

Francis Burt Law Education Programme

# Australia as a Nation: Australia's System of Government and Citizenship

Year 6 | Student | Pre-Visit Resource



# Magna Carta

The Magna Carta is described as one of the most important documents in human history. Research the Magna Carta using the hyperlink below and complete the tasks that follow.

## BBC Website

Read the BBC Bitesize on [King John and Magna Carta](#). After reading you may also like to do the online quiz on the Magna Carta

After reading the three pages above you may also like to do the quiz on the Magna Carta on the BBC Website under the Activities section of each page.

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You may wish to research further details using the 'More to Explore' hyperlinks on the BBC Website:

[King John and the Magna Carta](#)

[King John \(c.1167 – 1216\)](#)

## Task

1. Why were the Barons very unhappy with King John?

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2. When was the Magna Carta signed?

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3. What does Magna Carta mean?

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4. What happened to the power of a King/Queen in Britain after the Magna Carta was signed?

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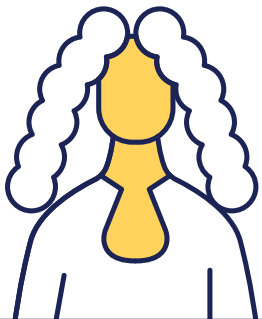


## Rule of Law

The Rule of Law is a principle where everyone is subject and answerable to the law. This includes the Queen, the Government and ordinary citizens. This is known as the supremacy of law and under the Rule of Law everyone has clear rights and responsibilities.

### Watch

Watch 'Video 1: What is the Rule of Law?' on the [Legal Studies page](#) of the Rule of Law Institute of Australia website and complete the Western Australia worksheet.



## Citizenship

Up until January 1949 people born in Australia were regarded as British subjects. When the Nationality and Citizenship Act 1948 (now known as the Australian Citizenship Act 2007) came into place on 26 January 1949 it meant that everyone born in Australia became Australian citizens. Nowadays, for people who are not born in Australia, it is possible to become an Australian citizen if:

- one of your parents is an Australian citizen,
- you have been adopted by an Australian citizen,
- your partner or spouse is an Australian citizen,
- you are a migrant with permanent residence,
- you are a refugee.

There are different requirements depending on which category you fall into above however generally you need to be a permanent resident, be of good character and intend to live or maintain a close and continuing association with Australia.

A person who is eligible to become an Australian citizen must complete an application form, sit the citizenship test and then attend a citizenship ceremony where they will make their citizenship pledge.

### Tasks

- Complete the Australian citizenship pledge by filling in the missing words in the table below:

From this time forward, under God, I pledge my .....  
to Australia and its people, whose ..... beliefs  
I share, whose ..... and liberties I respect, and  
whose ..... I will uphold and obey.

[laws, democratic, rights, loyalty]

- Take the test - [Australian citizenship – What is it all about?](#)

- Some of the values that are important to people living in Australia include respect, equality, fairness and freedom. Number the list below in order of priority of importance to you. Give reasons for your order of priority.

| Order of Priority | Value    | Reason for Order of Priority |
|-------------------|----------|------------------------------|
|                   | Respect  |                              |
|                   | Equality |                              |
|                   | Fairness |                              |
|                   | Freedom  |                              |

- Research more about the [Citizenship Ceremony](#). Why do you think the Australian Government requires new citizens to go to a ceremony?

# Establishment of British Law in Western Australia

## Instructions

[Captain James Stirling](#) established British law in Western Australia when he proclaimed the foundation of the Swan River Colony on 18 June 1829. A [proclamation ceremony](#) was later held on 12 August 1829.

The ceremony is thought to have taken place near where the Perth Town Hall is now located in central Perth. A statue of Captain James Stirling now stands on the pavement outside the City of Perth Library at 573 Hay Street, Perth.

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Additional online resources on the establishment of British Law in WA and the colonisation of WA can be accessed via the [Museum of Australian Democracy: Documenting a Democracy website](#).

[West Australian specific documents](#)

[Timeline 60,000 BC–1836](#)

[Picture Album](#)



## Task

Compare the [George Pitt Morrison painting](#) entitled “The Foundation of Perth” with the photo of the statue of Captain James Stirling which commemorates the cutting of the tree on 12 August 1829.

