



PARLIAMENTARY
EDUCATION
OFFICE

RIGHTS



POWER

ACTION



A practical classroom guide for teaching
Australia's system of government



Civics and
Citizenship



Year levels

Inspire your senior students to become active and engaged citizens

The Parliamentary Education Office has more than 35 years' experience in developing engaging classroom resources that communicate the function, value and relevance of the Australian Parliament. We work in partnership with Australian teachers to inspire their students to become active and engaged citizens.

Rights, power, action has been developed to help teachers make curriculum-aligned content engaging and accessible for students of all levels. Experiential learning activities like role-play, negotiation and problem-solving enable students to experience democratic processes first-hand and engage with authentic political and legal issues.

Each activity is aligned to the Australian Curriculum V9.0 for Years 8, 9 and 10 Civics and Citizenship subject of the Humanities and Social Sciences learning area.



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The PEO acknowledges the traditional owners of country throughout Australia and their continuing connection to land, culture and community. We pay our respects to elders past and present.

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WHY RIGHTS, POWER AND ACTION?

The following classroom activities are built around 3 themes:



Rights are principles of freedom and entitlement: what we may do and what is owed to us according to the beliefs of our society. Students should develop an understanding of the rights of individuals and groups under domestic and international law.



Power is the ability to influence people or events.

Students should understand how the power to govern is shared and exercised in Australia's democracy, particularly through shaping policy and making laws.



Action relates to how citizens can participate in public and political life, and help shape the nation.

Students should understand the processes that enable action to be taken on issues in society.

START THE DISCUSSION

Use some of these discussion starters to kick start your classroom conversation either as a standalone activity or as a warm-up exercise for some of the other activities in this book.



AUSTRALIAN CURRICULUM LINKS

YEAR 9	<ul style="list-style-type: none">• AC9HC9K05• AC9HC9S05	<ul style="list-style-type: none">• AC9HC9S04
YEAR 10	<ul style="list-style-type: none">• AC9HC10K01• AC9HC10K05• AC9HC10S04	<ul style="list-style-type: none">• AC9HC10S05

Rights

1. What rights do you have? Where do those rights come from?
2. What is a right you have which you might not have if you lived in a non-democratic country?
3. Are there any circumstances in which it might be reasonable for citizens' rights to be removed, limited or curtailed?
4. Why has our understanding of rights changed over time? What else might be added to our concept of rights in the future?
5. Beyond voting, which of our rights do you think is the most important to sustaining Australian democracy?
6. The first article of the Universal Declaration of Human Rights states that all people 'are born free and equal.' Which is more important: freedom or equality? Can you have one without the other?

Power

1. What powers do the Parliament, Judiciary and the Executive government have? Where do these powers come from?
2. Why do you think the drafters of the Australian Constitution included a separation of powers?
3. In a federation, power is shared between a national – federal – government and state governments. What do you think are the advantages and disadvantages of living in this type of system of government?
4. Can you think of reasons why the division of powers between the federal Parliament, and state and territory parliaments has changed over time?
5. Who do you think are the most politically powerful people in Australia?
6. High Court judges are appointed by the Governor-General of Australia, on the advice of the Australian Government. Should they be elected by the people instead?

Action

1. What can citizens do to protect their rights?
2. How do we ensure those in power are accountable for their actions?
3. Should those who choose not to vote have to obey the law? Should you have to obey the law if you can't vote?
4. What does a 'representative' parliament look like? What does it do?
5. Why is it important for laws to be regularly reviewed and reformed?
6. Which is better: slow, considered reform or fast, reactive change?
7. If you could make a change to the law in Australia, what would it be and why?

Need a fresh discussion strategy? Try one of these ...



Opinion continuum

Present a discussion starter to students as a statement of opinion. For example, 'slow reform is better than fast, reactive change.'

Ask students to stand somewhere on an agree-disagree line that stretches from one side of the room to the other to show how much they agree or disagree with the statement.

Ask students to justify why they have chosen to stand where they have.

Allow students to move their position on the continuum as they listen to each other's answers.



Socratic circles

Arrange the class into a circle and provide a discussion starter, explaining the goal is to explore ideas and build a shared understanding.

Allow the discussion to flow, encouraging students to ask questions and reflect on the ideas of others. Guide the discussion by drawing students' attention back to the topic or, where needed, introducing another discussion starter.

If you have a larger class, organise 2 circles – an inner circle and an outer circle. Have the outer circle listen and take notes while the inner circle discusses, then have the students swap places and roles.



Speed debating

Organise students into 2 circles, an inner circle and an outer circle. Each student on the inside is paired with a student on the outside, facing each other.

Give the pairs 2–3 minutes to discuss the chosen question.

Ask the students in the outer circle to rotate one place clockwise to a new partner.

After a few rotations, ask the students to reflect on the impact speaking with different people had on their own views.

PLAY THE \$20 GAME

Students workshop a range of approaches to understand how negotiation can be used to resolve differences at home, at school and in workplaces – parliaments included. This activity will take one lesson to complete.



USE THIS GAME AS A WARM UP FOR THE FOLLOWING ACTIVITIES: NEGOTIATE A MINORITY GOVERNMENT AND DECISION MAKING IN CABINET.

Before you begin

1. **Arrange your room** so students can work in pairs and easily swap places to create new working pairs.
2. **Print copies of the Secret instructions for rounds 1 and 2 (pages 7–8)** so that each student receives one instruction card per round.
3. **Have a stopwatch** (or similar) ready to time each round of negotiation.
4. **Supply students** with a copy of the Student worksheet (page 9).
5. **Get ready for 3 rounds of intense negotiation.**

Getting started

1. **Distribute the Student worksheet** and explain to students they are going to complete 3 rounds of negotiation and there is room on their worksheet to make notes for each round.
2. **As a group, discuss what the word 'negotiate' means.** What qualities would a person need to be a good negotiator? What would a successful negotiation look like?

Activity

Round 1

This round introduces students to the concept of positive and negative bargaining ranges. It also gives them an insight into their feelings about conflict and their personal negotiating style.

1. **Divide the class into pairs** and explain they will have 3 minutes to negotiate with their partner over how they will split \$20.
2. **Distribute the Secret instructions for round 1** (face down) and explain students will need to follow these instructions, even if it means acting differently than usual. Explain students can't propose side deals or creative solutions, they just need to negotiate how much of the \$20 they will get before the time is up.
3. **Give students one minute to read their instructions**, make notes on their worksheet and think about how they will negotiate what they need.
4. **Start the timer and ask students to begin.** Let students know when they have one minute remaining. At the end of 3 minutes, students record the amount they took from round 1 on their worksheet under 'negotiated amount.' If they didn't reach an agreement, they record N/A ('no agreement.')



Negotiate – to engage in a formal discussion in order to reach an agreement on an issue.



