



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

Year 5 Student Pre-Visit Resource

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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.

Year	Event
	The Old Court House was constructed.
	The Old Court House was opened.
	The trial of John Gaven took place in the Old Court House.
	A meeting was held at the Old Court House on 23 February to decide if convicts should be brought to WA.
	England allowed West Australians to have their own representative government.
	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?**

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

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.¹

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.²

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

a) Freedom means ...

and is important because ...

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

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

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

b) Equality means ...

and is important because ...

c) Fairness means ...

and is important because ...

d) Justice means ...

and is important because ...

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. _____

2. _____

3. _____

4. _____

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 or Territory 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.**

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

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

LAW IN THE MEDIA

Complete the task set out in [Law in the Media](#).⁴

⁴ Crime Stoppers WA - <https://www.crimestopperswa.com.au/cswp/wp-content/uploads/2017/02/Law-In-The-Media.pdf>

An Introduction to Human Rights and Responsibilities

Human rights are a very important part of our daily lives and sometimes they are taken for granted because they are something we become use to having around us.⁵ In small groups brainstorm the following:

1. What are human rights?

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

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](#)⁶

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

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

[Parkhurst Boys](#)⁷

⁵ <https://www.humanrights.gov.au/education/how-young-people-can-get-involved-human-rights>

⁶ Wikipedia, *Parkhurst Apprentices* <http://en.wikipedia.org/wiki/Parkhurst_apprentices>.

⁷ State Library of WA, *Parkhurst Boys*, <http://www.slwa.wa.gov.au/dead_reckoning/government_archival_records/n-s/parkhurst_boys>.

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

[Parkhurst Prison](#)⁸

4. Where is Parkhurst Prison?

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

DISCUSSION QUESTIONS

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

⁸ Wikipedia, *HM Prison Parkhurst* <[http://en.wikipedia.org/wiki/Parkhurst_\(HM_Prison\)](http://en.wikipedia.org/wiki/Parkhurst_(HM_Prison))>.

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

Colonisation of Australia: Timeline

Use the [Timelines](#) 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”⁹ and should end with “1901: The Commonwealth of Australia is inaugurated on 1 January”¹⁰.

⁹ Museum of Australian Democracy, *Timeline 60,000 BC–1836*, <<http://foundingdocs.gov.au/timeline.html>>.

¹⁰ 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.

INSTRUCTIONS

Read the sentences below and mark them True or False.

	True	False
Captain James Cook claimed Western Australia as a British Colony.		
The Old Court House was built by convicts.		
Convicts were people who wanted to come to Australia to find work.		
Convicts first arrived in Western Australia in 1829.		
British people lived under traditional Aboriginal law when they arrived in Western Australia.		
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.		
Australia was created as a nation when the former British colonies agreed to join together in 1901.		
The Prime Minister represents Her Majesty Queen Elizabeth II in Australia.		
The Commonwealth Parliament is the only parliament that can make laws in Australia.		
Australia has human rights laws to protect people against discrimination on their religious beliefs, nationality, age or sex.		

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