



Government of **Western Australia**
School Curriculum and Standards Authority

Humanities and Social Sciences: Civics and Citizenship

Teaching, learning and assessment exemplar

Year 7

Australia's legal system



Acknowledgement of Country

Kaya. The School Curriculum and Standards Authority (the Authority) acknowledges that our offices are on Whadjuk Noongar boodjar and that we deliver our services on the country of many traditional custodians and language groups throughout Western Australia. The Authority acknowledges the traditional custodians throughout Western Australia and their continuing connection to land, waters and community. We offer our respect to Elders past and present.

Background

This teaching, learning and assessment exemplar (the exemplar) has been developed by the School Curriculum and Standards Authority (the Authority) as part of the *School Education Act Employees (Teachers and Administrators) General Agreement 2017* (Clause 61.1–61.3).

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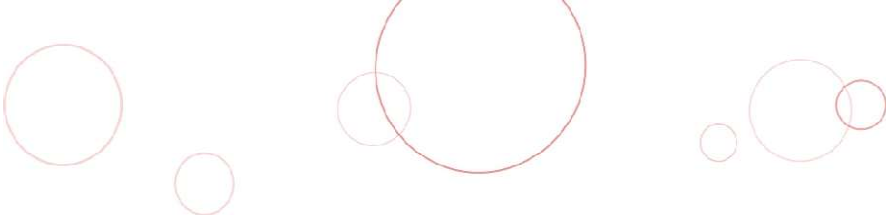
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Disclaimer

Any resources such as texts, websites and so on that may be referred to in this document are provided as examples of resources that teachers can use to support their learning programs. Their inclusion does not imply that they are mandatory or that they are the only resources relevant to the course. Teachers must exercise their professional judgement as to the appropriateness of any they may wish to use.

This resource utilises electronic web-based resources, such as videos and image galleries. Teachers should be present while an electronic resource is in use and close links immediately after a resource, such as a video has played to prevent default ‘auto play’ of additional videos. Where resources are referred for home study, they should be uploaded through Connect, or an equivalent system, that filters advertising content.



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The Western Australian Curriculum

The *Western Australian Curriculum and Assessment Outline* (the *Outline* – <https://k10outline.scsa.wa.edu.au/>) sets out the mandated curriculum, guiding principles for teaching, learning and assessment, and support for teachers in their assessment and reporting of student achievement. The *Outline* recognises that all students in Australian schools, or international schools implementing the Western Australian curriculum, are entitled to be given access to the eight learning areas described in the *Alice Springs (Mparntwe) Education Declaration*, December 2019.

The Humanities and Social Sciences curriculum

The mandated curriculum is presented in the year level syllabus documents.

The Humanities and Social Sciences curriculum delivers a sequential and age-appropriate progression of learning with the following key elements:

- a year level description that provides an overview of the context for teaching and learning in the year
- a series of content descriptions, populated through strands and sub-strands, that sets out the knowledge, understanding and skills that teachers are expected to teach and students are expected to learn
- an achievement standard that describes an expected level that the majority of students are achieving by the end of a given year of schooling. An achievement standard describes the quality of learning (e.g. the depth of conceptual understanding and the sophistication of skills) that would indicate the student is well placed to commence the learning required in the next year.



This exemplar

This Humanities and Social Sciences exemplar articulates the content in the *Outline* and approaches to teaching, learning and assessment reflective of the Principles of Teaching, Learning and Assessment. This exemplar demonstrates a sequence of teaching and learning, including suggested assessment points, for 16 lessons.

Catering for diversity

This exemplar provides a suggested approach for the delivery of the curriculum and reflects the rationale, aims and content structure of the learning area. When planning the learning experiences, consideration has been given to ensuring that they are inclusive and can be used in, or adapted for, individual circumstances. It is the classroom teacher who is best placed to consider and respond to (accommodate) the diversity of their students. Reflecting on the learning experiences offered in this exemplar will enable teachers to make appropriate adjustments (where applicable) to better cater for students' gender, personal interests, achievement levels, socio-economic, cultural and language backgrounds, experiences and local area contexts.



Using this exemplar

This teaching, learning and assessment exemplar provides suggestions to support the delivery of the mandated curriculum content. The exemplar provides:






- a teaching and learning sequence
- the mandated curriculum content to be taught at each point of the teaching and learning sequence, suggested resources, a sample assessment task and marking key
- the number of lessons to deliver the teaching and learning experiences
- learning intentions and support notes that may provide focus questions and additional information and/or examples to assist with the interpretation of curriculum content
- support notes to assist teachers to unpack the content and support teaching and learning experiences
- teaching and learning experiences that outline the structure of the lesson. These explicitly state each activity that the lesson will progress through and the key focus area for that activity.

Links to electronic resources

This sequence of lessons may utilise electronic web-based resources, such as videos and image galleries. Teachers should be present while an electronic resource is in use and close links immediately after a resource, such as a video, has played to prevent default 'auto play' of additional videos. Where resources are referred for home study, they should be uploaded through Connect, or an equivalent system, that filters advertising content.

Resources legend

The following symbols are used in this teaching, learning and assessment exemplar to provide teachers with information on the nature of the resources included in the lesson sequence.

Symbol	Name	Description	Examples of use
	Multimedia	Video or audio materials to be shown to the class	<ul style="list-style-type: none">• YouTube clips• documentary• podcasts
	Webpage	Online information source	<ul style="list-style-type: none">• news article• museum website• government website
	Student resource	Resource that students need to access for learning	<ul style="list-style-type: none">• student worksheets• graphic organiser template• interactive webpage
	Lesson materials	Materials that require teacher preparation prior to lesson	<ul style="list-style-type: none">• collection of images• card-sort activities• materials for practical activities
	Teacher support resource	Additional information to support teachers in the suggested lesson	<ul style="list-style-type: none">• thinking routine instructions• example of completed graphic organisers• additional information on topic

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Best practice

Teaching and learning

The teaching and learning opportunities offered in this exemplar are not exhaustive. Thus, teachers are encouraged to make professional decisions about which learning experiences, and the sequence in which they are delivered, are best suited to their classroom context, taking into account the availability of resources and student ability.

This sample may prove a useful starting point for amplifying creativity in the classroom, while presenting the embedded expectations of the Western Australian Curriculum: Humanities and Social Sciences.

Teachers may find opportunities to incorporate the General Capabilities and the Cross-curriculum Priorities into the teaching and learning program.

Ways of teaching – teachers can locate additional information on the Ways of teaching from the School Curriculum and Standards Authority (the Authority) website

<https://k10outline.scsa.wa.edu.au/home/wa-curriculum/learning-areas/humanities-and-social-sciences/overview/humanities-and-social-sciences-ways-of-teaching>.

Assessing

Assessment, both formative and summative, is an integral part of teaching and learning. Assessment should arise naturally out of the learning experiences provided to students. In addition, assessment should provide regular opportunities for teachers to reflect on student achievement and progress. As part of the support it provides for teachers, this exemplar includes suggested assessment points. It is the teacher's role to consider the contexts of their classroom and students, the range of assessments required, and the sampling of content descriptions selected to allow their students the opportunity to demonstrate achievement in relation to the year level achievement standard. Teachers are best placed to make decisions about whether the suggested assessment/s are used as formative or summative assessment and/or for moderation purposes.

Ways of assessing – a range of assessment strategies that can enable teachers to understand where students are in their learning is available on the Authority website

<https://k10outline.scsa.wa.edu.au/home/wa-curriculum/learning-areas/humanities-and-social-sciences/overview/humanities-and-social-sciences-ways-of-assessing>.

