



## Sample assessment task

Year level	10
Learning area	Humanities and Social Sciences
Subject	Civics and Citizenship
Title of task	High Court, international agreements, government policy and laws

## Task details

Description of task	Students demonstrate their understanding of the relationship between Australia and the international world and examine how Australia’s political and legal system responds to selected challenges.
Type of assessment	Formative and summative
Purpose of assessment	To assess students ability to analyse and evaluate source material concerning Australia’s international obligations and their effect on Australian law
Assessment strategy	Written work
Evidence to be collected	<ul style="list-style-type: none"> <li>• Research planning and preparation (formative assessment)</li> <li>• Test response booklet (summative assessment)</li> </ul>
Suggested time	1 week

## Content description

Content from the Western Australian Curriculum	<p><b>Knowledge and understanding</b></p> <p>The role of the High Court, including interpreting the Constitution</p> <p>The international agreements Australia has ratified and examples of how they shape government policies and laws (e.g. the protection of World Heritage areas, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Rights of the Child, the Declaration on the Rights of Indigenous Peoples)</p> <p><b>Humanities and Social Sciences skills</b></p> <p><b>Q&amp;R&gt;</b> Use a range of methods to collect, select, record and organise relevant and reliable information and/or data from multiple sources that reflects the type of analysis of information that is needed (e.g. questionnaires, surveys, emails, discussion lists, tables, field sketches, annotated diagrams), with and without the use of digital and spatial technologies</p> <p><b>A&gt;</b> Analyse information and/or data in different formats (e.g. to explain cause and effect relationship, comparisons, categories and subcategories, change over time)</p> <p><b>A&gt;</b> Analyse the ‘big picture’ (e.g. put information and/or data into different contexts, reconstruct information by identifying new relationships, identify missing viewpoints or gaps in knowledge)</p> <p><b>A&gt;</b> Apply subject-specific skills and concepts in familiar, new and hypothetical situations</p>
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	<p><b>E&gt;</b> Draw evidence-based conclusions by evaluation of information and/or data, taking into account ambiguities and multiple perspectives; to negotiate and resolve contentious issues; to propose individual and collective action in response to contemporary events, challenges, developments, issues, problems and/or phenomena</p> <p><b>E&gt;</b> Critically evaluate information and/or data and ideas from a range of sources to make generalisations and inferences</p> <p><b>C&amp;R&gt;</b> Develop texts, particularly explanations and discussions, using evidence from a range of sources to support conclusion and/or argument</p>
<b>Key concepts</b>	Westminster system, Justice, Rights and responsibilities
<b>Task preparation</b>	
<b>Prior learning</b>	<ul style="list-style-type: none"> <li>• Role of the High Court and the types of cases it hears (Year 9)</li> <li>• Role of the High Court, including interpreting the Constitution</li> <li>• View an audio visual excerpt of a High Court case available on High Court website (<a href="http://www.hcourt.gov.au/cases/recent-av-recordings">http://www.hcourt.gov.au/cases/recent-av-recordings</a>) to show how the hearing is conducted with interaction between Justices and Lawyers representing particular parties.</li> </ul>
<b>Assessment differentiation</b>	<p>Teachers should differentiate their teaching and assessment to meet the specific learning needs of their students, based on their level of readiness to learn and their need to be challenged.</p> <p>Where appropriate, teachers may either scaffold or extend the scope of the assessment tasks.</p>
<b>Assessment task</b>	
<b>Assessment conditions</b>	<ul style="list-style-type: none"> <li>• Research component can be completed in class or out of class to suit school program and needs</li> <li>• Written assessment to be completed in class under test conditions</li> </ul>
<b>Resources</b>	<ul style="list-style-type: none"> <li>• <a href="https://www.humanrights.gov.au/convention-rights-child">https://www.humanrights.gov.au/convention-rights-child</a> Convention on the Rights of the Child</li> <li>• <a href="https://www.humanrights.gov.au/sites/default/files/AHRC_CRR2016_Child_Friendly.pdf">https://www.humanrights.gov.au/sites/default/files/AHRC_CRR2016_Child_Friendly.pdf</a> What does the 'Children's Rights Report 2016 say?</li> <li>• <a href="http://www.hcourt.gov.au/assets/publications/judgment-summaries/2016/hca-1-2016-02-03.pdf">http://www.hcourt.gov.au/assets/publications/judgment-summaries/2016/hca-1-2016-02-03.pdf</a> High Court of Australia Plaintiff M68/2015 v Minister for immigration and Border Protection &amp; Ors</li> </ul>

## Instructions for teacher

Questions to use with students to develop their conceptual understanding:

### Rights and responsibilities

What is meant by the term citizen of a country?

What are our rights as a citizen?

What are the obligations of a citizen?

What is meant by rights and freedoms?

Does Australia have any obligations to uphold rights and freedoms under international agreements?

Is a citizen able to challenge laws through the courts based on Australia's international agreements?

### The Westminster system

Which branch of government represents Australia internationally?

Who signs international agreements on behalf of Australia?

Which branch of government are they attached to?

What is the role of the executive in Australia?

Does parliament have a role to play when international agreements are signed by the Australian government?

Does the judiciary have to consider international agreements when hearing a case?

Is the executive and judiciary connected in any way?

### Justice

Does the High court have set procedures?

- role of lawyers
- role of Justices

Do these procedures favour any one group?

Are rules applied during a High Court hearing in terms of evidence and what is admissible?

