changes.

### Task

Research and explain a local community problem, emerging technology or change in society that requires new statute law to be created. You should consider the reasons why the new law is required and how the new law will benefit society. You will then draft a one-page parliamentary bill for the new law that includes:

* a title for the bill that includes what the law is about and the year
* the aim and intent of the new law
* the effects of the new law, for example, benefits to society.

Investigate 2 different perspectives on the proposed law. Summarise each of these into a half-page overview that covers:

* the viewpoint of this person or group
* why they may hold this viewpoint
* how this view might influence the government.

Choose the perspective on the proposed law that best aligns with your view. For this, develop a one-page sample of support materials that may be used to promote your point of view, persuade sceptics, and lobby the government. This may be in the form of a print advertisement for social media campaign or a poster or a sign for use in a protest. The material should be attention grabbing and make your stance on the issue clear.

### Marking criteria

Table 6 – Assessment marking criteria

|  |  |
| --- | --- |
| Grade | Criteria |
| **A** | * Demonstrates extensive knowledge and understanding of law reform and the shaping of government policy
* Exhibits sophisticated skills to research and communicate complex ideas and concepts in appropriate forms
 |
| **B** | * Demonstrates thorough knowledge and understanding of law reform and the shaping of government policy
* Exhibits high-level skills to research and communicate complex ideas and concepts in appropriate forms
 |
| **C** | * Demonstrates sound knowledge of law reform and different perspectives that may exist
* Exhibits sound skills to research and communicate ideas in appropriate forms
 |
| **D** | * Demonstrates basic knowledge of law reform and some understanding of different perspectives that may exist
* Exhibits limited skills to research and communicate ideas in appropriate forms
 |
| **E** | * Demonstrates elementary knowledge of law reform and/or different perspectives that may exist
* Communicates elementary information using a very limited range of forms
 |

## Appendix 1: Conducting a mock trial

**Note:** Conducting a mock trial in Stage 5 Commerce allows students to develop a deeper understanding of the role of court personnel. It also allows for exposure to the syllabus general capabilities of creative and critical thinking, and development of ethical understanding.

For those teachers working outside their teaching area, materials should be read carefully prior to conducting the activity. For questions or concerns, the staff at the [HSIE, Secondary Statewide staffroom](https://education.nsw.gov.au/teaching-and-learning/curriculum/statewide-staffrooms) are available to assist.

It is expected that students will require 2 lessons to do the preliminary activities on court personnel and juries as set out in the learning sequence. They will then need one lesson to review the crime scenario, one lesson to prepare the case for court and 2 lessons to run the mock trial.

### Reviewing the crime scenario

**Note:** Prior to conducting this activity, permission should be gained from parents in accordance with the [Controversial Issues in Schools Policy](https://education.nsw.gov.au/policy-library/policies/pd-2002-0045). Where the scenario provided is not appropriate for the school and context, alternate mock trial scenarios may be used, for example, the scenario of the [Three Little Pigs – The Guardian (2:01)](https://www.youtube.com/watch?v=vDGrfhJH1P4" \t "_blank).

The following scenario will be used as the background story for conducting a mock criminal trial of the accused person who has been arrested. After reading the scenario, discuss the following as a class:

* Who has been accused of a crime?
* What has this person has been accused of doing?
* What is the law that may have been broken in this case?
* Where was the alleged crime committed?
* Who was the alleged victim of the crime?
* What is the evidence supporting the guilt of the accused?
* What is the evidence supporting the innocence of the accused?
* Which side of the case that has a stronger argument?

***R v Smith* 2022 (NSW)**

Adam Smith is 18 years old. He is known to the police for vandalising properties and getting up to mischief. Last Saturday he was captured on CCTV images from cameras at the front of Bill’s Holden car yard at 2am. The office of the Bill’s Holden car yard was broken into sometime between 10pm when the Manager left and 7am when the cleaner arrived and $2000 was stolen. The back fence was cut, possibly with bolt cutters. There are no CCTV cameras at the back of the yard. Adam has been charged with stealing the money. Adam has pleaded not guilty, so his case will go to trial.

**Witness 1 Statement**: I live across the road from the car yard. Now that I am retired, I don’t sleep well. About 1am, I saw Adam standing near the front entrance of Bill’s Holden car yard with a spray can in one hand and what looked like bolt cutters in the other hand. He was looking around as if he was making sure no one was watching. He did this for about 10 minutes and then walked off in the direction of the back of the Bill’s Holden car yard.

**Witness 2 Statement**: Adam is my student in HSC metal work class. In the week before the break in, I heard him say to his friend Eva that he hated the owner of Bill’s Holden car yard, as he had sacked his Dad. He said he’d love to break in and smash some things up. I also know that he has bolt cutters as he uses them for his metal work major work.

