Sample unit of work: Human rights and Indigenous Australians and the law

Units of work in Legal Studies can be developed using contextualised learning experiences and assessment opportunities based on the relevant subject matter from the identified areas of study.

A unit of work provides teaching strategies and learning experiences to allow students to demonstrate the dimensions and objectives of the Legal Studies Senior Syllabus 2013.

The sample units of work incorporate the objectives described in the dimensions of the syllabus. They offer flexibility to cater for a variety of learning styles and school contexts. They are neither prescriptive nor exhaustive.

The sample resources demonstrate:

- organisation and development of course content
- teaching and learning that supports the syllabus
- learning experiences that support achievement of the objectives described in the dimensions
- alignment between content, learning experiences and assessment.

Integrating areas of study

This sample unit of work, Human rights and Indigenous Australians and the law, demonstrates ways of integrating areas of study within units of work to provide authentic and relevant learning experiences for students.

When integrating areas of study, teachers should:

- identify a legal issue, as a basis for the inquiry-based investigation, which incorporates the focus question of the selected areas of study
- deliver authentic and relevant learning experiences which provide opportunities to demonstrate the focus question and statement of the identified areas of study
- select relevant subject matter which allows students to develop the depth of knowledge and understanding sufficient to demonstrate the focus question and statement of the areas of study and the dimensions and objectives of the syllabus.
Building learning experiences

Over a unit of work, learning experiences demonstrate the:

- identified subject matter from the chosen area of study
- relevant dimensions and objectives
  - Knowing and understanding the law
  - Investigating legal issues
  - Responding to the Law.

Table 1 provides example learning experiences for inclusion in a unit of work.

Table 1: Example learning experiences in a unit of work

| Explain why a Bill of Rights exists. |
| Analyse whether a Bill of Rights is an effective document. Explain any problems. |
| Make recommendations as to what human rights should be included in a Bill of Rights. Justify all suggestions. |
# Integrated unit of work: Human Rights and Indigenous Australians and the law

**Inquiry focus:** How effective is the legal system in adequately protecting and enforcing the individual rights of Aboriginal and Torres Strait Islander peoples?

| Areas of study       | Human rights                                                                 | Does the Australian legal system adequately protect and enforce individual rights?  
|----------------------|-------------------------------------------------------------------------------|-----------------------------------------------------------------------------------
|                      |                                                                               | The legal and political provision of individual rights creates responsibilities for individuals and society. Australian law attempts to balance the rights and responsibilities of the individual with the best interests of the greater community. |
| Indigenous Australians and the law | How effective is the legal system in achieving justice for Aboriginal and Torres Strait Islander peoples? |
|                      |                                                                               | Legislation affecting Aboriginal and Torres Strait Islander peoples has been controversial in the ways it has attempted to redress Australia’s human rights record for Indigenous peoples. Laws and policies concerning Aboriginal and Torres Strait Islander peoples have attempted to address human rights. Indigenous Australians have been over-represented as a group in the penal system. |

**Dimensions**

<table>
<thead>
<tr>
<th>Dimensions</th>
<th>Knowing and understanding the law</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>• define and describe facts using legal terminology</td>
</tr>
<tr>
<td></td>
<td>• explain legal concepts and processes</td>
</tr>
<tr>
<td></td>
<td>• communicate meaning using language conventions to suit purpose and audience.</td>
</tr>
<tr>
<td>Investigating legal issues</td>
<td>• select and organise legal information from sources</td>
</tr>
<tr>
<td></td>
<td>• analyse legal situations to identify and examine legal issues and stakeholders’ perspectives</td>
</tr>
<tr>
<td></td>
<td>• apply legal concepts and processes to legal issues to determine legal outcomes.</td>
</tr>
<tr>
<td>Responding to the law</td>
<td>• evaluate the law and stakeholder responses</td>
</tr>
<tr>
<td></td>
<td>• make decisions and recommendations about legal outcomes and their implications</td>
</tr>
<tr>
<td></td>
<td>• justify decisions and recommendations using evidence and legal reasoning.</td>
</tr>
</tbody>
</table>

