



Office of the Legislative Assembly

Civics and Citizenship—Australian curriculum

The Australian Constitution—A Constitutional Convention (Year 7)

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A Constitutional Convention

This resource has been developed to provide teachers with a framework designed to facilitate students' participation in a constitutional convention. The aim is to promote understanding and informed discussion about the Constitution, the federal system of government, and how changes to the Constitution are made via a referendum. Teachers can use this resource to follow a structured program to guide students through a series of activities to learn about the Australian constitution, look at a constitutional issue through a case study before finally selecting a constitutional topic for/with students allowing them to investigate, discuss and vote on the issue to demonstrate the process of constitutional change in Australia. Students will watch and listen to presentations, view historical documents, participate in a roleplay and discussion groups, and vote in a mock referendum on constitutional change.

Australian curriculum

Key inquiry question—How is Australia's system of democratic government shaped by the Constitution?

- The key features of government under the Australian Constitution with a focus on: separation of powers, the roles of the executive, the houses of Parliament, and the division of powers (ACHCK048).
- The process for constitutional change through a referendum (ACHCK049).
- Critically analyse information and ideas from a range of sources in relation to civics and citizenship topics and issues (ACHCS056)

Introduction

This convention process outlined in this resource is designed to flow from one activity to the next. It is able to be conducted across one day (a good approach for an entire year 7 cohort comprising multiple classes) or broken down into multiple lessons for a single class with individual activities structured by the teacher within the available time. The learning activities associated with the convention are as follows:

- learning about the Australian Constitution (three activities);
- study the Tasmanian Dam case to learn how the constitution was used to protect the environment (two activities);
- reforming the Constitution, teacher/students select a topic for discussing as a proposed Constitutional change (one activity); and
- conduct a referendum on your proposed Constitutional change (one activity).

Learn about the Australian Constitution

(suggested time for activities 1-3 is 1 hour 30 minutes)

Watch an introductory video [*The Australian Way Movie*](#) by the Constitution Education Fund Australia (5 minutes 40 seconds).

Activity 1—What do you know about the Australia Constitution? (suggested time 10 minutes).

Test your current knowledge with this [Australian Constitution quiz](#) available through the Parliamentary Education Office. This quiz can also be completed through [Kahoot!](#). Keep a record of how you went as this quiz will be done again at the end of this section of the convention.

Activity 2—Build your knowledge (suggested time 40 minutes).

1. Watch—Introduction to the [Australian Constitution](#)—short video by the Parliamentary Education Office (2 minutes 30 seconds).
2. Group discussion—break into 6 equal groups, each group will discuss one of the [six principles](#) underlying the Australian Constitution and create a definition for their principle. Each group reports back to the class on the group definition which should be recorded on a whiteboard/butchers paper (suggested time 15 minutes):
 - a. democracy;
 - b. rule of law;
 - c. separation of powers;
 - d. federalism;
 - e. nationhood; and
 - f. rights.
3. Watch—[The Journey: how Australia came to be](#) (the birth of our nation at Centennial Park) by the Constitution Education Centre (6 minutes 40 seconds).
4. Class discussion—review the definitions of the six principles, are they correct or do they need to be adjusted after watching the video (suggested time 10 minutes).

Optional Extension—In-depth video [Gist of it: the Constitution](#) (15 minutes) by Liberty Victoria in association with Amnesty Foundation and Australian Lawyers Alliance.

Activity 3—Australian Constitution (suggested time 30 minutes).

