

Francis Burt Law Education Programme

DESIGNING OUR POLITICAL AND LEGAL SYSTEM YEAR 7 TEACHER PRE-VISIT RESOURCE

1. VOCABULARY OF THE COURTS AND LAW

Instructions:

1. Think of as many words as you can with a connection to the law and the courts in Western Australia.
2. Write them down in a list and group the words alphabetically.
3. Share your list with the class.

HERE'S A START TO YOUR LIST:

A	<i>accused, appeal, affirmation, adjournment, adjourn, associate, arbitration, arraign, arraignment, all rise</i>
B	<i>barrister, bench, bible, bail, burden of proof, beyond reasonable doubt</i>
C	<i>closing address, coat of arms, court, court room, criminal trial, cross examine, cross examination, custody, counsel for the accused, charge, criminal code, civil law, criminal law, crime</i>
D	<i>defence counsel, dock, detective, defendant, damages, District Court, directions to the jury</i>
E	<i>evidence, examine, examination-in-chief, evidence-in-chief, exhibit</i>
F	<i>forensics, foreperson</i>
G	<i>guilty, gown</i>
H	<i>How do you plead?, hung jury</i>
I	<i>indictment, innocent, imprisonment</i>

J	<i>jabot, judge, judge's associate, jury, jury box, jury foreperson, judgment, jurisdiction</i>
K	
L	<i>lawyer, law, legal</i>
M	<i>media, monitor, magistrate, Magistrates Court, mediation, May it please the court, mistrial</i>
N	<i>not guilty</i>
O	<i>oath, opening address, objection</i>
P	<i>public gallery, police officer, plea, parole, plaintiff, precedent, procedure, presumption of innocence, prison</i>
Q	<i>Queen's Counsel</i>
R	<i>re-examine, re-examination, robes, royal coat of arms</i>
S	<i>security officer, sentence, solicitor, state counsel, sheriff's officer, statement, Supreme Court, summons, standard of proof</i>
T	<i>trial, transcript, This court is now adjourned</i>
U	<i>unanimous verdict, unlawful act</i>
V	<i>verdict, video link</i>
W	<i>wig, witness, witness stand, will</i>
Y	<i>Your Honour</i>
Z	

The words and phrases in red font highlight the language to be used in the post-visit scripted digital oral/oral presentation of a court scenario.

The list above is not exhaustive so you and your students may be able to identify other relevant vocabulary.

2. MAGNA CARTA

The Magna Carta is described as one of the most important documents in human history. Watch the Human Rights Commission [video](#) then research the Magna Carta using the hyperlinks below and complete the following tasks.

BBC Website

Read the BBC Bitesize on [King John and Magna Carta](#)

Please note there is also a [quiz](#) on the Magna Carta on the BBC Website under the Activities section of each page.



Tasks

- a. What do the words 'Magna Carta' actually mean?

The great charter.

- b. Write a summary of the history of the Magna Carta under the following headings:

- The Story of Our Freedom
- The Rule of Man; and
- The Rule of Law.

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

[Further detail on Magna Carta](#)

[King John and the Magna Carta](#)

[King John \(c.1167 – 1216\)](#)

The Story of Our Freedom

The Magna Carta is an 800 year old document written on dried animal skin. It is important for us today because it was the starting point for some of our most important human rights.

The Rule of Man/Woman

Before the Magna Carta, Kings were above the law and could do whatever they liked.

Richard, the Lionheart, King of England had spent much of his reign outside England fighting wars in the Middle East and France. To pay for these he had taxed the English heavily. In 1199, Richard died and his brother, John became king.

John continued to fight wars in France but he kept losing battles. He needed more money so his government in England ruthlessly demanded more taxes from the nobility who were expected to pay tax if the King asked.

The Barons became very unhappy about John exploiting their loyalty and belief in his complete power. They rebelled and took over London and forced John to negotiate.

The Rule of Law

On the 19 June 1215 at Runnymede King John signed the Magna Carta. It was the beginning of fairer rights for the people and started the evolution of democracy. The King was no longer above the law. Over the centuries, parliament was formed and people power grew to be much stronger and eventually led to the English Bill of Rights in 1689: It was the job of government to represent the people and their rights.

The Magna Carta was the first formal document stating that a King had to follow the laws of the land and it guaranteed the rights of individuals against the wishes of the King. This meant people couldn't be arrested, imprisoned or have their possessions taken away except by the judgement of their equals and/or the law of the land. This laid the way for trial by jury which means people are tried by their peers and guaranteed the civil rights of the individual.

The Magna Carta established the principle that the people of England, at this stage represented by the Barons, could limit the power of a King if he was doing things that were not good for the country.

These ideas came to Australia in English law. We know today that if someone is accused of a crime, they have the right to a fair trial and they must be proven guilty before they can be punished. Thus, the Magna Carta has played a major role in shaping the democratic society of Australia today.

