



Assessment task	
Year level	7
Learning area	Humanities and Social Sciences
Subject	Civics and Citizenship
Title of task	Justice
Task details	
Description of task	Students through research and role play compare ‘trial by ordeal’ with the criminal trial process in Western Australia. This information will be analysed and evaluated to discuss the meaning of justice, especially in terms of the rule of law, the presumption of innocence and the burden of proof.
Type of assessment	Summative
Purpose of assessment	To assess students’ understanding of key Civics and Citizenship concepts and skills as they apply to the trial process
Assessment strategy	Students draw up a table and use this in their analysis and evaluation
Evidence to be collected	<ul style="list-style-type: none"> • Comparative table • Written response
Suggested time	<ul style="list-style-type: none"> • Research and role play - 3 x 50 minute lessons • Written response - 1 x 50 minute lesson
Content description	
Content from the Western Australian Curriculum	<p>Knowledge and understanding How Australia’s legal system aims to provide justice, including through the rule of law, presumption of innocence, burden of proof, right to a fair trial, and right to legal representation</p> <p>Humanities and Social Sciences skills A> Interpret information and/or data to identify the key relationships and/or trends A> Identify points of view/perspectives, attitudes and/or values in information and/or data A> Apply subject-specific skills and concepts in familiar and new situations E> Draw evidence based conclusions by evaluating information and/or data ; make comparisons; and infer relationships C&R> Represent information and/or data using appropriate formats to suit audience and purpose C&R> Develop texts, particularly descriptions and explanations, using appropriate subject specific terminology and concepts</p>
Key concepts	Justice
Prior learning	Review: <ul style="list-style-type: none"> • the Australian court system (Year 6) • roles and responsibilities of key personnel in law enforcement and in the legal system (Year 5).

Assessment task

Assessment conditions	Individual work
Resources	Francis Burt Law Education Program https://www.lawsocietywa.asn.au/community/francis-burt-law-education-programme/education-resources/ Court Trial Scenarios: <ul style="list-style-type: none">• Magistrate Transcript: Trial of James Smart• State of Western Australia v Goldie Locks

Instructions for teacher

Questions to use with students to develop their conceptual understanding

Justice

Is any one person above the law?

What makes a trial fair/unfair?

Would a judge or jury know more or less about the law?

Justice and the Western Australian trial system

The students compare 'trial by ordeal' with the current criminal trial process in Western Australia. Students will use this comparison to arrive at the meaning of 'the rule of law', 'presumption of innocence', 'burden of proof' and the concept of justice.

Research and role play (3 lessons)

Students compare a particular example of 'trial by ordeal' and the trial process in Western Australia using the FBLEP Court Trial Scenario(s): The Trial of James Smart and/or State of Western Australia v Goldie Locks. This will be a role play by students in the class using the transcript(s) of the trial.

The trial process will be analysed in terms of:

- the law that is applied
- the crime
- the trial process including the role of the 'judge'
- the rights of the accused
- how the verdict is arrived at and by whom
- sentencing.

The students are to draw up a table so that the comparison is apparent, using specific headings.

Written response (1 lesson)

Students will analyse and evaluate this information to discuss the meaning of justice in terms of 'the rule of law', 'presumption of innocence' and 'burden of proof' and the extent that it is reflected in the Western Australian trial process compared with 'trial by ordeal'.

Students will submit both the table and the written response.

Justice and the Western Australian trial system

Instructions to students

The concept of justice has changed over time and in Western Australia today, we believe that justice is served in a criminal trial. What does this actually mean?

You are to compare an example of **'trial by ordeal'** to **'the criminal trial process in Western Australia'**.

1. Draw up a table to show the difference between a **'trial by ordeal'** and the **criminal trial process in Western Australia**.
2. The following headings should be used in the table as points of comparison between the two types of trial:
 - the crime
 - the law that is applied
 - how the accused is: charged, by whom, the rights of the accused pre-trial and trial
 - the trial process: who oversees the trial and their authority (the judge), rights of the accused, who presents the case against the accused, witnesses and their role, who arrives at the verdict/how, any other features of the trial process
 - sentencing – who, what, and the basis for the sentence.