1. Watch—[The Australian Constitution](#) for a brief explanation of the Constitution (Australian Human Rights Commission) (1 minute 40 seconds).
2. Students—review [Australian Constitution online](#) (Parliamentary Education Office) followed by a broad teacher-led discussion about the key aspects of the Constitution (15 minutes):
 - a. Chapter 1: The Parliament—establishes the federal parliament which consists of the Queen, represented by a Governor-General and a bicameral parliament made up of the Senate and House of Representatives, powers of the parliament are listed in part 5, particularly in sections 51 and 52;
 - b. Chapter 2: The Executive Government—establishes powers of the government including the Queen, Governor-General and federal cabinet made up of the government ministers;

- c. Chapter 3: The Judiciary—creates the federal courts, including the High Court to interpret and settle disputes around constitutional issues;
 - d. Chapter 4: Finance and Trade—deals with trade and commerce matters in Australia including creating a single market thereby removing interstate trade barriers;
 - e. Chapter 5: The States—establishes the relationship between the Australian parliament and the states and territories, including section 109 which allows federal law to override state law where there is conflict;
 - f. Chapter 6: New States—establishes how new states/territories can be created and includes section 122 which allows the Australian parliament to make laws for Territories;
 - g. Chapter 7: Miscellaneous—establishes the federal capital (Canberra); and
 - h. Chapter 8: Alteration of the Constitution—establishes how the Constitution can be changed through referendums.
3. Have you learnt more about the Australia Constitution?—Repeat the Parliamentary Education Office [Australian Constitution](#) quiz or on [Kahoot!](#) (10 minutes).

Case study on the Australian Constitution

(suggested time for activities 4 and 5 is 1 hour 30 minutes)

Activity 4—Tasmanian Dam case (suggested time 30 minutes).

In 1983, the High Court of Australia decided that the Commonwealth had the power under section 51 (xxix) (i.e. the external affairs power) of the Australian Constitution to stop the construction a hydro-electric dam on the Franklin River in South-West Tasmania based on Australia's international obligations under the World Heritage Convention.

1. Watch—National Museum of Australia video [1982: Franklin Dam protests](#) (scroll down the page to the video 3 minutes 9 seconds), wiki education video [Tasmanian Dam Case](#) (1 minute 43 seconds) and the ABC's [Franklin River campaign](#) (6 minutes 58 seconds).
2. Review case information—provide every student with a copy of [The Constitution saves the Franklin River](#) resource from the Australian Constitution Centre.
3. Read—Australian Constitution online, what is [section 51 \(xxix\)](#)?
4. Class discussion—What was the case being put by the Tasmanian Government? What was the case being put by the Commonwealth Government? What was the impact of the High Court's decision? (suggested time 10 minutes).

Activity 5—Roleplay the making of the Commonwealth law that was passed in the Tasmanian Dam case (suggested time 1 hour).

1. Set up the classroom to look like a parliamentary chamber (Resource 1)
2. Roleplay—Use the Museum of Australian Democracy (MoAD) teacher resource [The Franklin River debate 1983](#) to conduct a role play on the bill that was passed by the Australia parliament to prevent the construction of the Franklin Dam.
3. Class discussion—Reflect on the session, answer questions and clarify any issues raised.

Reforming the Australian Constitution

(suggested time for activity 6 is 1 hour)

Activity 6—Exploring proposed constitutional changes.

1. Review—watch this [Constitution](#) video (ABC 4 minutes 15 seconds).
2. Choose—an issue for proposed change to the constitution which becomes the topic for your own constitutional convention (see listed below). Note: this is only a selection of possible reforms, classes may wish to research and determine their own topics for constitutional reform, the following activities are suitable for any topic selected.
3. Individual research—each student to research issues about the proposed change, identifying one reason people should vote YES to the change and one reason they should vote NO to the change. These can be discussed during the group session.
4. Making the case—Break into four groups, each group will represent the states and territories as set out below. Each group to discuss the YES and NO cases for the proposed change. The group to identify its two most compelling reasons for the YES and the NO cases that will be reported back to the whole class (see point 5 below). The students to be divided into groups as follows:
 - a. New South Wales 1/3 of students in the class;
 - b. Victoria and Queensland 1/3 of students in the class;
 - c. Territories—NT and ACT represented by 3 students; and
 - d. Western Australia, South Australia, Tasmania remainder of the class.

