



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

## Year 5 Teacher Pre-Visit Resource

### CONTENTS

The Old Court House .....	2
Language of the Law.....	3
Democracy in Australia .....	5
Different Types of Laws .....	7
An Introduction to Human Rights and Responsibilities .....	8
The Parkhurst Apprenticeship Scheme .....	9
Points to Think About Before Your Visit to the FBLEP.....	11
APPENDIX 1.....	14

# The Old Court House

The Old Court House is the oldest building in the City of Perth. It was the first purpose built court house in Perth. Go to the Law Society of Western Australia website and read through the information on the [Old Court House Law Museum](#). Click on the History tab, read through the information and complete the table below by adding the year that matches each event.

**If accessibility to the Internet is an issue teachers may choose to print hard copies for students to use. In such circumstances please acknowledge the source of the text: The Law Society of Western Australia. Perth.**

Year	Event
1836	The Old Court House was constructed.
1837	The Old Court House was opened.
1844	The trial of John Gaven took place in the Old Court House.
1849	A meeting was held at the Old Court House on 23 February to decide if convicts should be brought to WA.
1870	England allowed West Australians to have their own representative government.
1992	The Old Court House was listed as a Heritage Site.

The Old Court House was built just 7 years after the British arrived and claimed the Swan River Colony as part of the British Colony. Before the arrival of the British, the Aboriginal people had been living on the land for many thousands of years and had their own legal system and still do today.

The British did not follow the legal system that the Aboriginal people had been living under for many years.

## 1. How do you think the Aboriginal people would have felt when the British arrived and brought their own legal system to the Swan River Colony?

Answers will vary. Students may feel that the Aboriginal people would have been frightened of the British and angry that they did not respect the Aboriginal Peoples cultures and legal systems that had been in place for many thousands of years.

# 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>

# Democracy in Australia

Australia is both a representative democracy and a constitutional monarchy. A representative democracy is a system in which the people vote for candidates to represent their interests in parliament and carry out the business of governing the country. A constitutional monarchy is a system in which a king or queen is the head of state, but must act in accordance with the constitution. The Constitution is a document which sets out the rules of how the country will be run.<sup>1</sup>

In the section below, complete the sentences by crossing out the words that are incorrect:

**The following key facts are at the heart of Australia's democracy:**

- a) The Australian nation, also known as the Commonwealth of Australia, was created in **1878 / 1901 / 1910** when six former British colonies, now Australia's six States, agreed to join together (federate).
- b) Australia has a Prime Minister, even though the Prime Minister is not mentioned in the **Constitution / Parliament / Rules**.
- c) Her Majesty Queen Elizabeth II is the Queen of Australia and formally the Australian head of state. The **Governor-General / Prime Minister / Solicitor-General** represents her in Australia and is in effect the Australian head of state.
- d) All citizens over the age of **18 / 21 / 25** must vote in both federal and state government elections.<sup>2</sup>

**The key values that underpin Australia's democracy are freedom, equality, fairness and justice.<sup>3</sup> What do these values mean to you and why are they important?<sup>4</sup>**

- a) **Freedom means** ... Answers will vary but could include being able to do as we choose so long as it does not break the law. Freedom can mean the power or right to think, speak or act as one wants or the state of being free and not being restrained.

**and is important because** in Australia we are entitled to five main freedoms - freedom of speech, freedom of religion, freedom of association, freedom of assembly and freedom of movement. Freedoms are important in a democracy so that people are able to act without fear.

- b) **Equality means** ... Answers will vary but could include being treated the same as others and not discriminated against, where all citizens are equal under the law and nobody is above the law.

**and is important** because Australia maintains the ideal that everyone is equal regardless of their race, skin colour, age, background, sex, place of residence. Equality is an important human rights value. It is central to the understanding that everyone has universal human rights. It is also important because it is one of the principles that underpin the rule of law.

<sup>1</sup> Museum of Australian Democracy at Old Parliament House website <https://www.moadoph.gov.au/democracy/defining-democracy/>

<sup>2</sup> Museum of Australian Democracy at Old Parliament House website <https://www.moadoph.gov.au/democracy/australian-democracy/>

<sup>3</sup> <http://www.abc.net.au/btn/resources/teacher/episode/20160517-whatisdemocracy.pdf>

<sup>4</sup> <http://www.humanrights.gov.au/introhumanrights/>

- c) **Fairness means ...** Answers will vary but could include being impartial or free from bias, without any favouritism, treating everyone in a way that is right or reasonable.

**and is important because** it is essential for maintaining a free and peaceful society where everyone is seen to be treated in a fair manner by the law. It is also important because it is one of the principles that underpin the rule of law.

- d) **Justice means ...** Answers will vary but could include the use of power as appointed by law to support the fair treatment and due reward, proper administration of the law, the fair and equitable treatment of all individuals under the law, the moral principle ensuring fairness in the way people are treated.