Reflecting

Reflective practice involves a cyclic process during which teachers continually review the effects of their teaching and make appropriate adjustments to their planning. The cycle involves planning, teaching, observing, reflecting and replanning.

This exemplar supports reflective practice and provides flexibility for teachers in their planning. The exemplar shows how content can be combined and revisited throughout the year. Teachers will choose to expand or contract the amount of time spent on developing the required understandings and skills according to their reflective processes and professional judgements about their students' evolving learning needs.



Australia's legal system

This exemplar will be used to develop students' understanding of key civics and citizenship concepts, knowledge and skills as they apply to justice and rights and responsibilities. Throughout the teaching and learning sequence teachers will explicitly teach students on how Australia's legal system aims to provide justice and how citizens can participate through their roles as witnesses and jurors.

If the suggested learning experiences and the relevant syllabus content for this unit have been studied, students will be well positioned to address the requirements of the assessment task to the best of their ability. The assessment task will require students to complete a unit test covering the knowledge and understanding and skills developed in this teaching and learning sequence. Questions will increase in complexity and will require students to recall and apply what they have learned.



Year level description

In the early adolescence phase of schooling, students align with their peer group and begin to question established conventions, practices and values. Learning and teaching programs assist students to develop a broader and more comprehensive understanding of the contexts of their lives and the world in which they live.

In Humanities and Social Sciences, students assume increased responsibility and engage in important decision making within the class and school to support their growing independence and collaborative skills. Exploration of alternative ideas, perspectives and world views allows students to see themselves as active participants in their own continuing development and that of their society.

In Year 7, students develop increasing independence in critical thinking and skill application, which includes questioning, researching, analysing, evaluating, communicating and reflecting. They apply these skills to investigate events, developments, issues, and phenomena, both historical and contemporary.

Students continue to build on their understanding of the concepts of the Westminster system and democracy by examining the key features of Australia's democracy, and how it is shaped through the Australian Constitution and constitutional change. The concepts of justice, rights and responsibilities are further developed through a focus on Australia's legal system.

An understanding of the concepts of making choices and allocation is further developed through a focus on the interdependence of consumers and producers in the market, and the characteristics of successful businesses, including how innovation and entrepreneurial behaviour contribute to business success.

The concepts of place, space, environment, interconnection, sustainability and change continue to be developed as a way of thinking and enable students to inquire into the nature of water as a natural resource. The concept of place is expanded through students' investigation of the liveability of their own locality. They apply this understanding to a wide range of places and environments on the full range of scales, from local to global, and in a range of locations.

Students develop their historical understanding through key concepts, including evidence, continuity and change, cause and effect, perspectives, empathy, significance and contestability. These concepts are investigated within the historical context of how we know about the Deep Time History of Australia and the world's oldest continuous cultures, and the development of ancient societies.



Achievement standard

By the end of the year:

Students construct a range of questions and use a variety of methods to select, collect and organise information and/or data from appropriate sources. They develop criteria to determine the usefulness of primary and/or secondary sources for a purpose. When interpreting sources, students identify their origin and purpose, and distinguish between fact and opinion. They interpret information and/or data to identify points of view/perspectives, relationships and/or trends, and to sequence events and developments. Students apply subject-specific skills to translate information and/or data from one format to another, in both familiar and unfamiliar situations. They draw simple evidence-based conclusions in a range of contexts. Students represent information and/or data in appropriate formats to suit audience and purpose. They develop texts using appropriate subject-specific terminology and concepts. Students use evidence to support findings and acknowledge sources of information.

Students describe how democracy in Australia is shaped by the Commonwealth Constitution. They describe the operation of Australia's federal structure of government and the role of parliament, within the Westminster system. Students identify rights and responsibilities of being a participant in the legal system and describe how the legal system aims to provide justice.

Students describe how the price of goods and services results from interdependence between consumers and businesses, as a consequence of making choices. They describe how innovation and entrepreneurial behaviour provide benefits to individuals and the wider community.

Students describe the changes caused by interconnections between people, places and natural environments, and the alternative strategies used to manage the changes. They describe the features of liveable places, and how and/or why places are perceived and valued differently.

Students describe the ways that history can be examined, through archaeological, historical, and cultural evidence. They identify past events and developments that have been interpreted in different ways, and suggest reasons for change and continuity over time.



Lessons 1–16

Australia's legal system

Lesson 1

The Western Australian Curriculum content addressed in this lesson is below.

Australia's legal system

- How Australia's legal system aims to provide justice, including through the rule of law, presumption of innocence, burden of proof and right to a fair trial
- The role of courts, judges, lawyers and court officials in trials

Questioning and researching

- Identify current understandings to consider possible gaps and/or misconceptions, new knowledge needed and challenges to personal perspectives

Resources



The Teacher Toolkit – KWL

<https://www.theteachertoolkit.com/index.php/tool/kwl>



Behind the News – The High Court of Australia – Behind the News

<https://www.youtube.com/watch?v=66vfDU37OrI>



Simple and Easy Projects – How to Make a Quick and Easy 8 Page Mini-Book From One Piece of Paper

<https://www.youtube.com/watch?v=21qi9ZcQVto>



Merriam-Webster – Justice

<https://www.merriam-webster.com/dictionary/justice>

Teacher information

In this lesson students will review elements of the Years 4 to 6 Civics and Citizenship content.

One of the activities in the lesson requires students to make an eight-page mini-book that will be populated over the first five lessons to compile some of the ways Australia's legal system aims to provide justice.

When teaching concepts, examples are used to show what a concept is, helping students understand correct behaviour or ideas. For instance, when teaching about justice in Australia, an example would be ensuring all individuals have access to a fair trial and legal representation. Non-examples, like discriminating against someone based on their background or denying them a fair hearing, are then used to show what the concept is not, reinforcing understanding through contrast.

Lesson outline

Learning intention/s	Success criteria
Students will: <ul style="list-style-type: none">understand the legal system in Australia and how it provides justice to its citizens.	Students can: <ul style="list-style-type: none">recall prior knowledge about laws, courts, and their impact on citizensconstruct a definition, example and non-example of justice.

Introduction

- Students complete the *KWL* instructional strategy for law in Australia. Some prompts to help students recall what they learnt in primary school include:
 - the difference between rules and laws
 - how laws are passed
 - the role of courts
 - how laws impact on citizens
- Collect students *KWL* so students can complete it in Lesson 15.

Main activity

- Show *The High Court of Australia – Behind the News* video.
- Students answer the following questions relating to the video:
 - What is the law?
 - What do courts do?
 - What can you do if you do not like the decision of a lower court?
 - Which is the highest court in Australia?
 - What types of cases does the highest court in Australia hear?
 - Why is there more than one judge on the High Court bench?
- Students create a mini-book from a single piece of paper. The instructions are in the *How to Make a Quick and Easy 8 Page Mini-Book From One Piece of Paper* video, and add the title 'How the legal system provides justice' on the front page. Students number all pages, starting with the front cover as page 1.
- Using the definitions of justice from the *Justice* webpage, students write their own definition of justice and give one example of justice and one example of when justice didn't occur, on page 2 of their mini-book.

Review of learning

- Lead a class discussion of examples of when justice has and has not occurred, based on the definitions students wrote in their mini-book.

Lesson 2

The Western Australian Curriculum content addressed in this lesson is below.