The 2-Dollar Game was created by Dr Mary Rowe for her class Negotiation and Conflict Management at the Massachusetts Institute of Technology. This version of the game has been modified for Australian high school students.

Round 1 discussion questions

1. Poll students to see who enjoyed the game and who didn't. You could do this with a simple show of hands. Ask some students to share their reasons.
2. Poll students again to see which pairs reached an agreement and which didn't. Ask some pairs to explain why they think this happened.
3. Ask pairs to share with each other their secret instructions and worksheet for round 1. If both goal amounts add up to less than \$20, the pair had a positive bargaining range. If they add up to more than \$20, the pair had a negative bargaining range. Discuss how each pair's bargaining range impacted on their negotiation.

Round 2

This round introduces students to a range of factors that can impact a negotiation, including attitudes and relationships. It will give them an insight into effective and ineffective negotiation styles.

1. **Ask students to form new pairs** and explain once again they will have 3 minutes to negotiate how \$20 will be divided.
2. **Distribute the Secret instructions for round 2** (face down) and remind students they will need to stay in the role they have been given, even if it is unlike the way they usually act.
3. **Give students one minute to read their instructions**, make notes on their worksheet and think about how they will negotiate.
4. **Start the timer and ask students to begin.** Let students know when they have one minute remaining. At the end of 3 minutes, students record the amount they took from round 2 on their worksheet under 'negotiated amount.' If they didn't reach an agreement, they record N/A ('no agreement.')

Round 2 discussion questions

1. Pairs discuss how they found each other's negotiating styles. Would you want to negotiate with them again? Why or why not?
2. Ask the pairs to share their secret instructions. If you had known your partner's secret instructions, how would you have approached the negotiation differently?
3. Effective negotiators know how to build a positive relationship with their negotiating partner. How will you build a positive relationship in the next round of bargaining?

Round 3

In this round there are no secret instructions. Instead, students have to decide the best way to approach the negotiation.

1. **Students return to their round 1 partner.**
2. **Explain there are no secret instructions for this round** but students should keep in mind their partner is someone they will have to negotiate with often in the future. In the long term it will be beneficial to have a positive relationship with them.
3. **Give students a moment to plan** for their third and final negotiation. Once again, remember to time the negotiation and to prompt students to record their negotiated amount after their 3 minutes is up.

Round 3 discussion questions

1. How did your experience in rounds 1 and 2 influence how you negotiated this round?
2. How did knowing you will have to work with this person in the future affect your negotiation?



What happened?

1. In the final negotiation how did you attempt to achieve the outcome you wanted and build a positive relationship?
2. Negotiations can be collaborative rather than competitive. When a negotiation is collaborative, the parties work together to arrive at a 'win-win' situation. Can you think of a time when a 'win-win' situation has been negotiated? What skills or strategies can you use during a collaborative negotiation?
3. Many players begin the \$20 game believing taking \$10 each would be the fairest solution. In any of your negotiations did you find it would be fairer for one player to receive more than another? How can you judge if an outcome is 'fair'?

Play the \$20 game – secret instructions round 1

Print enough copies of these instructions for each student to receive one instruction each. Remind students that the minimum amount they will settle for this round is contained in their instructions. Whether they share their reason for wanting this amount – or make up a different story – is up to them.



Try to get as much of the \$20 as you can. Bargain as effectively as possible and make up any story you wish.

It is important that you get **at least \$5**. You don't have enough money to catch the bus home today after your sports training. If you don't get **at least \$5**, you will have to walk for over an hour and the sun will go down before you get home. You don't feel safe walking by yourself after dark. **Get more money if you can but at least \$5**.



Try to get as much of the \$20 as you can. Bargain as effectively as possible and make up any story you wish.

It is important that you get **at least \$8**. You forgot to bring your lunch today and there are only a few silver coins at the bottom of your bag. If you get **\$8** you'll be able to afford to buy lunch. **Get more money if you can but get at least \$8**.



You don't like to be taken advantage of. You want to get what you consider your fair share in life. As a result, **you refuse to walk away from this round with less than \$10**.

If possible, you'd like to get **all of the \$20**. You're saving money for a new pair of sneakers and every little bit counts. **Get as much of the \$20 as you possibly can, using whatever story you like**.



You have one goal for this negotiation: **to get at least \$13**.

\$13 is the exact cost of a movie ticket. You really want to see a new release.

\$13 is an amount that you are not prepared to compromise on. Use any story or strategy you like to get it. **If possible, get more**.



It is really important that you get **\$16**.

It means your partner will only get \$4 but that's okay. **You're playing this game to win**.

Get \$16 (or more if you can) using any story or strategy you wish.

Play the \$20 game – secret instructions round 2

Print enough copies of these round 2 instructions for each student to receive one instruction each.



You are a ‘battle-axe’

When it comes to negotiating, you are a battle-axe. You love competition, and conflict does not bother you. Because you are strong-willed and persistent, you almost always get what you want. How your partner feels during the negotiation is not important to you. You’re not here to make friends. You are here to get **as much of the \$20 as you can**. In fact, demand all of it. Try not to budge. If you have to come down, do so 2 dollars at a time.



Your partner is untrustworthy

Your goal this round is to **get as much of the \$20 as you can**, using whatever story or strategy you like. However, a word of warning: your partner is not to be trusted. They are known to tell lies and misrepresent themselves. They have deceived others to get what they want in previous negotiations. Treat your partner politely but be on your guard. Be wary of anything they tell you. If necessary, ask questions and dig deeper to see if they’re really telling you the truth.



You must reach an agreement

In this round, you’re actually an agent, completing the negotiation on behalf of someone else. The person you represent has given you 2 clear instructions. Firstly, you are to secure **as much of the \$20 as you can**, using whatever stories or strategies you think will work. Secondly, you must reach an agreement within the 3 minute time frame. In fact, reaching an agreement is your number one priority.



Your partner is struggling

The person you are negotiating with has been having a really hard time lately. They may not mention it to you, as they are good at putting up a front but life is not easy for them right now and they are having difficulty coping. Nevertheless, you want to get **as much of the \$20 as you can**. Just remember as you negotiate with your partner that they are going through a hard time.



You’re being recorded

Your aim this round is to get **as much of the \$20 as you can**, with any story you like. However, there’s something you need to know about your negotiating partner. They’d never tell you but there’s a chance they’re secretly recording what you say during this negotiation. They’ve been known to secretly record conversations in the past. In fact, they recently damaged someone else’s reputation that way. Your reputation is very important to you. **Get as much of the \$20 as you can** but be aware everything you say could be shared.



Say little

This round you’re going to try an interesting tactic. **Decide now how much you want to get from the negotiation** (and aim high!). When the negotiation begins, let your partner know how much you want but say little else. If you can, try to get away with saying nothing at all. Keep quiet and let your partner do almost all the talking. If things get too tense, repeat how much money you want but try to avoid saying anything else.

