

Civics and Citizenship Level 10

Chapter 4 — Skills: investigating and evaluating

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Building and judging investigation questions on current issues

In earlier years you learned to refine a question so it can actually be answered — turning a big topic like “pollution” into a question with one clear focus. At Level 10 you go a step further: you **develop** questions about live political, legal and civic issues, and you **evaluate** them — judging which question will give the most useful answer *before* you spend time investigating.

Curriculum trace — Victorian Curriculum 2.0, Civics and Citizenship, Level 10

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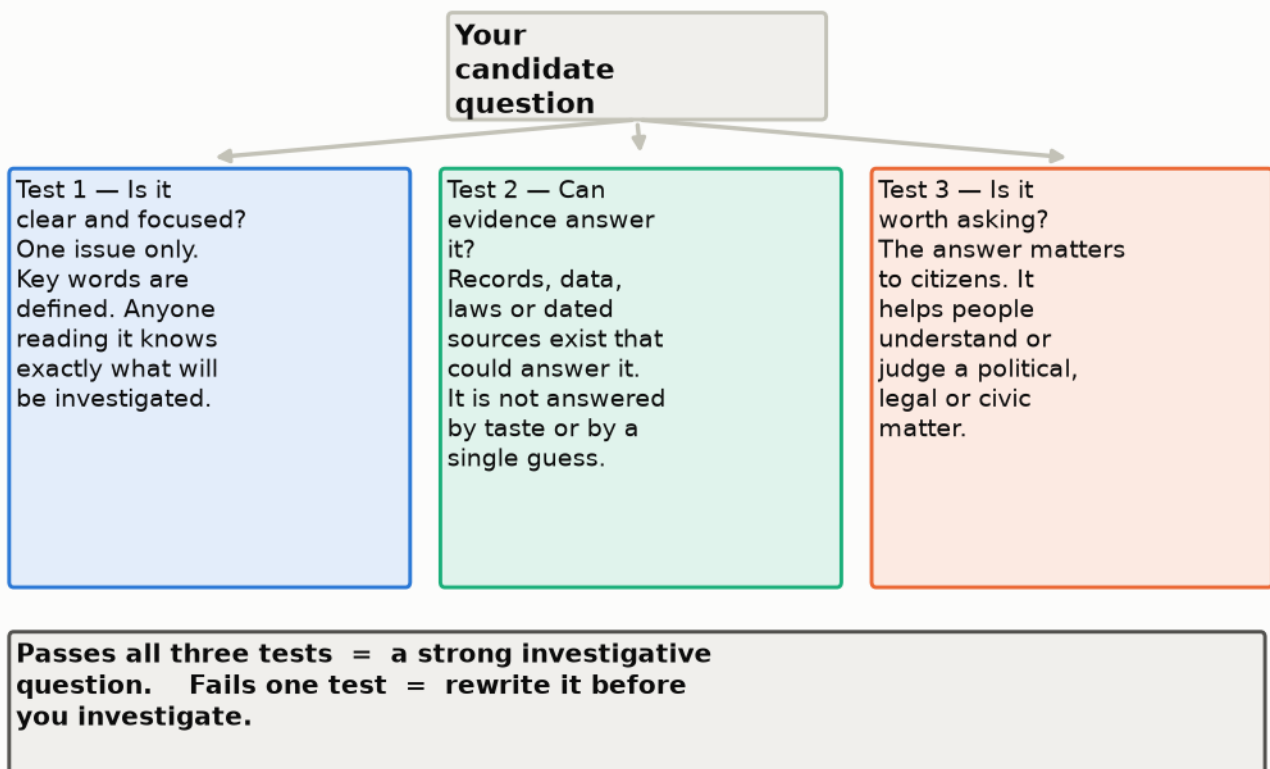
Elaboration VC2HC10S01.E01

Elaboration VC2HC10S01.E02 (this pairs with Section 1D)

Theory

An **investigation question** is a question built to be answered with evidence and reasoning, not with taste or opinion. A good one names one issue, one place and one time, and defines its key words. Before you accept any question — your own or someone else’s — run it through three tests.

The three tests of a strong investigative question



Original figure prepared by ClassBasics for Civics and Citizenship Level 10, Section 4A (VC2HC10S01).

Three test boxes labelled Test 1 clear and focused, Test 2 can evidence answer it, Test 3 is it worth asking, branching from a candidate question box, with a strip stating that passing all three gives a strong question

Three types of question build on each other. Factual questions fix what happened; explanatory questions connect the facts; evaluative questions weigh the evidence and the perspectives to judge how well something worked. Most civic investigations end at an evaluative question.

Three types of investigative questions

Type	What it asks	Example (real and dated)
Factual	What is, or what happened? Establishes the facts: who, what, when, where. Answered by records, data and official documents.	When did the Australia-Tuvalu Falepili Union enter into force, and how many visa places a year does it provide?
Explanatory	How or why did it happen? Explains causes, processes and connections between the facts.	How does the Australian Government use aid and treaties to respond to climate risks in the Pacific?
Evaluative	How well, or to what extent? Weighs evidence and different perspectives to judge something against clear standards.	How well has the mobile phone ban worked in Victorian government schools since Term 1 2024?

Most Year 10 civic investigations use all three types: facts first, then explanation, then a final evaluative question. The evaluative question is usually the end point, because the Level 9-10 standard asks you to judge issues using evidence and a range of perspectives.

Original figure prepared by ClassBasics for Civics and Citizenship Level 10, Section 4A (VC2HC10S01).

Table of three question types, factual, explanatory and evaluative, each with what it asks and a real dated example

Audit the assumptions. A question can carry claims it never argues — those hidden claims are its **assumptions**. A loaded question has already picked a side before any evidence is checked, so it cannot lead a fair investigation. The swap test exposes this: remove the loaded word and ask if the question is still the same one.

Audit the assumptions inside a question

A question can carry claims it never argues. Before you answer a question, list what it already assumes.

Loaded question: "When will Victorian government schools drop the pointless phone ban?"

It assumes the ban is pointless. That is the very claim an investigation should test, not assume.

It assumes the schools will drop it. The investigation might find the ban stays, grows or changes.

It assumes only the timing is open. It closes off the options before any evidence is looked at.

Rewritten to test, not assume: "How well has the mobile phone ban worked for students and teachers in Victorian government schools since Term 1 2024?"

Swap test: change one loaded word and see if the question changes. If "pointless" is removed and the question is the same question, that word was doing argument work and belongs in the answer, not the question.

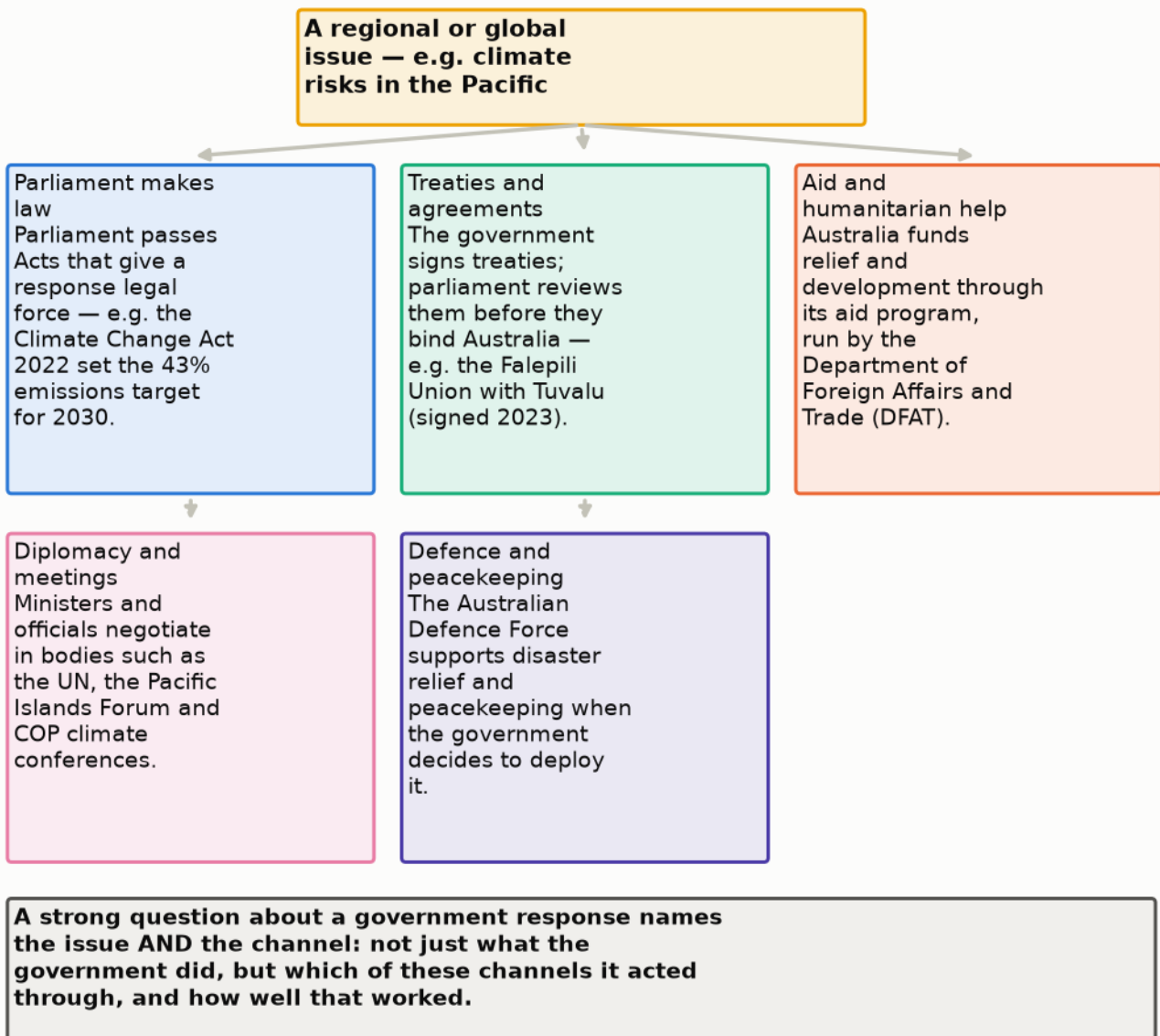
Original figure prepared by ClassBasics for Civics and Citizenship Level 10, Section 4A (VC2HC10S01).

Loaded question about dropping the pointless phone ban split into three assumption boxes, then rewritten as a neutral question, with the swap test tip

Evaluate, then pick. Evaluating brainstormed questions means applying the three tests to each and choosing the one that will give the most useful answer. Do it symmetrically: a strong question must be one that supporters *and* critics of a policy could both accept as fair. If only one side could accept it, the question is doing argument work.

Naming a government response. When the issue is regional or global, the Australian Government acts through set channels — law, treaties, aid, diplomacy and defence. A sharp question names the channel it is judging, not just “the government”.

How the Australian Government responds to a regional or global issue — the channels to name in your question



Original figure prepared by ClassBasics for Civics and Citizenship Level 10, Section 4A (VC2HC10S01, elaboration VC2HC10S01.E02; draws on Section 1D). Facts from aph.gov.au and dfat.gov.au, retrieved 26 August 2026.

Issue box for climate risks in the Pacific with five channel boxes, Parliament makes law, treaties and agreements, aid and humanitarian help, diplomacy and meetings, defence and peacekeeping, and a strip saying a strong question names the issue and the channel

Worked examples

Example 1 — scaffolded

Brainstorm and evaluate questions about one civic issue: the phone ban in Victorian government schools (in place from Term 1 2024).

Step 1 — Brainstorm without judging. Write down every question that comes to mind, good and bad: the table below shows six.

Step 2 — Run the three tests on each. The table records the checks. Q1 fails Test 1 (“everywhere” is never defined). Q4 fails Tests 1 and 2 (“ruin” has no standard, so no evidence could settle it). Q6 fails Test 1 by assuming there are exactly two fixed sides.

Step 3 — Sort the survivors. Q2 is only a factual step (it finds the rule, not how well it works); Q3 is a useful sub-question about one group. Q5 passes all three tests, so it becomes the main question.

Worked Example 1 — brainstorming and evaluating questions about the Victorian school phone ban

Issue: from Term 1 2024, students in Victorian government schools may not use mobile phones during the school day, including breaks, unless an exemption applies.

Brainstormed question	Clear and focused?	Evidence could answer it?	Worth asking?	Verdict
Q1. Should phones be banned everywhere?	No — vague scope	Yes	Yes	Rewrite
Q2. What is the rule about phones in Victorian government schools since Term 1 2024?	Yes	Yes — policy text	Partly	Factual step
Q3. Why do some students dislike the phone ban?	Yes	Yes — surveys	Yes	Sub-question
Q4. Do phones ruin a whole generation?	No — 'ruin' undefined	No — no standard	Partly	Rewrite
Q5. How well has the phone ban worked for students and teachers in Victorian government schools since Term 1 2024?	Yes	Yes — data exist	Yes	Main question
Q6. Which side of the phone ban debate is right?	No — two fixed sides?	Partly	Partly	Rewrite

Selected question: Q5. It names one issue, one place and one time; policy documents, surveys and school data can answer it; and people can reasonably disagree about the answer, so evidence and perspectives both matter.

Model evaluation prepared by ClassBasics for Civics and Citizenship Level 10, Section 4A (VC2HC10S01, elaboration VC2HC10S01.E01). Policy details from education.vic.gov.au, retrieved 26 August 2026.

Worked example table rating six brainstormed phone ban questions against the three tests, with Q5 selected as the main question

Step 4 — Check symmetry. A supporter and a critic of the ban could both accept Q5 as fair — that is what makes it ready to investigate.