Australia's legal system

- How Australia's legal system aims to provide justice, including through the rule of law, presumption of innocence, burden of proof and right to a fair trial

Analysing

- Apply subject-specific skills and concepts in familiar and new situations
-

Resources



The Teacher Toolkit – Consensogram

<https://www.theteachertoolkit.com/index.php/tool/consensogram>



Rule of Law Legal Studies – Video 1 – The Rule of Law

<https://www.youtube.com/watch?v=0Hubr8mZllc&t=1s>



Rule of Law Education – What is the Rule of Law?

<https://www.ruleoflaw.org.au/wp-content/uploads/2019/10/2019-Video-1-Worksheet-Rule-of-Law.docx.pdf>



Legal Aid WA – Australia's legal system – What's the law?

<https://www.legalaid.wa.gov.au/resources/whats-law/topics/australias-legal-system-whats-law>

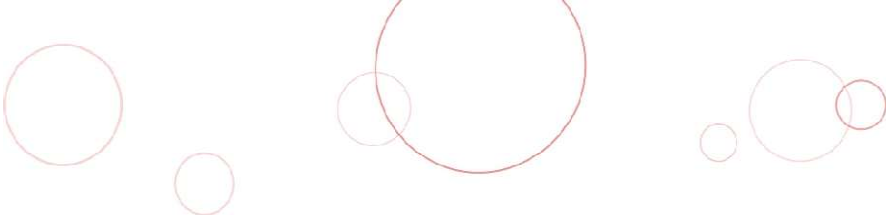


Legal Aid WA – What's the law?

https://www.legalaid.wa.gov.au/sites/default/files/WTL_01_Australia_Legal_System_Student.pdf

Teacher information

The rule of law means that everyone must follow the law, regardless of their position. In Australia this means that even judges and high-ranking politicians, including the Prime Minister, can be held responsible for their actions. It also means the law must be fair, clear and applied equally to everyone.



Lesson outline

Learning intention/s	Success criteria
<p>Students will:</p> <ul style="list-style-type: none">• explore the Rule of Law and how it applies within Australia’s legal system.	<p>Students can:</p> <ul style="list-style-type: none">• write a definition and identify two features of the rule of law• justify their position on whether the law in Australia applies equally to everyone.

Introduction

- As a class, complete the *Consensogram* instructional strategy for the statement ‘the law in Australia applies equally to everyone’.
- After students have gathered the data, discuss why different students may have different perspectives on the statement, and have students justify their own position on the *Consensogram*.

Main activity

- Show students *Video 1 – The Rule of Law* video and provide them with a copy of the *What is the Rule of Law?* pdf.
- Students view the video and complete the *What is the Rule of Law?* activity.
- Show students the *Australia’s legal system – What’s the law?* video and provide them with a copy of the *What’s the law?* pdf.
- Students complete the *What’s the law?* activity.

Review of learning

- Ask students to discuss the question ‘how does the burden of proof and presumption of innocence apply in Australia?’
- Using the work from this lesson, students write a definition and two features of the rule of law on page 3 of their mini-book (from Lesson 1).

Lesson 3

The Western Australian Curriculum content addressed in this lesson is below.

Australia's legal system

- How Australia's legal system aims to provide justice, including through the rule of law, presumption of innocence, burden of proof and right to a fair trial

Analysing

- Apply subject-specific skills and concepts in familiar and new situations

Evaluating

- Draw evidence-based conclusions by evaluating information and/or data to generate a range of alternatives and plan for action in response to contemporary events, challenges, developments, issues, problems and/or phenomena; make comparisons; evaluate costs (disadvantages) and benefits (advantages); and infer relationships

Resources



ACT Courts and Tribunal – The standard and burden of proof with a prosecutor and defence lawyer

<https://vimeo.com/569638646/ff3d0ec13d>



School Curriculum and Standards Authority – Appendix A: Burden of proof and presumption of innocence

Lesson outline

Learning intention/s	Success criteria
<p>Students will:</p> <ul style="list-style-type: none">develop an understanding of the burden of proof and presumption of innocence in the Australian legal system.	<p>Students can:</p> <ul style="list-style-type: none">define the burden of proof and presumption of innocenceevaluate evidence in hypothetical cases to determine whether the accused is guilty beyond a reasonable doubt.

Introduction

- Show students *The standard and burden of proof with a prosecutor and defence lawyer* video.
- Whilst watching the video, students answer the following questions:
 - What is meant by the term 'burden of proof'?
 - What is meant by the term 'standard of proof'?
 - What is meant by the term 'presumption of innocence'?
 - Who holds the burden of proof in a criminal trial?
 - Why is the presumption of innocence important?

Main activity

- Provide students the *Burden of proof and presumption of innocence* (Appendix A).
- Students work with a partner to evaluate the evidence in the hypothetical cases in the *Burden of proof and presumption of innocence* (Appendix A) and decide if the accused is guilty beyond a reasonable doubt.
- After students have evaluated the evidence, have a class discussion on each case looking at:
 - Did the accuser meet the standard of proof?
 - Why is the presumption of innocence important in this scenario?
 - What happens if we assume someone is guilty without proof?
 - Why should the accused not have to prove their innocence?

Review of learning

- In their mini-book (from Lesson 1), students complete pages 4 and 5 on burden of proof and presumption of innocence, respectively. For each concept, students provide a definition and a strength and weakness of how these concepts apply to the Australian legal system.

Lesson 4

The Western Australian Curriculum content addressed in this lesson is below.

Australia's legal system

- How Australia's legal system aims to provide justice, including through the rule of law, presumption of innocence, burden of proof and right to a fair trial

Analysing

- Apply subject-specific skills and concepts in familiar and new situations
-

Resources



Bingham Centre – Lesson One: Thinking About Law and Justice

https://binghamcentre.biicl.org/documents/2106_the_rule_of_law_for_citizenship_education_understanding_justice_lesson_1_thinking_about_law_and_justice_17-40.pdf



Rule of Law Education Centre – Fair and Prompt Trials

<https://www.ruleoflaw.org.au/principles/fair-and-prompt-trial/>

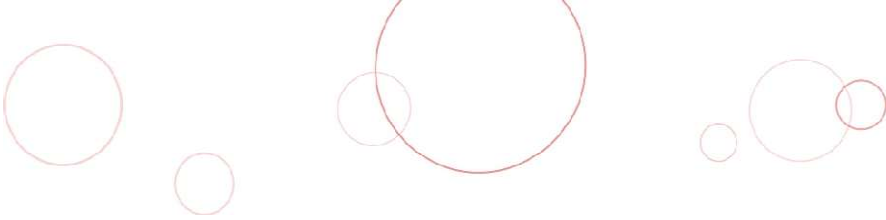


K20 learn – Looks Like, Sounds Like, Feels Like

<https://learn.k20center.ou.edu/strategy/88>

Teacher Information

Use the resource *Lesson One: Thinking About Law and Justice* pdf for the introduction to the lesson by having students participating in a role-play of an 'unfair trial' in a school context. Teachers may decide whether they have students engage in the role-play or if they read the scenario to the class.



Lesson outline

Learning intention/s	Success criteria
Students will: <ul style="list-style-type: none">• explore how the right to a fair trial contributes to justice in the legal system.	Students can: <ul style="list-style-type: none">• identify and describe elements of a fair trial.