Was Plaintiff M68/2015 able to question the law that was applied to them?

In the High Court case which laws were central to the decision of the Court?

**Activity 1 (3 lessons)** is the teacher working with the class working with, and discussing the points after, the group/class has had time to discuss and note relevant information.

The activity can be done with the class as a whole or the class divided into small groups.

Students need to make individual notes.

**Activity 2 (1 lesson)** is a short written piece discussing the extent Australia upholds the rights of the child.

## Activity 1

(3 lessons)

We are looking at international agreements that Australia has ratified and an example of the extent to which it has shaped government policies and laws. We are, in particular going to look at the Rights of the Child.

### Group work/ with each student making their own notes

1. Access 'Human Rights Explained: Fact sheet 7: Australia and Human Rights Treaties'  
<https://www.humanrights.gov.au/human-rights-explained-fact-sheet-7australia-and-human-rights-treaties>

Note down:

- the various Conventions Australia has agreed to be bound by
- when and how these major international rights treaties become part of Australian and State law.

2. Examine The UN Convention of the Rights of the Child and note down the key rights of children. Within the group go through these rights, discuss and note down:

- the rights that are part of the everyday life of a child in Australia
- any that surprise you as 'children living in Australia'.

3. Examination of a particular example concerning the 'rights of the child' centering on children in detention 'in Australia'.

What does the Convention on the Rights of the Child (CRC) state about the liberty of children?

<https://www.humanrights.gov.au/information-about-children-immigration-detention>

(Information about children in immigration detention)

4. Review the High Court Decision Plaintiff M68/2015 v Minister for Immigration and Border Protection &Ors

<http://www.hcourt.gov.au/assets/publications/judgment-summaries/2016/hca-1-2016-02-03.pdf>

What Section of the Constitution/what law validated the actions of the government?

Discuss the role of the executive (S.61) and parliament in terms of making decisions.

With the help of media comment on this decision brainstorm 'is Australia upholding the Rights of the Child'?

Note down points under **Yes** and **No**.

Use several websites. Here are a few links to start with.

<http://www.smh.com.au/federal-politics/political-news/high-court-finds-offshore-detention-lawful-20160202-gmk5q6.html>

High Court finds off-shore detention legal

<http://www.news.com.au/national/courts-law/high-court-to-deliver-judgment-in-case-challenging-offshore-detention-in-瑙鲁/news-story/a46bb36be2af0b3d251f029888c08791>

High Court to deliver judgment in case challenging offshore detention in Nauru

5. Are there children in immigration detention in Australia today? How many? Is there a trend? (Web search). Make some notes.

6. Review a table on comparative youth incarceration rates in States across Australia

<http://www.abc.net.au/news/2016-07-26/nt-incarceration-data/7660810>

'The NT locks up young people at 3 times higher rate than other states and territories (2016)'

Note the incarceration rates statistics especially for WA and the NT in general **and** Indigenous imprisonment rates.

7. Class discussion: In terms of the detention of children **and** youth incarceration rates, is Australia upholding the Rights of the Child?

8. Give students time to make notes of points raised in discussion.

## Activity 2

(1 lesson)

Write a 'blog' with a maximum of **250** words:

*To what extent does Australia uphold 'the rights of the child'?*

Particular points to include:

- Most children living in Australia
- Children in detention (WA and NT)
- Children in immigrant detention centres in Australia/Offshore

In your response refer to particular sections of the Convention of the Rights of the Child.

Sample marking key	
Description	Marks
<b>Activity 2: 'Blog' (Evaluating, Communicating and reflecting)</b>	
Relevant 'rights of the child' are identified. Makes reference to the three groups of children in the question. Draws a comprehensive conclusion regarding the extent that Australia upholds the 'rights of the child'. Provides detailed relevant evidence in support of the conclusion. Consistently uses subject-specific terminology.	9-10
Relevant 'rights of the child' are identified. Makes reference to the three groups of children in the question. Draws a conclusion regarding the extent that Australia upholds the 'rights of the child'. Provides relevant evidence in support of the conclusion. Uses subject-specific terminology.	7-8
Makes some references to particular 'rights of the child'. Makes reference to at least two of the three groups of children in the question. Draws a conclusion regarding the extent that Australia upholds the 'rights of the child'. Provides some evidence in support of the evaluation. Uses some subject-specific terminology.	5-6
Makes some reference to the 'rights of the child'. Makes broad statements on the extent that Australia upholds the rights of the child. Little if any evidence is presented. Uses minimal subject-specific terminology.	3-4
Makes some general statements concerning the detention of children and the rights of the child.	1-2
<b>Total</b>	<b>10</b>
<b>Answer could include, but is not limited to:</b> Rights of the child: A child is any human being below the age of 18 Article 2: endure the rights extend to any child in State's jurisdiction Article 3: the best interests of the child are uppermost Article 6: Every child has an inherent right to life; State's ensure the survival and development of the child Article 7: 2 ... in particular where the child would otherwise be stateless Article 8. 2 ... States Parties shall provide appropriate assistance and protection, with a view to re-establishing speedily his or her identity. Other articles identified within the convention.	

## ACKNOWLEDGEMENTS

Sample marking key answer adapted from: United Nations. (1989). *Convention on the rights of the child* (Articles 1, 2, 3, 6, 7, and 8). Retrieved February, 2018, from <http://www.ohchr.org/EN/ProfessionalInterest/Pages/CRC.aspx>