3. RULE OF LAW

Watch the Rule of Law Institute's [video](#) on the rule of law and complete the [worksheet](#).

4. THE AUSTRALIAN CONSTITUTION

- a. Complete the table below by reading about the Australian Constitution on the Parliamentary Education Office website: [The Australian Constitution](#)

When did the Australian Constitution come into effect?	1 January 1901
Did Australia exist as a country before 1901?	No, prior to 1901 what we now know as Australia was a group of separate colonies.
What are the key features of the Australian Constitution?	<ul style="list-style-type: none">• a federal Parliament and government, responsible for national decision-making and law-making• a bicameral Parliament, including the Queen (represented by the Governor-General), the Senate and the House of Representatives• six state governments, responsible for state matters• power-sharing arrangements between the federal and state parliaments <p>the High Court of Australia, which is the final court of appeal. The High Court interprets the Constitution and decides its meaning, as well as settling disputes between the federal and state governments.¹</p>

1. Parliamentary Education Office, *Australian Constitution Fact Sheet*, <http://www.peo.gov.au/learning/fact-sheets/australian-constitution.html>

How can the Australian Constitution be changed?	Only by a referendum.
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- b. Describe why the Australian Constitution is one of the most important documents in Australia?

The Australian Constitution describes the rules by which Australia is run and defines the type of parliament as well as what the Federal Government and the State Governments are responsible for.

- c. Some Western Australians would like to secede (separate) from the other Australian states and territories. What is your position on this, i.e. should Western Australia continue to be a part of Australia or should we secede (separate)? Explain with reasons.

A variety of opinions should be expected. Encourage the students to support their position with reasons that are clear and relevant.

5. SEPARATION OF POWERS

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

[Separation of Powers](#) – Parliamentary Education Office

[Separation of Powers](#) – Supreme Court of Western Australia

TASKS

- a. What are the three arms of government?

The Parliament, the Executive and the Judiciary.

The Parliament: The politicians elected to the WA parliament and the Federal parliament, in both houses, are the Legislature, i.e. the State Legislature and the Federal Legislature.

The Executive: The Governor, Premier and the State Ministers are the WA State Executive. The Governor General, Prime Minister and the Federal Ministers are the Federal/Commonwealth Executive.

The Judiciary: The Justices in the Supreme Court of Western Australia, the Judges in the District Court and the Magistrates in Magistrates Court are the WA Judiciary. The Justices in the High Court and Federal Court are the Federal/Commonwealth Judiciary.

- b. What is Parliament responsible for?

Parliament is responsible for making laws and for changing laws.

- c. What is the Executive responsible for?

The Executive is responsible for putting new laws and changed laws into action.

- d. What is the Judiciary (Judges) responsible for?

The Judiciary is responsible for making judgements about the law.

- e. What is the purpose of having the three arms of government?

Separating the powers of the three arms of government prevents any of those arms from having too much power and creates a system of checks and balances.

- f. Describe a situation that may occur if we did not have the separation of powers in Western Australia.

Answers will differ, however the situation described is likely to involve one individual in a position of authority (e.g. the Premier, a Government Minister, the Governor or a Judge) making a biased decision due to that person's power not being limited.

6. WHICH LEVEL OF GOVERNMENT?



Watch the video [Three Levels of Government](#)

Using the online [factsheet](#), answer the following questions

- a. What are the responsibilities of the three levels of government?

The federal government has broad national powers. Among other things, it administers (puts into action) laws in relation to defence, immigration, foreign affairs, trade, postal services and taxation.

State/territory governments have the power to look after laws not covered by the federal government; for instance, hospitals, schools, police and housing services.

The powers of local councils are defined by Acts of Parliament passed by state parliaments and include responsibility for building regulations, rubbish collection, local roads and pet control.

- b. Which section of the Australian Constitution outlines the powers of both state and federal government?

Section 51

- c. What happens if there is a clash of laws between state or territory and federal governments and which sections of the Australian Constitution address these clashes?

Section 109 of the Constitution states that a federal law may override a state law if there is a conflict between the two. According to section 122 of the Constitution, the federal Parliament may override a territory law at any time.

Every court room in Australia has a coat of arms behind the judge or magistrate.

- d. Which coat of arms do you think the Western Australian courts use?

The Western Australian coat of arms

- e. Which coat of arms would the Federal Courts use?

The Australian coat of arms

- f. Why do you think they use different coats of arms?

This brings out the reality that the WA government is responsible for the WA courts and the Federal government is responsible for the Federal/Commonwealth courts. Every Australia state and territory has its own laws and legal system and this is the responsibility of the state and territory governments whilst the Federal government is responsible for the High Court and Federal Court.