Introduction

- Complete Activity 3 (starting on page 31) from the *Lesson One: Thinking About Law and Justice* pdf. After students have seen the example scenario, have a class discussion about the following questions:
 - Has justice been done? Why/why not?
 - Which elements of the scenario provide justice?
 - Which elements of the scenario do not provide justice?
 - What could have been done differently to ensure there was justice?

Main activity

- Show students the list of fair trial rights that are contained in Article 14 of the International Covenant on Civil and Political Rights in the *Fair and Prompt Trials* webpage.
- Discuss each of the fair trial rights in Article 14 of the International Covenant on Civil and Political Rights.
- Students work in groups of two or three and use the *Looks Like, Sounds Like, Feels Like* instructional strategy to complete a chart for three of the listed rights.
- Students share the *Looks Like, Sounds Like, Feels Like* chart with the class to generate discussion about the different elements of a fair trial.

Review of learning

- On page 6 of their mini-book (from Lesson 1), students list the ways that the Australian legal system ensures people get a fair trial when charged with a criminal offence.

Lesson 5

The Western Australian Curriculum content addressed in this lesson is below.

Australia's legal system

- How Australia's legal system aims to provide justice, including through the rule of law, presumption of innocence, burden of proof and right to a fair trial

Analysing

- Identify points of view and perspectives, attitudes and/or values in information and/or data

Evaluating

- Draw evidence-based conclusions by evaluating information and/or data to generate a range of alternatives and plan for action in response to contemporary events, challenges, developments, issues, problems and/or phenomena; make comparisons; evaluate costs (disadvantages) and benefits (advantages); and infer relationships

Resources



The Teacher Toolkit – Think-Pair-Share

<https://www.theteachertoolkit.com/index.php/tool/think-pair-share>



ABC News – Funding crisis at Legal Aid NT threatens to undermine territory's justice system

<https://www.abc.net.au/news/2024-10-30/legal-aid-nt-funding-crisis-begins-influencing-supreme-court/104532140>



Legal Aid WA – How we can help

<https://resources.legalaid.wa.gov.au/project/videos/packs/quick-answers/videos#id-653>



Legal Aid WA – Going to court without a lawyer

<https://resources.legalaid.wa.gov.au/project/videos/packs/quick-answers/videos#id-654>

Lesson outline

Learning intention/s	Success criteria
Students will: <ul style="list-style-type: none">• explore the importance of legal representation in ensuring justice in the legal system.	Students can: <ul style="list-style-type: none">• list and evaluate reasons why access to legal representation is important in criminal trials.

Introduction

- Ask students to write a definition of legal representation as ‘having a lawyer or legal expert to help you understand the law and speak on your behalf in court’.
- Using the *Think-pair-share* instructional strategy, provide students with question ‘Is it fair that people charged with serious crimes, such as murder or drug trafficking, can be provided with government-funded legal representation?’
- Use student responses as a starting point for a class discussion about the importance of legal representation.
- Students brainstorm reasons why it is important that all people have access to legal representation if they are charged with a criminal offence.

Main activity

- Show students the *Funding crisis at Legal Aid NT threatens to undermine territory's justice system* online article, the *How we can help* and the *Going to court without a lawyer* videos.
- Using information from the online article and videos, students add any other reasons it is important to have legal representation to their brainstorm.
- In their mini-book (from Lesson 1) on page 7, students write two reasons why having legal representation is important in a trial.

Review of learning

- Using the features on pages 3–7 of their mini-book, students rank them in order of importance, with 1 being the most important to achieve justice, 2 the second-most important to achieve justice and so on. Once they have been ranked in order, students write the reasons why they made their first and last choices on the back page of their mini-book.

Lesson 6

The Western Australian Curriculum content addressed in this lesson is below.

Australia's legal system

- The role of courts, judges, lawyers and court officials in trials

Analysing

- Translate information and/or data from one format to another
-

Resources



The Law Society of Western Australia – Francis Burt Law Education Programme – Year 7–10 Court Personnel and Court Room Layout Resource
<https://www.youtube.com/watch?v=VeMWzXRAEkw>



The Teacher Toolkit – Triangle-Square-Circle
<https://www.theteachertoolkit.com/index.php/tool/triangle-square-circle>



Parliamentary Education Office – Year 7: WS3 Inside the Courts
https://peo.gov.au/assets/documents/Units-of-work/Year-7/WS-3_Inside-the-courts.docx



ACT Courts – Criminal Courtroom Roles – card sort
https://www.courts.act.gov.au/_data/assets/pdf_file/0005/1912640/Activity-Criminal-courtroom-roles-card-sort.pdf

Teacher information

Teachers will need to download and prepare the card sort activity prior to the lesson. The card sort activity may be completed individually or as small groups.

Lesson outline

Learning intention/s	Success criteria
<p>Students will:</p> <ul style="list-style-type: none">• understand the different roles in a courtroom and how they contribute to the legal process.	<p>Students can:</p> <ul style="list-style-type: none">• identify and describe the roles within a courtroom• match courtroom roles with their responsibilities.

Introduction

- Students brainstorm a mind map of courtroom roles, where the first tier of offshoots is the name of the role, and the second tier of offshoots is a description of what that role does in the courtroom.

Main activity

- Students view the *Francis Burt Law Education Programme – Year 7–10 Court Personnel and Court Room Layout Resource* video, recording information about the roles of each person in the court.
- Students complete the *Triangle-Square-Circle* instructional strategy based on the information they collected during the video.
- Provide students with the *Year 7: WS3 Inside the courts* worksheet.
- Students match up the roles within a court with the matching number on the diagram on the *Inside the court* worksheet

Review of learning

- Provide students with the *Criminal Courtroom Roles – card sort* and instruct them to match up the different roles in the courtroom with the details about the jobs.
- Using the marking guide from the pdf, review students' answers and provide feedback if required.
- Students revisit their mind map from the beginning of the lesson, adding information where possible and annotating links to illustrate the relationship between different roles. For example, 'Lawyers present information on the case to the judge'.

Lesson 7

The Western Australian Curriculum content addressed in this lesson is below.

Australia's legal system

- The role of courts, judges, lawyers and court officials in trials

Communicating and reflecting

- Represent information and/or data using appropriate formats to suit audience and purpose
- Develop texts, particularly descriptions and explanations, using appropriate subject-specific terminology and concepts that use evidence to support findings, conclusions and/or arguments, from a range of sources

Resources



The Teacher Toolkit – Password

<https://www.theteachertoolkit.com/index.php/tool/password>



Seek – Find your next employer

<https://www.seek.com.au/>

Lesson outline

Learning intention/s	Success criteria
<p>Students will:</p> <ul style="list-style-type: none">• explore how roles in the courtroom contribute to justice and understand the qualifications, tasks, and importance of these roles.	<p>Students can:</p> <ul style="list-style-type: none">• identify similarities and differences in job advertisements• create a job advertisement for a judge, lawyer or court official• develop three relevant interview questions for a courtroom role.

Introduction

- Complete the *Password* instructional strategy to review the ways the Australian legal system aims to provide justice and the different roles in the courtroom. Person A describes the ways to provide justice, whilst Person B recalls. Then Person B describes the different roles in the courtroom for Person A to recall.

Main activity

- Show students a range of job advertisements from the *Seek* webpage.
- Students view three or four job advertisements. As they look at the advertisements, they note down things that are similar about them and anything that may be different.
- Students write a job advertisement for a judge, lawyer or court official. Their advertisement should include:
 - the professional qualifications required to do the job
 - the regular tasks involved
 - why the job is important – how does it aim to provide justice?
 - the personal qualities required
 - wages earned.