Example 2 — scaffolded

Develop one strong question about a regional issue by improving a draft, step by step. The issue is the Falepili Union, the treaty Australia signed with Tuvalu in 2023.

Draft 1 fails Test 1 — “good” has no standard. **Draft 2 fails Test 2** — a yes/no question about “the right thing” invites opinions, not evidence. **Draft 3 passes Tests 1 and 2** but misses the debate, so the final draft adds the perspectives: it asks how well the visa pathway works *and* what supporters and critics each say about the limit of 280 visas a year. Putting each side at its strongest keeps the question fair to both.

Worked Example 2 — climbing from a weak draft to a strong investigative question

Issue: Australia and Tuvalu signed the Falepili Union treaty in 2023. It includes a visa pathway of 280 places a year for Tuvaluan citizens and commitments to work together on climate change. Supporters say it offers a dignified way to move plus help to stay; critics say the visa limit is too small for a population of about 11,000.

Draft 1: Is the Falepili Union good?

Fix: 'good' has no standard. Good for whom, judged how? Add a clear criterion.

Draft 2: Did Australia do the right thing by signing the Falepili Union?

Fix: a yes/no question about what is 'right' invites opinions, not evidence. Open it up and make it something you can measure.

Draft 3: How does the Falepili Union visa pathway respond to climate-related movement for Tuvaluans?

Fix: better — it is open and evidence exists. But it skips the debate. Bring the perspectives into the question.

Final: How well does the Falepili Union visa pathway respond to climate-related movement for Tuvaluans, and what do supporters and critics each say about the limit of 280 visas a year?

Strong: 'how well' sets the criterion; supporters and critics are each put at their strongest, and evidence can answer it.

Model question-improvement sequence prepared by ClassBasics for Civics and Citizenship Level 10, Section 4A (VC2HC10S01, elaboration VC2HC10S01.E02). Facts from dfat.gov.au, retrieved 26 August 2026.

Worked example showing four stacked drafts of a Falepili Union question, red weak drafts improving through a yellow draft to a green final question, each with a fix note

The issue bank below supplies the six real, dated issues used in the practice tasks. All are within your recent memory, and each names the institution that holds the evidence.

Issue bank — six real, dated issues to question in this section

Issue	Kind	When and where	Key institution
Federal election won by Labor under Anthony Albanese	Political	Australia, 3 May 2025	Australian Electoral Commission (AEC)
Local council elections across Victoria	Civic	Victoria, October 2024	Victorian Electoral Commission (VEC)
Phone ban across the school day in Victorian government schools	Civic and legal	Victoria, from Term 1 2024	Victorian Department of Education
National law: minimum age of 16 for major social media platforms	Legal	Passed November 2024; in force 10 December 2025	Federal Parliament; eSafety Commissioner
2035 emissions target of 62-70% below 2005 levels, set before the Baku UN climate talks	Political and legal	Australia, November 2024	Climate Change Act 2022
Humanitarian response to the Turkiye-Syria earthquakes	Global response	From 6 February 2023	DFAT; search and rescue teams

Issue list prepared by ClassBasics from public official sources (aec.gov.au, vec.vic.gov.au, education.vic.gov.au, aph.gov.au, esafety.gov.au, dfat.gov.au), retrieved 26 August 2026. All six are within the cohort's recent memory (D9).

Issue bank table of six real dated issues with kind, when and where, and key institution, from the 2025 federal election to the Turkiye-Syria earthquake response

Practice questions

Scaffolded

Q1. The 2025 federal election was won by Labor under Anthony Albanese on 3 May 2025, with more independents elected than in 2022. Classify each question as factual, explanatory or evaluative. (a) How many seats did each party win in the House of Representatives on 3 May 2025? (b) Why did more independents win lower-house seats in 2025 than in 2022? (c) How well did the Australian Electoral Commission inform voters about how to vote before 3 May 2025?

Q2. Victorians voted in local council elections across the state in October 2024, run by the Victorian Electoral Commission. Write one factual, one explanatory and one evaluative question about those elections. Check each one against Test 1 before you finish.

Q3. Before the Baku UN climate talks in November 2024, the Australian Government set a 2035 emissions target of 62–70% below 2005 levels, reporting under the Climate Change Act 2022. Here is a loaded question about it: “Why did the government pick another weak emissions target?” Audit its assumptions (list at least two), apply the swap test, and rewrite it as a neutral evaluative question.

Q4. A national law passed in November 2024 sets a minimum age of 16 for major social media platforms, in force from 10 December 2025, with the eSafety Commissioner overseeing it. Evaluate these brainstormed questions against the three tests, then choose the one that will give the most useful answer and say why. (a) Should social media be banned? (b) What does the new law say platforms must do from 10 December 2025? (c) How well does the age limit balance protecting young people with their right to take part in online life? (d) Why do platforms care more about profit than kids?

Q5. After the earthquakes in Türkiye and Syria from 6 February 2023, the Australian Government committed aid funds and sent search and rescue teams. Using the channels figure, develop one question that investigates how the Australian Government responded *through one named channel*. State which of the three tests you found hardest to pass, and why.

Q6. A critic writes: “When will the Premier finally admit the phone ban has failed?” Rewrite this as a question a supporter *and* a critic of the ban could both accept as fair. Name the assumption you removed.

Unscaffolded

Q7. Choose any issue from the issue bank (or another contemporary issue you can name and date). Write one evaluative investigation question for it, list its assumptions, and justify it against the three tests.

Q8. Following elaboration E02, build one question about the Australian Government’s response to a regional or world issue *not* used in this section’s examples. Name the channel from the figure that your question judges, and name two kinds of evidence that could answer it.

Q9. Find a loaded question about a current political, legal or civic issue — in a comment thread, a letter, a radio clip or your own draft. Audit its assumptions, apply the swap test, and rewrite it. Keep both the original and your rewrite.

Q10. Pick one local issue (your school, your council, your suburb). Brainstorm five questions about it, then rank them from most to least useful answer. Justify your top rank using the language of the three tests.

Investigation task

This is the section's inquiry: the investigation plan *is* the task. Choose the question you developed in Q7 or Q8 and complete the five-step plan below. Use real, named sources — for example aph.gov.au for federal bills and committee reports, aec.gov.au or vec.vic.gov.au for elections, education.vic.gov.au for the phone ban, esafety.gov.au for the age-limit law, and dfat.gov.au for treaties and aid (retrieved 26 August 2026). Record a retrieval date for every source you use.

Your investigation plan — five steps, shown with a model answer about the Falepili Union

Step	What to do	Model: the Falepili Union
1	State your question and its assumptions. Run the swap test on any loaded words.	How well does the Falepili Union visa pathway respond to climate-related movement for Tuvaluans? It assumes the treaty is a response worth judging — it does not assume the treaty works or fails.
2	Plan your evidence. Name at least three kinds of evidence and the real institutions that hold them.	Treaty text and joint statements (dfat.gov.au); the bill and committee reports (aph.gov.au); UN and Pacific Islands Forum reports.
3	Include at least two perspectives, and put each one at its strongest.	Supporters: a dignified pathway plus help to stay. Critics: 280 visas a year is few for about 11,000 people, and some terms need scrutiny.
4	Set a test. State what evidence would change your answer.	If official data showed applications far above 280 each year, I would need to change my judgment about whether the limit is enough.
5	Evaluate your question against the three tests: clear and focused; evidence can answer it; worth asking.	It passes all three: one issue, one policy; treaty documents, reports and data exist; and reasonable people disagree about the answer.

Investigation plan model prepared by ClassBasics for Civics and Citizenship Level 10, Section 4A (VC2HC10S01).

Five step investigation plan table, state the question and assumptions, plan the evidence, include perspectives, set a test, evaluate the question, each step shown with a Falepili Union model

Submit your plan with Step 3 (perspectives, each at its strongest) and Step 4 (what evidence would change your answer) filled in with as much care as Step 1 — those two steps are what make an investigation honest.

Answers

Q1. (a) factual — a record answers it. (b) explanatory — it asks why. (c) evaluative — “how well” weighs evidence against a standard.

Q2. Accept any three questions that fit the types and pass Test 1. Model: factual — “How many candidates were elected unopposed in Victorian council elections in October 2024?” explanatory — “Why did the VEC run some councils’ elections by postal vote?” evaluative — “How well did the October 2024 council elections represent renters and younger voters?”

Q3. Assumptions carried: that the target is weak (the claim to be tested), and that it was “picked” casually rather than set under the Act’s processes. Swap test: remove “weak” and the question changes completely, so “weak” was doing argument work. Model rewrite: “How well does the 2035 target of 62–70% below 2005 levels match the science and Australia’s commitments, and what do supporters and critics each say about it?”

Q4. (a) fails Test 1 — scope never defined. (b) factual step only. (d) fails Tests 1 and 2 — assumes the answer. Best is (c): it passes all three tests and names the two things to weigh.

Q5. Model: “How effective was the Australian Government’s humanitarian aid program as a response to the February 2023 earthquakes in Türkiye and Syria?” (channel: aid and humanitarian help). Hardest test varies; common answer is Test 1, because “effective” needs a defined standard.

Q6. Model rewrite: “How well has the phone ban worked in Victorian government schools since Term 1 2024?” Assumption removed: that the ban has failed (and that only the timing of admitting it is open).

Q7–Q10. Judge against the three tests, the assumptions audit and the symmetry check. A pass shows: one issue, one place, one time; defined key words; named evidence; and a question both sides could accept.

Investigation task. Check that Step 1 states the question and its assumptions; Step 2 names at least three kinds of evidence and the real institutions holding them, with retrieval dates; Step 3 puts two perspectives at their strongest; Step 4 states what evidence would change the answer; Step 5 re-runs the three tests.

Fully-worked solutions

Q3, worked in full. Original: “Why did the government pick another weak emissions target?” Step 1, audit the assumptions: it assumes the target is weak; it assumes the target was merely “picked” (a choice) rather than set through the Climate Change Act 2022 reporting process; it assumes “another” earlier target was also weak. Step 2, swap test: replace “weak” with “strong” — “Why did the government pick another strong emissions target?” — and the question becomes a different question, so “weak” is doing argument work and belongs in the answer, not the question. Step 3, rewrite to test rather than assume: “How well does the 2035 emissions target of 62–70% below 2005 levels match the available science and Australia’s international commitments?” Step 4, three tests: Test 1 passes (target, year and baseline are defined); Test 2 passes (science advice, the Act’s annual reports and UN submissions are dated evidence); Test 3 passes (citizens judge climate policy at elections). Add the perspectives clause — “and what do supporters and critics each say about it?” — and the question is ready.

Q4, worked in full. (a) “Should social media be banned?” — Test 1 fails: “social media” and “banned” cover everything from messaging apps to video platforms, and no age group or place is named. Verdict: rewrite. (b) “What does the new law say platforms must do from 10 December 2025?” — passes all three, but it is a factual step: once answered, the investigation is not finished, it has just begun. (c) “How well does the age limit balance protecting young people with their right to take part in online life?” — Test 1 passes (one law, one age, named platforms); Test 2 passes (the Act, the eSafety Commissioner’s reports, and survey data exist); Test 3 passes (families and young people are directly affected). It also survives the symmetry check: supporters of the law and critics of it could both accept the question as fair. (d) “Why do platforms care more about profit than kids?” — Test 1 fails (“care” is undefined) and Test 2 fails (it assumes the answer). Verdict: rewrite. Conclusion: (c) will give the most useful answer; (b) serves it as a factual first step.

Judging sources and perspectives on current issues

Claims about how democracy is working, what Australia owes the world, and what the law should be reach you every day — in news stories, posts, charts and reports. This section builds one skill for handling them: **evaluation** — working out what a source is, what it shows, and what it is good evidence for. That is the skill named by the content descriptor this section owns, **VC2HC10S02**.

The curriculum path. VCAA pairs VC2HC10S02 with four elaborations. Each is practised here against content taught in other sections of this book (the arrow shows where that content lives):

- **.E01** → 1C
- **.E02** → 2C
- **.E03** → 1D/3B
- **.E04** → 2B

Two ground rules.

1. **Evaluation is not sorting.** The job is not to label a source “true” or “false” but to work out what it is good evidence for. Even a one-sided source is useful — as evidence of what someone thinks, and why.
2. **Reasoning, not sides.** Two people can read the same source, reach different views, and both reason well. In this section you are marked on how well you test a view — never on which side you land on.

Theory

The five-question frame. Every source in this section goes through the same five questions: origin, purpose, evidence, perspective, usefulness. Learn the frame once and it works on a chart, a treaty, a news story or a post.

Evaluating a source — the five questions used in this section

Put every source through these five questions before you rely on it. The aim is not to find faults but to work out what a source is good evidence for.

Test	The question to ask	Why it matters
Origin	Who made this source, and when?	A source made close to the event by someone directly involved is usually stronger evidence of what happened.
Purpose	Why was it made, and for whom?	A source made to sell, persuade or campaign needs more careful handling than one made to inform.
Evidence	What information and data does it rest on?	Check that claims are backed by evidence you can inspect, and that other independent sources agree.
Perspective	Whose view is this — and what is missing?	Every source speaks from somewhere. Ask which voices are not heard.
Usefulness	Does it help answer my question?	Even a one-sided source can be useful — as evidence of what someone thought and why.

The habit this builds

A good evaluator does not sort sources into 'true' and 'false'. They ask: what is this source, who made it, what does it show, and how strong is it as evidence for the question I am answering? Two students can read the same source and both reason well — the mark goes to the reasoning, not to the side taken.

Frame prepared by ClassBasics for this section.

A table of the five evaluation questions used in this section — origin, purpose, evidence, perspective and usefulness — with the question to ask and why each matters

A range of sources. The descriptor says *a range of sources* on purpose: each type below carries different strengths, and a good evaluator mixes types so that one weak source never carries an argument alone.