Play the \$20 game – student worksheet

Name: _____

Round 1

Carefully read your secret instructions and complete the first 2 columns of the table below. Enter the ‘negotiated amount’ at the end of the round.

Before you begin, think: What is your partner likely to want? How will you find out? How will you persuade your partner to get the outcome you want? What strategies will you use?

	GOAL AMOUNT	AMOUNT I'D SETTLE FOR	NEGOTIATED AMOUNT
Round 1			

Round 2

Carefully read your secret instructions for round 2 and complete the first 2 columns of the table below. Enter the ‘negotiated amount’ at the end of the round.

Before you begin, think: How are you going to act during this negotiation? How do you think your partner will respond? What additional strategies or story could you use?

	GOAL AMOUNT	AMOUNT I'D SETTLE FOR	NEGOTIATED AMOUNT
Round 2			

Round 3

There are no secret instructions for this round. However, you will need to negotiate with this person in the future. Use what you have learnt from rounds 1 and 2 to decide on the most effective strategies to use this round.

Before you begin, think: What strategies worked in the previous negotiations? What strategies were not effective? How will you balance getting what you want this time with building a good relationship for future negotiations?

	GOAL AMOUNT	AMOUNT I'D SETTLE FOR	NEGOTIATED AMOUNT
Round 3			

NEGOTIATE A MINORITY GOVERNMENT

Students role-play a high stakes parliamentary negotiation in order to learn how government is formed in Australia. This activity will take 1–2 lessons to complete.



AUSTRALIAN
CURRICULUM LINKS

YEAR 8

- [AC9HC8K02](#)
- [AC9HC8S03](#)

Before you begin

1. **From the PEO website use the PEO Government fact sheet** to review how government is formed in the Australian Parliament, and the difference between a majority and minority government.
2. **Familiarise students with the glossary terms at the bottom of the page.**
3. **Present students with the following scenario:** There has been an election in Australia but neither of the 2 major parties has a majority in the House of Representatives. The only way one of the parties can form government is if they can negotiate an agreement with the independents or minor parties – the crossbench – to achieve the support of the majority of members of the House. Without the support of the majority of members of the House, the government will be unable to get their bills, including the Budget, passed. One of the major parties needs the support of at least 3 of the 5 crossbenchers to form government.

Getting started

1. **Organise the class using the Group organisation table as a guide.** Each student will either be a member of the House of Representatives or a press gallery journalist who will report on the negotiations as they unfold.

Group organisation table

GROUP	PERCENTAGE	IF THERE ARE 30 STUDENTS IN YOUR CLASS
Conservative major party	34% of the class	10
Progressive major party	34% of the class	10
Tasmania First party	4% (or at least 1 student)	1
Centrist party	4% (or at least 1 student)	1
Farmers party	4% (or at least 1 student)	1
Environment party	4% (or at least 1 student)	1
Coal Power party	4% (or at least 1 student)	1
Press gallery journalists	12% of the class	5

If you have a larger or smaller class, ensure you have the same number of students in the 2 major parties and an odd number of crossbench members. You may need to include yourself in one of the major parties.



Hung parliament – a parliament in which no political party has enough seats to secure an overall majority of members in the House of Representatives.

Majority government – a government formed by a political party or coalition of parties winning a majority of seats in the House of Representatives.

Minority government – a government formed by a party or coalition of parties that does not have a majority in the House of Representatives but governs with the support of the majority of all members.

Balance of power – the ability of one or more independents or minor parties to decide an issue by the way they vote, due to no single party or coalition of parties having majority support in the Senate or House of Representatives.

- Distribute the Secret instructions (page 12) to each student** and give them a few minutes to read and think about their secret instructions. Remind students they are to play the part they have been allocated and to focus on what they want to achieve.
- The major parties meet in their groups** to develop a shared understanding of their party's values and priorities. They should then elect a leader and a Treasurer, and announce who they have elected to the class. During this time, crossbench members should also talk to each other about their values and priorities. The press gallery listens to these discussions and may publish what they hear by writing on the whiteboard or putting post-it notes on the walls.

Activity

- Hold a press conference.** Ask the press gallery journalists to interview the leaders of the major parties about what their values are and what they would achieve if they formed government. Then journalists interview each crossbencher about their values and what they would like to achieve during this parliament.
- Give both major parties 2 minutes to strategise.** Whose support do they want to win? What are they prepared to say or do in order to win it? Meanwhile, the crossbench members may talk to one another and form alliances if they wish.
- Assign each crossbencher their own 'office space'** within the classroom. Ensure crossbenchers understand that it is in their interest for one party to form government, as they would have to recontest their seats in another election if neither team gained the support of the majority of the House.
- Toss a coin to decide which major party will negotiate with the crossbench first.** The team that wins the coin toss has 2 minutes to negotiate with the crossbench in their 'offices.' The team should send at least one representative to negotiate with each crossbencher. The students acting as the press gallery listen to these negotiations in order to report back to the voting public, including through live posts. Meanwhile, the party that lost the coin toss can continue to strategise.
- The other major party then has 2 minutes to negotiate with the crossbench.** The first party can return to their 'party room' and discuss the results of the first round of negotiations. Once again, the press gallery listens in and reports on the negotiations through live posts.
- The press gallery journalists present a 'news bulletin'** summarising the negotiations so far.
- The major parties have a second chance to negotiate** for 2 minutes each with the crossbenchers. Based on what they've heard in the news bulletin, they may wish to make new offers to some of the crossbenchers in order to secure their support.
- The crossbenchers hold a press conference with the press gallery journalists** after the second round of negotiations is complete. They will announce which party they have decided to support or if they won't be supporting either party.



What happened?

- If a party was able to form government, how did they gain the support they needed? If neither party was able to form government, another election must be held. Why do you think this outcome is usually avoided?
- Did you notice any similarities or overlap in the values and policies presented by the 2 major parties? Did they make any similar offers or promises to the crossbench? Why did this happen?
- In what ways did the media impact on the negotiations? At Parliament House, there is dedicated office space for journalists, as well as a gallery for them to watch proceedings in the Senate and House of Representatives. Why is there space for the media at Parliament House?

Negotiate a minority government – Secret instructions

Conservative major party

Your goal is to form government so that you can keep Australia's economy stable and reduce taxes on businesses. If you form government, \$10 billion is available to be spent on new projects. Getting the Environment party member to support you will make it easier to get your ideas agreed to in the Senate, as their party holds the balance of power there.



Progressive major party

Your goal is to form government so that you can increase welfare payments and take direct action on issues such as health and education. If you form government, \$10 billion is available to be spent on new projects. Getting the Environment party member to support you will make it easier to get your ideas agreed to in the Senate, as their party holds the balance of power there.