Review of learning

- Students work with a partner to develop three questions that could be used in a job interview for the jobs they have selected based on the advertisement they have written.

Lesson 8

The Western Australian Curriculum content addressed in this lesson is below.

Australia's legal system

- How Australia's legal system aims to provide justice, including through the rule of law, presumption of innocence, burden of proof and right to a fair trial
- The role of courts, judges, lawyers and court officials in trials

Analysing

- Apply subject-specific skills and concepts in familiar and new situations

Evaluating

- Draw evidence-based conclusions by evaluating information and/or data to generate a range of alternatives and plan for action in response to contemporary events, challenges, developments, issues, problems and/or phenomena; make comparisons; evaluate costs (disadvantages) and benefits (advantages); and infer relationships

Resources



Bingham Centre – Lesson Four: Access to Justice and Fair Trial

https://binghamcentre.biicl.org/documents/2104_the_rule_of_law_for_citizenship_education_understanding_justice_lesson_4_access_to_justice_and_fair_trial_79-109.pdf



K20 Learn – Commit and Toss

<https://learn.k20center.ou.edu/strategy/119>

Teacher information

The focus of this lesson is on the role judges play in a trial to ensure justice is served through a 'maverick judge' simulation. Lesson materials are in the *Lesson Four: Access to Justice and Fair Trial* pdf resource, starting on page 97.

Lesson outline

Learning intention/s	Success criteria
Students will: <ul style="list-style-type: none">• explore the characteristics and responsibilities of a judge in ensuring access to justice.	Students can: <ul style="list-style-type: none">• identify and explain key characteristics important for a judge• respond to scenarios to ensure that the accused has access to justice in a hypothetical court case.

Introduction

- Using the *Lesson Four: Access to Justice and Fair Trial* pdf resource, complete activity 4.3 on page 97 where students need to identify three characteristics that are important for a judge.
- Ask students to think of a fourth characteristic that is not one of the options provided.

Main activity

- Provide students with pages 101 and 102 from the *Lesson Four: Access to Justice and Fair Trial* pdf resource. Answers are provided on pages 103 and 104 of the resource.
- In pairs, students read the six statements and write a response to each of the maverick judge's statements. They should refer to the ways in which Australia's legal system aims to provide justice.
- As a class, students to role play the six scenarios using the advice that has been developed. After each scenario have a class discussion about the role plays, suggesting what other advice could be included to the maverick judge.

Review of learning

- Students complete the *Commit and Toss* instructional strategy using the prompt 'The main role of a judge is to ensure that an accused has access to justice'.

Lesson 9

The Western Australian Curriculum content addressed in this lesson is below.

Civics and Citizenship

- How citizens participate in providing justice through their roles as witnesses and jurors

Analysis

- Translate information and/or data from one format to another

Communicating and reflecting

- Represent information and/or data using appropriate formats to suit audience and purpose
-

Resources



Wikimedia Commons – The Jury (1861)

https://commons.wikimedia.org/wiki/File:The_Jury_%281861%29.jpg



Western Australian Government – Jurors: Frequently asked questions

<https://www.wa.gov.au/organisation/department-of-justice/jurors-frequently-asked-questions>

Teacher information

A jury is a group of 12–18 randomly selected people aged between 18 and 75 years from the electoral roll. Juries are required to hear the facts of a trial and return a verdict to the judge. It is thought that for a fair trial, the accused should be tried by a jury of their peers.

When accessing the *Jurors: Frequently asked questions* webpage, teachers and students will need to select the ‘My summons to jury’ and ‘What to expect while being a juror’ drop down accordions. Teachers may opt to use this information to create their own fact sheets that are suitable for their students.

Lesson outline

Learning intention/s	Success criteria
<p>Students will:</p> <ul style="list-style-type: none">understand the role of a jury in providing justice in the Australian legal system.	<p>Students can:</p> <ul style="list-style-type: none">identify reasons why an unrepresentative jury could be problematiccreate a flow chart to outline the process of being called for jury duty.

Introduction

- Outline the concept of a jury to students.
- Show students the image *The Jury (1861)* and ask students to list all the reasons they would not like to have this jury if they were accused of a crime.

Main activity

- Students to read through the *Jurors: Frequently asked questions* webpage, focusing on the 'My summons to jury' and 'What to expect while being a juror' drop down accordions.
- Using information from the webpage, students create a flow chart of what happens when a person is called for jury duty.

Review of learning

- Students complete the following true/false quiz about juries:
 - Juries are selected at random from a list of eligible people. (true)
 - You can defer jury service for as long as you want. (false)
 - You can be on a jury if you know the accused. (false)
 - When assigned to a trial, jurors are told how many days are anticipated for the case. (true)
 - The judge in the case gets to choose who sits on the jury. (false)
 - There are generally 12 people on a jury. (true)
 - You have to earn over a certain amount of money to be allowed on a jury. (false)
 - Not everyone who is called up for jury service is empanelled. (true)
 - You can be fined if you do not complete jury service. (true)

Lesson 10

The Western Australian Curriculum content addressed in this lesson is below.

Australia's legal system

- How citizens participate in providing justice through their roles as witnesses and jurors

Evaluating

- Draw evidence-based conclusions by evaluating information and/or data to generate a range of alternatives and plan for action in response to contemporary events, challenges, developments, issues, problems and/or phenomena; make comparisons; evaluate costs (disadvantages) and benefits (advantages); and infer relationships

Resources



K20 Learn – Chain Notes

<https://learn.k20center.ou.edu/strategy/52>



Department of Justice – A Fair Trial – Jury Duty in Western Australia

<https://vimeo.com/325575587>



The Lighthouse – Please explain: Trial by judge or jury?

<https://lighthouse.mq.edu.au/article/august-2024/please-explain-trial-by-judge-or-jury>



K20 Learn – T-Chart

<https://learn.k20center.ou.edu/strategy/86>



K20 Learn – Walk and Talk

<https://learn.k20center.ou.edu/strategy/1741>

Lesson outline

Learning intention/s	Success criteria
Students will: <ul style="list-style-type: none">• explore the role of citizens in providing justice through their participation as jurors.	Students can: <ul style="list-style-type: none">• explain the role of jurors in a fair trial• compare the advantages of a jury trial with those of a judge-alone trial.

Introduction

- Students complete the *Chain Notes* instructional strategy for the question ‘How do citizens participate in providing justice through their role as jurors?’ as a review of the previous lesson.

Main activity

- Show students the video *A Fair Trial – Jury Duty in Western Australia*.
- While watching the video, students answer the following questions:
 1. Who does the jury represent?
 2. What is the role of each member of the jury?
 3. What is used to arrive at a verdict?
 4. What makes a trial fair?
 5. Does a juror get paid?
 6. Is a juror anonymous?
 7. Can a juror take notes during the trial?
 8. Does a jury have a leader?
 9. Does the Judge assist the jurors?
 10. Is the accused/defendant assumed guilty or innocent?
 11. What do the jurors consider in order to arrive at a verdict?
 12. Why would this process be considered a ‘just’ outcome?
- Provide students with a copy of the Please explain: *Trial by judge or jury* webpage.
- Students use the *T-Chart* instructional strategy to compare the advantages of the jury system against the advantages of a judge alone trial.

Review of learning

- Students complete the *Walk and Talk* instructional strategy for the question ‘What is better, a jury trial or a judge alone trial?’

Lesson 11

The Western Australian Curriculum content addressed in this lesson is below.

