



# THE AUSTRALIAN COLONIES / ROLES, RESPONSIBILITIES AND PARTICIPATION: PARKHURST APPRENTICESHIP SCHEME

## Year 5 Student Post-Visit Resource

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# Points to Think About After Your Visit to the FBLEP

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

**Note: We have created a Kahoot! Quiz based on this activity which can be found at:**  
<https://create.kahoot.it/share/fblep-year-5-6-quiz/1232824b-79da-4a42-8b39-12ddae686276>

## INSTRUCTIONS

Read the sentences below and mark them True or False.

	True	False
<b>Captain James Cook claimed Western Australia as a British Colony...</b> It was Lieutenant-Governor James Stirling who arrived in 1829 and claimed the Swan River Colony (now known as Western Australia) as a British Colony.		X
<b>The Old Court House was built by convicts...</b> Convicts were not transported to WA until 1850.		X
<b>Convicts were people who wanted to come to Australia to find work...</b> Convicts were sent to Australia as punishment for crimes that they had committed in Great Britain.		X
<b>Convicts first arrived in Western Australia in 1829...</b> From 1829-1850 WA was a free colony, i.e. convicts did not arrive in WA until 1850. Note: WA was referred to as the Swan River Colony from 1829-1832.		X
<b>British people lived under traditional Aboriginal law when they arrived in Western Australia...</b> The British legal system was brought to WA in 1829. British law from that point onwards applied to everyone in WA and traditional Aboriginal lore (law) was not recognised by the British colonists.  It is important to note the resulting clash of laws which occurred and the significant problems and injustices that this created for Aboriginal Peoples. Also important to acknowledge is the fact that traditional Aboriginal lore still exists today and the clash of legal systems is an on-going issue.		X

<p><b>In the early days of the colony, boys as young as 10 who broke the law in England were sent to work in Western Australia...</b> The Parkhurst Apprenticeship Scheme: 234 boys aged 10-21 were sent to WA to work for the free settlers from 1842-1849. It is interesting to note that from 1834-1841 72 children were also sent to WA as part of the Children's Friend Society scheme.</p>	X	
<p><b>Australia was created as a nation when the former British colonies agreed to join together in 1901...</b> In 1901 the six British colonies, New South Wales, Western Australia, Queensland, Victoria, South Australia and Tasmania, united to form the Commonwealth of Australia. Up until the 1850s each colony was run by a non-elected governor appointed by the British Parliament.<sup>1</sup></p>	X	
<p><b>The Prime Minister represents Her Majesty Queen Elizabeth II in Australia...</b> The Governor-General represents the Her Majesty Queen Elizabeth II in Australia and is in effect the Australian head of state.</p>		X
<p><b>The Commonwealth Parliament is the only parliament that can make laws in Australia...</b> The Commonwealth Parliament can make laws for the whole of Australia and the six State and two mainland Territory Parliaments can make laws for their state or territory.</p>		X
<p><b>Australia has human rights laws to protect people against discrimination on their religious beliefs, nationality, age or sex...</b> There are many laws that protect human rights in Australia including Commonwealth legislation, State legislation (Territory legislation), the Australian Constitution and the common law.</p>	X	

<sup>1</sup> <https://www.peo.gov.au/learning/closer-look/governing-australia.html>

# Language of the Law

## INSTRUCTIONS

1. Your teacher will call out twenty four words and phrases.
2. Twelve of them are legal words/phrases and the other twelve are not legal words/phrases (others).
3. Put the legal words/phrases and the non-legal words/phrases in the correct column.
4. Check your list with a partner and then with the class.

LEGAL	OTHERS
<b>Judge</b> The person who presides in the Supreme and District Courts of WA. A judge ensures the accused person gets a fair trial and sentences that person if s/he is found guilty.	<b>referee</b>
<b>How do you plead? Guilty or not guilty?</b> To answer a charge when it is read out in court; the answer being either guilty or not guilty.	<b>Did you do it?</b>
<b>Guilty</b> When a jury or a magistrate is sure and has no real doubt that the accused person did the crime. Alternatively, when the accused person admits that s/he did the crime.	<b>naughty</b>
<b>Not Guilty</b> When a jury or a magistrate is not sure and has a real doubt that the accused person did the crime.	<b>Nice</b> Of good character, not to blame, not at fault.
<b>Evidence</b> Facts, statements or objects presented in court which aim to prove the guilt or innocence of the accused.	<b>Gossip</b>
<b>If you are sure and have no real doubt</b> This is the standard/level required to find a person guilty of a crime.	<b>Absolutely sure about something</b>