Where civics information comes from — six common source types

Source type	What it is	What to check
Government and parliament	Official material: laws, budgets, statistics and records such as parliamentary debates. Example: the Australian Electoral Commission (AEC) publishes election results.	Usually accurate and authoritative — but it is written by the people doing the job, so read it alongside other sources.
News media	Reporting and comment in newspapers, online, radio and television.	Who owns it, and whether the piece reports facts or argues a view. News reports and opinion pieces are different things.
Academic and expert	Research from universities and specialist institutes, often checked by other experts before it is published.	How the finding was worked out, and who paid for the research.
Interest groups and campaigns	Organisations that push for a particular cause or group of people.	The cause they support — and which facts they choose to show and which they leave out.
Social media	Posts, videos and shared content that anyone can make.	It spreads fast and is easy to fake. Trace a claim back to its original source before you use it.
International bodies	Bodies such as the United Nations and the reports they publish.	They often rely on information that member governments supply, so check what the numbers are based on.

Prepared by ClassBasics for this section. The AEC example is real (aec.gov.au); the source types are a teaching model.

The six source types used in this section — government and parliament, news media, academic and expert, interest groups, social media, and international bodies — with what to check for each

.E01 — Comparing democratic processes: Australia and New Zealand. New Zealand is a near neighbour in the Asia-Pacific region, so it is a natural comparison for Australia's system (1C). A comparison table is a source like any other, so run the frame on it: this one is built from the two countries' official electoral bodies, and it was made to inform, not to campaign. Two terms to know: **compulsory voting** — the law requires eligible citizens to enrol (go on the roll) and to vote, and not voting without a good reason brings a small fine — and, on the New Zealand side, **MMP** (mixed member proportional), the system New Zealand has used since 1996, where voters cast two votes and seats in the single house roughly match each party's share of the party vote. Australia instead uses **preferential voting**, where voters number every candidate in order of choice. The two countries also differ in their constitutions: Australia's is a single written document dating to 1901, while New Zealand's is **uncodified** — not one document, but spread across many laws and long-standing practice.

Two democracies, close neighbours — Australia and New Zealand

New Zealand is Australia's closest democratic neighbour. The two systems share a lot — and differ in ways that matter when you compare sources about them.

Feature	Australia	New Zealand
Is voting compulsory?	Yes. Enrolled citizens are expected to vote at federal elections; not voting can bring a small fine.	No. Voting is a choice, though enrolling to vote is required.
How do people vote?	Preferential voting: voters number the candidates in order of choice.	MMP (since 1996): each voter gets two votes — one for a party and one for a local member.
Number of parliamentary houses	Two: the House of Representatives and the Senate.	One: the House of Representatives (its upper house was abolished in 1951).
Head of state	King Charles III, represented by the Governor-General.	King Charles III, represented by the Governor-General.
The constitution	One written document — the Australian Constitution of 1901 — which can only be changed by referendum.	No single written document; the rules are spread across several laws and long-standing conventions.
Voting age	18	18

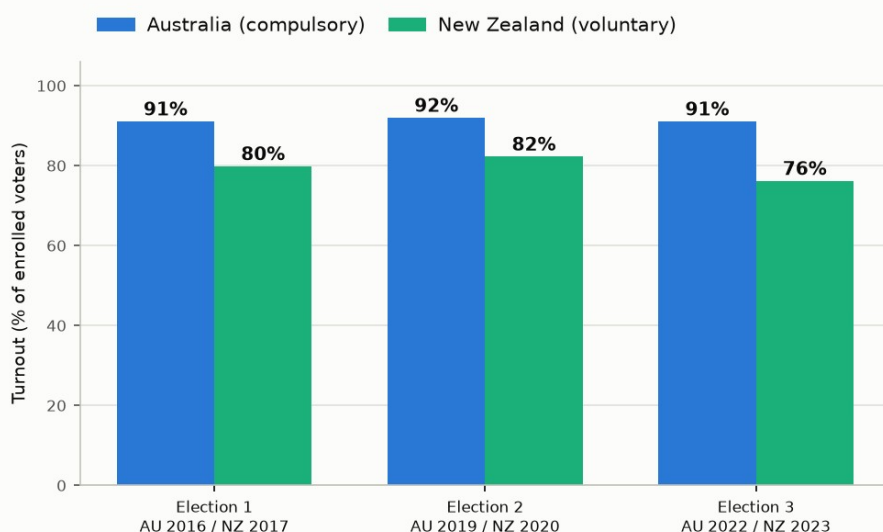
Prepared by ClassBasics from the Australian Electoral Commission (aec.gov.au), the New Zealand Parliament (parliament.nz) and the New Zealand Electoral Commission (elections.org.nz), retrieved 26 August 2026.

A table comparing Australia's and New Zealand's democratic processes: compulsory versus voluntary voting, preferential voting versus MMP since 1996, two houses versus one, the shared head of state King Charles III, a written 1901 Constitution versus an uncoded constitution, and voting age 18 in both

Reading the data. The official bodies also publish turnout data — the share of enrolled voters who voted. Reading a grouped bar chart like the one below is a skill built in VC2 Mathematics to Level 9: compare bars within a pair and across pairs, and always check what the axis measures.

Voter turnout — share of enrolled voters who voted

Australia (compulsory voting) and New Zealand (voluntary voting), last three federal/general elections



Prepared by ClassBasics from the Australian Electoral Commission (aec.gov.au) and the New Zealand Electoral Commission (elections.org.nz), retrieved 26 August 2026. Figures rounded.

A grouped bar chart of voter turnout as a share of enrolled voters: Australia 91, 92 and 91 per cent at the 2016, 2019 and 2022 federal elections, and New Zealand 80, 82 and 76 per cent at the 2017, 2020 and 2023 general elections

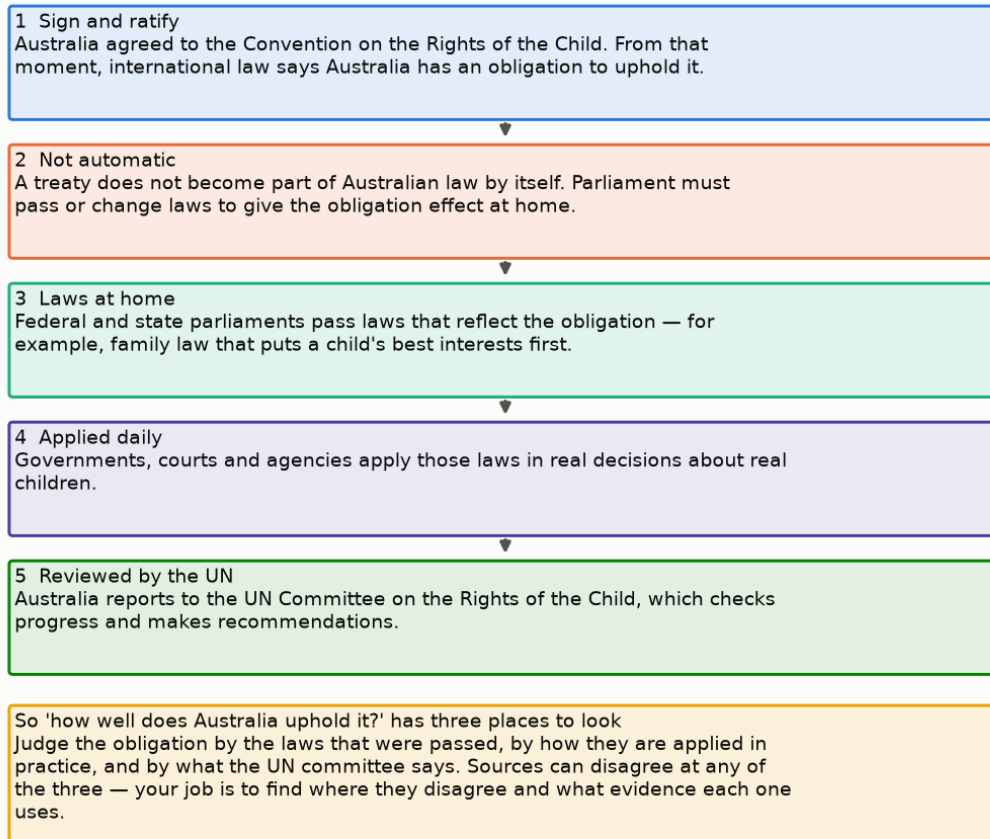
Here is the key move in evaluating data: **the same numbers can carry different claims**. An Australian speaker might say the chart shows compulsory voting delivers participation above 90 per cent. A New Zealand speaker might say it shows about 8 in 10 New Zealanders vote by choice, without a fine behind them. Both readings use the same bars — they differ in **perspective**, in what each counts as participation worth praising. The data does not choose between them. Notice also what the axis says: the chart measures *enrolled* voters, not all adults — a detail that changes what the numbers can prove.

.E02 — One international legal obligation: the Convention on the Rights of the Child. A treaty is a formal agreement between countries. On **17 December 1990** Australia ratified the **Convention on the Rights of the Child**

(CRC) — it formally bound itself to the treaty’s list of the rights every child holds. Australia is a **dualist** country: ratifying a treaty does not by itself make it Australian law. Parliament must pass laws that give the treaty’s rights effect at home. So “does Australia uphold this obligation?” is not one question but three — the laws on the books, what happens in practice, and the UN’s own review (the path in the figure below).

How an international obligation reaches Australian law

The path for the Convention on the Rights of the Child (ratified by Australia on 17 December 1990).



Prepared by ClassBasics from the Australian Human Rights Commission (humanrights.gov.au) and the UN Treaty Collection (treaties.un.org), retrieved 26 August 2026.

A five-step path showing how an international legal obligation works in Australia: sign and ratify, not automatic in a dualist system, laws at home, applied daily, and reviewed by the UN Committee on the Rights of the Child, with the three places to look when analysing the degree of compliance

Source: CRC ratification date, treaties.un.org; retrieved 26 August 2026.

“**The degree to which**” means the honest answer is rarely *fully* or *not at all*. Compare two areas. Education: state and territory laws require children to attend school, matching the CRC’s right to education — strongly upheld. The age of **criminal responsibility** — the age at which a child can be charged and sent to court — is 10 in most Australian states and territories; the UN Committee on the Rights of the Child has repeatedly recommended raising it, and some parliaments have begun to do so. One obligation, two different pictures. That spread between the sources *is* the degree, and analysing it is the skill.

.E03 — Multiple perspectives on a global contemporary issue: climate change. Climate change is global in the strict sense: no country can fix it alone, and each country’s choices affect the rest (1D, 3B). Explaining multiple perspectives means more than listing views. For each one, say **who** holds it, **what it assumes**, and **which evidence it leans on**. The figure below sets out three perspectives at their strongest — strong enough that a supporter would read it and say “yes, that is my view”.

One global issue, several perspectives — responding to climate change

Each view below is shown at its strongest. The skill is to explain each fairly, then test the evidence behind it.

Act faster

Cut emissions quickly and move to renewable energy now. The cost of inaction — more extreme weather and damage to homes and farms — is greater than the cost of change. Set strong targets and meet them.

Managed transition

Cut emissions, but protect jobs, wages and affordable energy along the way. Workers and towns that depend on fossil fuels should be supported through the change, not left behind by it.

Technology and adaptation

Focus on new technology and on adapting to changes already under way. Australia is a small share of world emissions, so keep industry competitive while the world cuts carbon.

How to use these

These are real positions in Australian public debate. Explaining each at its strongest — then asking what evidence each one rests on — is the skill this section builds. The mark goes to your reasoning, not to the side you take.

Perspectives summarised by ClassBasics from Australian public debate.

Three perspectives on responding to climate change set out at their strongest — act faster, a managed transition, and technology and adaptation — with a note that the section takes no side

The three views disagree about speed and cost, and about what to weigh most — jobs today or risks tomorrow, and who should carry the cost. None of that is settled by calling one side wrong; it is settled (or not) by evidence, and your job is to know which evidence each view leans on.

Testing ideas fairly. When a source argues a point, four habits keep your evaluation honest.

Testing ideas fairly — four habits

When a source argues a point, these four habits keep your evaluation honest.

Habit	What it means
Steelman it	Before you judge a position, state it as strongly as its own supporters would. If you cannot, you have not understood it yet — and you would be arguing against a weak copy, not the real thing.
Run the substitution test	Swap a word or a group in the claim for another. If the claim does not change, that word was adding heat, not logic — the real subject is the behaviour, not the label.
List the assumptions	Write down what the claim takes for granted before you agree or disagree. A claim can hide an argument inside a single word.
Use it on your own side too	Apply the same tests to views you favour. A test that is only used on the other side is not fair testing — it is advocacy in disguise.

Habits drawn from this series' house rules for contested terms.

A table of four habits for testing ideas fairly: steelman it, run the substitution test, list the assumptions, and use it on your own side too, each with what it means

.E04 — A possible change to laws about rights: the voting age. The federal voting age is 18, set by the **Commonwealth Electoral Act 1918**; Victoria's **Electoral Act 2002** sets the same age for state elections. That age is a law about rights — the right to vote — so a bill to change it is exactly what .E04 asks you to examine. Bills to lower the federal voting age to 16 have been introduced in the Australian Parliament several times; none has passed, which makes this a live debate, not a history lesson (2B examines how the High Court of Australia has treated the right to vote). The figure below sets out both sides at their strongest. Your job is the same as always: name the assumptions, name the evidence, and say what each side would accept as proof.

A possible change to the law — should the voting age be 16?

Bills to lower the federal voting age to 16 have been introduced in the Australian Parliament, so this is a live, real debate.

The case for lowering to 16

At 16 you can work, pay tax and drive — so government decisions already affect you. Lowering the age gives young people a say in long-term choices, like climate, that they will live with. And at 16 most are still at school, where civics can support an informed first vote.