1. Can you see many differences that have taken place around the location where the proclamation ceremony took place?

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2. What are some of the differences you can identify around the location where the proclamation ceremony took place?

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# Impact of British Law on Aboriginal People in Western Australia

## Instructions

The establishment of British law had a big impact on the Aboriginal Peoples in Western Australia.

Click on the hyperlink to the [Kaartdijin Noongar – Sharing Noongar Culture website](#) below. Read about the impacts of laws on Noongar people before 1905 and complete the tasks.

[The Impacts of Laws on Noongar People Before 1905](#)

## Task

1. In May 1829 did the Noongar people agree to let the British claim Western Australia?

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2. Did Aboriginal Peoples in WA have established Aboriginal customary laws (laws) at this time?

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3. What was the Noongar people's understanding of British Law?

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## Watch

### [Online video Weewar](#)

In 1842 the Crown prosecuted Weewar, a Binjareb Noongar warrior, for carrying out tribal payback by spearing Dyung of the Mooro Group. When Weewar heard that Dyung, a member of the tribe responsible for the death of his son, was moving through Binjareb Territory he was governed by one law - Traditional Aboriginal Law. Weewar's trial became the test case in Western Australia which determined that British Law took precedence over traditional law.<sup>1</sup>

**Note:** This trial really took place in the Old Court House where the Francis Burt Law Education Programme is based.

<sup>1</sup> Kaartdijin Noongar – Noongar Knowledge, Sharing Noongar Culture, South West Aboriginal Land and Sea Council, In 1842 Weewar, a Noongar, was convicted under British Law for carrying out payback. <<http://www.noongarculture.org.au/in-1842-weewar-a-noongar-was-convicted-under-british-law-for-carrying-out-payback/>>.



# Separation of Powers

## Read

Click on the hyperlinks below to the Parliamentary Education Office website and the Supreme Court of Western Australia website and complete the tasks opposite.

[Separation of Powers](#)

– Parliamentary Education Office

[Separation of Powers](#)

– Supreme Court of Western Australia

## Mythbusters

- › The gavel (hammer) has never been used in Australian courts. It is not featured in the United Kingdom court system either.
- › The gavel is an American legal tradition.
- › Judges and lawyers in Western Australian courts do not wear wigs. This tradition stopped in 2010.
- › In the majority of circumstances the prosecution and defence lawyers do not hate each other, do not constantly shout out “objection” and do not walk around the court room while examining a witness.

## Task

1. What are the three arms of government?

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2. What is Parliament responsible for?

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3. What is the Executive responsible for?

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4. What is the Judiciary (Judges) responsible for?

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5. What does security of tenure for judges mean?

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6. Why is security of tenure for judges important?

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# How Laws are Initiated and Passed Through Federal Parliament

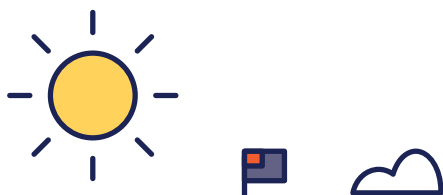
## Instructions

In a democracy, laws are formal rules which society uses to define how people and organisations are expected to behave. Australia is a representative democracy, which means people are elected to Parliament to represent Australians and make laws on their behalf.<sup>1</sup>

Laws are rules that help manage our society; they define how people and organisations are expected to behave. In Australia, the federal Parliament is responsible for making and changing laws about national issues such as defence, immigration and pensions. The Parliament aims to make laws that reflect the needs of the community. The government puts laws into action.<sup>2</sup>

1 Parliamentary Education Office website <http://www.peo.gov.au/learning/fact-sheets/bills-and-laws.html>

2 Parliamentary Education Office website <http://www.peo.gov.au/quick-answers/bills-and-law-qa.html>



# How Laws are Made - Commonwealth

## Task

In Australia generally speaking there are two main kinds of laws – (1) State/Territory laws and (2) Federal/Commonwealth laws. Use the Parliamentary Education Office website hyperlink [Making a Law](#) to research how Federal/Commonwealth laws are made and complete the tasks. You might also like to read the [‘Making a Law’](#) and the [‘Bills and Laws’](#) Fact Sheets.