**and is important** because it is essential for maintaining a system of law that society follows and believes in. It is also important because it is one of the principles that underpin the rule of law.

**List below, in order of priority to you, the key values that underpin Australia's democracy - freedom, equality, fairness and justice. Give reasons for your order of priority.**

1. Answers will vary – all attempts should be encouraged.
2. Answers will vary – all attempts should be encouraged.
3. Answers will vary – all attempts should be encouraged.
4. Answers will vary – all attempts should be encouraged.

**Some useful websites include:**

- [Australian Human Rights Commission](#)
- [Parliamentary Education Office](#)
- [Rule of Law Institute of Australia](#)
- [Museum of Australian Democracy](#)

# Different Types of Laws

In Australia we have both Commonwealth and State/Territory laws. Commonwealth laws apply to everyone in Australia and State/Territory laws apply to everyone within that State or Territory.

Laws are generally made in Parliament and known as legislation but laws can also be made by judges in courts, for example, when there is no existing law for a particular matter that is being dealt with by the courts. Laws that are made in courts are known as common law or case law.

## Statute Law and Common Law

- Statute law is law that is made by Federal Parliament or the Parliaments of the States or Territories. This is often referred to as legislation.
- Common law or case law is the law that is made by the courts when the judge makes a decision in court. For example, when there is no statute law covering a particular matter that is being heard in court.

It is important to note that statute law always takes precedence or priority over common law. In other words, Parliament is the supreme law making authority.

## Commonwealth and State Laws

- Commonwealth legislation is made by Federal Parliament.
- State legislation is made by the State or Territory Parliaments.

## Civil and Criminal Law

Both the Federal Parliament and the State or Territory Parliaments can make different types of laws such as criminal law or civil law.

- Criminal law is the law which defines behaviours and actions that are not allowed as they threaten, harm and/or cause danger in the community. Examples of criminal law matters include stealing, assault, murder, arson, dangerous driving, possession or selling of illegal drugs etc. If you have broken the law the police will charge you with committing a criminal offence. The matter is then usually heard in court although in some cases where it is a minor offence it may be dealt with by way of a fine. If the matter goes to court the police may appear in court and prosecute the matter. For more serious matters the Director of Public Prosecutions will prosecute the matter in court.
- Civil law is the law which deals with formal disputes between two or more parties. The police are generally not involved in civil law. Examples of civil law matters would be a property or contract dispute, negligence, defamation or disputes over wills.

1. **Write down an example of a law you are aware of that citizens must follow in their everyday lives. For example, think about how you got to school today and whether there were any laws that had to be followed on your journey to school.**

Answers will vary but for criminal matters they could include a road traffic law regarding speeding, seat belts, traffic lights etc, walking a dog in a park on a lead, wearing a safety helmet while riding a bike, paying for goods purchased at a shop. For civil matters it could be that you can't pass on untrue and damaging information about a person, you must pay your bills when they are due or you must proceed with an agreement that you have signed a contract for, for example selling a house.

2. **What would happen if you were to break this law and who do you think would enforce it?**

Answers will vary depending on which law has been broken. For criminal matters they will be dealt with by the police and you may receive a fine or you may have to appear in court; some matters may be enforced by the local council and may be heard in court. For civil matters they will be enforced by the party who is in dispute with you and they may end up in court if the parties can't come to some sort of agreement.

3. **Why do we need this law and what would happen if we did not have it?**

Answers will vary but generally should be along the lines that we need a system of law for society to follow so that there is some kind of order and harmony in the community.

## **LAW IN THE MEDIA**

Complete the task set out in [Law in the Media](#)<sup>5</sup>

This activity asks students to collect recent news articles and discuss the law relating to the articles.

### **Additional Resources:**

- For an explanation on the different laws see "[How Laws Are Made – Courts](#)". Although this video refers to NSW as opposed to WA, the video is still very relevant and useful for educational purposes.

## **An Introduction to Human Rights and Responsibilities**

Click on the link below and complete Lesson 1 and/or Lesson 2 of the Introduction to Human Rights and Responsibilities activity.

### [Activity – An Introduction to Human Rights and Responsibilities](#)

The Australian Human Rights Commission has an online activity entitled "An Introduction to Human Rights and Responsibilities" where students can explore the meaning of 'rights' and develop an understanding of human rights, and the responsibilities that complement them. It can be done with an interactive whiteboard or alternatively on a computer/tablet.

### [Human Rights in the school classroom – An Introduction to Human Rights and Responsibilities](#)

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<sup>5</sup> Crime Stoppers WA - Crime Stoppers WA - <https://www.crimestopperswa.com.au/cswp/wp-content/uploads/2017/02/Law-In-The-Media.pdf>



## WHAT ARE HUMAN RIGHTS?

Teachers may choose to watch one of [Amnesty International's 10 best human rights videos from 2015](#) as an introduction to this topic.