Tasmania First party

Your goal is to encourage whichever party forms government to put more money and resources into Tasmania, starting with a new children's hospital in Launceston, which will cost \$1.8 billion. You may choose to support the Conservative major party, the Progressive major party or neither. It is unlikely you will be able to get your projects funded if you do not choose a party to support. Don't announce your decision until the press conference at the end of the negotiations.

Centrist party

Your goal is to encourage whichever party forms government to keep to the political centre, and get the government to support a new river management plan, which will cost \$5.8 billion. You may choose to support the Conservative major party, the Progressive major party or neither. It is unlikely you will be able to get your projects funded if you do not choose a party to support. Don't announce your decision until the press conference at the end of the negotiations.



Farmers party

Your goal is to encourage whichever party forms government to put more money and resources into supporting farming communities. You would like the government to put \$2.5 billion into a fund to help farmers who have been affected by drought. You may choose to support the Conservative major party, the Progressive major party or neither. It is unlikely you will be able to get your projects funded if you do not choose a party to support. Don't announce your decision until the press conference at the end of the negotiations.

Environment party

Your goal is to encourage whichever party forms government to take immediate action on climate change, starting with a \$7.5 billion investment in renewable energy. You may choose to support the Conservative major party, the Progressive major party or neither. It is unlikely you will be able to get your projects funded if you do not choose a party to support. Don't announce your decision until the press conference at the end of the negotiations.



Coal Power party

Your goal is to encourage whichever party forms government to support mining jobs in Queensland, starting with a \$3.9 billion investment in a rail line for a new coal mine. You may choose to support the Conservative major party, the Progressive major party or neither. It is unlikely you will be able to get your projects funded if you do not choose a party to support. Don't announce your decision until the press conference at the end of the negotiations.

Press gallery journalist

Your goal is to report the news. You can choose which facts you think will be interesting to your audience. You may ask questions of the members throughout the activity and listen in on their conversations. You are welcome to live post/blog/report what you uncover. Before negotiations begin, you will interview the major party leaders and crossbenchers in a press conference. Ask them what their values are and what they hope to achieve. During the negotiations, gather information to present a short news bulletin to the class when prompted.

DECISION-MAKING IN CABINET

Work together to negotiate the best policy outcome.
This activity will take one lesson to complete.



AUSTRALIAN CURRICULUM LINKS

YEAR 9 • [AC9HC9K02](#) • [AC9HC9S04](#)
YEAR 10 • [AC9HC10K02](#) • [AC9HC10K04](#)
• [AC9HC10S04](#)

Before you begin

1. **From the PEO website use the PEO Cabinet fact sheet** to introduce the government's top-level decision-making group. Discuss Cabinet's role in the law-making, and policy development and implementation processes by asking:
 - What is a 'policy'? How does policy become law?
 - Where do policy ideas come from?
 - How does the executive decide which policies/new laws will go forward?
2. Remind students of the foundations of Executive government:
 - a. **Consensus decision-making**: the aim is for all Cabinet ministers to agree on the decisions of Cabinet. This requires negotiation and compromise. In this way, all ministers take collective responsibility for the decisions of Cabinet.
 - b. **Cabinet solidarity**: all Cabinet ministers are expected to publicly support the decisions they make as a group.

Getting started

1. **Decide if you will have one class Cabinet** (with assistant ministers working with ministers) or multiple Cabinets debating the same or different proposals. Do not have more than 15 members in each Cabinet.
2. **Distribute the Meeting instructions (page 15)** to each student.
3. **Choose a policy proposal to debate and decide upon**. Choose a proposal relevant to your unit of study. Here are some domestic and international policy ideas aligned to a range of curricula you could use:

POLICY PROPOSAL TOPICS	
Include children's dentistry in Medicare. This will cost \$1b over 10 years but save hospitals \$500m.	Ratify – make Australian law – the United Nations Domestic Workers Convention 2011 to protect domestic workers from forced labour, child exploitation and discrimination.
Nominate the Kimberley for World Heritage status within 3 years.	Step-up commitment to eradicating child labour by funding non-government organisations (NGOs) in Asia by \$50m over 5 years.
Lower Australia's greenhouse gas emissions to pre-2000 levels by 2030.	Send election monitors to oversee democratic elections in the Pacific. This will cost \$5m.
Raise the age of criminal responsibility in Australia to 14 years-old to align with United Nations recommendations.	Send 200 peacekeepers to stop a civil war in the Asia-Pacific region. This is expected to be a 3-year deployment and cost \$700m.



Policy – A plan of action on an issue.



Visit peo.gov.au for an extension to this activity.

4. Choose Cabinet positions:

- Prime Minister (chair of Cabinet)
- Treasurer
- other ministers including the minister responsible for the policy proposal to be debated. Check the current Ministry List at www.aph.gov.au for the full list of ministries.

5. Ministers decide if they support the policy proposal. They can talk with their assistant ministers and/or other relevant ministers, such as the Treasurer. They could consider:

- Who will this policy proposal impact? How will they be impacted?
- How does this proposal relate to your portfolio – area of responsibility? Are there any issues related to this proposal you feel should be raised?
- Overall, do you support the proposal? Why/why not?

Activity

Run the Cabinet meeting:

- 1. The Prime Minister starts the discussion** by asking ministers to state their position on the policy proposal and the main reason why they support/don't support it.
- 2. Suspend the meeting** to give ministers time to reflect on the discussion, reprioritise and negotiate with ministers outside the meeting. The aim is for all ministers to agree on the proposal.
- 3. Continue the meeting.** The Prime Minister should:
 - lead a discussion about ministry priorities
 - conduct a vote on the proposal.
- 4. If the proposal fails,** the Prime Minister could ask the ministers to develop amendments – changes – to the proposal so Cabinet can agree to it. Take another vote.



What happened?

1. If the policy was agreed to, how does the executive make it a reality?
2. If the proposal was defeated, it can be put to Cabinet again. What would help it be approved next time?
3. Based on your experience today, do you think the decision-making process used by Cabinet is democratic?
4. Cabinet documents and discussions are kept secret for 20 years. How might Cabinet confidentiality influence the debates and decisions of Cabinet?

Decision-making in Cabinet – meeting instructions

The Prime Minister chairs Cabinet meetings. Their aim is to guide Cabinet towards reaching a consensus decision on the policy proposal. This means all members of Cabinet agree with the decision.

Reaching a consensus is not always easy. It requires active listening, respectful debate and compromise. Using the agenda below, the Prime Minister will guide your team towards reaching a consensus.

