



Sample assessment task

Year level	9
Learning area	Humanities and Social Sciences
Subject	Civics and Citizenship
Title of task	Factors that undermine justice

Task details

Description of task	Students will have conducted an examination of the factors that can undermine the application of the principles of justice, such as bribery, coercion of witnesses, trial by media, court delays, through a study of legal cases in Australia where particular factors have threatened to undermine the application of the principles of justice and how it has been dealt with. At the completion of the case study, students will write a response to unseen questions.
Type of assessment	Summative
Purpose of assessment	To assess students' understanding of key Civics and Citizenship concepts and skills as they apply to the factors that undermine the application of the principles of justice
Assessment strategy	Extended written response
Evidence to be collected	Extended written response
Suggested time	1x 60 minute lesson

Content description

Content from the Western Australian Curriculum	<p>Knowledge and understanding</p> <p>Key principles of Australia's justice system, including equality before the law, independent judiciary, and right of appeal</p> <p>The factors that can undermine the application of the principles of justice (e.g. bribery, coercion of witnesses, trial by media, court delays)</p> <p>Humanities and Social Sciences skills</p> <p>A> Analyse information and/or data in different formats (e.g. to explain cause and effect relationships, comparisons, categories and subcategories, change over time)</p> <p>E> Draw evidence-based conclusions by evaluating information</p> <p>C&R> Develop texts, particularly explanations using evidence to support conclusions</p>
Key concepts	Justice

Task preparation

Prior learning	<p>Knowledge of the key principles of Australia's justice system and how these are upheld and/or undermined.</p> <p>Examined how particular factors, such as bribery, coercion of witnesses, trial by media, court delays, money and access to legal representation, language and culture, mandatory sentencing, jury trials, can undermine the application of the principles of justice.</p> <p>Studied particular cases where specific factors have threatened to undermine the application of the principles of justice and how it has been dealt with.</p>
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Assessment differentiation	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. Where appropriate, teachers may either scaffold or extend the scope of the assessment tasks.
Assessment task	
Assessment conditions	The teacher will provide students with the articles/links listed below or assist students to find appropriate cases. The extended written task is completed under test conditions. The questions are unseen and the stimulus material is provided at the time of the assessment task.
Resources	<ul style="list-style-type: none"> • Article dealing with the impact of social media and the pre-trial and trial process http://www.abc.net.au/news/2014-04-10/barns-fair-trials-at-risk-in-age-of-social-media/5380302 • Particular trials and laws in Australia and the issue of justice, including the Rayney criminal trial (trial by media), Mickelberg trials and appeals, Bikie laws in various States/equality before the law/High Court rulings.

Instructions for teacher

Questions to use with students to develop their conceptual understanding:

Justice

What is fair?

What is the law?

Is anyone in society above the law?

Is there ever really only one version of an event?

What is evidence?

Which is more reliable as evidence: fact or opinion?

At a trial, would only one version of an event be heard? Why/why not?

What characteristics do we expect from a judge?

Does the media have a role to play during a trial? Why/why not?

What factors would help a jury be objective?

What factors could undermine jury objectivity?

Why are rules necessary to apply during a trial (e.g. rules of evidence)?

Can both the prosecution/plaintiff and accused/defendant appeal a trial outcome?

Instructions to students

Civics and Citizenship: Factors that undermine justice

Answer the questions in the space provided.

- 1. The key principles of Australia’s justice system include equality before the law, an independent judiciary and the right of appeal.
Explain each of these principles.

Gene Gibson freed as conviction for Broome manslaughter of Josh Warneke quashed

For copyright reasons the article has been removed but you can find it at:

<http://www.abc.net.au/news/2017-04-12/gene-gibson-josh-warneke-manslaughter-conviction-quashed-appeal/8436550>

Read the article, 'Gene Gibson freed as conviction for Broome manslaughter of Josh Warneke quashed', and think about the cases you studied in class, then answer the questions below.

2. a. With reference to specific examples from the article and/or the cases you have studied in class, discuss how **three** different factors can undermine justice.

b. Refer to **two** of the factors that undermine justice, identified in 2a: for **each** factor, explain what could be done to minimise the undermining of justice.

Sample marking key	
Description	Marks
Q 1. (Knowledge and understanding)	
Explains the key principle of Australia's justice system.	2
Makes a general statement concerning the principle OR identifies an aspect of the principle.	1
Subtotal for each principle	2 (for each principle)
Subtotal	6
<p>Answers may include, but are not limited to:</p> <p>Equality before the law:</p> <ul style="list-style-type: none"> • each party has an equal right to have their say • receive a fair and unbiased hearing <p>Independent judiciary:</p> <ul style="list-style-type: none"> • no direct political interference • judges have security in their positions <p>Right of appeal:</p> <ul style="list-style-type: none"> • can be lodged by either party • appeals usually based in process and involve issues of fairness or bias, or points of law and their application. 	
Description	Marks
Q 2a. (Analysing, Evaluating, Communicating and reflecting) (3 x 4 marks)	
Discusses, in detail, how the factor can undermine justice. Includes detailed and relevant evidence from particular cases to support the discussion. Consistently uses relevant, subject-specific terminology.	4
Discusses how the factor can undermine justice. Includes evidence from a particular case to support the discussion. Uses relevant, subject-specific terminology.	3
Outlines how the factor can undermine justice. Includes general statements from general examples or refers to a particular case and makes a statement how justice was undermined.	2
Identifies a factor that can undermine justice or refers to a case where justice was undermined.	1
Subtotal	12
<p>Answers may include, but are not limited to:</p> <p>Factors:</p> <ul style="list-style-type: none"> • intimidation of witnesses • ethnicity of accused/defendant • mental impairment • media stories • cost of legal representation • evidence being corrupted • targeting of particular groups/individuals by police • time between the actual crime, the charging of accused and actual trial. 	

Q 2b. (Evaluating, Communicating and reflecting) (3 x 2 marks)	
Outlines a plausible action (proposal). Makes a detailed link between the action and the factor undermining justice. Uses relevant, subject-specific terminology.	3
Outlines a plausible action (proposal). Attempts to make a link between the action and the factor undermining justice. Uses some subject-specific terminology.	2
Identifies a valid action. OR makes a general statement about minimising the undermining of justice.	1
Subtotal	3 x 2 = 6
Answers may include, but are not limited to: Ways factors can be minimised could include: <ul style="list-style-type: none"> • close monitoring of individuals in court • addressing ethnic issues during the trial process • education of magistrates/judges in particular issues • greater provision of legal aid • police procedures being made more accountable • trial by judge alone rather than a jury trial 	
Total	24