<p><b>Sentence</b></p> <p>The penalty a person receives if s/he is found guilty. There are many sentencing options, e.g. fines, community orders, suspended terms of imprisonment, imprisonment (the last resort).</p>	<p><b>Punishment</b></p>
<p><b>Accused</b></p> <p>The person that the State believes has committed a crime.</p>	<p><b>Bully</b></p>
<p><b>Jury</b></p> <p>In the Supreme and District Courts of WA it is the jury that decides if the accused is guilty or not guilty.</p>	<p><b>Meeting</b></p>
<p><b>Lawyer</b></p> <p>A person who has a license to give legal advice and legal assistance.</p>	<p><b>Officer</b></p>
<p><b>Your Honour</b></p> <p>The formal title used in court when speaking to a judge or magistrate.</p>	<p><b>Mr/Mrs/Ms</b></p>
<p><b>Verdict</b></p> <p>The final decision of guilty or not guilty.</p>	<p><b>Decision</b></p>
<p><b>Cross-examine</b></p> <p>The lawyer for the other side can ask questions of the other lawyer's witness</p>	<p><b>Question</b></p>

# Different Types of Law

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

**criminal law   statute law   commonwealth law   civil law   common law   state law**

Type of Law	Description
<b>Common law</b>	Law which is created by judge's decisions. Those decisions set precedents which all the lower courts must follow. This type of law is only created when there is a gap in the existing statutes/legislation.
<b>Statute law</b>	Law which is created by Parliament through legislation.
<b>Criminal law</b>	Law which aims to stop anti-social behaviour and danger in our community.
<b>Civil law</b>	Law which focuses on formal disagreements between two or more people in our community.
<b>Commonwealth law</b>	Law which is made by Federal Parliament sometimes referred to as Commonwealth legislation.
<b>State law</b>	Law that is made by the State (or Territory) Parliaments and is sometimes referred to as State legislation.

## HOW RIGHTS ARE PROTECTED

There are three class activities in the link below that the class may participate in.

- [How Rights Are Protected](#)

## LAWS AND HOW THEY PROTECT OUR RIGHTS

We have many laws that protect our human rights in Australia. Some of these laws are:

- Racial Discrimination Act 1975 (Cth)
- Sex Discrimination Act 1984 (Cth)
- Australian Human Rights Commission Act 1986 (Cth)
- Disability Discrimination Act 1992 (Cth)
- Racial Hatred Act 1994 (Cth)
- Fair Work Act 2009 (Cth)
- Equal Opportunity Act 1984 (WA)
- Disability Services Act 1993 (WA)
- Criminal Code 1913 (WA)

The laws that protect our human rights include Commonwealth and State (or Territory laws), the Australian Constitution and the common law.<sup>2</sup> For example, you are generally able to go to work or school of your choice, speak freely, wear the type of clothes that you want, attend church or a place of worship of your choice and be treated equally by everyone.

**1. Can you think of an example in your community where a person or group of people have not always received the protection of human rights? If so, who is the person or group and what happened?**

Answers will vary but could include Aboriginal People, migrants, refugees, females, males, religious groups, somebody with a disability, elderly people or children. For example, they could have faced discrimination because of their appearance, the clothes they wear, the religion they follow, their age or their disability.

**2. Do you think there needs to be any new laws put in place to protect this person or group? If so, what do you think it should include?**

Answers will vary depending on what issue is raised. Some of the existing laws that students may not be aware of are as follows:

- Equal Opportunity Act 1984 (WA),
- Criminal Code 1913 (WA),
- Disability Discrimination Act 1992 (Cth),
- Racial Discrimination Act 1975 (Cth),
- Age Discrimination Act (2004) Cth,
- Australian Human Rights Commission Act 1986 (Cth),
- Sex Discrimination Act 1984 (Cth)

Discrimination is when a person is treated less favourably than another person in a similar situation because of their race, nationality, beliefs, age or sex.<sup>3</sup> In Australia there are both Commonwealth and State laws that make it unlawful for a person to discriminate against another person. Australia is also a party to a number of international conventions and declarations which make aim to eliminate discrimination.