The case for keeping 18

Voting is a serious civic duty, and 18 is the age of full legal adulthood, matching many other rights and responsibilities. Some argue that many 16-year-olds have not yet had the chance to build the experience needed to weigh complex issues.

Your task

This is a change to a law about rights. Notice that both sides appeal to fairness — they just mean different things by it. Name what each side assumes, and what evidence would test each claim.

Prepared by ClassBasics; parliamentary bills to lower the voting age are a matter of public record (aph.gov.au), retrieved 26 August 2026.

Two columns setting out the strongest case for lowering the voting age to 16 and the strongest case for keeping it at 18, with a task note to name what each side assumes and what evidence would test each claim

Source: federal voting age, Commonwealth Electoral Act 1918 (Cth) s 93; Victorian voting age, Electoral Act 2002 (Vic); bills to lower the voting age are a matter of public record, aph.gov.au; retrieved 26 August 2026.

Worked examples

Example 1 — scaffolded

Evaluate the turnout chart as a source for this claim: “Australia’s high turnout proves Australians care about democracy more than New Zealanders do.”

Working	Comment
Origin. Official counts from the Australian Electoral Commission and the New Zealand Electoral Commission.	As origins go, this is as strong as turnout data gets — the bodies that run the elections publish it.
Purpose. Published to inform, not to campaign.	But the <i>claim</i> above is a campaign-style use of informing data. Purpose has to be checked again at each use.
Evidence. The chart is the evidence: about 91% of enrolled Australians and 76–82% of enrolled New Zealanders voted.	The numbers are real and checkable.
Perspective. The numbers cannot say <i>why</i> people vote. In Australia voting is a legal duty; in New Zealand it is a choice. The claim reads “care” into numbers that measure rule-following on one side and choice on the other.	Same data, different lenses — this is where the claim quietly slips in.
Usefulness. Strong evidence of <i>how many</i> enrolled voters vote under each set of rules. Weak evidence of <i>how much people care</i> — and no evidence that one group cares more.	A source can be strong for one question and weak for another at the same time.

Judgement. The data is good; the claim goes further than the data can carry. A strong evaluation can end with “good data, weak conclusion” — that is a finding, not a failure.

Example 2 — model

Apply the five questions to the invented post in the figure below, then study the completed evaluation for the two moves that make it a model.

A model evaluation — the five questions applied to one source

The sample source (written for this section — not a real post)
An online post shared two weeks before a federal election by a made-up campaign group, 'Fair Say Australia': 'Turnout is falling because young people do not care. Lower the voting age to 16 and fix it.'

Test	The evaluator's finding on this source
Origin	A campaign group, not a research body; no author named and no source given for the numbers.
Purpose	To persuade readers to support lowering the voting age — shared two weeks before an election, when that message is most useful to the group.
Evidence	It claims 'turnout is falling' — yet at Australian federal elections about 9 in 10 enrolled voters have voted. No source is given; check the AEC's own numbers before repeating the claim.
Perspective	The group's own view: it frames young people as both the problem and the fix, and does not hear people who point out that turnout is stable.
Usefulness	Weak as evidence that turnout is falling; strong as evidence of what one campaign wants people to believe, and why.

Sample source and evaluation prepared by ClassBasics for this section.

A model evaluation applying the five questions — origin, purpose, evidence, perspective, usefulness — to an invented sample post from a made-up campaign group about turnout and lowering the voting age

Two moves to copy. First, the usefulness row cuts both ways: the post is weak as evidence that turnout is falling, yet strong as evidence of what one campaign wants people to believe — the source is not discarded, it is re-used for what it truly shows. Second, the evidence row does not repeat the claim; it checks it (“about 9 in 10 enrolled voters have voted — check the AEC’s own numbers”). Evaluators verify before they repeat.

Practice questions

Scaffolded

Q1. The Australia–New Zealand comparison table above is a source. (a) Whose figures is it built from? (b) What was it made to do? (c) Name one question about the two democracies that the table cannot answer.

Q2. Using the turnout chart: (a) read New Zealand’s turnout at the most recent general election shown; (b) which country’s turnout moved more across its three elections, and roughly by how many points? (c) both sets of figures are shares of *enrolled* voters — why is that a fairer comparison than shares of all adults?

Q3. Two speakers use the turnout chart. Speaker A: “Turnout is falling — democracy is in trouble.” Speaker B: “Turnout moves election to election, and stays high in both countries.” Which reading is better supported by the numbers? Give one reason from the chart.

Q4. (a) What does it mean to say Australia ratified the CRC on 17 December 1990? (b) What does *dualist* mean, and why does it matter for this obligation? (c) Name two different source types you would use to check how the obligation is upheld in practice.

Q5. The climate perspectives figure gives three views at their strongest. Pick the view you found hardest to state fairly. (a) Write it as its own supporters would. (b) Name one thing it assumes. (c) Name one source of evidence it leans on.

Q6. The voting-age figure gives two sides of a live debate. For **each** side, name one assumption it rests on.

Unscaffolded

Q7. A blogger writes: “New Zealand’s turnout fell to 76% in 2023. Voluntary voting is failing — Australia should never copy it.” Evaluate the post with the five-question frame, and state what the post *is* good evidence for.

Q8. “Australia fully upholds the Convention on the Rights of the Child.” Using the obligation path and at least two source types, analyse how well Australia upholds this obligation. Reach a reasoned judgement — fully, partly, or yes in some areas and no in others — and support it.

Q9. Choose one Australian response to climate change (for example, a national target for cutting emissions, or a program paying for new solar and wind). Explain two different perspectives on it, making clear who holds each view and which evidence each leans on.

Q10. The claim “young people do not care about voting” is testable. (a) What data would test it? (b) Name two source types that could supply that data, and say what each would add.

Inquiry and argument task

Q11. Build a small source file on **one** contemporary issue from this section — the Australia–New Zealand comparison, the CRC, climate change, or the voting age. Collect **three sources of three different types**. For each source, run the five-question frame and record your findings in a table. Then write a short argument (about one page) answering this question: *weighing these sources together, what is the strongest evidence-based claim you can make about this issue?* You are marked on how you weigh the sources — not on the claim you reach.

Answers

Q1. (a) The two countries' official electoral bodies — the table is built from the Australian Electoral Commission's and the New Zealand Electoral Commission's own figures. (b) To inform: to set the two systems side by side for comparison. (c) Any one, e.g. how citizens experience the two systems; which system produces fairer results; why turnout differs — the table records rules, not experiences or results.

Q2. (a) 76% (76.1%). (b) New Zealand — a swing of about 6 points (76–82%), against Australia's movement of less than 1 point (91.0–91.9%). (c) In Australia enrolling is itself compulsory, so a share of all adults would mix voting behaviour with enrolment rules; the share of enrolled voters compares like with like.

Q3. Speaker B. New Zealand's turnout rose 2017→2020 before falling 2020→2023, and Australia's sits steady at about 91% — so “falling” reads one dip as a trend, and “in trouble” is a value judgement the numbers cannot support.

Q4. (a) On that date Australia formally bound itself to the treaty. (b) *Dualist* means a ratified treaty is not automatically Australian law — parliament must pass laws giving the rights effect at home, so upholding the obligation depends on home law and practice, not on the signature alone. (c) Any two, e.g. the laws themselves (government/parliament sources); the UN Committee's reviews of Australia (international body); reports on practice from bodies such as the Australian Human Rights Commission (academic/expert); news coverage of child welfare.

Q5. Marked on the steelman (the view stated as its own supporters would put it), one named assumption, and one named evidence source.

Q6. For 16: assumes 16-year-olds are already affected by long-term decisions (work, tax, climate) and can form an informed vote, with school supporting it. For 18: assumes voting needs life experience that most 16-year-olds have not yet had, and that rights and responsibilities should line up at adulthood (18).

Q7. Origin: a named-no-one blogger, written after the event — weak origin for a cause-and-effect claim. Purpose: to argue against voluntary voting. Evidence: the 76% figure is real but chosen — it is the lowest of the three results and the 82% of 2020 goes unmentioned. Perspective: a debater using New Zealand as a warning. Usefulness: good evidence that some people argue against voluntary voting; weak evidence that voluntary voting is “failing”, since 76–82% is still high participation by world standards.

Q8. Model judgement: partly. Strong area — schooling laws give effect to the CRC's right to education, and child-protection and health laws do real work too. Contested area — the age of criminal responsibility is 10 in most states and territories while the UN Committee has repeatedly recommended raising it; some parliaments have begun to move. Method point: the spread between sources (laws, practice, UN review) is what “the degree” means.

Q9. Marked on two genuinely held perspectives, each with a named holder and a named evidence base — not on which view is preferred.

Q10. (a) Turnout and enrolment data by age group (do enrolled 18–24-year-olds turn out?), and survey data on how young people say they engage. (b) Any two, e.g. government sources (the AEC publishes enrolment and turnout by age — official counts); academic/expert sources (surveys on why young people do or do not vote); news media (reporting on youth turnout and on youth-led campaigns).

Q11. Marked on: three genuinely different source types; a completed frame per source; an argument that weighs the sources and lands on the strongest claim the evidence carries; reasoning, not conclusion.

Fully-worked solutions

Q1. (a) The footer names the makers: the table is prepared from the Australian Electoral Commission and the New Zealand Electoral Commission's own published figures — origin: official, current, direct. (b) It was made to inform — to lay the two systems side by side — not to campaign for one. (c) The table records rules and structures, so it cannot answer experience or result questions: it cannot say which system citizens prefer, which produces fairer outcomes, or why turnout differs. A good evaluator states the limit plainly.

Q2. (a) The 2023 bar reads 76% (76.1% unrounded). (b) New Zealand: 79.8 → 82.2 → 76.1, a spread of about 6 points; Australia: 91.0 → 91.9 → 91.0, under 1 point. (c) Australian enrolment is itself compulsory, so a share of all

adults would bake the enrolment rule into the number; comparing enrolled voters isolates the voting step and keeps the two countries comparable.

Q3. Speaker B. Read the six bars in order: NZ rises then falls, AU is flat and high. “Falling” takes one dip (2020→2023) and calls it a trend; “in trouble” adds a value judgement no bar contains. B’s reading — movement around a high level — fits all six bars.

Q4. (a) Ratification is the formal step that binds a country to a treaty it has signed; 17 December 1990 is the date Australia took that step for the CRC. (b) In a dualist system the treaty sits outside domestic law until parliament legislates — so the obligation is upheld (or not) through home law and practice, which is exactly why the path figure sends you to look at three places. (c) Two different types, e.g.: the statutes themselves via government/parliament sources (what the law says), and the UN Committee on the Rights of the Child’s reviews of Australia via an international body (an outside check on practice). News media or academic reports on child welfare would also do — the mark is for mixing types.

Q5. Model answer for the “managed transition” view: (a) “Cutting emissions matters, and so do jobs and prices — a planned transition that carries workers and regions gets further than a rushed one.” (b) Assumes a fast transition risks real harm to workers and regional economies. (c) Leans on economic modelling and industry/employment data. Other views marked the same way: holder-faithful statement, one assumption, one evidence source.

Q6. For 16: rests on the assumption that people who can work, pay tax and drive are already governed by these decisions and deserve a say, and that school makes 16 a well-supported age for a first vote. For 18: rests on the assumption that weighing complex public issues needs life experience most 16-year-olds have not yet had, and that 18 — the age of full legal adulthood — keeps rights and responsibilities together.

Q7. Origin — an unaccountable individual posting after the event: fine for opinion, weak for a causal claim. Purpose — persuasion against voluntary voting, so handle with care. Evidence — the 76% is real but selected: it omits the 82.2% of 2020 and the long-run context that voluntary turnout in established democracies commonly sits in the 70s and 80s. Perspective — one debater’s lens on a neighbour’s system. Usefulness — the post is good evidence that voluntary voting has critics and of the arguments they use; it is weak evidence that voluntary voting is failing, because a 76–82% range is high participation by world standards and “failing” is a judgement the single number cannot carry.

Q8. Step 1, laws: schooling, child-protection and health laws give real effect to CRC rights — a strong base. Step 2, practice and review: the UN Committee’s reviews praise areas and press others; the age of criminal responsibility (10 in most states and territories, against the Committee’s repeated advice to raise it, with some parliaments now moving) is a concrete area where practice is contested and changing. Step 3, judgement: “fully” ignores the contested area; “not at all” ignores the strong base; the sources together support **partly** — **strong in most areas, contested and moving in some**. The grade-worthy move is letting different source types pull the judgement in different directions and saying so.

Q9. Model pair for a national emissions-cutting target. Perspective 1 — climate scientists and youth-led groups: the target is a floor, not a ceiling; faster cuts now cost less than damage later; evidence: climate science reports and modelling of long-term damage. Perspective 2 — regional manufacturers and some unions: the target is workable only if transition costs are shared — support for workers and energy prices, or the cuts will not hold; evidence: employment and energy-price data. Both views accept the issue; they weigh speed, jobs and cost differently — which is precisely what “explaining multiple perspectives” requires.

Q10. (a) The claim predicts behaviour, so test it with behaviour data: enrolment and turnout rates by age group, and how those rates compare across elections. (b) Government sources — the AEC publishes enrolment and turnout by age, giving the official count of what young voters do; academic/expert sources — surveys of young people add the *why* (apathy, or practical barriers like being away from home or work on election day). Together they test both halves of the claim: what young people do, and whether “not caring” explains it.