Human rights are a very important part of our daily lives and sometimes they are taken for granted because they are something we become used to having around us.<sup>6</sup> In small groups brainstorm the following:

### 1. What are human rights?

Answers will vary but may include:

- They are basic freedoms and protections that belong to every single human being. They should apply regardless of where you live in the world.
- Recognition and respect of peoples' dignity.
- A set of moral and legal guidelines that promote and protect a recognition of values, our identity and ability to ensure an adequate standard of living.
- Basic standards by which we can identify and measure inequality and fairness.<sup>7</sup>

### 2. What are some of the basic human rights we have?

Answers will vary but should include the right to food, water, a safe place to live, education, right to be treated fairly and equally regardless of your age, sex, nationality or race, religion or beliefs

Share your ideas with the rest of the class.

## The Parkhurst Apprenticeship Scheme

Using the hyperlinks below research the Parkhurst Apprenticeship Scheme and make some notes.

[Parkhurst Apprentices](#)<sup>8</sup>

### 1. How many Parkhurst Apprentices were sent to Australia and New Zealand?

Nearly 1500<sup>9</sup>.

### 2. How many Parkhurst Apprentices were sent to WA between 1842-1849?

234<sup>10</sup>.

[Parkhurst Boys](#)<sup>11</sup>

### 3. Why did the colonists let the Parkhurst boys come to WA?

In Western Australia, however, the need for labour at that time appears to have made the young exiles acceptable<sup>12</sup>

[Parkhurst Prison](#)<sup>13</sup>

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<sup>6</sup> <https://www.humanrights.gov.au/education/how-young-people-can-get-involved-human-rights>

<sup>7</sup> Australian Human Rights Commission

<sup>8</sup> Wikipedia, *Parkhurst Apprentices* <[http://en.wikipedia.org/wiki/Parkhurst\\_apprentices](http://en.wikipedia.org/wiki/Parkhurst_apprentices)>.

<sup>9</sup> Ibid.

<sup>10</sup> Ibid.

<sup>11</sup> State Library of WA, *Parkhurst Boys*, <[http://www.slwa.wa.gov.au/dead\\_reckoning/government\\_archival\\_records/n-s/parkhurst\\_boys](http://www.slwa.wa.gov.au/dead_reckoning/government_archival_records/n-s/parkhurst_boys)>.

<sup>12</sup> Ibid.

<sup>13</sup> Wikipedia, *HM Prison Parkhurst* <[http://en.wikipedia.org/wiki/Parkhurst\\_\(HM\\_Prison\)](http://en.wikipedia.org/wiki/Parkhurst_(HM_Prison))>.

#### 4. Where is Parkhurst Prison?

Isle of Wight, England.

#### 5. Make some notes on the early history of Parkhurst Prison.

Parkhurst Prison was first built as a military hospital in 1805 and was later transformed to a prison for boys awaiting deportation, mainly to Australia, as part of the Parkhurst Act of 1835. As such, it was the first land-based government prison specifically for young people in England and Wales<sup>14</sup>.

### DISCUSSION QUESTIONS

#### 1. How do you think the Parkhurst boys felt about being transported to Australia or New Zealand from England? Explain with reasons.

The Parkhurst boys were aged between 10-21 years of age. It would be reasonable to assume that a lot of the boys were very anxious and scared of being transported to countries very far from England.

#### 2. Do you think the Parkhurst Apprenticeship Scheme reflects the key values of Australian democracy such as freedom, equality, fairness and justice?

Answers will vary.

Students may consider the following points:

- For some of the Parkhurst Boys, the time served as an apprentice was longer than their original sentence (*this appears to be unjust*);
- The scheme meant that the boys were legally contracted to their employer (*this placed limits on their freedom*);
- The opportunities to learn a new trade was very much dependant on the attitude and care provided by the families to which the Parkhurst Boys were appointed (*this reality brings into question the equality and fairness of the scheme*); and
- The Parkhurst Apprenticeship Scheme provided some boys with an opportunity to learn a skill that enabled them to live a productive life when they finished their time as an apprentice.

### COLONISATION OF AUSTRALIA: TIMELINE

See Appendix 1 for a sample timeline or go to [digital timelines](#) and search for 'Parkhurst Boys'.

Use the [Timeline 60,000 BC–1836](#) on the [Documenting a Democracy website](#) to create a digital timeline of the colonisation of Australia from 60,000BC to 1901. Note the following:

- a) the year that each Colony was proclaimed/founded; and
- b) whether each Colony was established as a free colony or a penal colony.
- c) the year that each colony became known by the name that we now know it, e.g.  
1829: Captain James Stirling proclaimed the settlement Swan River Colony on behalf of the King of England, 1832: The name of the Swan River Colony officially became Western Australia.