**Suggested hours**

35 hours

**Semester**

4
Focus questions to guide possible inquiry tasks

- The Australian Constitution is the basis for human rights law in Australia: To what extent does the Constitution protect human rights?
- Human rights in Australia: How are they protected in spite of the lack of focus on rights in the Constitution?
- Case study: The Race Power and the 1967 referendum. The historical background to the referendum; the changes to the Constitution which followed; Kartinyeri v. the Commonwealth.
- Mabo v. Queensland 1992 as a catalyst for the Native Title Act: How did Mabo challenge indigenous rights, and how did the federal government respond?
- Would a Bill of Rights guarantee human rights in Australia?

<table>
<thead>
<tr>
<th>Identified subject matter</th>
<th>Learning experiences</th>
</tr>
</thead>
<tbody>
<tr>
<td>Australia prior to Federation: How did the colonies operate?</td>
<td>Discuss the historical background to the states of Australia: Explain and analyse the freedoms and obligations each had with respect to taxation, laws and issues such as defence.</td>
</tr>
</tbody>
</table>
| Why federate: What were the advantages for the colonies in joining forces? | Pros and cons debate.  
  - Divide class into 2 teams: pro-federation and pro-separatism. Each team is to research, select, organise and analyse information to support their argument either for or against. |
| A look at the Constitution: Who is in and out? | Read, select and highlight key parts of the Constitution including the preamble:  
  - Juxtapose the existing preamble with some suggested alternatives.  
  - Evaluate the Constitution in a summary report. Suggest and justify reasons for the inclusion and exclusion of colonies such as New Zealand and Western Australia from key parts of Part I of the Constitution.  
  - Analyse reasons why Aborigines were specifically excluded from rights under the original Constitution. Present the finding in a PowerPoint presentation.  
  - Locate and describe the explicit individual rights in the Constitution and through analysis, suggest reasons for their absence.  
  - Describe and explain the relative dangers of implied rights in a fundamental piece of legislation such as the Constitution. |
| What rights are protected in the Constitution? How? | Brainstorm what human rights need to be guaranteed under the law? Justify each suggestion.  
  - Document search: Locate specific mention of basic rights mentioned in the Constitution. |
| How are human rights guaranteed under Australian law? An overview of the UN conventions and related federal and state legislation. | Peer teaching: Divide students into groups to:  
  - define and describe the human rights guaranteed under Australian law  
  - analyse and critique sections of the UN Universal Declaration of Human Rights  
  - prepare and present a PowerPoint or Prezi to communicate the information. |

Over the inquiry, the subject matter will build in complexity.

Learning experiences are developed based on the relevant subject matter from the identified areas of study.
<table>
<thead>
<tr>
<th>Identified subject matter</th>
<th>Learning experiences</th>
</tr>
</thead>
</table>
| The Race Power and the 1967 Referendum: What was the human rights situation for Indigenous Australians prior to the referendum? What did the referendum seek to modify in the Constitution? | • **Define** and **describe** the significant outcomes of Freedom Ride (1965).  
• Listen to the **Vote Yes for Aborigines**, campaign song:  
  - **analyse** why there was a need for such propaganda before a 1967 referendum.  
  - Prepare a written report which **evaluates** the question, "to what extent would it have influenced the Australian population at a time when Australia had a White Australia immigration policy?" Justify all decisions and recommendations.  
• Examine the pre-referendum Section 51 (xxvi) of the Australian Constitution. Prepare a mind map which:  
  - **analyses** how this section would have affected various stakeholders  
  - **analyses** the post-referendum wording. **Explains** the legal effect of the changes. |
| ‘Secret Women’s Business’: Kartinyeri v. the Commonwealth as an interpretation of the Constitution’s ‘race power’ | • Using the **Kartinyeri v. the Commonwealth** case:  
  - **explain** how Kartinyeri (the Hindmarsh Bridge case) defined Section 51 (xxvi) of the Australian Constitution  
  - identify and **describe** the weakness in the Constitution highlighted by this case  
  - compare and contrast these weaknesses to the Nuremburg laws of Germany in 1935. |
| Mabo and terra nullius: What did Mabo challenge about the legitimacy of Australian sovereignty? How did this case improve human rights for Indigenous Australians? | • **Watch** the ABC film **Mabo**:  
  - **explain** what Eddie Mabo was attempting to achieve  
  - **analyse** how Mabo used the legal system to challenge existing views about the law  
  - **evaluate** the case and **suggest** possible problems the Mabo victory created for lawmakers.  
• Select and examine the provisions in the Native Title Act which specifically grant rights to Indigenous Australians:  
  - **define** and **describe** each provision  
  - **analyse** and **explain** what the ‘extinguishment’ lobby sought to do after the Act was introduced.  
• **Analyse** the **Wik Peoples v. Queensland** case:  
  - **explain** how this case helped to affirm human rights for Indigenous Australians and provide finality for landholders  
  - **apply** the decisions from this case to recent media case studies.  
• **Collect**, **select** and **organise** political cartoons from the era and create a timeline for class display which shows the evolution of political and community thoughts on the issue of native title. |