Q11. Model shape. Source file (example, voting age): a government source (the current law and the text of a bill — what is actually proposed), a news-media source (coverage of the debate — who argues what, in public), and an interest-group or social-media source (a campaigning voice — purpose on show). Each table runs origin/purpose/evidence/perspective/usefulness. The argument then weighs: the law source anchors what would change; the news source maps the live disagreement; the campaign source is used as evidence of advocacy, not as neutral fact. The strongest evidence-based claim is the one all three can carry — e.g. “the voting age is a live, contested rights question with serious arguments on both sides”, not “my side wins”. Markers reward the weighing, not the landing spot.

Proposing better institutions — and justifying the proposal

Curriculum link: Victorian Curriculum 2.0, Civics and Citizenship, Levels 9–10, VC2HC10S03. This section draws on elaborations VC2HC10S03.E01 and VC2HC10S03.E02.

Democracies are never finished. Each generation finds a gap between what an institution does and what a democracy promises, and someone has to say — precisely, and with reasons — what should change. In this section you will learn to **recommend** a change to an institution — political, legal or civic — and to **justify** that recommendation with evidence. It builds on Section 1A (the Constitution and change by referendum), Section 1C (Australia’s system of government next to others in the Asia-Pacific), Section 2B (how parliaments and courts protect rights) and Section 5B (how citizens put change on the agenda).

Five terms this section uses precisely

- **Recommendation** — in this section, a *recommendation* is not a complaint. It says exactly what should change, names who holds the power to change it, and says why. A reader should be able to act on it.
 - **Justify** — to *justify* a recommendation is to give reasons that survive challenge: real, dated evidence, the right or democratic standard the change serves, and an answer to the strongest case against it.
 - **Human rights** — the rights every person holds simply because they are a person, as set out in the Universal Declaration of Human Rights (1948). In Victoria many of them are also protected by the *Charter of Human Rights and Responsibilities Act 2006* (Vic) — see Section 2B.
 - **Institution** — as in Section 1C: the standing parts of a democracy — parliaments, courts, the executive government, and bodies like electoral commissions. Institutions are made by law, so law can remake them.
 - **Steelman** — to *steelman* the other side is to state it so well, and so fairly, that its own supporters would agree with your wording. A recommendation that can beat a steelman is worth marks; one that can only beat a weak version is worth none.
-

Teaching sequence

Part 1 — A method for recommending change

A recommendation earns marks the way a science report earns marks: by method. This section runs one method, in five steps.

Recommending a change — the five steps used in this section

A recommendation is not a complaint. It says exactly what should change, who can change it, and why — and it answers the strongest case against itself.

Step	The question it answers	What goes wrong if you skip it
1. Spot the gap	Where does the institution fall short of human rights or democracy? What is the evidence?	With no gap shown by evidence, there is nothing to fix — only a complaint.
2. Propose the change	What exactly should change — a law, a rule, or a practice?	A vague 'they should do better' gives a decision-maker nothing to adopt.
3. Name the actor and pathway	Who has the power to make this change, and through which route?	Aimed at the wrong actor, or sent down the wrong pathway, the recommendation goes nowhere.
4. Justify	Why this change? Give evidence, name the principle it serves, and say what effect you expect.	Without reasons, an opinion is just an opinion — nothing to argue from, nothing to mark.
5. Steelman and respond	What is the strongest case against your change — and what is your answer to it?	A one-sided case falls over at the first serious objection.

How this section is marked

Marks go to the reasoning, not to the conclusion. Two students can recommend opposite changes and both receive full marks if both define their terms, use evidence, and answer the strongest case against their own side.

Frame prepared by ClassBasics for this section.

A table of the five-step method for recommending a change: spot the gap, propose the change, name the actor and pathway, justify, steelman and respond — with what goes wrong if each step is skipped

Hold on to the yellow box. In this section, marks go to the reasoning, not to the conclusion. Two students can recommend opposite changes and both earn full marks.

Part 2 — Pathways of change

Every recommendation needs an **actor** (who holds the power) and a **pathway** (the route that actor has). A recommendation aimed at the wrong actor, or sent down the wrong pathway, goes nowhere.

Pathways of change — how a recommendation becomes change

Every recommendation needs an actor and a pathway. These are the five this section uses, each with a real example.

Pathway	Who acts	Real example
Federal statute	Both houses of the Commonwealth Parliament, then royal assent	Commonwealth Electoral Act 1918: compulsory voting added in 1924; the voting age lowered from 21 to 18 in 1973.
Victorian statute	The Victorian Parliament, then royal assent	Charter of Human Rights and Responsibilities Act 2006 (Vic) — a statutory bill of rights for Victoria.
Referendum	The people, voting at a referendum (a double majority is needed)	The Constitution can only be changed this way, under section 128 (Section 1A).
Court decision	Judges, interpreting the Constitution or a statute	Roach v Electoral Commissioner (2007): the High Court struck down a ban on all prisoners voting in federal elections.
Citizens put a change on the agenda	Anyone — through petitions, submissions to inquiries, and campaigns	The participation methods of Section 5B; this is how a recommendation reaches the actors above.

Why the pathway matters

The same change can be easy down one pathway and impossible down another. Lowering the voting age takes one federal statute in Australia — but in New Zealand it needs 75 per cent of all members of parliament, or a majority in a referendum. Knowing the pathway is part of the recommendation.

Prepared by ClassBasics for this section.

A table of five pathways of change — federal statute, Victorian statute, referendum, court decision, and citizens putting a change on the agenda — each with who acts and a real dated example

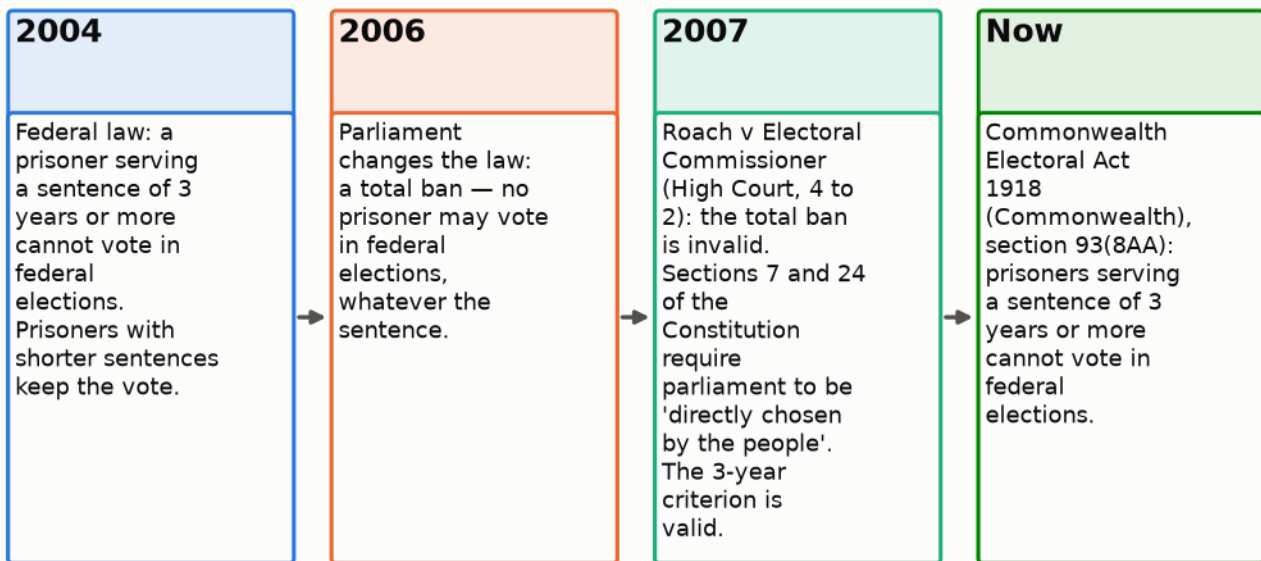
The same change can be easy down one pathway and hard down another. Lowering the voting age from 21 to 18 took one federal statute in 1973. In New Zealand the same change would need 75 per cent of all members of parliament, or a majority in a referendum. Naming the pathway is part of the recommendation.

Part 3 — Case study one: prisoner voting and the Roach case (elaboration E01)

Few questions test the method better than prisoner voting. The rule has moved twice in twenty years — through parliament, then through the High Court.

Prisoner voting — how the federal law moved, 2004 to now

A recommendation is easier to write when you can see how the rule has already moved through parliament and the courts.



The live recommendation question

Is the 3-year line in the right place? Some say the ban should end entirely; others say it should stay, or start sooner. Both sides have arguments in public debate — this book teaches the machinery and takes no side. Your task is to recommend, and to justify.

Sources: Commonwealth Electoral Act 1918 (Commonwealth); Roach v Electoral Commissioner [2007] HCA 43. Prepared by ClassBasics.

A timeline of prisoner voting in federal elections: the 2004 rule, the 2006 total ban, the 2007 Roach decision of the High Court, and today's rule in section 93(8AA) of the Commonwealth Electoral Act 1918

In *Roach v Electoral Commissioner* (2007) the High Court used sections 7 and 24 of the Constitution — the requirement that parliament be “directly chosen by the people” — to strike down the total ban. That is elaboration E01 in action: a legal institution (the High Court) checked a political institution (the parliament) against a democratic standard. Whether the current 3-year line is in the right place is still a live question, and reasonable people disagree about it.

The steelman test — prisoner voting, both sides at full strength

Before you recommend, state the strongest case for each side — as its own supporters would recognise it — then evaluate.

Strongest case for keeping the ban (3 years or more)	Strongest case for removing the ban
Serious crime breaks the trust that lawmaking rests on. Parliament may mark that break by pausing the vote for the most serious offenders.	In Roach (2007) the High Court said sections 7 and 24 of the Constitution require parliament to be chosen by the people — the vote is a foundation of the system, not a prize to be removed.
The High Court accepted that parliament may set limits for a substantial reason. Where to draw the line is a choice parliament is elected to make.	Voting keeps a prisoner joined to the community and builds the habits of a law-abiding return. Removal teaches exclusion, not responsibility.
A prison sentence of 3 years or more reflects conduct society treats as most serious. The ban is a measured expression of that judgement.	The line can fall harshly: two people who committed the same offence can end up on different sides of it because their sentences differed by days.

Rules of the steelman

1. State the other side so well that its supporters would agree with your wording. 2. Apply the same test to your own side — the tools work in both directions. 3. Only then choose, and say what settled it for you. Marks go to the quality of the reasoning, never to the side taken.

Prepared by ClassBasics for this section.

A two-column table setting out the three strongest points for keeping the prisoner-voting ban and the three strongest points for removing it

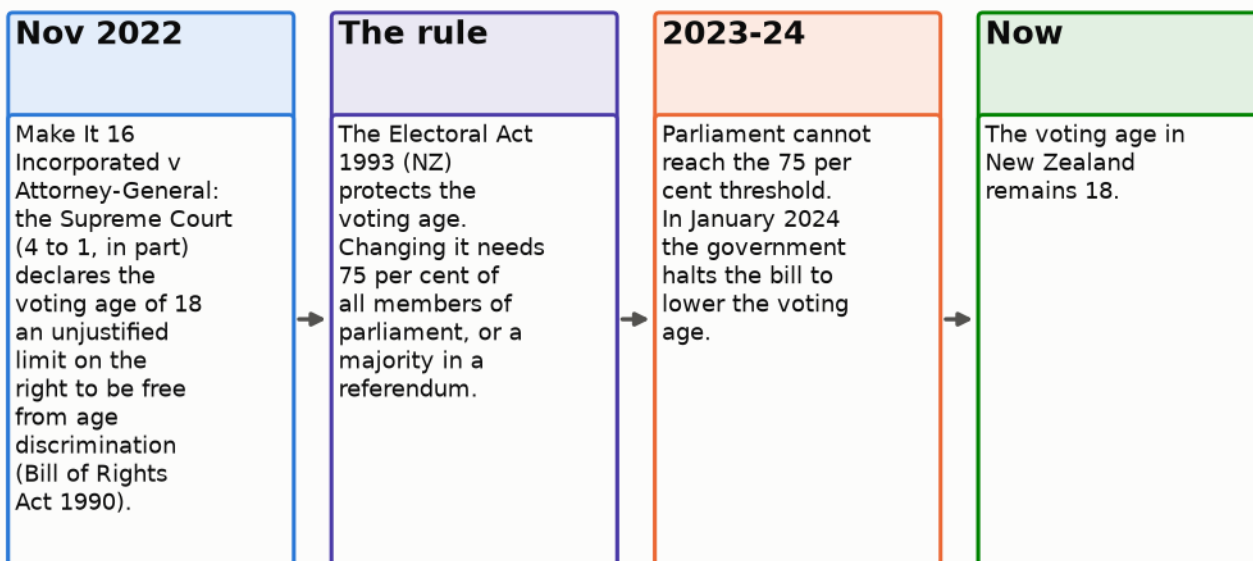
This is how a contested question is handled in this book. Each side is stated in its strongest form — in words its own supporters would accept — and the book takes no side. Your task is to recommend and to justify; your marks come from the quality of your reasoning, never from the side you take.

Part 4 — Case study two: New Zealand's voting age, and borrowing between neighbours (elaboration E02)

Elaboration E02 asks you to look across the Asia-Pacific: could one country improve an institution by adopting another country's process? Australia's nearest comparison is New Zealand (Section 1C), and the voting-age story shows exactly how a recommendation meets a pathway.

New Zealand's voting age — court opened, parliament decided

The Make It 16 case, 2020 to 2024: what happened when a recommendation met a special voting rule.



What this teaches anyone who recommends
A declaration of inconsistency does not change the law — it tells parliament the law does not sit comfortably with human rights, and parliament decides what to do. And because the voting age is protected by a special rule, even a government that agrees needs support across the house. The pathway shapes what is possible.

Sources: Make It 16 Incorporated v Attorney-General [2022] NZSC 134; Electoral Act 1993 (NZ). Prepared by ClassBasics.