Your timeline should start with "60,000 BC: People living in Australia at least since this era"<sup>15</sup> and should end with "1901: The Commonwealth of Australia is inaugurated on 1 January"<sup>16</sup>.

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<sup>14</sup> Ibid.

<sup>15</sup> Museum of Australian Democracy, *Timeline 60,000 BC–1836*, <<http://foundingdocs.gov.au/timeline.html>>.

<sup>16</sup> Ibid.

# Points to Think About Before Your Visit to the FBLEP

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

This activity was developed to compare the student's historical and civics and citizenship knowledge/awareness pre and post-visit. Teachers may decide to discuss the correct answers prior to the FBLEP tour, however be aware that the same questions are in the post-visit package.

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

<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.	X	
<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>17</sup>	X	
<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.		X
<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.		X
<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.	X	

Please be aware that the execution of John Gaven will be discussed as part of the FBLEP Parkhurst Apprenticeship Scheme activity (Note: John Gaven was a Parkhurst Apprentice and he was put on trial at the Old Court House for murdering George Pollard. John Gaven was found guilty of that murder and was hanged at the age of 15. He was the youngest person ever to be hanged in WA and was the first European person to be hanged).

It is important for you, as the teacher, to consider whether this material is suitable for your students. If you feel it is not suitable please advise the FBLEP Education Officers at the earliest opportunity.

Write down a question you have about the Old Court House that you might like to ask the Education Officers during your visit.

<sup>17</sup> <https://www.peo.gov.au/learning/closer-look/governing-australia.html>

**Proposed questions will vary.**

NB: Students could be encouraged to be creative by thinking about what life would have been like for the Parkhurst boys. They could create possible scenarios describing the possible background of a Parkhurst boy and what might have happened to him. This would be a prelude to the information given in the FBLEP Tour which will include more specific information that will enable students to complete the post-visit activity.

**ADDITIONAL RESOURCES**

Teachers may choose to make use of the City of Perth's 'Convicts and Colonials' brochure and walking tour, which includes audio commentary, and is very relevant to the Life in the WA Colony topic:

[City of Perth's 'Convicts and Colonials' Brochure and Walking Tour Information](#)

'The Story of Australia - History Projects' is a 12 volume series of audio visual narratives that give a general overview of early Australian history including the founding of the Colonies and Federation.

[The Story of Australia – History Projects](#)



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# APPENDIX 1

## THE COLONISATION OF AUSTRALIA - SAMPLE TIMELINE

60,000 BC	People living in Australia at least since this era <sup>18</sup> .
1788	Britain establishes the penal Colony of New South Wales at Sydney Cove <sup>19</sup> .
1825	The penal colony of Van Diemen's Land was established in its own right <sup>20</sup> .
1824	The penal colony at Redcliffe in Queensland was established <sup>21</sup> .
1824	The Northern Territory was first settled by Europeans in 1824 at Fort Dundas <sup>22</sup> .
1829	The new Swan River Colony was officially proclaimed by Captain James Stirling as a free colony <sup>23</sup> .
1832	The Swan River Colony was officially renamed Western Australia <sup>24</sup> .
1836	The British province of South Australia was established as a free colony. South Australia was the only colony to never accept convicts <sup>25</sup> .
1837	The Port Phillip District in Victoria was officially sanctioned <sup>26</sup> .
1851	Victoria (Port Phillip District) separated from New South Wales <sup>27</sup> .
1859	Queensland separated from New South Wales <sup>28</sup> .
1856	Van Diemen's Land officially became known as Tasmania <sup>29</sup> .
1901	1901 The Commonwealth of Australia is inaugurated on 1 January <sup>30</sup> .

<sup>18</sup> Museum of Australian Democracy, *Documenting a Democracy*, <<http://foundingdocs.gov.au/timeline.html>>.

<sup>19</sup> Ibid.

<sup>20</sup> Australian Government, *European Discovery and the Colonisation of Australia*, <<http://australia.gov.au/about-australia/australian-story/european-discovery-and-colonisation>>.

<sup>21</sup> Ibid.

<sup>22</sup> Ibid.

<sup>23</sup> Ibid.

<sup>24</sup> Wikipedia, *Swan River Colony*, <[http://en.wikipedia.org/wiki/Swan\\_River\\_Colony](http://en.wikipedia.org/wiki/Swan_River_Colony)>.

<sup>25</sup> Ibid. above n 3.

<sup>26</sup> Ibid.

<sup>27</sup> Ibid.

<sup>28</sup> Ibid.

<sup>29</sup> Ibid.

<sup>30</sup> Ibid. above n 1.



(Picture: [Parliamentary Education Office](#))



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