Trial by Ordeal

3. Research an example of a 'trial by ordeal' and fill in the table as appropriate. Ensure that you note down sufficient detail. Some examples of 'trial by ordeal' that could be researched are:
 - Old Testament Book of Numbers: Ordeal by Bitter Water
 - Ordeal by Diving (South-east Asia and India)
 - Ordeal by fire (India)
 - Trial by Ordeal: Calabar Bean (West Africa)
 - Trial by combat (duel) replaced in the middle ages by Ordeal by Cross
 - Ordeal by Snake (cobra)
 - Ordeal by Blood

Western Australian criminal trial process

4. As a class, role play either 'Trial of James Smart' or 'State of Western Australia v Goldie Locks'. Use the information from these role plays to complete the table. Ensure that you note down sufficient information in your table.

Written response

5. Using the information in your completed table answer the following question:

Discuss the extent to which justice is more evident in the trial process in Western Australia, compared with 'trial by ordeal'.

In your answer consider the importance of:

- the place of the law in the process (rule of law)
- 'innocent until proven guilty' (presumption of innocence)
- who has to prove guilt or innocence (burden of proof).

Marking key

Description	Marks
Comparative table (Analysing)	
Represents information in a different format. All headings are used to record the information. All information is relevant, in sufficient detail and under the appropriate headings.	5
Represents information in a different format. All headings are used to record the information. All information is relevant, with some detail and under the appropriate headings.	3-4
Represents information in a different format. Some headings are used to record the information. Information is in form of simple statements.	1-2
Subtotal	5
Description	Marks
Written response (Analysing, Evaluating)	
Selects relevant information to support argument. Addresses each of the aspects (the place of the law, innocent until proven guilty, who has to prove guilt) in the discussion. Draws a comprehensive conclusion, incorporating a comparison with trial by ordeal, in discussing the extent to which justice prevails in the trial process of Western Australia. Consistently uses and applies subject-specific terminology.	7-8
Selects relevant information to support argument. Addresses each of the aspects (the place of the law, innocent until proven guilty, who has to prove guilt) in the discussion. Draws a conclusion, attempting a comparison with trial by ordeal, in discussing the extent to which justice prevails in the trial process of Western Australia. Uses and applies subject-specific terminology.	5-6
Selects some relevant information to support argument. Addresses one or two aspects (the place of the law, innocent until proven guilty, who has to prove guilt) in the discussion. Draws a simple conclusion, with some reference to trial by ordeal, in stating the extent to which justice prevails in the trial process of Western Australia. Uses and applies subject-specific terminology.	3-4
Uses little or accurate evidence in the response. Makes statements. States a simple conclusion concerning justice in the trial process of Western Australian.	1-2
Subtotal	8
<p>Answer could include, but is not limited to:</p> <p>Western Australian criminal trial process</p> <ul style="list-style-type: none"> • the defendant knows the charge and hears the evidence against him/her • prosecution must present and prove case/ witnesses • defendant has the right to question aspects of the evidence presented (cast doubt) • defendant gives his/her version of events • the charge is based on a law • independent referee (magistrate/judge)/his/her role (non-jury trial reasons for verdict) • jury and its verdict (unanimous verdict/ majority verdict/no reason) • sentence 	

Trial by ordeal

- ordeal by fire, water, combat
- often associated with revenge, instilling fear in the community, rather than crime and the law
- God or supernatural aid the innocent
- about 50% found innocent – this probably due to health/fitness
- subjective process.

Description	Marks
Table (Communicating and reflecting)	
Table has detailed information addressing all required headings. Both trial systems are addressed.	3
Table has information addressing all required headings. Both trial systems are addressed.	2
Limited information concerning each trial system.	1
Subtotal	3
Total	16