Option for a whole of year 7 group (multiple classes)—Divide students into individual state groups, divide into various group sizes as a percentage of students in similar proportions to the voting population of Australia—NSW (approximately 32% of students), Victoria (approximately 26% of students), Queensland (approximately 20% of students), WA (approximately 10% of students), SA (approximately 7% of students), Tasmania, ACT and NT (remainder of students, split evenly with a minimum of 2 students for each one).

5. Report—each group to report back on their two reasons why people should vote either YES or NO on this change to the constitution. Record the main points on a whiteboard/butchers paper for each of the cases (YES/NO).

Optional Extension—Compile YES/NO cases into an information booklet for distribution to student voters before a referendum is conducted.

Possible topics for proposed Constitutional changes

A range of topics with a short introductory video to provide context to the issue are provided below. Students will need to conduct further research into the YES and NO cases for their chosen topic to get a deeper understanding of the proposed change before proceeding to a vote on the issue.

Note: Teacher and/or students can select a topic outside of these suggestions to suit the course of study being undertaken.

Australia should become a republic

[Republic](#) (ABC 3 minutes 35 seconds)—Proposed question: To alter the Constitution to establish the Commonwealth of Australia as a republic by replacing the Queen and the Governor-General with a President.

Indigenous issues

1. [Changing the Constitution to stop racial discrimination](#) (Referendum Council 1 minute 13 seconds)
 - a. [The power to make laws for Aboriginal and Torres Strait Islander Peoples](#) (section 51 (xxvi)) (Referendum Council 1 minute 19 seconds)—Proposed question: To alter the Constitution to ensure that in section 51(xxvi) “special laws” made for any citizen **not be made** if they discriminate.
 - b. [Getting rid of section 25](#) (Referendum Council 55 seconds)—Proposed question: To alter the Constitution by removing section 25.
 - c. [An Indigenous voice](#) (Referendum Council 1 minute 19 seconds)—Proposed question: To alter the Constitution to establish an indigenous advisory body in the Commonwealth parliament.
2. [Constitutional recognition](#) (ABC 5 minutes 11 seconds)—Proposed question: To alter the Constitution to insert a preamble.

Section 44: Citizenship of elected representatives

[Dual Citizenship](#) (ABC 4 minutes and 15 seconds)—Proposed question: To alter the Constitution to amend section 44 to allow dual citizens to be members of the Commonwealth parliament.

Section 7 & 28: Terms of parliament

[Parliamentary terms](#) (ABC 3 minutes and 56 seconds)—Proposed question: To alter the Constitution to provide for 4 year maximum terms for members of both houses of parliament.

Conducting a referendum

(suggested time for activity 7 is 1 hour)

Activity 7—Changing the Australia Constitution by referendum.

1. Watch—Australia’s most successful Constitutional change the [1967 referendum](#) (ABC 4 minutes 4 seconds).
2. Factsheet—[The Australian Constitution alteration process](#) (Australian Electoral Commission).
3. Watch—[How votes in a referendum are counted](#) (Australian Electoral Commission 2 minutes 2 seconds).
4. Factsheet—[Double majority](#) (Australian Electoral Commission).
5. Divide the class back into the same four state/territory groupings in activity 6.
6. Review—Remind students of the question for which they must vote in this referendum, and main points for the YES/No cases.
7. Distribute the ballot papers to students (resource 2). The template can be printed and will need to be cut to provide individual ballots for each student to vote
8. Voting—students write YES or NO on their ballot paper and place these in a ballot box after completion. (The teacher will need to provide a container to be a ballot box—multiple class option requires either individual boxes for each state/territory or use different coloured paper for each state/territory group).
9. After voting is completed tip out the votes and sort into 4 piles for each of the groups, sort each of these 4 piles individually into YES/NO votes:
 - a. NSW;
 - b. Vic/Qld;
 - c. ACT/NT; and
 - d. WA/SA/Tas.