Agenda for the meeting

- The policy proposal is introduced.** The Prime Minister will explain the aims and outcomes of the proposed policy.
- Each minister is asked to state their position on the proposal** and to explain the main reason why they do or don't support it. The Prime Minister takes a note of the arguments for and against the proposal as they are raised by each minister.
- The Prime Minister summarises Cabinet's position on the proposal so far.** What are the main benefits of the proposal? What are the disadvantages?
- The meeting is suspended for a few minutes.** The Prime Minister asks ministers to further discuss the issue in small groups or pairs. The aim is to negotiate, not argue: you should ask questions to better understand the point of view of others and look for common ground.
- The Prime Minister restarts the meeting.** Ministers will be asked if they have changed their position on the proposal.
- Vote on the proposal.** You can do this through a show of hands.

If a majority of ministers support the decision ...

Great! The policy proposal can now be put to all the members of the government to decide if it should become government policy.

However, a consensus would be even better.

Ask Cabinet if changes could be made to the proposal so all members can agree to it.

If a majority of ministers do not support the decision ...

That's a shame. The Prime Minister wants this policy to go ahead but the support of a majority of Cabinet is needed.

Can changes be made to the proposal so all members can agree to it?

Take a second vote to see if Cabinet will now support the proposal.

COOPERATIVE FEDERALISM IN ACTION

The federal and state levels of government work together to manage issues and provide services for the whole of Australia. This activity will take 2–3 lessons to complete.



AUSTRALIAN CURRICULUM LINKS

YEAR 9

- [AC9HC9K02](#)
- [AC9HC9S03](#)
- [AC9HC9S05](#)

Before you begin

1. Review and explain:

- federalism:** Australia is a federation. This means we have a written constitution that divides the power to make and manage law between different levels of government. From the PEO website, review the PEO's Three levels of government: governing Australia infocus paper to understand the division of powers between the federal Parliament, and state and territory parliaments.
- cooperative federalism:** because the federal and state levels of government share the power to make laws in some areas (concurrent powers), they often need to work together to decide how to deal with national issues. One way they do this is by meeting to discuss national issues. These meetings are chaired by the Prime Minister and attended by the state premiers, the chief ministers of the Australian Capital Territory and the Northern Territory, and the President of the Australian Local Government Association (ALGA).

- Use the ‘power’ discussion starters (page 2)** to prompt class discussion about the three levels of government in Australia.
- Ensure students understand** that the capacity of the Commonwealth – Australian Government – and the states and territories to work together to deal with issues and provide services to Australians is dominated by their abilities to raise money:
 - Vertical fiscal imbalance:** the Commonwealth raises more revenue – money – than it spends but the states and territories are unable to raise the revenue they require to provide all the services they are responsible for. This discrepancy in the ability to raise money is called a vertical fiscal imbalance.
 - Tied grants or Special Purpose Payments (SPPs):** in order to meet their financial obligations, the states rely on grants from the Commonwealth. Using section 96 of the Australian Constitution, the Commonwealth can set conditions on these grants. For example, in exchange for a grant to build new school classrooms, states must implement a national curriculum written by the Australian Government. In this way, the Commonwealth is able to influence areas it does not have the power to make laws in.

Getting started

- Distribute the Meeting instructions (page 19) to each student.**
- Ask the class to decide on an issue of national significance to debate and decide upon.** The issue needs to be one that both the Australian and state parliaments have the power to make laws about – concurrent powers.

To get the most out of this activity, students will need to have knowledge and understanding of the issue to be debated. You could choose a contemporary issue the class has researched, write a hypothetical scenario that has relevance to your unit of study or choose one of the broad ideas below as a starting point.

CONCURRENT POWER	ISSUE OF NATIONAL SIGNIFICANCE
Education	School funding
Emergency management	Natural disaster
Health	Global pandemic
Environment	Water rights
Taxation	Increasing the rate of the GST

3. Allocate students to represent the different jurisdictions. The table below allows you to scale this activity so the whole class can work together to run a single meeting or small groups can run concurrent meetings.

MEETING ATTENDEE	REQUIRED?	ADDITIONAL TEAM MEMBERS
Prime Minister – chair of the meeting	Yes	Up to 3 Commonwealth government team members
Premier of NSW Premier of Queensland Premier of Victoria	Make sure you have at least one premier from these states with larger populations	Up to 3 team members for each jurisdiction attending the meeting
Premier of South Australia Premier of Tasmania Premier of Western Australia	Make sure you have at least one premier from these states with smaller populations	Up to 3 team members for each jurisdiction attending the meeting
Chief Minister of the ACT Chief Minister of the NT	Make sure you have at least one chief minister at the meeting	Up to 3 team members for each jurisdiction attending the meeting
President of the ALGA	Yes	Up to 3 team members to support the President of the ALGA

4. Remind meeting participants that the aim is consensus decision-making. This requires compromise. Depending on the issue, consensus may not be possible on the first try. If you don't have time to try again, a majority vote can be accepted. However, consensus is always the aim.

Activity

- Commonwealth, state, territory and local government teams briefly discuss and consider the issue.** What do they think is the best way to approach the issue? How could they help the people in their community now and in the future? How could working with other jurisdictions help lead to a mutually agreeable outcome?
- The Prime Minister starts the meeting** by explaining the Commonwealth's ideas on how to approach the issue. State and territory representatives each explain their initial positions – do they support the Commonwealth's ideas? Teams then have time to meet in small groups and negotiate with other jurisdictions with the aim of agreeing on an approach. As part of the negotiations, state and territory representatives may:
 - Trade-off different areas (for example 'I will do this if in this other area this happens ...').
 - Negotiate with the Commonwealth to add or remove tied grants (SPPs).
 - Make other agreements with the Commonwealth.
- The Prime Minister asks the whole meeting if the Commonwealth's approach is supported** and holds a vote to see if there is an agreed approach. If consensus cannot be reached, a further round of negotiation could be conducted or a majority vote can be accepted.



What happened?

1. The Australian Government has the strongest negotiating position in meeting with the states and territories. Why? How could the jurisdictions with weaker negotiating positions strengthen their positions?
2. What are the next steps? How are agreements put into action?
3. Is the relationship between the Commonwealth and the states fair? How could this relationship be made fairer?
4. Sometimes the states give the Commonwealth their power to make laws in certain areas, usually temporarily but sometimes permanently. Two examples are terrorism and family law powers. This is called a referral. Why would the states want to refer their powers to the Commonwealth? What could be the benefits of doing this?

Cooperative federalism in action – meeting instructions

The annual meeting with the states, territories and Australian Local Government Association (ALGA) is the Australian Government's opportunity to take the lead in solving national problems and implementing government policy in areas of state and territory responsibilities.

The Prime Minister is the leader of the Australian Government team. As chair of the meeting the Prime Minister wants to guide the meeting to reach consensus on how to approach this issue of national significance. This means all meeting participants agree with the decision. The Prime Minister will explain and promote the Commonwealth's approach to the issue.

Reaching a consensus is not always easy. It requires active listening, respectful debate and compromise. Using the agenda below, the Prime Minister will try and reach a consensus on the policy proposal.