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<sup>2</sup> <https://www.ag.gov.au/RightsAndProtections/HumanRights/Pages/Human-Rights-Protections.aspx>

<sup>3</sup> [http://www.humanrights.gov.au/introhumanrights/resources/lesson\\_1.pdf](http://www.humanrights.gov.au/introhumanrights/resources/lesson_1.pdf)

# Parkhurst Apprenticeship Scheme

## Digital Timeline

### INSTRUCTIONS

1. Using the information you have researched on the Parkhurst Apprenticeship Scheme from the pre-visit resource and the Parkhurst Scheme activity from the FBLEP tour, list the significant events in order of dates
2. Give an appropriate heading for each date
3. Write a brief summary of each event for the dates you have selected
4. Create a digital timeline using the information you have collected.
5. Include in your digital timeline some maps and charts.

Some useful resources for this task can be found at [Digital Timelines](#) (search for Parkhurst Boys for a sample) or [Timelines in Word](#).

A sample timeline can be found at <http://www.timerime.com/> in the search box type in Parkhurst Boys and scroll down the list to Parkhurst Boys. (If you are having trouble finding it, do an advanced search with FBLEP as the author)

### LANGUAGE ACTIVITY

Look up the definitions of apprentice and convict and describe in your own words the meaning of each of them.

1. **Apprentice:** A person being trained in a trade or a craft over a set period of time.
2. **Convict:** A person found guilty of committing a crime and that person is imprisoned, i.e. a prisoner. Historically, such criminals in Britain were sentenced to transportation and were sent to colonies in America, Canada, Australia and West Africa.

### DISCUSSION POINTS

Discuss the points below in small groups and be ready to report your thoughts to the class.

1. **Why do you think the Parkhurst boys were called apprentices and not convicts?**  
As WA was a free colony from 1829-1850 it would have been impossible to allow the Parkhurst boys into the colony if they were called convicts. Therefore, as a matter of convenience they were referred to as apprentices.
2. **Were the Parkhurst boys really convicts with another name?**  
Yes, essentially the term apprentice for the Parkhurst boys was a play on words and they were really convicts with another name.
3. **What do you think of the Parkhurst Apprenticeship Scheme? Explain with reasons.**  
Encourage any and all opinions and encourage the students to support their opinions with reasons.



**4. Would it be possible to have the Parkhurst Apprenticeship Scheme nowadays? If no, why not?**

No, it would not be possible nowadays because of the human rights conventions that now exist, e.g. the [UN Convention on the Rights of the Child](#) and the [Australian Human Rights Commission's Children's Rights](#) and also the [Australian Human Rights Commission's Prisoners and Human Rights](#) .

Furthermore, it is impossible nowadays for a juvenile or an adult to be detained or imprisoned for some of the offences that the Parkhurst boys were charged with, e.g. nowadays neither a juvenile or an adult can be detained or imprisoned for any stealing offence under \$1000 in value.

# Law Enforcement and the Courts

Law enforcement and the courts are an essential part of our society and ensures that the rule of law is upheld. Some examples of law enforcement and the courts are as follows:

Police Force	Courts	Australian Customs
The Police investigate crimes that have been committed and may charge the person or persons who they believe have broken the law. They do not have any say in the penalty given by the courts.	<p>The courts interpret and apply the law. The Judge or Magistrate decides on the penalty if the person pleads guilty or is found guilty at trial.</p> <p>Commonwealth or Federal Courts include the High Court of Australia and the Federal Court of Australia.</p> <p>Every Australian State and Territory has its own courts. In WA some of those courts are the Supreme Court, District Court, the Magistrates Court and the Children's Court.</p>	Australian Border Force control what people entering Australia can bring into the country such as food, plants, drugs, steroids, weapons, firearms and protected wildlife.