7. COURT CONDUCT

The majority of courts in Western Australia are open to the public, unless in special circumstances when the court orders otherwise. Seating is provided in the public gallery, usually at the back of the courtroom.

When entering or leaving a courtroom, it is customary to bow towards the judge. Talking, smoking or eating in court is not permitted.

The Judge is in charge of the courtroom and may order the removal of anybody who misbehaves or is dressed inappropriately. You should stand whenever a judge enters or leaves the courtroom.

Mobile telephones and all electronic equipment must be turned off before entering the courtroom. Video or other cameras or tape recorders are not permitted without the judge's permission.

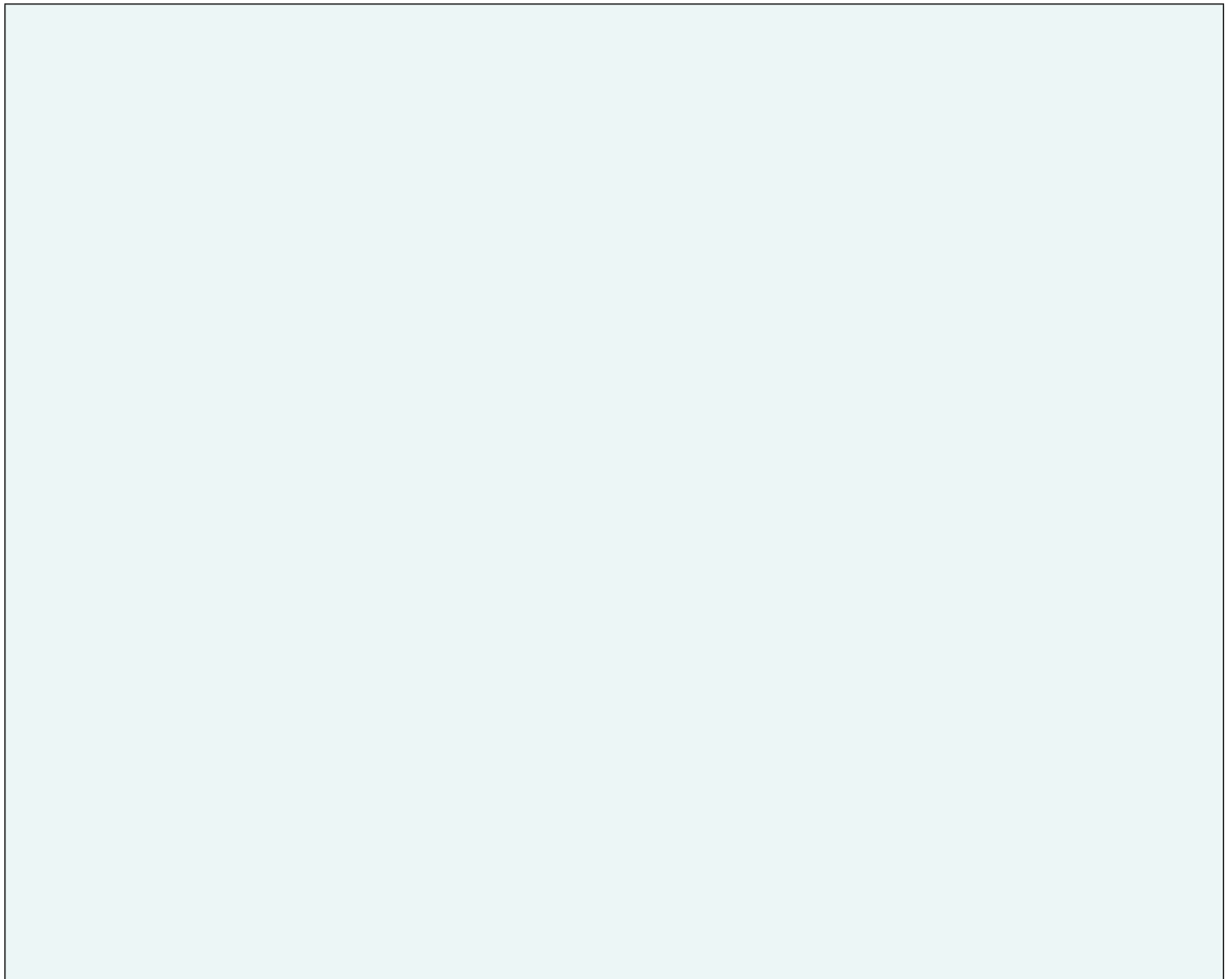
Sunglasses may not be worn on your face or on your head.

Religious headwear is permitted, but other headwear such as hats, caps, scarves etc is not permitted to be worn in the public gallery.

INSTRUCTIONS TO STUDENTS:

The Communications Officer of the Supreme Court has asked you to prepare a chart informing the general public of the rules to be observed when visiting the court as shown above. Use icons, images and other symbols to convey your message.