---

**Students should be provided with opportunities to practise different genres and modes.**

**Students should be provided with a variety of texts to analyse and interpret.**
Bill of Rights: Would the addition of a Bill of Rights improve human rights in Australia?

- Examine an existing Bill of Rights, e.g. the US Bill of Rights:
  - explain why a Bill of Rights exists
  - analyse whether this is an effective document. Explain any problems
  - analyse how the Bill of Rights impacts on various stakeholders
  - make recommendations as to what human rights should be included in a Bill of Rights. Justify all suggestions.

- Class debate: the Bill of Rights should be limited to 20 human rights:
  - analyse and select which human rights should be included
  - evaluate and justify all decisions
  - make suggestions as to how the rights of all peoples (including Aboriginal peoples) should be included in the Bill of Rights.

## Resources

- Activism for Aboriginal Rights [www.culturalsurvival.org](http://www.culturalsurvival.org)
- Eniar for key Indigenous issues [www.eniar.org](http://www.eniar.org)
- Mabo Native title. [www.mabonativetitle.com](http://www.mabonativetitle.com)
- Teaching resources about the Aboriginal struggle for citizenship [www.abc.net.au/civics/democracy/struggle.htm](http://www.abc.net.au/civics/democracy/struggle.htm)
### Possible assessment idea

<table>
<thead>
<tr>
<th>Dimensions and objectives</th>
<th>Knowing and understanding the law</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>• define and describe facts using legal terminology</td>
</tr>
<tr>
<td></td>
<td>• explain legal concepts and processes</td>
</tr>
<tr>
<td></td>
<td>• communicate meaning using language conventions to suit purpose and audience.</td>
</tr>
</tbody>
</table>

**Investigating legal issues**
- select and organise legal information from sources
- analyse legal situations to identify and examine legal issues and stakeholders’ perspectives

**Responding to the law**
- evaluate the law and stakeholder responses
- make decisions and recommendations about legal outcomes and their implications
- justify decisions and recommendations using evidence and legal reasoning.

<table>
<thead>
<tr>
<th>Assessment technique</th>
<th>Extended research response</th>
</tr>
</thead>
<tbody>
<tr>
<td>Assessment conditions</td>
<td>Multimodal response</td>
</tr>
<tr>
<td></td>
<td>5–7 minutes</td>
</tr>
<tr>
<td>Assessment task</td>
<td>Prepare and present a multimodal seminar to your local minister which evaluates and responds to the following statement: ‘An Aboriginal and Torres Strait Islander person’s legal rights would be better catered for if a Bill of Rights were included in the Australian Constitution.’ Make and justify recommendations about whether a Bill of Rights should be introduced and what impact it would have on stakeholders.</td>
</tr>
</tbody>
</table>

**Assessment technique and conditions match the syllabus requirements.**

**Dimensions and objectives are selected based on the assessment task. Teachers develop an instrument-specific standards matrix based on the selected exit standards.**