A timeline of New Zealand's voting age from 2020 to 2024: the Make It 16 Supreme Court case of November 2022, the protected rule in the Electoral Act 1993, the bill halted in January 2024, and the voting age remaining 18

A **declaration of inconsistency** is the court's way of saying a law does not sit comfortably with human rights. It does not change the law — parliament decides what to do next. To compare the two countries' machinery, you need three terms: Australia uses **preferential voting** (voters number every candidate in order of choice), while New Zealand uses **proportional voting** (each voter also votes for a party, and a party's share of seats comes close to its share of the party vote); when no party wins a majority, parties form a **coalition** — an agreement to govern together.

Australia and New Zealand — two ways of running an election

Both are democracies with a voting age of 18. Almost everything else in the machinery differs — which is what makes them useful to compare.

Feature	Australia	New Zealand
Voting method	Preferential voting in single-member electorates (Commonwealth Electoral Act 1918)	Mixed-member proportional voting — two votes: one for a local member, one for a party (Electoral Act 1993)
Seats in the lower house	151 House of Representatives seats	Usually 120 seats in the House of Representatives
Is voting compulsory?	Yes, since 1924	No — voting is voluntary
Last general election	21 May 2022 — turnout 89.82 per cent	14 October 2023 — turnout 78.20 per cent
What the result produced	Labor won 77 of 151 seats with 32.58 per cent of first-preference votes (a majority of seats after preferences)	No party won a majority: National 48, Labour 34, Green 15, ACT 11, New Zealand First 8 seats — a three-party coalition formed government
Changing the voting age	Ordinary federal statute — lowered from 21 to 18 in 1973	Protected rule — needs 75 per cent of all MPs, or a majority in a referendum

What to notice

Compulsory voting and preferential voting give Australia very high turnout and single-party majority governments. Proportional voting gives New Zealand parliaments that look more like the party vote — and governments built by coalitions. Neither is simply 'better': they value different things, and that is what your recommendation must weigh.

Sources: Australian Electoral Commission, 2022 federal election; New Zealand Electoral Commission, 2023 general election; Commonwealth Electoral Act 1918 (Commonwealth); Electoral Act 1993 (NZ). Prepared by ClassBasics.

A table comparing Australia and New Zealand: voting method, seats, compulsory voting, the last general election in each country, what the result produced, and how the voting age can be changed

The comparison is not a contest with a winner. Compulsory and preferential voting give Australia very high turnout and usually a single-party majority government. Proportional voting gives New Zealand a parliament that mirrors the party vote, and governments built by coalition. Each system values different things — and each country has a process the other could genuinely weigh.

Borrowing processes — what each country could weigh

The curriculum asks for both directions: Australia improving an institution by adopting an Asia-Pacific process, or the reverse.

Direction	What could be borrowed	The evidence so far
New Zealand to Australia	Mixed-member proportional voting — each voter gets two votes (a local member and a party), and a party's share of seats comes close to its share of the party vote.	A royal commission recommended it in 1986; a referendum adopted it in 1993; a second referendum kept it in 2011. New Zealand has used it in every general election since 1996.
Australia to New Zealand	Compulsory voting — enrolled voters must attend a polling place or post a vote, and anyone who does not can be fined a small amount.	Australia has had compulsory voting since 1924; turnout at federal elections is usually above 90 per cent of enrolled voters (89.82 per cent in 2022). New Zealand's turnout in 2023 was 78.20 per cent.

Borrowing is not copying

Before recommending another country's process, ask: what does the process do, what does it cost, and what does our own system already do? New Zealanders choosing MMP gained parliaments that mirror the party vote — and gave up the single-party majorities Australia usually gets. Every borrow is a trade, and your recommendation must say which side of the trade it is on.

Sources: Australian Electoral Commission; New Zealand Electoral Commission; Electoral Act 1993 (NZ). Prepared by ClassBasics.

A two-row table of borrowing in both directions: what Australia could weigh from New Zealand (proportional voting, adopted there after a royal commission in 1986 and referendums in 1993 and 2011) and what New Zealand could weigh from Australia (compulsory voting since 1924)

Part 5 — Test your recommendation

Before any recommendation is submitted, it goes through the test. Seven checks, each worth marks.

The recommendation test — before you submit

Every yes below is a mark earned. Every no is a place to go back and fix before the marker finds it.

Check	The test	A yes means
1	Is the gap real?	You can point to evidence that the institution falls short of human rights or of democratic standards.
2	Is the change specific?	A decision-maker could read your sentence and know exactly what to adopt.
3	Is the actor right?	You have named who holds the power — a parliament, the people at a referendum, a court, or the institution itself.
4	Is the pathway right?	Your change fits the route that actor has: a statute, a referendum, a case, or a change in practice.
5	Is the justify built on evidence and principle?	You cite a real, named, dated example, and you name the right or democratic standard the change serves.
6	Is the steelman answered?	You state the strongest case against your change, in words its own supporters would accept, and you answer it.
7	Does it survive the Constitution?	Your change does not need anything the Constitution forbids — for example, a ban the High Court has already struck down.

One last read

Read your recommendation aloud once, as if you were the minister, judge or electoral commissioner who must act on it. Where would you ask 'and how, exactly?' — that is your weakest sentence.

Prepared by ClassBasics for this section.

A seven-point checklist for testing a recommendation before submitting it: the gap is real, the change is specific, the actor is right, the pathway is right, the justify is built on evidence and principle, the steelman is answered, and it survives the Constitution

The method, in one place

To answer a “recommend and justify” task like VC2HC10S03:

1. **Spot the gap** — show, with evidence, where the institution falls short of human rights or democratic standards.
2. **Propose the change** — say exactly what should change: a law, a rule, or a practice.
3. **Name the actor and pathway** — who holds the power, and by which route (a statute, a referendum, a case, or a change in practice).
4. **Justify** — cite real, named, dated evidence; name the right or democratic standard the change serves; say what effect you expect.
5. **Steelman and respond** — state the strongest case against your change in words its supporters would accept, then answer it.

Worked examples

Example 1 — scaffolded

Recommend a change to the federal law on prisoner voting, and justify it.

Step	What you do	What it looks like here
1. Spot the gap	Show the shortfall with evidence.	Federal law still stops prisoners serving sentences of 3 years or more from voting, even though many return to their communities and live under laws they had no say in making.
2. Propose the change	Say exactly what should change.	The Commonwealth Parliament should repeal (formally remove) section 93(8AA) of the <i>Commonwealth Electoral Act 1918</i> (Commonwealth), so prisoners can vote whatever their sentence.
3. Name the actor and pathway	Who holds the power, by which route.	The actor is the Commonwealth Parliament; the pathway is an ordinary statute — the same route that lowered the voting age from 21 to 18 in 1973.
4. Justify	Evidence, principle, expected effect.	In <i>Roach v Electoral Commissioner</i> (2007) the High Court treated the vote as a foundation of the Constitution's requirement that parliament be chosen by the people. Voting also keeps prisoners joined to the community and prepares a law-abiding return.
5. Steelman and respond	Answer the strongest case against.	The strongest case against: serious crime breaks the trust that lawmaking rests on. My answer: prison already removes freedom; removing the vote adds exclusion on top — and the Court in <i>Roach</i> found a total exclusion beyond parliament's power.

The same five steps, labelled on a full model answer, are drawn out in the figure below — use it as a checklist while you practise.

A model recommendation, with its steps labelled

One student's answer to: recommend a change to federal electoral law about prisoner voting, and justify it. The labels show which step each part does.

Step 1 — the gap	Federal law still stops prisoners serving sentences of 3 years or more from voting in federal elections, even though many of them will return to their communities and live under laws they had no say in.
Step 2 — the change	Recommendation: the Commonwealth Parliament should repeal section 93(8AA) of the Commonwealth Electoral Act 1918, so that prisoners can vote in federal elections whatever their sentence.
Step 3 — actor and pathway	The actor is the Commonwealth Parliament. The pathway is an ordinary statute — the same route used to lower the voting age from 21 to 18 in 1973.
Step 4 — the justify	In <i>Roach v Electoral Commissioner</i> (2007) the High Court treated the vote as a foundation of the Constitution's requirement that parliament be chosen by the people. Voting also keeps prisoners joined to the community and prepares a law-abiding return.
Step 5 — steelman and respond	The strongest case against: serious crime breaks the trust that lawmaking rests on, and parliament may mark that. My answer: prison already removes freedom; removing the vote adds exclusion on top, and the Court in <i>Roach</i> found total exclusion beyond parliament's power under the Constitution.
The other side can earn marks too This model recommends removing the ban. A student who recommends keeping the ban — answering the strongest case for removal with the same care — can earn the same marks. The marker rewards reasoning, not the side taken.	

Model written by ClassBasics for this section, from the sources listed at the end of the section.

A model recommendation on prisoner voting with each sentence labelled by the step it performs: the gap, the change, the actor and pathway, the justify, and the steelman answered

Example 2 — unscaffolded

Show how Australia could improve its electoral system by adopting a process of New Zealand — or the reverse. Justify your recommendation.

Australia could improve the fairness of its House of Representatives by adopting New Zealand's proportional voting method. The gap: under Australia's preferential system, a party can win a majority of seats without a majority of first-preference votes — at the federal election of 21 May 2022, Labor won 77 of 151 seats with 32.58 per cent of first-preference votes. The change: adopt the mixed-member proportional method New Zealand has used since 1996, in which each voter casts a second vote for a party and a party's share of seats comes close to its share of that vote. The actor and pathway: the Commonwealth Parliament, by ordinary statute amending the *Commonwealth Electoral Act 1918*

(Commonwealth) — the same Act that has already changed the voting method, the voting age and compulsory voting. The justify: the change serves the democratic standard that parliament should reflect the people's choices; New Zealand's process arrived after a royal commission in 1986 and a referendum in 1993, and New Zealanders kept it in a second referendum in 2011 — evidence the process works and lasts. The steelman: the strongest case against is that proportional voting ends single-party majority governments — after New Zealand's election of 14 October 2023, three parties had to form a coalition to govern. My answer: that is the trade the system buys; New Zealand's own voters, given the chance to go back in 2011, chose to keep it.

Why this answer works: it follows the method in order — a gap shown by dated evidence (the 2022 result), a specific change, the right actor and pathway, a justify built on a democratic standard plus dated evidence from New Zealand (1986, 1993, 1996, 2011, 2023), and a steelman stated fairly and answered. It also says which side of the trade it is on, which is what borrowing honestly requires.

Practice questions

Scaffolded

Q1. Copy and complete this table in your book, using the figure in Part 1.

Step	The question it answers
1. Spot the gap	
2. Propose the change	
3. Name the actor and pathway	
4. Justify	
5. Steelman and respond	

Q2. Using the pathways figure, name the actor and the pathway for each change: (a) lowering the federal voting age from 21 to 18 in 1973; (b) creating a statutory list of human rights for Victoria in 2006; (c) changing the words of the Constitution itself.

Q3. Using the prisoner-voting timeline: (a) state what the 2006 law changed; (b) state what the High Court decided in *Roach* (2007), and which sections of the Constitution it used; (c) state the law today.

Q4. Complete the sentences, using the New Zealand timeline: “In *Make It 16* (2022), a declaration of inconsistency told the New Zealand Parliament that _____. The voting age did not change, because _____.”

Q5. Using the steelman figure: (a) copy the strongest point for keeping the ban that *you* find hardest to answer; (b) write two sentences that someone on the other side would need to add to answer that point.

Q6. A student writes: “Politicians should let more young people vote, because it’s fair.” Using the checklist figure, name the **three** checks this sentence fails first, and for each, say what one sentence of improvement would look like.

Un scaffolded

Q7. Recommend a change to the federal law on prisoner voting — keeping the ban, removing it, or redrawing the 3-year line — and justify your recommendation. You must cite *Roach* (2007) and answer the strongest case against your side.

Q8. “Lowering the voting age takes one statute in Australia, but 75 per cent of all MPs or a referendum in New Zealand.” Using the *Make It 16* story, explain how the pathway shaped what happened in New Zealand in 2023–24, and say what anyone who recommends a change must check about the pathway before promising a result.

Q9. Choose one direction of borrowing between Australia and New Zealand from the Part 4 figures. Recommend the borrow, justify it with dated evidence from both countries, and state which side of the trade your recommendation is on.

Q10. Recommend one way a Victorian institution — political, legal or civic — could do better on human rights, using the *Charter of Human Rights and Responsibilities Act 2006* (Vic). Name the actor and pathway, justify with evidence, and answer the strongest case against.

Source-based inquiry

In a Skills section, the inquiry is the task. Use the five-step method from the teaching sequence.

Source 4.1 — *Roach v Electoral Commissioner* (2007), High Court of Australia

Sections 7 and 24 of the Constitution require the houses of the Commonwealth Parliament to be “directly chosen by the people”. In 2007 the High Court held, 4 to 2, that the 2006 law banning **all** prisoners from voting in federal elections was invalid; a ban limited to prisoners serving a sentence of 3 years or more was valid. Today, section 93(8AA) of the *Commonwealth Electoral Act 1918* (Commonwealth) carries that 3-year rule. (ClassBasics summary of the decision.)

Source: Roach v Electoral Commissioner [2007] HCA 43; Constitution ss 7, 24; Commonwealth Electoral Act 1918 (Commonwealth) s 93(8AA).

Source 4.2 — the voting age in New Zealand, 2022–24

On 21 November 2022, in *Make It 16 Incorporated v Attorney-General*, the Supreme Court of New Zealand declared that a voting age of 18 is an unjustified limit on the right to be free from age discrimination. A declaration does not change the law. Section 268 of the *Electoral Act 1993* (NZ) protects the voting age: changing it needs 75 per cent of all members of parliament, or a majority in a referendum. The threshold was not reached; the government halted the bill in January 2024; the voting age remains 18. (ClassBasics summary.)