Australia's legal system

- How citizens participate in providing justice through their roles as witnesses and jurors

Analysing

- Translate information and/or data from one format to another

Communicating and reflecting

- Represent information and/or data using appropriate formats to suit audience and purpose
-

Resources



Leaders in Law – Witness vs. Expert Witness: Are there any major differences?

<https://www.leaders-in-law.com/legal-news/witness-vs-expert-witness-are-there-any-major-differences/>



The Teacher Toolkit – Triangle-Square-Circle

<https://www.theteachertoolkit.com/index.php/tool/triangle-square-circle>



Cockerill, Craig and Moore, Attorneys at Law – Lesson five – what makes a good witness good?

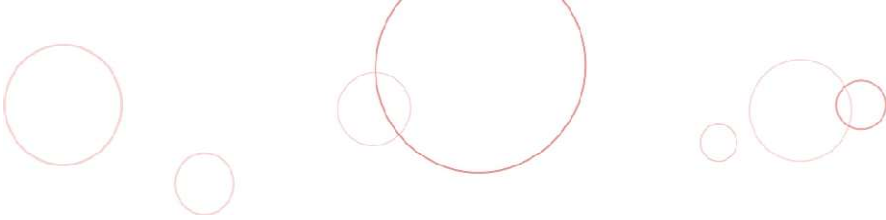
<https://www.ccmlawyers.com/blog/2013/12/lesson-five-what-makes-a-good-witness-good/>



Resources to create comic strip (e.g. paper, pencils etc)

Teacher information

When teaching concepts, examples are used to show what a concept is, helping students understand correct behaviour or ideas. For instance, when teaching appropriate witness behaviour, an example would be speaking clearly and respectfully when asked to testify. Non-examples, like interrupting others or refusing to answer questions, are then used to show what the concept is not, reinforcing understanding through contrast.



Lesson outline

Learning intention/s	Success criteria
Students will: <ul style="list-style-type: none">understand the role of witnesses in court to ensure justice.	Students can: <ul style="list-style-type: none">identify and describe the differences between a witness and an expert witnessillustrate an example and non-example of good witness behaviour.

Introduction

- Students brainstorm the different types of evidence that can be used in a court case to ensure the burden of proof is met.

Main activity

- Show students the *Witness vs. Expert Witness: Are there any major differences?* webpage.
- Students use the *Witness vs. Expert Witness: Are there any major differences?* website and complete the *Triangle-Square-Circle* instructional strategy.
- Show students the list from the *Lesson five – What makes a good witness good?* webpage.
- Discuss some of the key behaviours of a good witness and why this would be the case.
- Using the list from the *Lesson five – What makes a good witness good?* webpage, students create a comic strip that shows an example and non-example of good witness behaviour.

Review of learning

- Play a game of courtroom celebrity heads, where students are allocated a person in the courtroom. They should try to work out who they are by asking yes or no questions.

Lessons 12–13

The Western Australian Curriculum content addressed in these lessons is below.

Australia's legal system

- How Australia's legal system aims to provide justice, including through the rule of law, presumption of innocence, burden of proof and right to a fair trial
- The role of courts, judges, lawyers and court officials in trials
- How citizens participate in providing justice through their roles as witnesses and jurors

Analysing

- Apply subject-specific skills and concepts in familiar and new situations

Evaluating

- Draw evidence-based conclusions by evaluating information and/or data to generate a range of alternatives and plan for action in response to contemporary events, challenges, developments, issues, problems and/or phenomena; make comparisons; evaluate costs (disadvantages) and benefits (advantages); and infer relationships

Resources



ABC Behind the News – What is a Mock Trial?

<https://www.abc.net.au/btn/high/what-happens-inside-a-courtroom/102447364>



Project Zero: Harvard Graduate School of Education – Parts, Purposes, Complexities

<https://pz.harvard.edu/resources/parts-purposes-complexities>



The Law Society of Western Australia – Education resources

<https://lawsocietywa.asn.au/community/francis-burt-law-education-programme/educational-resources/>

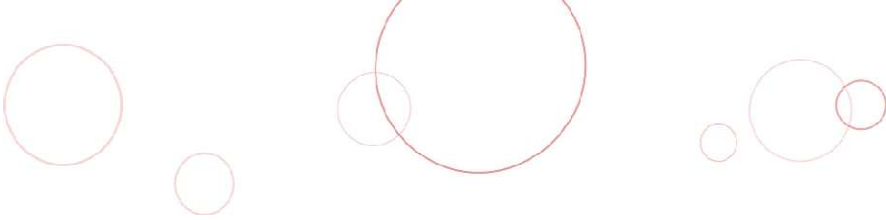


Mock trial scripts

Teacher information

These two lessons are an opportunity for students to participate in a scripted mock trial. This is an authentic way for students to apply their learning from previous lessons and to see the roles in a courtroom and how the legal system works to provide justice.

When accessing The Law Society of Western Australia's *Education resources*, teachers will need to scroll down the page to the 'Scripted mock trials' heading. From there, teachers should select and preview one mock trial, allocate roles to students, and identify any props required prior to the lesson.



Lesson outline

Learning intention/s	Success criteria
Students will: <ul style="list-style-type: none">experience a mock trial to understand the roles and processes involved in a courtroom.	Students can: <ul style="list-style-type: none">identify the parts, purposes, and complexities of a mock trialparticipate in a mock trial.

Introduction

- Show students the video *What is a mock trial?* and complete the *Parts, Purposes, Complexities* thinking routine.

Main activity

- The teacher allocates roles from the *Scripted mock trials* website to students.
- Give students the opportunity to preview their role in the mock trial and prepare any props. Ask a group of students to set up the classroom like a courtroom.
- Conduct the mock trial in the classroom with those students who are not allocated a role in the trial as court reporters or members of the public gallery.

Review of learning

- At the end of the mock trial, students complete an exit ticket where they note down one thing that was accurate about the mock trial proceedings and one thing that was inaccurate, compared to a real criminal trial.

Lesson 14

The Western Australian Curriculum content addressed in this lesson is below.

Australia's legal system

- How Australia's legal system aims to provide justice, including through the rule of law, presumption of innocence, burden of proof and right to a fair trial
- The role of courts, judges, lawyers and court officials in trials
- How citizens participate in providing justice through their roles as witnesses and jurors

Communicating and reflecting

- Reflect on learning to review original understandings and/or determine actions in response to events, challenges, developments, issues, problems and/or phenomena

Resources



K20 Learn – Tell Me Everything

<https://learn.k20center.ou.edu/strategy/107>



K20 Learn – Beach Ball Talk and Toss

<https://learn.k20center.ou.edu/strategy/3049>



Enough beach balls for one between eight students with the numbers 1–10 written on them

Teacher information

Teachers may replace the beach balls from the *Beach Ball Talk and Toss* instructional strategy with another suitable item or may choose to use a different strategy to select students for responses.

Lesson outline

Learning intention/s	Success criteria
<p>Students will:</p> <ul style="list-style-type: none">reflect on a mock trial to understand how justice, fairness, and legal principles are applied in the courtroom.	<p>Students can:</p> <ul style="list-style-type: none">explain the concepts of justice, fairness, and the rights of the accused based on their observations of a mock trialdiscuss their understanding of how the trial processes contribute to a fair and just outcome.

Introduction

- Students complete the *Tell Me Everything* instructional strategy to review what happened in the mock trial.