**Witness 3 Statement:** (Adam) I did not break into the office at Bill’s Holden car yard. I just cut the fence at the back and climbed through the fence to do some spray painting on the large white wall at the back of the car yard. When I saw a big truck arrive with 2 men in it at about 2am, I got scared and ran. Because the truck was parked across where I cut the fence, I ran straight through the car yard and out the front.

**Witness 4:** I am a cleaner and I work shift work at the hospital. When I was driving to work at about 2.30am, I saw 2 men with balaclavas on near the front of Bill’s Holden car yard office. One was smashing the CCTV camera with a pole while the other watched the road. I drove away fast as I did not want to be involved.

### Planning the case for court

**Note:** Prior to the trial, the classroom will need to be set up as a court room. The teacher may choose to play the role of the Judge. The teacher will assign all class members to a role. More than 12 students can be assigned to the role of jury if required. In this mock trial, rules of evidence will not be strictly followed, and court processes have been simplified to provide students with an overview.

Your teacher will now assign you to one of the roles set out in Table 7. This table sets out who you will work with. You will now spend time working with this team to prepare for the court case. Table 7 sets out what you will need to prepare.

Table 7 – Roles in court and preparation required

|  |  |
| --- | --- |
| Role in the court case | Preparation team |
| The accusedProsecution barristers (2)Witnesses for the prosecution (2)Solicitor | The defence team will:* prepare opening and closing statements, following the guide in Table 8
* prepare arguments about why the accused is not guilty
* review the prosecution witness statements and work out questions to ask, that may draw out information supporting the idea that the accused is innocent
* review the defence witness statements. Work out questions to ask that may discredit the witness and their information
* note that all questions asked in court must be fair. If they are not, during the case, the opposing legal team may call out ‘objection’ and the judge will either state ‘sustained’ to agree that the question should not be allowed or ‘overruled’ to allow the question. Questions that are not allowed include
* where the barrister describes the story for the witness or lead them in a particular direction. This is called a leading question
* the witness gives information about something someone else heard or saw. This second-hand information is called hearsay
* the witness gives information that isn’t related to the story. This is information that is immaterial to the case
* the witness gives an opinion about the facts, for example, ‘I think he is guilty’.
 |
| Defence barristers (2)Defence witnesses (2)Solicitor | The prosecution team will:* prepare arguments about why the accused is guilty
* review the defence witness statements. Work out questions to ask that may draw out information supporting the idea that the accused is guilty
* review the prosecution witness statements in the above scenario. Work out questions to ask that may discredit the witness and their information
* prepare opening and closing statements (see Table 8)
* note that all questions asked in court must be fair. If they are not, the opposing legal team may call out ‘objection’ and the judge will either state ‘sustained’ to agree that the question should not be allowed or ‘overruled’ to allow the question. Questions that are not allowed include:
* where the barrister describes the story for the witness or lead them in a particular direction. This is called a leading question
* the witness gives information about something someone else heard or saw. This second-hand information is called hearsay
* the witness gives information that isn’t related to the story. This is information that is immaterial to the case
* the witness gives an opinion about the facts, for example, ‘I think he is guilty’.
 |
| The judgeCourt OfficerJurors (at least 12)Court artistCorrections Officers (2) | The impartial team will:* review the arguments for both sides, but they won’t decide whether the accused is guilty or innocent until the trial occurs
* assist to set up the classroom as a court. Resources such as [The courtroom](https://victimsandwitnesses.cdpp.gov.au/going-court/going-court/courtroom) may be useful for this task.
 |

### Presenting the case at the mock trial

Run the mock trial using the steps in the following table as a guide.