(Option for the whole of year 7 group (multiple classes)—Count and record each state/territory group individually—NSW, Vic, Qld, WA, SA, Tas, ACT and NT).
10. Count the number of YES and NO votes for each group and record the results on the tally board (resource 3):
 - a. Did the majority of students vote YES or NO (note: a tied vote means NO); and
 - b. Did the majority of states vote YES or NO, this means 2 out of the 3 state groupings must vote YES for the change to pass, the two territories (ACT/NT) are not counted as part of the state majority vote.
11. If you answer YES to both the majority questions the referendum is passed and the Commonwealth parliament must change the constitution to reflect the will of the people. If the answer to either of these questions is NO then the constitution will not be changed.

Reflection

(suggested time for activity 8 is 15 minutes)

Activity 8—Constitutional change.

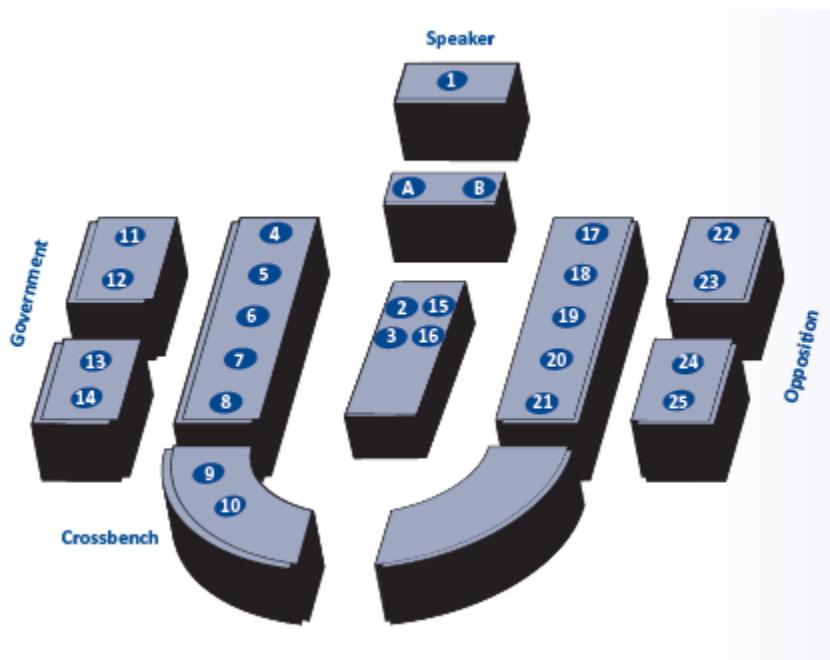
1. Factsheet—[*Referendum dates and results*](#) (Australian Electoral Commission)
2. Class discussion:
 - a. What happened in your referendum, why was it successful/unsuccessful?
 - b. Why have only 8 of the 44 referendums since 1901 in Australia passed?
 - c. Can you explain how the double majority works? Is this a good system for changing the Australian Constitution? and
 - d. If you were designing a system to change the constitution today what might it look like?

Resource 1: Parliamentary Chamber

Allocate student roles for the roleplay as outlined in the Museum of Australian Democracy (MoAD) teacher resource [The Franklin River debate 1983](#).

Classroom set-up

Organise the classroom to look like a parliamentary chamber (ACT Legislative Assembly chamber pictured). Tables can be used for the Speaker, clerks and leaders, surrounded by chairs in a “U” shape for all other members. Once everyone is in position and ready to commence the role play, all students should be standing and then the Serjeant-at-Arms and the Speaker can enter the chamber in a procession. Once the Speaker is seated all other members can sit.