1. What is a bill? (Hint: The Parliamentary Glossary will help you)

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2. Who makes Federal/Commonwealth laws?

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3. Who signs on behalf of the Queen before a Federal/Commonwealth bill becomes an Act of Parliament, i.e. a new law?

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# The Court Hierarchy

The highest Australian Court is the High Court of Australia which is a Federal or Commonwealth Court. The High Court is the final court of appeal from the State and Territory Supreme Courts.

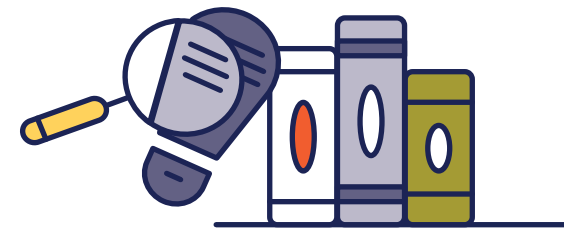
## Tasks

In Western Australia there are three main levels to the State Court hierarchy. Complete the table below listing the three main courts in Western Australia with the highest court being at the top of the table and lowest court being at the bottom.

|  |                                                                                                                                                                                                                         |
|--|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|  | Deals with homicide offences and serious breaches of Commonwealth drug enforcement laws. As the highest Western Australian court, any matters that are particularly serious or complex can be dealt with by this court. |
|  | Deals with crimes where a possible sentence is more than 3 years imprisonment, except for homicide offences and serious breaches of Commonwealth drug enforcement laws.                                                 |
|  | Deals with offences with a maximum possible term of imprisonment of 3 years.                                                                                                                                            |

## Vocabulary

**Jurisdiction:** a court's authority to hear a case, e.g. The Supreme Court of WA has jurisdiction over crimes where a life sentence is a sentencing option.



## Discussion Questions

1. What kinds of crimes do you think are heard by the Magistrates Court of Western Australia?

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2. What kinds of crimes do you think are heard by the Supreme Court and the District Court of Western Australia?

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3. Why do you think we have three main levels of court in Western Australia?

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4. What is your image of a court room in Western Australia? Is a court room big or small? Is a court room a scary place or a comfortable place? Do the people in the court room wear casual clothes or formal clothes? Write down whatever you imagine when you think about a court room in WA.

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# Points to Think About Before Your Visit to the Francis Burt Law Education Programme (FBLEP)



## Think

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





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## Tasks

Read the sentences below and mark them True or False.

|                                                                                                                                                                                                                              |  |  |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------|
| 1. The accused person must prove to the court that s/he is not guilty of the crime.                                                                                                                                          |                                                                                     |                                                                                     |
| 2. Jury duty is a responsibility of everyone who can vote in Western Australia except in special situations and except for people in special types of jobs.                                                                  |                                                                                     |                                                                                     |
| 3. The British colonists lived under customary Aboriginal lore (law) in the early days of the colony.                                                                                                                        |                                                                                     |                                                                                     |
| 4. The law for the Queen and Prime Minister is different to the law for everyone else.                                                                                                                                       |                                                                                     |                                                                                     |
| 5. The government can remove a judge from his/her position at any time.                                                                                                                                                      |                                                                                     |                                                                                     |
| 6. The Australian Constitution describes what laws and courts for which the Federal Government is responsible and what laws and courts for which the State Governments are responsible.                                      |                                                                                     |                                                                                     |
| 7. If you are not born in Australia you cannot become an Australian citizen.                                                                                                                                                 |                                                                                     |                                                                                     |
| 8. One privilege of being an Australian citizen is that you do not have to vote in government elections                                                                                                                      |                                                                                     |                                                                                     |
| 9. Captain James Stirling established British law in the Swan River Colony (now known as Western Australia) when he proclaimed the Swan River Colony on 26 January 1788.                                                     |                                                                                     |                                                                                     |
| 10. The three main courts in Western Australia that deal with civil and criminal matters are the Supreme Court of Western Australia, the District Court of Western Australia and the Magistrates Court of Western Australia. |                                                                                     |                                                                                     |

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

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