Table 8 – Steps in running a mock trial

|  |  |
| --- | --- |
| Step | Explanation |
| Opening statement – judge | The judge will welcome everyone to the court for the trial of Adam Smith who has been charged with stealing from Bill’s Holden car yard. The judge will first invite the prosecution and then the defence to make their opening statements. |
| Opening address – prosecution | The prosecution summarises the case against the accused, that is, the main reasons why they are guilty.For example, ‘Your Honour and members of the jury, my name is (insert) and I represent the prosecution in this case. We intend to prove that (insert name) is guilty. Our case is based on (insert key arguments). When you have heard all the facts, please decide a verdict of guilty’. |
| Opening address – defence | The defence summarises the reasons why the accused is not guilty.For example, ‘Your Honour and members of the jury, my name is (insert) and I represent the defence in this case. We intend to prove that (insert name) is not guilty. Our case is based on (insert key arguments). When you have heard all the facts, please decide a verdict of not guilty’. |
| Court officer swears in the witness | When they get to the witness stand, the Bailiff faces the witness and says: ‘Please raise your right hand. Do you promise to tell the truth, the whole truth, and nothing but the truth?’Witness should say ‘Yes’ or ‘I do’ before they can be questioned. |
| Note about all witness evidence | Questions asked in court must be fair. If they are not, the opposing legal team may call out ‘objection’ and the judge will either state ‘sustained’ to agree that the question should not be allowed or ‘overruled’ to allow the question.Questions that are not allowed include:* where the barrister describes the story for the witness or leads them in a particular direction
* the witness gives information about something someone else heard or saw. This second-hand information is called hearsay
* the witness gives information that isn’t related to the story
* the witness gives an opinion about the facts, for example, ‘I think he is guilty’.
 |
| Prosecution witness 1 reads their statement | Witness 1 statement. |
| Prosecution examination in chief | The first barrister for the prosecution asks questions to get the witness to tell the court more about what happened in their own words and to provide more details in areas where it might help their case. They should ensure that they do not ask leading questions, but rather encourage the witness to tell their own story of what happened.Examples of questions might include: ‘How do you know (the defendant)’? ‘Tell us in your own words what happened on the day (what happened)’. |
| Cross examination | The first barrister for the defence asks questions to find weaknesses in witness statement or to determine if they are lying. They should ask closed, that is ‘yes’ or ‘no’ questions, if possible.Examples of questions might include: ‘on the day you witnessed the accident what was the weather like? ‘Do you wear glasses?’ ‘Do you have trouble seeing long distance in wet weather?’ |
| Court officer swears in Witness 2 | When they get to the witness stand, the Bailiff faces the witness and says: ‘Please raise your right hand. Do you promise to tell the truth, the whole truth, and nothing but the truth?’Witness should say ‘Yes’ or ‘I do’ before they can be questioned. |
| Prosecution witness 2 reads their statement | Witness 2 statement. |
| Prosecution examination in chief (2nd barrister) | The second barrister for the prosecution asks questions to get the witness to tell the court more about what happened in their own words, and to provide more details in areas where it might help their case. |
| Cross examination by the defence | The second barrister for the defence asks questions to find weaknesses in witness statement. |
| Court officer swears in Witness 3 | When they get to the witness stand, the Bailiff faces the witness and says: ‘please raise your right hand. Do you promise to tell the truth, the whole truth, and nothing but the truth?’Witness should say ‘Yes’ or ‘I do’ before they can be questioned. |
| Witness 3 reads their statement | Witness 3 statement. |
| Defence examination in chief  | The first barrister for the defence asks questions to get the witness to tell the court more about what happened in their own words, and to provide more details in areas where it might help their case. |
| Cross examination | The first barrister for the prosecution asks questions to find weaknesses in witness statement. |
| Court officer swears in Witness 2 | When they get to the witness stand, the Bailiff faces the witness and says: ‘Please raise your right hand. Do you promise to tell the truth, the whole truth, and nothing but the truth?’Witness should say ‘Yes’ or ‘I do’ before they can be questioned. |
| Witness 4 reads their statement | Witness statement 4. |
| Defence examination in chief | The second barrister for the defence asks questions to get the witness to tell the court more about what happened in their own words and to provide more details in areas where it might help their case. |
| Cross examination | The second barrister for the prosecution asks questions to find weaknesses in witness statement. |
| Recess | A short break if required. |
| Closing address prosecution | The prosecution summarises all the evidence presented against the accused and makes a summary of the case for his guilt. The prosecution will ask that the jury find the accused guilty based on the facts. For example, ‘Today we have heard evidence about the accused (name). We have presented facts, including (insert). These facts suggest that (insert) is guilty of the crimes (insert he/she) has been accused of. We ask that you find a verdict of guilty.’ |
| Closing address defence | The defence summarises allthe evidence presented in favour of the accused and makes a summary of the case for his innocence. For example, ‘Today we have heard evidence about the accused (name). We have presented facts, including (insert). These facts suggest that (insert) is not guilty of the crimes (insert he/she) has been accused of. We ask that you find a verdict of not guilty.’ |
| Judge | Reminds jurors that they must reach a decision based only on the facts. |
| Judgement by jury | The jury discusses the case in private. When they are ready, the judge asks the spokesperson, ‘Have you reached a verdict?’This person will reply, ‘Yes, your honour, we have reached a verdict. We find the accused (insert name), (guilty or not guilty of theft).’ |
| Judge | Trial adjourned. |

### Reflecting on justice

Reflect on the mock trial and discuss the following questions as a class:

* Why is it important for legal personnel to perform their roles accurately, fairly and without bias?
* Do you believe that justice was achieved in the mock trial? Why?

## References

**Links to third-party material and websites**

Please note that the provided (reading/viewing material/list/links/texts) are a suggestion only and implies no endorsement, by the New South Wales Department of Education, of any author, publisher, or book title. School principals and teachers are best placed to assess the suitability of resources that would complement the curriculum and reflect the needs and interests of their students.

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