1. **Use the website links below to research and list some of the people who have roles in law enforcement:**
  - a) **Police Force**  
Commissioner, Commander, Superintendent, Inspector, Sergeant, Constable
  - b) **Courts**  
Judge, Magistrate, Lawyer
  - c) **Australian Customs**  
Border Force Officer, Border Force Inspector, Commander, Commissioner
2. **Choose one of the people you have listed above in either the Police Force, the Courts or Australian Customs and write a brief summary of what their main role is:**

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**Some useful websites:**

- [Western Australian Police Force](#) (*scroll down to see the different types of officers*)
- [Career as a Police Officer](#)
- [Supreme Court of Western Australia](#)
- [Career as a Judge](#)
- [Career as a Barrister](#)
- [Career as a Court Officer](#)
- [Department of Immigration and Border Protection](#)
- [Career as a Border Force Officer](#)
- [Department of Training and Workforce Development - Occupations](#)
- [Video – A Day in the Life of a Police Officer](#)

**Note:** It is important to remember that law enforcement agencies are separate and independent to the courts. Under the Separation of Powers the judiciary (judges and magistrates) come under one of the three arms of government, the legislature (parliament) and the executive being the other two arms. The hallmark of a democracy is the independence of the judiciary and the adherence to the rule of law.<sup>4</sup>

Teachers may wish to consider requesting a lawyer visit the school to talk to the students about the role of a lawyer – see our free [Lawyer Visits to Schools Network Programme](#).

Crime Stoppers Western Australia have a useful resource entitled “Law Enforcement, Courts and the Role of Citizens”. Although it is aimed at Year 7 students and above it covers areas such as Policing in Australia Today, Policing in WA, The Court System in Australia, The Role of Citizens in Law Enforcement and The Role of Citizens in the Court System.

<https://www.crimestopperswa.com.au/teaching-themes/law-enforcement-courts-role-citizens/>

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<sup>4</sup> [http://www.supremecourt.wa.gov.au/S/separation\\_of\\_powers.aspx?uid=1910-3759-9835-2395](http://www.supremecourt.wa.gov.au/S/separation_of_powers.aspx?uid=1910-3759-9835-2395)

# Court Personnel Challenge

The teacher will need to prepare an appropriate number of sets of cards prior to this activity.

## INSTRUCTIONS

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



### Jury

I am one of twelve people who listen to the evidence. We decide if the accused is guilty or not guilty of serious crimes.

**Who am I?**



### Judge's Associate

I am the judge's personal legal assistant in and out of court.

**Who am I?**



### Usher

I take the Judge in and out of court and announce the opening and the closing of court. I also bring witnesses in and out of court.

**Who am I?**



### Judge

I am in charge of the court and make sure there is a fair trial.

I tell the jury what they have to do and explain the law to them.

If the Accused is guilty, I give that person a penalty.

**Who am I?**



### Witness

I come to court to give evidence about the case. I must wait outside the court room until I am called to give evidence.

**Who am I?**



### Defence Counsel

I represent the Accused.

I do not have to prove that the Accused is innocent. I try to create doubt that the Accused is guilty.

**Who am I?**



### State Counsel

I speak for the State of Western Australia. I have to prove that the Accused is guilty.

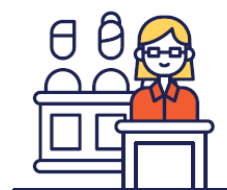
**Who am I?**



### Accused

I have been charged with breaking the law. If I say I am guilty I will be given a penalty. If I say I am not guilty there will be a trial. I am **always** thought to be innocent until proven guilty.

**Who am I?**



### Jury Foreperson

I am the jury spokesperson.

I ask the Judge questions and say the verdict in court.

**Who am I?**

## General Questions

1. **Who do you think has the hardest job in a court room? Why?**  
All answers should be accepted. Encourage the students give reasons for their answers.
2. **Which job would you like to have if you worked in a court room? Why?**  
All answers should be accepted. Encourage the students give reasons for their answers.
3. **Which court would you like to work in and why?**  
Answers will vary – all efforts should be encouraged.
4. **What types of crimes are you are aware of in your community?**  
Answers will vary.
5. **If your group did the mock trial of The State of Western Australia v Jamie Brown:**
  - a. **What was Jamie Brown charged with?**  
Criminal damage by fire (Arson)
  - b. **Was Jamie Brown found guilty or not guilty by the jury in your trial?**  
Answers will vary.
  - c. **Do you agree or disagree with the jury's verdict? Why?**  
Answers will vary.
6. **If your group did the mock trial in the Old Court House of The State of Western Australia v Captain James Hook:**
  - a. **What was Captain Hook charged with?**  
Kidnapping Jack and Maggie Banning, Peter Pan's children.
  - b. **Was Captain Hook found guilty or not guilty by the jury in your trial?**  
Answers will vary.
  - c. **Do you agree or disagree with the jury's verdict? Why?**  
Answers will vary.