Source: Make It 16 Incorporated v Attorney-General [2022] NZSC 134; Electoral Act 1993 (NZ) s 268.

You are investigating the question: **When should a democracy change who can vote — and who decides?**

- **A. Identify.** From each source, write down two facts the source states directly.
 - **B. Compare pathways.** In one short table, set out who can change the voting rule in Australia and in New Zealand, and by which pathway.
 - **C. Recommend.** Choose **one** country. Using the five-step method, write a justified recommendation about who may vote in that country — change the rule, keep it, or redraw a line. Cite at least one dated piece of evidence from each source.
 - **D. Steelman and reflect.** State the strongest case against your recommendation in words its supporters would accept, then answer it. (There is no single “right” conclusion — marks go to the quality of your reasoning, not the side you take.)
-

Answers

Q1. 1. Where does the institution fall short of human rights or democracy, and what is the evidence? 2. What exactly should change — a law, a rule, or a practice? 3. Who has the power to make this change, and through which route? 4. Why this change — evidence, the principle it serves, and the expected effect? 5. What is the strongest case against my change, and what is my answer to it?

Q2. (a) The Commonwealth Parliament, by ordinary federal statute. (b) The Victorian Parliament, by Victorian statute (the *Charter of Human Rights and Responsibilities Act 2006* (Vic)). (c) The people, by referendum under section 128 — the only route (a double majority is needed).

Q3. (a) The 2006 law replaced the 3-year rule with a total ban — no prisoner could vote in federal elections, whatever the sentence. (b) The High Court held the total ban invalid (4 to 2), because ss 7 and 24 require parliament to be “directly chosen by the people”; the 3-year criterion was valid. (c) Section 93(8AA) of the *Commonwealth Electoral Act 1918* (Commonwealth): prisoners serving a sentence of 3 years or more cannot vote in federal elections.

Q4. ... told the New Zealand Parliament that **the voting age of 18 does not sit comfortably with the right to be free from age discrimination**. The voting age did not change, because **the rule is protected: changing it needs 75 per cent of all MPs or a referendum, and that threshold was not reached (the bill was halted in January 2024)**.

Q5. Answers vary. The added two sentences must actually meet the chosen point — for example, against “serious crime breaks the trust that lawmaking rests on”, a remover might answer: prison already removes freedom, and adding exclusion on top teaches exclusion, not responsibility; the *Roach* Court found total exclusion beyond parliament’s power.

Q6. Any three, well explained. For example: (2) the change is not specific — improve by naming the rule and the age (“lower the federal voting age to 16 by amending s 93 of the *Commonwealth Electoral Act 1918*”); (3)/(4) no actor or pathway is named — improve by naming the Commonwealth Parliament and an ordinary statute; (5) “because it’s fair” is not a justify — improve by adding evidence and the standard served (for example, those taxed and sentenced by laws should have a say in them).

Q7. Marks go to the method, not the side. A full answer: shows the gap or the value of the current rule with evidence; proposes a specific change to s 93(8AA); names the Commonwealth Parliament and ordinary statute; cites *Roach* (2007) and a principle (for removal: the vote as a foundation of “directly chosen by the people”, and rejoining the community; for keeping: parliament may set limits for a substantial reason, accepted by the Court); states the strongest case against and answers it.

Q8. Key points: in New Zealand the voting age is protected (75 per cent of all MPs, or a referendum), so even a Supreme Court declaration and a willing government were not enough — the bill halted in January 2024 when the threshold was not reached. A recommender must check the pathway before promising a result: who holds the power, what majority the route needs, and whether the support exists — in Australia the same change takes one ordinary statute.

Q9. Any well-argued borrow. The answer must: name the process and what it does (for example, proportional voting mirrors the party vote; compulsory voting lifts turnout — 89.82 per cent in Australia in 2022 against 78.20 per cent in New Zealand in 2023); give dated evidence (1986 royal commission; 1993 and 2011 referendums; compulsory voting since 1924); name the actor and pathway in the borrowing country; and say which side of the trade it is on (for example, proportionality in exchange for single-party majorities).

Q10. Any well-argued Victorian recommendation that uses the Charter. The answer must name a real gap, a specific change, the right actor and pathway (usually the Victorian Parliament by statute, or a public authority changing a practice the Charter requires to be compatible with human rights), a justify with evidence, and an answered steelman.

Inquiry guidance. A: for example — Source 4.1: the 2006 total ban was held invalid; the 3-year ban was held valid. Source 4.2: the 2022 declaration did not change the law; the bill halted in January 2024. B: Australia — the Commonwealth Parliament, ordinary statute (the voting age changed in 1973); New Zealand — 75 per cent of all MPs or a referendum (protected rule). C and D: marked against the five-step method; the conclusion is free, the reasoning is not. The strongest answers notice the pattern across both sources: courts can protect the democratic standard (“directly chosen by the people”; freedom from age discrimination), but the final shape of the franchise is a decision for the people’s representatives — which is exactly why a recommendation must name its actor and pathway.

Sources for this section

- *Commonwealth Electoral Act 1918* (Commonwealth) — compulsory voting added in 1924; the voting age lowered from 21 to 18 in 1973; section 93(8AA) (the 3-year prisoner rule).
- *Roach v Electoral Commissioner* [2007] HCA 43 — orders 30 August 2007; the total ban invalid, the 3-year criterion valid.
- *Commonwealth of Australia Constitution Act 1900* (UK) — sections 7, 24 (“directly chosen by the people”) and 128 (change by referendum).
- *Charter of Human Rights and Responsibilities Act 2006* (Vic).
- Universal Declaration of Human Rights (1948).
- *Electoral Act 1993* (NZ) — including section 268 (the protected voting rule); the mixed-member proportional method in force since the 1996 general election.
- *Make It 16 Incorporated v Attorney-General* [2022] NZSC 134 — declaration of 21 November 2022; the bill to lower the voting age halted in January 2024.
- Royal Commission on the Electoral System (NZ), 1986; the electoral referendums of 1993 (adopting MMP) and 2011 (keeping it).
- Australian Electoral Commission — 2022 federal election (21 May 2022; turnout 89.82 per cent; Labor 77 of 151 seats).
- New Zealand Electoral Commission — 2023 general election (14 October 2023; turnout 78.20 per cent; National 48, Labour 34, Green 15, ACT 11, New Zealand First 8).

All sources retrieved 26 August 2026.

Do legal institutions deliver fairness, equality and access?

Content description VC2HC10S04.

This section draws on elaborations VC2HC10S04.E01 and VC2HC10S04.E02.

Theory

Setting the frame: three contested terms. This section evaluates how well legal institutions achieve the three principles of justice — **fairness, equality, access**. The Victorian Curriculum names these three as the key principles of justice (VC2HC10K08) but does not define them, so this section uses the working definitions below. Fairness, equality and justice are **contested** terms: reasonable people give them different meanings, and the meaning you choose can change the conclusion you reach. That is why every evaluation in this section states its frame first. In this section: **fairness** means treating people without bias, giving each a proper hearing, and making decisions on the evidence; **equality** means everyone is treated the same before the law, no matter their wealth, power or background; **access** means people can actually understand the law and use the legal system, and can get help to do so.

The three principles of justice — fairness, equality, access

Principle	What it means	What it looks like in the legal system
Fairness	Treating people without bias, giving each person a proper hearing, and applying the same rules and processes to a case.	An impartial judge and jury; both sides get to put their case; decisions are made on the evidence, not on opinion.
Equality	Treating everyone the same before the law, no matter their wealth, power or background. No one is above the law.	The same rules apply to every person; someone is not punished or favoured because of who they are.
Access	People can actually understand the law and use the legal system, and can get help to do so.	Legal aid for people who cannot pay; plain-language information; courts and services people can reach.

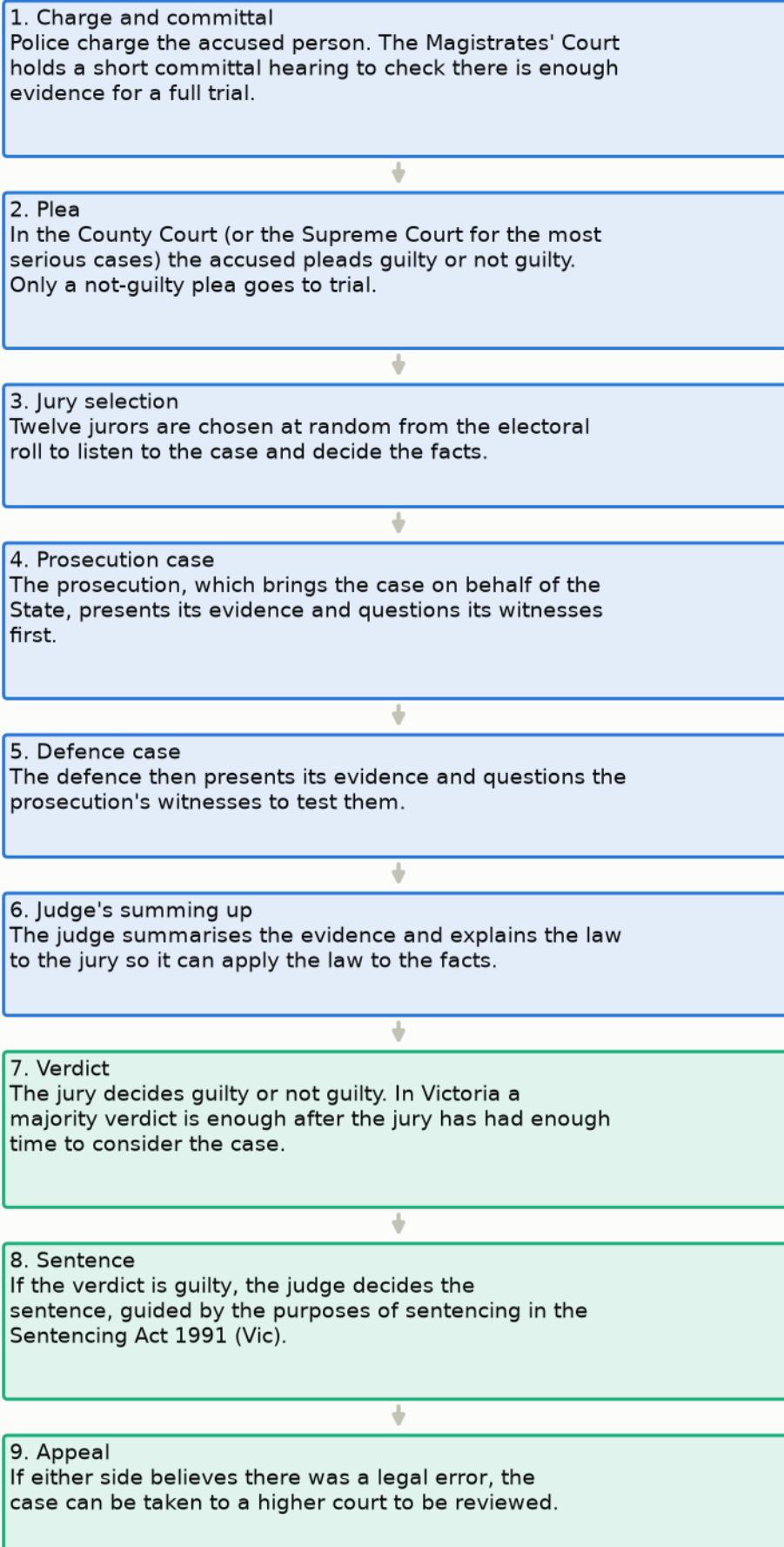
Prepared by ClassBasics for this section.

The three principles are the Victorian Curriculum's key principles of justice (VC2HC10K08); examples are a teaching model.

The three principles of justice — fairness, equality, access — with what each means and what it looks like in the legal system.

The institution that carries them: the criminal trial. In Victoria, the clearest place to see the three principles at work is a criminal trial. Less serious offences are heard by a magistrate in the Magistrates' Court. Serious offences are tried before a judge and a jury of twelve in the County Court, or in the Supreme Court for the most serious cases. The stages of a trial for a serious offence are shown below.

Stages of a criminal trial for a serious offence in Victoria



Prepared by ClassBasics for this section.

Courts and processes are real (Victoria); the sequence is a teaching model of a not-guilty plea.

Flowchart of the nine stages of a criminal trial for a serious offence in Victoria: charge and committal, plea, jury selection, prosecution case, defence case, judge's summing up, verdict, sentence, and appeal.

How the trial upholds each principle. Each feature of a criminal trial serves one or more of the three principles. The table maps the main features to the principle each does the most work for.

Features of a criminal trial and the principle each upholds

Trial feature	How it works	Main principle
Presumption of innocence	The accused is treated as innocent until the case is proved. It is the prosecution that must prove the case, not the accused who must prove innocence.	Fairness
Burden and standard of proof	The prosecution must prove guilt beyond reasonable doubt — a very high standard — so that an innocent person is not wrongly convicted.	Fairness
Impartial judge and jury	The judge and jurors have no interest in the result and decide only on the evidence they hear in court.	Fairness, equality
Legal representation	Both sides can have a lawyer. Victoria Legal Aid helps people who cannot afford one, so money does not decide who gets a case.	Access
Open court	Trials are held in public so the community can see how justice is done and can hold the courts to account.	Fairness, access
Right to question witnesses	The defence can question the prosecution's witnesses to test how truthful and reliable their evidence is.	Fairness
Right to appeal	A higher court can review the case if there may have been a legal error, so mistakes can be corrected.	Fairness, equality

Prepared by ClassBasics for this section. Features reflect Victorian criminal trials.

The 'main principle' column is this section's teaching mapping (a feature can serve more than one principle).