Main activity

- Students write the answers to the following questions to discuss the concept of justice as a follow up from the mock trial:
 - How was equality before the law evident in the trial/s?
 - On what basis was guilt or innocence decided?
 - What rights did the accused have?
 - How would the accused know what the evidence was before and during the trial?
 - How could the accused query the evidence that was used against him?
 - Who had to prove guilt? What is this called? Why is this important?
 - Was the judgement subjective or objective? Why? To what standard did the case have to be proven?
 - How was the rule of the law evident at the trial and/or in the judgement?
 - What are the characteristics of the trial that would contribute to it being accepted as a fair outcome?
 - Based on this mock trial, what elements contribute to 'justice'?

Review of learning

- Students participate in the *Beach Ball Talk and Toss* instructional strategy to share their answers to the review questions in a small group of students.

Lesson 15

The Western Australian Curriculum content addressed in this lesson is below.

Australia's legal system

- How Australia's legal system aims to provide justice, including through the rule of law, presumption of innocence, burden of proof and right to a fair trial
- The role of courts, judges, lawyers and court officials in trials
- How citizens participate in providing justice through their roles as witnesses and jurors

Communicating and reflecting

- Reflect on learning to review original understandings and/or determine actions in response to events, challenges, developments, issues, problems and/or phenomena

Resources



K20 Learn – Tell Me Everything

<https://www.theteachertoolkit.com/index.php/tool/kwl>



K20 Learn – Time Scramble

<https://learn.k20center.ou.edu/strategy/186>



Butcher paper



K20 Learn – Gallery Walk/Carousel

<https://learn.k20center.ou.edu/strategy/118>

Teacher information

This lesson is designed to review the work completed in this lesson sequence in preparation for the summative assessment in Lesson 16.

Lesson outline

Learning intention/s	Success criteria
Students will: <ul style="list-style-type: none">consolidate their understanding of key concepts in the legal system, such as justice, fair trials, and the roles of various courtroom participants.	Students can: <ul style="list-style-type: none">recall what they have learned about justice and the legal system over the course of the unit.

Introduction

- Return *KWL* charts to students from Lesson 1. Ask students to complete the 'L' column to record what they have learned over the course of the unit.

Main activity

- Set up the *Time Scramble* instructional strategy. This requires seven sheets of butcher paper with the following headings:
 - justice
 - rule of law
 - fair trial
 - role of judges
 - role of lawyers
 - juries
 - witnesses.
- Students complete the *Time Scramble* instructional strategy by expanding on their allocated topics on the sheets of butcher paper for diminishing amounts of time. Students may refer to their notes from previous lessons.
- When groups have their first piece of butcher paper back, have a class discussion about the main ideas and content that has been written by different groups. Correct any misconceptions and ensure they are corrected in the butcher paper.

Review of learning

- Students complete a *Gallery Walk/Carousel* instructional strategy of all seven sheets of butcher add any new pieces of information to their notes in preparation for the summative assessment.



Lesson 16

See Appendix B: Assessment task – Unit test



Appendix A

Resources

Lesson 3: Burden of proof and presumption of innocence

Hypothetical case	Evidence	Evidence evaluation: Does the evidence prove guilt beyond a reasonable doubt?
<p>Someone accuses another of cheating on a test because they saw them looking at something under their desk.</p>	<ul style="list-style-type: none"> • The accused student denies the accusation. • A classmate saw the accused glancing under the desk but didn't see anything specific. • The teacher didn't observe any suspicious behaviour. • The accused's test answers match some from a study guide shared with the class. 	
<p>During lunch break, a student reports their phone is missing from their desk. Another student is accused of taking it.</p>	<ul style="list-style-type: none"> • The accuser says they saw the accused near their desk just before the phone was discovered missing. • The accused says they were only borrowing a pencil from the desk and did not see the phone. • Another classmate says the accused showed them a phone during lunch, but they aren't sure if it was the missing one. • The missing phone is found later in a lost-and-found box. 	
<p>A car owner returns to their parked car at a shopping mall and notices a large scratch along the side. They accuse another driver whose car was parked nearby of causing the scratch. The accused denies it.</p>	<ul style="list-style-type: none"> • The accuser says they noticed the accused's car parked very close to theirs and saw fresh scratches on the accused's front bumper. • A witness says they saw someone park the accused's car near the accuser's car but didn't see any contact. • The accused provides a receipt showing they were inside the mall at the time the scratch might have occurred. • Security camera footage shows cars parked close together but does not clearly show any collision. 	



Appendix B

Assessment task

Unit test



Task details

Title	Unit test
Description	Students will complete a unit test covering the knowledge and understanding about Australia's legal system and skills developed over the course of this unit. Questions will increase in complexity and will require students to recall and apply what they have learned.
Ways of assessing	Tests and quizzes
Evidence to be collected	Written responses
Suggested time	45 minutes in class under test conditions (Lesson 16)
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.

Content descriptions

Knowledge and understanding

- How Australia's legal system aims to provide justice, including through the rule of law, presumption of innocence, burden of proof and right to a fair trial
- The role of courts, judges, lawyers and court officials in trials
- How citizens participate in providing justice through their roles as witnesses and jurors

Humanities and Social Sciences skills

Analysing

- Apply subject-specific skills and concepts in familiar and new situations

Evaluating

- Draw evidence-based conclusions by evaluating information and/or data to generate a range of alternatives and plan for action in response to contemporary events, challenges, developments, issues, problems and/or phenomena; make comparisons; evaluate costs (disadvantages) and benefits (advantages); and infer relationships

Communicating and reflecting

- Develop texts, particularly descriptions and explanations, using appropriate subject-specific terminology and concepts that use evidence to support findings, conclusions and/or arguments, from a range of sources

Key concepts

Justice, rights and responsibilities



Instructions to students

This test has three sections. Complete all sections.

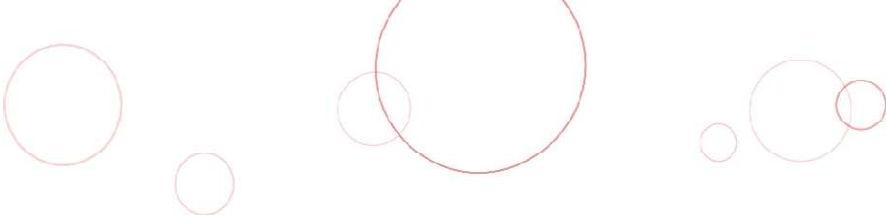
You have 45 minutes in class under test conditions.

Section one: Multiple choice

(5 marks)

Circle the most correct answer.

1. The rule of law refers to
 - a. the lawmaking powers of the federal parliament of Australia.
 - b. all citizens being subject to the law and equal before the law.
 - c. the entitlements and obligations that are associated with citizenship.
 - d. people and society behaving in a way that is fair, equal and balanced for all.
2. In Australia, the burden of proof in a criminal case falls on
 - a. the accused.
 - b. the expert witness.
 - c. the prosecution.
 - d. the jury.
3. The person who hears cases and makes decisions is a
 - a. judge.
 - b. lawyer.
 - c. court official.
 - d. witness.
4. Which person is eligible to serve on a jury?
 - a. Meredith – over the age of 75.
 - b. Caroline – not on the electoral roll.
 - c. David – has a full-time job.
 - d. Chris – best friends with the accused.
5. One weakness of the jury system is that
 - a. the accused is tried by their peers.
 - b. it is cheaper to have a trial by jury than a judge only trial.
 - c. if 12 people can come to a common decision, then it is seen as valid by the community.
 - d. some people that serve do not have a strong knowledge of the legal system.