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# APPENDIX 1

## PARKHURST APPRENTICESHIP SCHEME TASK YEAR 5 PRESENTATION



5

Parkhurst Prison 1820 (from [State Library of Western Australia](#))

### TASK

Imagine that you are the Parkhurst boy that your object/s matched on the FBLEP Tour and create an historical narrative about that boy. Develop possible ideas to present your historical narrative as part of a multimodal report. Present your narrative to the class in digital format. *You will have to use your imagination and what you know and have learned about the Parkhurst Scheme and the colonisation of Western Australia.*

**Your historical narrative *may* include some of the following:**

- The boy's name
- The nickname you gave the boy
- The age of the boy when he was transported
- The reason why he was transported
- His job before being transported
- His experience being transported by ship to WA
- Impressions of the Aboriginal people, the colonists, the environment, and/or the animals after arriving in WA
- A description of the family that he had to work for
- The type of work he had to carry out
- His thoughts on the 'apprenticeship' scheme, i.e. good or bad?



Illustrated London News,  
13 March 1847

Add any other details which you think are appropriate.

As your presentation is in digital format, aim to present to the class for 2-3 minutes.

<sup>5</sup> Google Images, *IOW: Parkhurst Prison: Ct, original antique print, 1847*, <<http://www.antiquaprintgallery.com/iow-parkhurst-prison-ct-original-antique-print-1847-101582-p.asp>>

<sup>6</sup> Google Images, *Parkhurst Prison*, <<http://www.kenscott.com/prisons/parkhurst1847.htm>>

## CONCEPTS TO THINK ABOUT

Transportation by ship from England to WA took approximately 4 months

- What would the children have experienced during that trip?
- How would they have felt about being transported to WA?

### Arriving in WA between 1842-1849

- How different would the environment of WA have been to that of their hometowns?
  - Would the flora and fauna have been the same or different from that of their hometowns?
  - How about the climate? The same or different from that in England?
  - Would there have been many public buildings, shops, houses, theatres etc in WA at that time?

The following hyperlinks may help to picture what life would have been like for the Parkhurst boys:

- [‘The Foundation of Perth’](#)<sup>7</sup> painting by George Pitt Morrison
- [‘Settlement of the Swan’](#)<sup>8</sup> by Ruth Marchant James which includes numerous pictures of Perth in the early days of the colony

Indentured Labour = a legally binding contract where an employee must work for an employer for a set period of time after which the employee gains his/her freedom.

- Quite a few of the Parkhurst boys’ apprenticeships (i.e. their indentured labour contracts) were for longer periods than their original sentence.
  - How would those boys have felt?
  - Does this seem fair?
  - What reasons could there have been for making the apprenticeships longer than the original sentence the boy had received? (*The colonists, i.e. the employers, needed the labour.*)

**Note:** If an apprentice disobeyed his employer he could be sentenced to hard labour by a court of law.

## SUGGESTED PROCESS

Pairs (students share their ideas/brainstorm) → Individual (individual students plan and refine their presentations) → Pairs (students present to each other and offer comments/suggestions) → Small Groups → Each small group chooses one person to present to the class

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<sup>7</sup> Museum of Australian Democracy, *Documenting a Democracy*, <<http://foundingdocs.gov.au/picturealbum-aid-9.html>>

<sup>8</sup> Heritage Perth, *The Birth of Perth* <<http://heritageperth.com.au/discovery/the-birth-of-perth/>>



## APPENDIX 2

### LAW ENFORCEMENT AND THE COURTS YEAR 5 PRESENTATION



#### TASK

Research the role of a person in the Australian legal system or Australian law enforcement. For example, a judge, lawyer, police officer or border force officer. Describe the role and responsibilities. Present your findings in a multimodal presentation.

Your presentation should include the following:

- The name of the role;
- An illustration or picture of someone in that role;
- A clear description of the role;
- The types of laws that are dealt with in that role; and
- How that role supports democratic values such as freedom, equality, fairness and/or justice.

#### Some useful websites:

- [Police Officer](#)
- [WA Police](#)
- [Lawyer](#)
- [Judge](#)
- [Supreme Court of Western Australia](#)
- [Border Force Officer](#)
- [Department of Immigration and Border Protection](#)