Agenda for the meeting

- 1. The Prime Minister introduces the issue** and explains the Commonwealth's ideas about how to approach it.
- 2. Each premier, chief minister and the President of ALGA explain their position** and priorities.
- 3. The Prime Minister summarises the discussion.** Is there a consensus on how the issue should be approached? What areas could be up for negotiation? Could the Commonwealth make separate deals with any states or territories so they support the Commonwealth's approach?
- 4. Meeting attendees talk with their team** to discuss if they should change their approach to the issue. Jurisdictions can also meet with each other to discuss how they could work together to get what they want for the people they represent. They could discuss and negotiate:
 - a.** Trade-offs in different areas (for example 'I will support your approach to the issue if in this other area you ...').
 - b.** Negotiate with the Commonwealth to add or remove tied grants (SPPs).
 - c.** Make other agreements with the Commonwealth.
- 5. The Prime Minister restarts the meeting** and asks members if they support the Commonwealth's approach. Meeting participants explain any proposals they have.
- 6. The Prime Minister calls for a vote through a show of hands.**

If a majority of meeting participants support the approach ...

Great! The national policy can now be implemented. The Australian Parliament, state parliaments and territory legislative assemblies will need to pass laws so that action can be taken on the issue.

However, a consensus would be even better.

Can changes and/or side agreements be made so all members can agree to it?

If a majority of meeting participants do not support the approach ...

That's a shame. The Prime Minister wants to make an agreement with the states and territories – but the support of a majority of the states, territories and ALGA is needed.

Can changes and/or side agreements be made so all members can agree to it?

Take a second vote to see if support for the proposal is now possible.

DEBATE A BILL OF RIGHTS FOR AUSTRALIA

Analyse arguments for and against having an Australian Bill of Rights, before debating the issue in a class parliament. This activity will take 2–3 lessons to complete.



AUSTRALIAN CURRICULUM LINKS

YEAR 9	• AC9HC9K01	• AC9HC9K02
	• AC9HC9S03	• AC9HC9S04
	• AC9HC9S05	
YEAR 10	• AC9HC10K01	• AC9HC10K03
	• AC9HC10K04	• AC9HC10K05
	• AC9HC10S03	• AC9HC10S04
	• AC9HC10S05	

Before you begin

1. **Read through the Make a law: House of Representatives Classroom activity on the PEO website.** After completing the Getting started activities you will use this activity to role-play a parliamentary debate with your class.
2. **Print a copy of the Write your own bill script (House).** You will find this in the toolbox for the Make a law: House of Representatives Classroom activity.
3. **With your class, use the 'rights' discussion starters (page 2)** to prompt conversation about the rights of citizens.
4. **Ask students to read the PEO's Rights in Australia infocus paper** to give context to the parliamentary debate.

Getting started

1. **Read the Universal Declaration of Human Rights with students.** The full declaration and a youth-friendly version are available at peo.gov.au. As a class, discuss:
 - Which of these rights are most important to you?
 - Which of these rights are most important in a democracy?
 - Which of these rights do you think are well protected in Australia? Which could be better protected?
2. **Define what a Bill of Rights is.** Use the glossary term at the bottom of the page as a starting point.
3. **Ask students to research arguments** for and against an Australian Bill of Rights, either individually or in pairs. Remind students to record their sources and think critically about each source's reliability.
4. **Use the opinion continuum discussion strategy (page 3)** to find out if students think Australia should have a Bill of Rights. Ask students to justify their position on the continuum using arguments they have uncovered in their research.
5. **Divide students into groups and ask them to draft a Bill of Rights for Australia.** Ask groups to share with the whole class which rights they have included and why.



Bill of Rights – a Bill of Rights is a formal, written declaration of the most important rights belonging to the citizens of a nation. It can be a law created by parliament or enshrined in the nation's constitution.



Why so many Bills?

Bill – 1. (middle English) any written document.
2. In Parliament, a proposal for a new law.

- 6. Select one group's Bill of Rights to be debated by the class parliament** as a possible Bill of Rights for Australia. Let one group member know that they will be the minister who introduces the bill to the class parliament next lesson. Write the name of the bill to be debated in the Write your own bill script.
- 7. Before the next lesson, distribute a copy of the selected Bill of Rights to all students.** Remind students that during their class parliament debate on this bill, they may give a speech supporting, opposing or suggesting a change to the selected Bill of Rights.

Activity

- 1. Use the Make a law: House of Representatives classroom activity on the PEO website** to role-play a parliamentary debate about an Australian Bill of Rights.
- 2. The Make a law: House of Representatives classroom activity** has been written for students from Years 5 to 10. To differentiate the activity so it is suitable for your students, you may wish to:
 - a.** Divide the class so the government does not have a clear majority. A minority government will make for a particularly close debate. If you have already completed the Minority government negotiation activity (page 10 of this booklet), you may wish to have students return to the same political parties. This will test some of the relationships that were formed with the crossbench during this earlier negotiation activity.
 - b.** Give your opposition the option of supporting the bill. Inform them that, in reality, the majority of bills are supported by both the government and the opposition. If your opposition chooses to support the bill, they should ask the government questions about their bill and push for changes to be made. (Which additional rights do they think should be included in the Bill of Rights? Which rights should be left out and why?)
 - c.** Give your students a free – conscience – vote on the Bill of Rights, so that instead of agreeing with their team, they can vote as they wish.



What happened?

- 1.** If the bill passed the House of Representatives, what would need to happen before it could become a law?
- 2.** Is it democratic for the Australian Parliament to decide which rights belong in an Australian Bill of Rights?
- 3.** A Bill of Rights can be passed as a law through parliament (legislative) or enshrined in a nation's constitution (constitutional). Today we argued for a legislative Bill of Rights. What steps would need to be taken for Australia to have a constitutional Bill of Rights? What might be the advantages – and disadvantages – of having the rights of citizens enshrined in the Australian Constitution?

INTERPRET THE CONSTITUTION

Discover how the High Court of Australia rules on constitutional disputes by role-playing the hypothetical case of *Lee v Electoral Commissioner*. This activity will take 2 lessons to complete.



AUSTRALIAN CURRICULUM LINKS

YEAR 9	• AC9HC9K01	• AC9HC9K03
	• AC9HC9K04	• AC9HC9S03
	• AC9HC9S04	• AC9HC9S05
YEAR 10	• AC9HC10K03	• AC9HC10K05
	• AC9HC10S03	• AC9HC10S04
	• AC9HC10S05	

Before you begin

1. **From the PEO website, use the PEO's Australian Constitution infocus paper** to review the purpose and structure of the Australian Constitution, and the role of the High Court of Australia in interpreting the Constitution.
2. **Use the Law at a glance worksheet (on pages 24–25)** to familiarise students with High Court cases related to voting in federal elections.
3. **Download the High Court script** from the classroom activities section of the PEO website and print copies for your students.