Section two: Short answer

(15 marks)

1. Define the term justice.

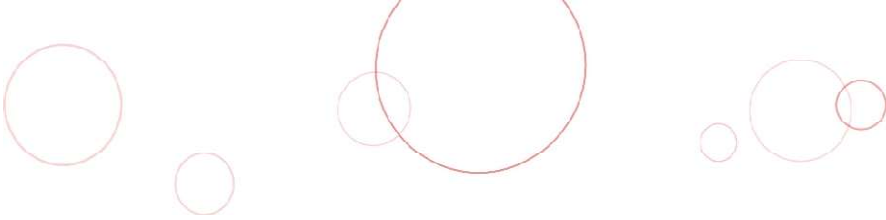
(1 mark)

2. Describe **one** role of a lawyer in a trial.

(2 marks)

3. Compare the role of a witness to the role of an expert witness.

(3 marks)



4. Read the *Case of the Missing Bike* and answer the questions that follow.

The Case of the Missing Bike

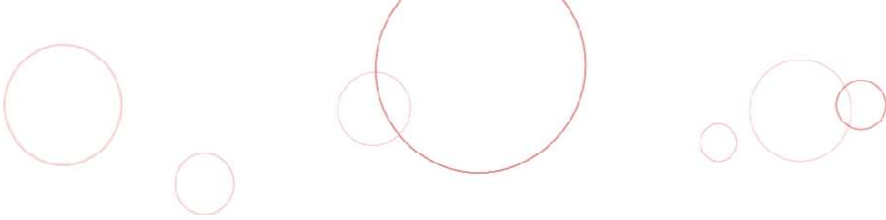
Crystal claims that her bicycle was stolen from the park while she was playing soccer with her friends. She reports the theft to the police and accuses another student, Nick, of taking it. Crystal says she saw Nick near the bike when she was last checking on it, and Crystal believes Nick took it when she wasn't looking. The bike is later reported to police and recovered approximately a kilometre away from the park.

Evidence presented:

- Crystal's testimony: Crystal states she was playing soccer in the park when she noticed Nick standing by her bike. Crystal says she turned away for a few minutes to talk to her friend, and when she returned, the bike was gone.
- Nick's testimony: Nick denies taking the bike and says he was playing tennis on the other side of the park during that time. He insists he never went near Crystal's bike.
- Witness statements: A few of Crystal's friends say they saw Nick near the bike, but they didn't see him take it. Another friend claims she was with Nick the entire time and didn't notice anything unusual.
- Police evidence: The police check the area but find no fingerprints or physical evidence on the bike, and no surveillance cameras captured the area where the bike was.

a. Define the terms burden of proof and presumption of innocence (2 marks)

b. Determine whether the standard of proof was met in this case. Justify your answer. (3 marks)



c. With reference to the *Case of the Missing Bike*, discuss what would happen if we did not have the presumption of innocence in the Australian legal system. (4 marks)

Marking key

Section one: Multiple choice

(5 marks)

Answer	Marks
1. B	1
2. C	1
3. A	1
4. C	1
5. D	1
Total	/5

Section two: Short answer

(15 marks)

- Define the term justice

(1 mark)

Description	Marks
The quality of being just. The concept of justice states that people and society should behave in a way that is fair, equal and balanced for all.	1
Total	/1

Describe **one** role of a lawyer in a trial

(2 marks)

Description	Marks
Describes the role of a lawyer in a trial	2
Makes a general statement about the role of a lawyer in a trial	1
Total	/2

Answers may include:

- Represents clients in court
- Provides legal advice
- Understands legal procedure
- Negotiates settlement out of court
- Assists clients accessing justice

Compare the role of a witness to the role of an expert witness.

(3 marks)

Description	Marks
Compares the role of a witness to the role of an expert witness	3
Describes a similarity or difference between a witness and an expert witness	2
Makes a statement about the role of a witness or expert witness	1
Total	/3
<p>Answers may include:</p> <ul style="list-style-type: none"> Compare means to show how things are similar and different <p>Similarities:</p> <ul style="list-style-type: none"> Can give evidence for the prosecution or the defence Required to take an oath or affirmation Provide factual information <p>Differences:</p> <ul style="list-style-type: none"> Expert witnesses may not have seen or heard the event that has taken place Expert witnesses are used to apply the expertise of a topic to a case (e.g. forensic scientist, doctor) 	

- Read the *Case of the Missing Bike* and answer the questions that follow.

Define the terms burden of proof and presumption of innocence.

(2 marks)

Description	Marks
Burden of proof - The legal principle where a duty – or ‘burden’ – is placed on a party in a court action to prove or disprove disputed facts before the court will make a judgement. It is the threshold that a party seeking to prove a fact in court must reach in order to have that fact legally established; that is, to convince a decision-maker in a trial (judge; jury) that one’s version of the facts is true.	1
Presumption of innocence – imposes on the prosecution the burden of proving the charge and guarantees that no guilt can be presumed until the charge has been proved beyond reasonable doubt.	1
Total	/2

- Determine whether the standard of proof was met in this case. Justify your answer (3 marks)

Description	Marks
Determines whether the standard of proof has been met and justifies answer using evidence from the <i>Case of the Missing Bike</i>	3
Determines whether the standard of proof has been met and attempts to justify answer using limited evidence from the <i>Case of the Missing Bike</i>	2
Makes a general statement about whether the standard of proof has been met	1
Total	/3
Answers may include: <ul style="list-style-type: none"> • The standard of proof has not been met as the case needs to be proven beyond a reasonable doubt • Nobody saw Nick take the bike • There are no fingerprints or physical evidence 	

With reference to the *Case of the Missing Bike*, discuss what would happen if we did not have the presumption of innocence in the Australian legal system. (4 marks)

Description	Marks
Discusses what would happen if we did not have the presumption of innocence, making reference to the Case of the Missing Bike	4
Explains what would happen if we did not have the presumption of innocence, making some reference to the Case of the Missing Bike	3
Describes what would happen if we did not have the presumption of innocence, making limited reference to the Case of the Missing Bike	2
Makes a general statement about the concept of presumption of innocence	1
Total	/4
Answers may include: <ul style="list-style-type: none"> • Discuss means to identify issues and provide points for and/or against • The presumption of innocence means that a person is assumed to have not committed an offence until it is proven beyond a reasonable doubt • Without the presumption of innocence an accused would have to take on the burden of proof and have to prove their innocence, rather than have the prosecution prove their guilt • The presumption of innocence is in place to ensure that there is not an abuse of power by the state and reduce the chances of an innocent person being wrongfully convicted • The prosecution has more resources than the accused often do in criminal cases. The presumption of innocence helps to balance the inequality in resources between the two parties • Without the presumption of innocence, Nick would have to prove his innocence and this may require him to pay for forensic experts to test the bike for finger prints to prove that he did not take the bike 	

Section three: Extended answer

(8 marks)

Select one role in a trial.
Circle your selected role:

Judge

Lawyer

Court official

Juror

Witness

Discuss how this role provides justice through **two** of the following:

- rule of law
- right to a fair trial
- right to legal representation.

Description	Marks
For each method of providing justice (2x4 marks)	
Discusses how the selected role provides justice through the selected method	4
Explains how the selected role provides justice through the selected method	3
Describes how the selected role provides justice through the selected method	2
Makes a general statement about how the selected role provides justice through the selected method	1
Subtotal	/4
Total	/8
Assessment total	/28