The icons, images or symbols will vary. Encourage students to be creative when designing their chart of court rules to be observed.








8. WORD SLEUTH

Find the words listed below in the grid. They may run in any direction but are always in a straight line. Some letters are used more than once. Circle each word as you find it and when you have completed the puzzle, there will be 15 letters left over.

They spell a phrase commonly used in courts.

accused
bar
bench
bullying
charge
childrens' court
crime
district court
dock
gowns
JP
judge
jury
juvenile
law
lawyer
magistrate
magistrates court
oath
prosecutor
prison
robbery
sentence
speeding
steal
supreme court
swear
wig

R	A	B	S	R	A	E	W	S	H	C	N	E	B	D	E
					G	N	I	D	E	E	P	S	C	I	C
			T	R	U	O	C	E	M	E	R	P	U	S	N
			I	G	N	I	Y	L	L	U	B	R	O	T	E
M	A	G	I	S	T	R	A	T	E	S	C	O	U	R	T
L			L					L	I	P	T	S	U	I	N
A		J	E					A		J	H	E	R	C	E
W	J	U	D	G	E		D	E	S	U	C	C	A	T	S
Y	U	V	S	N	W	O	G	T	N		E	U	T	C	Y
E	R	E	N	M	A	G	I	S	T	R	A	T	E	O	R
R	Y	N	C	N	O	S	I	R	P	K	C	O	D	U	E
C	H	I	L	D	R	E	N	S	C	O	U	R	T	R	B
W	L	L	E	M	I	R	C							T	B
I	A	E	G	R	A	H	C								O
G	W		E	H	T	A	O								R

Legal Phrase: Silence in the Court

9. POINTS TO THINK ABOUT BEFORE YOUR VISIT

Think about the correct answers to the points below before you visit the Francis Burt Law Education Programme. You will review your answers after your visit.

This activity was developed to compare the student's legal knowledge/awareness pre and post-visit. Teachers may decide to discuss the correct answers prior to the Francis Burt Law Education Programme tour, however be aware that the same questions are in the post-visit package.

Note: We have created a [Year 7 Kahoot! Quiz](#)

Instructions: Read each of the following statements and circle True or False.		
a. The accused person must prove to the court that she/he is not guilty of the crime. A very important legal principle is the burden of proof. That is, the onus/responsibility is on the State to prove that the accused is guilty. The State must prove the accused person's guilt beyond reasonable doubt. That is the standard of proof. Another important legal principle is the presumption of innocence, i.e. the accused is always presumed to be innocent until proven guilty.	True	False
b. The judge decides if an accused person is guilty or not guilty for serious charges. The jury decides if an accused person is guilty or not guilty for serious charges. Juries are only used in District Court and Supreme Court trials. The standard of proof required to find an accused person guilty of a crime is the same for a jury and a magistrate, that is, beyond reasonable doubt.	True	False
c. An accused person is thought to be innocent until proven guilty. This is known as the presumption of innocence.	True	False
d. 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. Significant amendments were made to the Juries Act WA in 2011. Those amendments included deferring jury duty for six months on request, increasing the minimum fine to \$800 for failing to respond to a jury duty summons and reducing the number of occupations which make a person ineligible for jury duty.	True	False

Instructions:

Read each of the following statements and circle True or False.

<p>e. You have the right to trial by jury if you are accused of a serious crime in Western Australia.</p> <p>Serious crimes are dealt with by the District Court and Supreme Court.</p> <p>Serious crime has a serious impact on our community and, therefore, the community is involved (i.e. in the form of the jury) in such trials. Also, if a person is found guilty of committing a serious crime there are very serious consequences for that person.</p> <p>If a Magistrates Court matter goes to trial a magistrate will hear the case and s/he must decide on the verdict. Juries are not used in the Magistrates Court.</p>	True	False
<p>f. The law for the Queen and the Prime Minister is different to the law for everyone else.</p> <p>An essential element of our legal system is that everyone must be treated equally and that everyone is answerable before the law.</p>	True	False
<p>g. The government can remove a judge from his/her position at any time.</p> <p>A judge can only be removed from his/her position if s/he breaks the law and a possible sentence is imprisonment. When a judge reaches the age of 70 s/he must step down.</p> <p>This system is referred to as security of tenure. Security of tenure is important for judges as it helps to ensure that they act without fear or favour in their role.</p>	True	False
<p>h. The Australian Constitution is the set of rules by which Australia is governed. It defines what laws the Commonwealth Government is responsible for and what laws the State Governments are responsible for.</p> <p>The Australian Constitution is the legal framework for governance in Australia.</p>	True	False

After completing the pre-visit activities it would be good to discuss the standard of behaviour expected when the group visits the Francis Burt Law Education Programme.



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