Getting started

1. **Set the scene for students with the following hypothetical scenario:** South Australia has lowered the voting age for state and local elections to 16. Alex Lee, a 16-year-old from Adelaide, attempted to vote in the most recent federal election. Although enrolled to vote, Alex was not allowed to vote on polling day for the federal election. Alex has decided to challenge the Australian Electoral Commissioner in the High Court and argue that they should have been allowed to vote. Alex argues section 41 of the Australian Constitution – which states that any adult person who has the right to vote in state elections cannot be prevented from voting federally – gives them the right to vote in federal elections.
2. **Organise the class into groups using the following organisational table.** There are 7 High Court justices and constitutional cases are heard by all the justices. However, this activity will work best if everyone in the class has a role.

GROUP	NUMBER OF STUDENTS	ROLE
Court Crier	Teacher	Make announcements during the hearing.
Applicant's legal team (including the lead counsel)	2–4	Prepare evidence and arguments on behalf of the applicant, Alex Lee.
Respondent's legal team (including the lead counsel)	2–4	Prepare evidence and arguments on behalf of the respondent, the Australian Electoral Commissioner.
Justices of the High Court of Australia (including the Chief Justice)	The rest of the class	Make a judgement based on their interpretation of the Constitution, relevant precedents and the submissions presented by the applicant's and respondent's lawyers.



Applicant – a person who makes an application to the court. Our applicant is Alex Lee.

Respondent – a person against whom an application is made. Our respondent is the Australian Electoral Commissioner.



The legal teams' written summary of their key arguments and the justices' judgements could be used as pieces of assessment.

Pro tip: when reading the name of a civil or constitutional court case aloud, the 'v' is pronounced 'and'. For criminal cases the 'v' is pronounced 'against'.

- 3. Ask each legal team to select their lead counsel and the justices to choose a Chief Justice.**
These people have speaking roles in the hearing.
- 4. Give all students time to research and prepare.** The Law at a glance worksheet (pages 24–25) is a great place to start. Students should consider the meaning of section 41 of the Constitution and how it applies to this case. Is Alex Lee an ‘adult person’ according to the Australian Constitution? And if Alex Lee is an adult, does section 41 guarantee their right to vote federally?

Justices should familiarise themselves with the case law and prepare a list of questions to ask the legal teams.

Legal teams should prepare their argument to present to the court. They will also need to provide a written summary of their key arguments to the justices prior to the hearing. The table on the Law at a glance worksheet can be used to summarise the key points.

Activity

- 1. Conduct the hearing according to the High Court script** you have downloaded and printed from the PEO website.
- 2. Give the justices time to prepare their judgements.** They can discuss their ideas with each other and can present their judgements individually or in groups.
- 3. Justices then explain to the court who they find in favour of and why.** The party that has the support of the majority of the justices wins the case.



What happened?

- 1.** High Court of Australia judges prepare highly detailed explanations justifying who they have decided to rule in favour of. These written judgements – including dissenting judgements – are available to read online. What is the value in keeping written records of judgements and making them publicly accessible?
- 2.** Sometimes, the Australian Parliament will make a new law in response to a High Court judgement. For example, the Australian Parliament passed legislation to create a process for recognising Native Title after the Mabo judgement. Do you think the Australian Parliament should take action in response to today’s judgement? Why/why not?
- 3.** ‘Judicial activism’ is broadly used to describe judgements that appear to be influenced by social and public policy considerations, rather than a strict interpretation of existing law. Some experts see judicial activism as a threat to the separation of powers in Australia; others believe this approach helps ensure the law is interpreted in light of current societal expectations.

Do you think any of the judges in today’s case practiced judicial activism? In other words, did it appear that their opinion on what the voting age should be in Australia influenced their interpretation of the Constitution? Do you think they should have allowed these opinions to influence their decision?

Interpret the Constitution – law at a glance worksheet

Justices

Familiarise yourselves with the case law on this worksheet and prepare a list of questions to ask the legal teams.

Legal teams

Familiarise yourselves with the case on page 25. Prepare your arguments to present to the court. You will also need to provide a written summary of key arguments to the justices prior to the hearing.

A table like the one below can be used to summarise key points:

KEY ARGUMENTS	PRECEDENT CASES
	KING V JONES (1972)
	R V PEARSON (1983)

The scenario

South Australia has lowered the voting age for state and local elections to 16-years-old. Alex Lee, a 16-year-old from Adelaide, attempted to vote in the most recent federal election. Although enrolled to vote, Alex was not allowed to vote on polling day for the federal election. Alex has decided to challenge the Australian Electoral Commissioner in the High Court and argue that they should have been allowed to vote. Alex argues section 41 of the Australian Constitution – which states that any adult person who has the right to vote in state elections cannot be prevented from voting federally – gives them the right to vote in federal elections.

Section of the Australian Constitution in dispute:

Section 41 (abridged) – No **adult person** who has or acquires **a right to vote** at **state** elections shall, while the right continues, be prevented by any law of the Commonwealth from voting at **Commonwealth** elections.

A matter of interpretation

The 2 questions the court will need to consider are:

1. What is the meaning of an 'adult person' under this section? Could Alex Lee be defined as an 'adult person'?
2. If Alex Lee is an 'adult person', does this section guarantee their right to vote in federal elections?

After hearing arguments from both sides, it is up to each High Court judge to decide how they interpret section 41 in relation to this case. In arriving at their decision, they will need to consider:

- how the section has been interpreted by other judges in past cases (i.e. precedents).
- how the section should be interpreted today, considering the current social context.

Interpret the Constitution – what is the meaning of an ‘adult person’?

Key precedent case: King v Jones (1972)

Facts: In 1972 South Australia and Western Australia lowered the voting age for state elections from 21 to 18-years-old. Susan King, an 18-year-old in South Australia, tried to enrol to vote in federal elections. Her enrolment was refused because the law stated the voting age for federal elections was 21. King argued in the High Court that she had a right to vote in federal elections under section 41 of the Constitution.

Issue: The main issue considered by the Court was the meaning of the words ‘adult person’ under section 41.

Verdict: The High Court unanimously decided Susan King was not an adult person.

Reasoning: The Court held that the meaning of ‘adult’ for the purposes of section 41 was fixed with the meaning it had in 1901, which was 21.

To consider: In 1973 the Parliament of Australia passed a law to lower the voting age to 18-years-old for federal elections.

- How and why has ‘the ordinary legal meaning’ of an adult changed since 1972?
- What factors should be considered when defining what it means to be adult?
- Can Alex Lee be considered an adult by today’s standards?

Does section 41 guarantee a right to vote in federal elections?

Key precedent case: R v Pearson (1983)

Facts: In 1983 a federal law stated that, if you enrolled to vote after 6pm on the day a federal election was called, your enrolment would not be processed until after the election.