Key

1. Speaker (usually a Government member)
- A-B. Clerk, Deputy Clerk/Serjeant-at-Arms (not members)
- 2-3 & 15-16. Leaders table (leaders and deputies of the Government and Opposition parties)
- 4-8. Government ministers and 11-14 Government backbenchers
- 9-10. Crossbench (second unnumbered curved bench is also a crossbench)
- 17-25. Opposition members

Resource 2: Ballot paper templates

Ballot paper for one class

Ballot Paper	Ballot Paper	Ballot Paper	Ballot Paper
Referendum on a proposed Constitutional alteration (sample ballot for education purposes)	Referendum on a proposed Constitutional alteration (sample ballot developed for education purposes)	Referendum on a proposed Constitutional alteration (sample ballot developed for education purposes)	Referendum on a proposed Constitutional alteration (sample ballot developed for education purposes)
NSW	Victoria & Queensland	ACT/NT	WA, SA & Tasmania
DIRECTIONS TO VOTER Write “YES” or “NO” in the box provided opposite the question below. A PROPOSED LAW: To alter the Constitution to (insert question text) Do you approve this proposed Alteration? <input type="checkbox"/>	DIRECTIONS TO VOTER Write “YES” or “NO” in the box provided opposite the question below. A PROPOSED LAW: To alter the Constitution to (insert question text) Do you approve this proposed Alteration? <input type="checkbox"/>	DIRECTIONS TO VOTER Write “YES” or “NO” in the box provided opposite the question below. A PROPOSED LAW: To alter the Constitution to (insert question text) Do you approve this proposed Alteration? <input type="checkbox"/>	DIRECTIONS TO VOTER Write “YES” or “NO” in the box provided opposite the question below. A PROPOSED LAW: To alter the Constitution to (insert question text) Do you approve this proposed Alteration? <input type="checkbox"/>

Ballot paper for multiple classes

Collect ballot papers for each state/territory in separate ballot boxes or alternatively provide each state/territory with different coloured ballot papers for counting the votes for the tally board.

Ballot Paper	Ballot Paper	Ballot Paper	Ballot Paper
Referendum on a proposed Constitutional alteration (sample ballot for education purposes)	Referendum on a proposed Constitutional alteration (sample ballot for education purposes)	Referendum on a proposed Constitutional alteration (sample ballot for education purposes)	Referendum on a proposed Constitutional alteration (sample ballot for education purposes)
DIRECTIONS TO VOTER Write “YES” or “NO” in the box provided opposite the question below. A PROPOSED LAW: To alter the Constitution to (insert question text) Do you approve this proposed Alteration? <input type="checkbox"/>	DIRECTIONS TO VOTER Write “YES” or “NO” in the box provided opposite the question below. A PROPOSED LAW: To alter the Constitution to (insert question text) Do you approve this proposed Alteration? <input type="checkbox"/>	DIRECTIONS TO VOTER Write “YES” or “NO” in the box provided opposite the question below. A PROPOSED LAW: To alter the Constitution to (insert question text) Do you approve this proposed Alteration? <input type="checkbox"/>	DIRECTIONS TO VOTER Write “YES” or “NO” in the box provided opposite the question below. A PROPOSED LAW: To alter the Constitution to (insert question text) Do you approve this proposed Alteration? <input type="checkbox"/>

Resource 3: Tally boards

Tally board for one class

	Number of YES votes	Number of NO votes	State majority YES or NO
NSW			
Victoria and Queensland			
WA, SA and TAS			
ACT/NT			N/A
Total votes			Total votes majority (circle result) YES or NO

Did the referendum pass?

1. More than 50% of the voting population voted YES
2. More than 50% of the states voted yes (2 of the 3 state groups voted yes)

Tally board for multiple classes

	Number of YES votes	Number of NO votes	State majority—YES or NO
New South Wales			
Victoria			
Queensland			
Western Australia			
South Australia			
Tasmania			
Australian Capital Territory			N/A
Northern Territory			N/A
Total votes			Majority—YES or NO

Did the referendum pass?

1. More than 50% of the voting population voted YES
2. More than 50% of the states voted yes (2 of the 3 state groups voted yes)