Four adult citizens from New South Wales who were enrolled to vote in state elections, tried to enrol to vote in the 1983 federal election after the cut-off time. When they were refused, they took the case to the High Court, arguing that section 41 meant they had a constitutional right to vote in the upcoming federal election.

Issue: The main issue considered by the Court was whether section 41 guaranteed the 4 adult citizens a right to vote in the federal election.

Verdict: A majority of 6 judges found that section 41 does not guarantee a right to vote in federal elections.

Reasoning: The majority argued that when the Constitution was written the purpose of section 41 was to make sure those who could vote in state elections could also vote federally but only up until the newly created Australian Parliament made laws to define who could vote (which it did in 1902). Anyone who enrolled to vote at a state level after 1902 could not rely on this section to give them a right to vote federally.

To consider:

- If section 41 did guarantee a right to vote, the states could have influence over who could vote in federal elections. What could be the consequences of this?
- The dissenting judgement in R v Pearson argued that the plain words of section 41 did guarantee a right to vote. Justice Murphy said that ‘a right to vote is so precious that it should not be read out of the Constitution by implication’. To what extent do you agree with this statement?

CONDUCT A LAW REFORM INQUIRY

Students investigate an issue they believe should be the subject of law reform. They present their recommendations for reform to a citizens' jury of their peers. This activity will take 2–4 lessons to complete.



YEAR 9

AUSTRALIAN CURRICULUM LINKS

- [AC9HC9K02](#)
- [AC9HC9K03](#)
- [AC9HC9K05](#)
- [AC9HC9S01](#)
- [AC9HC9S02](#)
- [AC9HC9S03](#)
- [AC9HC9S04](#)
- [AC9HC9S05](#)

Before you begin

1. **Use the 'action' discussion starters (page 2)** to prompt discussion about how citizens can influence law reform.
2. **Brainstorm examples of changes to Australian laws.** What significant changes have students seen in their lifetime? What historical changes do they know of? You may wish to discuss Carly's law, marriage equality or gun law reform as historic examples. Discuss why these changes came about and what factors drive law reform.
3. **Ensure the class has a shared understanding of what law reform is** and the role of the Australian Law Reform Commission (ALRC) in the process. Emphasise to students the influence that submissions lodged by members of the public and organisations can have on the law reform process.
4. **Visit the Australian Law Reform Commission's website (alrc.gov.au)** to explore past and present inquiries they have conducted. As a class, brainstorm the individuals and organisations who might prepare a submission for these inquiries. Discuss why it is important to receive submissions from a broad range of stakeholders, and why individuals and groups may want to contribute to an inquiry.

Getting started

1. **As a class, brainstorm current issues in Australia that could be the subject of a law reform inquiry.** Remind students law reform usually responds to an identified problem or need. In their opinion, what are some laws or features of the legal system they feel are unfair, out-dated or difficult to access? What are some issues in society that could be better regulated by the law?

Below are some broad topics students may wish to use as a starting point.

Poverty in Australia	Copyright	Cyber-bullying
Incarceration of children	Euthanasia	Truth in political advertising
Access to justice	Data privacy	Anti-discrimination
Environmental protection		

2. **Divide students into teams of 3–4.** Each team must decide on a law reform issue to investigate further. Alternatively, you may wish to act as the Attorney-General and assign topics to teams that are relevant to your unit of study.
3. **Students brainstorm inquiry questions in their teams.** What information will they need to find out? Whose perspectives will they need to consider? Remind students that while they may have already formed views on the issue, their aim is to research a range of perspectives and viewpoints.



Law reform – the process of examining existing laws and advocating for change in order to make the legal system more modern, efficient, simple and/or just.

Australian Law Reform Commission (ALRC) – an independent body that undertakes research and recommends reform on topics selected by the Attorney-General of Australia.

Attorney-General of Australia – a minister in the Australian Government and the chief law officer of the Commonwealth of Australia.

Research activity – the law reform inquiry

- Groups investigate existing laws that relate to their topic.** What current laws relate to this issue? Why might reform be required?
- Groups investigate stakeholder perspectives.** Groups research individuals and groups with a range of perspectives. They might look at non-government organisations, religious groups and activist groups who have concerns about this issue.
- Optional step: groups invite submissions from peers, parents, teachers and other community members.** Groups will need to decide how to collect this data (for example a survey or inviting respondents to write a short paragraph). Doing this will bring an element of authenticity to the inquiry process.
- Groups review their research and submissions.** Each group should be able to answer the following questions:
 - Are there recurring points of view?
 - Do some perspectives conflict?
 - Will it be possible to make recommendations that satisfy all stakeholders? If not, whose interests will you prioritise and why?
- Each group prepares a list of recommendations** about what specifically should be done to better address the issue. The groups present their recommendations to the class.

Citizens' jury

This part of the activity will give students an opportunity to present their findings to the whole group and to engage in democratic processes as a class.

- Explain the function of citizens' juries** is to deliberate and collaboratively decide on changes to law and/or policy after listening to and discussing expert evidence. Citizens' juries make these recommendations to law-makers and other decision makers.
- Decide as a class how your citizens' jury will make decisions.** Will all members need to agree to a recommendation? Or will you require a 'super majority' (80% in agreement) or be satisfied with an absolute majority (more than 50%)?
- Invite groups to present the findings of their law reform inquiry to the citizens' jury.** The presenting group are experts on their issue and the rest of the class is the citizen jury. The presenting group should not try to persuade the jury to accept a point of view but should educate them on the range of viewpoints they have gathered. Each group will present their 3 recommendations.
- After each presentation, the citizens' jury discusses the arguments for and against the recommendations before taking a vote on each one.**



What happened?

1. The Australian Law Reform Commission is an independent agency. This means it is not part of the government or the Australian Parliament. What is the value of having an independent law reform commission?
2. Did you already have an opinion on the issue you investigated before you began researching? What was the basis for this opinion? In general, where do you think your viewpoints on political and social issues come from?
3. Discuss whether you think Australia should make use of citizens' juries. In your opinion, is the process fair or necessary in a representative democracy? How could students influence law makers to make these changes in real life?

RESOURCES

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Duration: 30 minutes
Years: 3–4



Parliamentary Insider

Duration: 50 minutes
Years: 5–12



Power and the people: Australia's Constitution

Duration: 50 minutes
Years: 9–12



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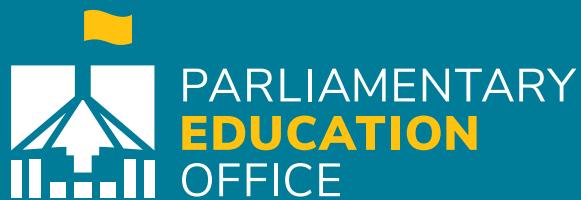


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