Table mapping features of a criminal trial — presumption of innocence, burden and standard of proof, impartial judge and jury, legal representation, open court, right to question witnesses, and right to appeal — to the principle of justice each upholds.

Evaluating 'the extent to which'. To *evaluate* you do more than list features: you weigh how well each principle is achieved, say where it is limited, and give an overall judgement. Use this checklist as your frame, and always state which questions you weigh most.

Checklist: the principles of justice in a criminal trial

Fairness	Equality	Access
Was the hearing free of bias? Could both sides put their case? Was the verdict based on evidence, not opinion? Did the same rules apply to both sides?	Was the accused treated the same as anyone else? Did wealth, power or status change the treatment? Was the law applied the same way to this person?	Could the accused understand the process? Could they get a lawyer and put their case? Did money, language, disability or location make it hard to take part?
How to answer 'the extent to which': say what works well, say what limits or weakens it, and give an overall judgement. Use features of the trial as your evidence.		

Prepared by ClassBasics for this section. The checklist is a teaching model built from the three principles of justice.

Checklist of evaluation questions grouped under fairness, equality and access, with a note on how to answer 'the extent to which' by weighing what works well against what limits it.

A model trial to apply this to. The worked examples and tasks evaluate the teaching case below. The court, the processes and the law are real (Victoria); the person and the details are invented.

A model criminal trial to evaluate (teaching example)

Jordan, aged 19, has no prior convictions. Jordan is charged with burglary and theft after a back room at a Geelong shop is broken into and stock is stolen. Jordan pleads not guilty and says someone else did it.

The case is heard in the County Court of Victoria, before a judge and a jury of 12. The prosecution, which brings the case on behalf of the State, calls the shop owner, shows CCTV footage and gives fingerprint evidence. The defence questions those witnesses and calls a friend who says Jordan was somewhere else at the time.

Jordan is represented by a lawyer from Victoria Legal Aid. After a two-day trial, the jury considers the case and returns a guilty verdict.

The judge must now decide the sentence. The options include prison, or a Community Correction Order served in the community with conditions.

This is a teaching model: Jordan, the shop and the witnesses are invented. The court, the processes and the law are real (Victoria). Use this case for the worked example and practice tasks.

Prepared by ClassBasics for this section.

A model criminal trial to evaluate: Jordan, 19, charged with burglary and theft in the County Court of Victoria, a not-guilty plea, a jury of 12, Victoria Legal Aid representation, a guilty verdict, and a sentencing choice between prison and a Community Correction Order.

Justice and incarceration. A trial ends in a sentence, so the principles also apply to what happens after a verdict. In Victoria the **Sentencing Act 1991 (Vic)** sets out six purposes of sentencing. Whether prison achieves justice depends on which purposes you weigh. **Deterrence** means using punishment to discourage future offending (specific deterrence for the offender, general deterrence for others); **denunciation** means the community, through the court, saying the behaviour is wrong; **rehabilitation** means helping the offender change and rejoin the community.

The six purposes of sentencing — how well prison serves each

Purpose	What it means	How well does prison serve it?
Just punishment	Punishing the offender in a way that fits the harm done.	Strong. Taking away a person's freedom is a serious punishment.
Specific deterrence	Discouraging this offender from offending again.	Mixed. Some people are discouraged, but many released prisoners return.
General deterrence	Discouraging other people in the community from offending.	Mixed. It can work for planned crimes, less for impulsive ones.
Rehabilitation	Helping the offender change behaviour and rejoin the community.	Weak to mixed. Prison can run programs, but community orders often do this better.
Denunciation	The community, through the court, saying the behaviour is wrong.	Strong. A prison sentence sends a clear message of disapproval.
Community protection	Keeping the community safe from the offender.	Strong while the person is in prison, but protection ends when they are released.

Purposes of sentencing under the Sentencing Act 1991 (Vic), section 5. Prepared by ClassBasics for this section.
The 'how well' column is a teaching judgement to evaluate, not a settled fact.

Table of the six purposes of sentencing under the Sentencing Act 1991 (Vic) — just punishment, specific deterrence, general deterrence, rehabilitation, denunciation and community protection — and how well prison serves each.

What prison serves and what it strains. The same institution can serve some purposes of justice and strain others at the same time.

Justice and incarceration — what prison serves and strains

How prison can serve justice

Protects the community: while locked up, the offender cannot harm the public.
Just punishment: losing freedom is a serious penalty for serious harm.
Denunciation: prison shows the community strongly disapproves of the conduct.
Can offer some programs in prison, such as education and treatment.

How prison can strain justice

High cost: keeping one person in prison for a year is expensive, and that money could be spent another way.
Many return: a large share of released prisoners come back within a few years.
Limited rehabilitation: prison can reinforce criminal habits, and support on release is often thin.
Harm to families and to the offender's future work and housing.

Whether incarceration achieves justice depends on which purposes you weigh most — protection and punishment, or rehabilitation and helping people stop committing crimes. That is the evaluation, and it is a live question in Australian public debate.

Prepared by ClassBasics for this section. Positions are presented in their strong form; the book takes no side.

Two columns comparing how prison can serve justice (community protection, just punishment, denunciation) and how it can strain justice (high cost, many released prisoners return, limited rehabilitation, harm to families and future work).

Sentencing is not only prison. Courts have a range of options, and each connects differently to the three principles.

Sentencing options in Victoria and the principles of justice

Option	What it is	Link to the principles of justice
Imprisonment	The harshest common sentence: the person loses their freedom and lives in prison.	Strong on protection and punishment; weaker on rehabilitation and can harm future chances.
Community Correction Order	A sentence served in the community with conditions, such as unpaid work, curfews or treatment programs.	Can support rehabilitation and keep family and work ties, while still punishing.
Fine	The offender pays money to the State.	Quick and cheap, but it affects a rich person and a poor person very differently (equality).
Diversion and treatment programs	Programs that deal with the causes of offending, such as drug or alcohol treatment.	Can reduce the chance people commit new crimes, and improve access to help, especially for less serious crimes.

Sentencing options under the Sentencing Act 1991 (Vic). Prepared by ClassBasics for this section.

The 'link' column is a teaching guide to help you evaluate, not a fixed answer.

Table comparing sentencing options in Victoria — imprisonment, Community Correction Order, fine, and diversion or treatment programs — and how each links to the principles of justice.

The system in numbers. The size of the prison system is part of the evaluation, because it bears on cost, community protection and rehabilitation.

Victoria's prison system in numbers

49,295

people in Australian prisons on
an average day

126.6

prisoners per 100,000 adults in
Victoria

Corrections also tracks how many released prisoners return within a few years. Reducing this 'return to prison' is a key goal of sentencing and rehabilitation — and a reason courts consider community orders and treatment programs, not just prison.

Source: Australian Bureau of Statistics, Corrective Services, Australia (March quarter 2026).

Chart prepared by ClassBasics for this section.

Two data tiles: 49,295 people in Australian prisons on an average day, and 126.6 prisoners per 100,000 adults in Victoria (Australian Bureau of Statistics, March quarter 2026), with a note on reducing return to prison.

Worked examples

Example 1 — scaffolded (E01)

Evaluate how far Jordan's criminal trial delivers the principles of justice. Use the checklist and state your frame.

Working	Comment
Frame. I weigh fairness and access most heavily.	Stating the frame makes the judgement clear and fair.
Fairness — achieved. Jordan is presumed innocent; the prosecution must prove guilt beyond reasonable doubt; the judge and jury are impartial; the verdict follows two days of evidence.	These features do the most work for fairness.
Fairness — limited. The verdict is a majority, not unanimous, so a juror's view was not needed; the jury hears only evidence the judge allows.	No process is perfect; noting limits is part of evaluating.
Equality — achieved. Jordan is treated like any other accused; the same rules of evidence and proof apply.	The law applies the same way regardless of who the person is.
Access — achieved. Jordan has a Victoria Legal Aid lawyer despite having little money, so the case is properly put and the witnesses are tested.	Legal aid is the key access feature here.
Overall judgement. The trial delivers the principles of justice to a high extent: fairness and access are well served, with small limits that the appeal process can correct.	A framed, balanced conclusion that acknowledges limits.

Example 2 — scaffolded (E02)

Discuss how justice and incarceration interact for Jordan. Weigh two purposes of sentencing and one alternative, and say which option better achieves justice on your frame.

Working	Comment
Frame. I weigh rehabilitation and community protection most.	The conclusion depends on which purposes you weigh.
How prison serves justice. It protects the community now and delivers just punishment and denunciation for the burglary.	Protection and punishment are prison's strengths.
How prison strains justice. It is costly; Jordan is young with no prior convictions, and prison may teach criminal habits, raising the chance Jordan returns later.	This is the tension between punishment and rehabilitation.
Alternative. A Community Correction Order keeps Jordan working and in treatment, punishing in the community while addressing the causes of offending.	Community orders can serve rehabilitation and reduce return to prison.
Judgement. For a young first offender, a community order better achieves justice on my frame; for a serious repeat offender, prison's protection would weigh more.	A framed judgement that changes with the frame.

Practice questions

Scaffolded

- Q1.** (a) In your own words, define fairness. (b) In your own words, define access.
- Q2.** Name the court that hears less serious offences in Victoria, and the court that tries serious offences before a judge and jury.
- Q3.** List three features of a criminal trial and state the principle of justice each upholds.
- Q4.** State who carries the burden of proof in a criminal trial, and the standard of proof that must be met.
- Q5.** Name two of the six purposes of sentencing under the *Sentencing Act 1991* (Vic).
- Q6.** State the figure for Victoria's imprisonment rate in the data figure, and explain what "per 100,000 adults" means.

Un scaffolded

- Q7.** Explain how legal representation, including legal aid, supports the principle of access in a criminal trial. (2 marks)
- Q8.** Evaluate the extent to which the presumption of innocence and the standard of proof uphold fairness in Jordan's trial. (3 marks)
- Q9.** Discuss one way prison serves justice and one way it strains justice, using two purposes of sentencing. (3 marks)
- Q10.** Evaluate whether a Community Correction Order or prison better achieves the principles of justice for Jordan. State which purposes of sentencing you weigh most. (4 marks)

Source-based inquiry

Use **Source 1** (below) to answer the questions. This is the argument task of the section: your job is to evaluate the two positions and reach your own framed judgement.

Source 1 — two views on incarceration and justice

View A — community protection and punishment

"People who commit serious crimes should go to prison. Prison protects the community, delivers just punishment and deters other people from offending. Victims deserve to see offenders held to account. A community order is simply not enough of a punishment for a serious crime."

— Spokesperson for a victims-of-crime group

View B — rehabilitation and alternatives

"Prison alone does not make us safer. Many people leave prison and return within a few years. If we invest in rehabilitation, treatment and community orders, we can reduce how many people commit new crimes. That is better for victims in the long run, and a better use of public money."

— Worker at a community legal centre

Teaching views modelled on real public debate; prepared by ClassBasics for this section.
Both positions are shown in their strong form.

Source 1, two views on incarceration and justice: View A from a victims-of-crime group spokesperson arguing for prison as protection, punishment and deterrence; View B from a community legal centre worker arguing that rehabilitation, treatment and community orders reduce future crime.

S1. (a) State the main claim in View A and one reason given for it. (2 marks) (b) State the main claim in View B and one reason given for it. (2 marks) (c) Identify one assumption behind each view. (2 marks) (d) State which principle of justice, or purpose of sentencing, each view weighs most. (2 marks) (e) Give your own judgement on whether incarceration achieves justice, stating which purposes or principles you weigh most and one piece of evidence from this section that supports your view. (4 marks)

Answers

Q1. (a) Treating people without bias, giving each a proper hearing, and deciding on the evidence. (b) People being able to understand the law and use the legal system, and to get help to do so. **Q2.** Magistrates' Court; County Court (or Supreme Court for the most serious cases). **Q3.** Any three from the features table, correctly matched (for example: presumption of innocence — fairness; legal representation — access; impartial judge and jury — fairness and equality). **Q4.** The prosecution carries the burden; the standard is proof beyond reasonable doubt. **Q5.** Any two of: just punishment; specific deterrence; general deterrence; rehabilitation; denunciation; community protection. **Q6.** 126.6 prisoners per 100,000 adults; it is a rate, so it compares Victoria fairly by scaling the number of prisoners to every 100,000 adults, not a raw count. **Q7.** See solutions. **Q8.** See solutions. **Q9.** See solutions. **Q10.** See solutions. **S1.** See solutions.

Fully-worked solutions

Q7. A criminal trial is complex, so without a lawyer an accused person may not understand the case or test the evidence against them. Legal aid, such as Victoria Legal Aid, provides a lawyer to people who cannot pay, so money does not decide whether a person gets a proper defence. This makes the legal system usable for everyone, which is the principle of access. (2 marks: names legal aid + explains how it removes the money barrier.)

Q8. The presumption of innocence means Jordan starts from innocent and the prosecution must prove the case; the standard of proof — beyond reasonable doubt — means the jury cannot convict unless it is sure. Together these protect fairness by making it very hard to convict an innocent person and by placing the burden on the State, not on Jordan. The extent is high, though a majority verdict shows fairness is not absolute. (3 marks: presumption + standard of proof + fairness link.)

Q9. Serves: prison protects the community (community protection), because the offender cannot harm the public while locked up. Strains: prison can strain rehabilitation, because it may teach criminal habits and many released prisoners return, so it may not reduce future crime. (3 marks: one serve + one strain, each tied to a purpose.)

Q10. *Model answer.* Frame: I weigh rehabilitation and community protection most. A Community Correction Order better achieves justice for Jordan, a young first offender: it punishes in the community while keeping work, family and treatment ties that reduce the chance of return to prison; prison would protect now but may harm rehabilitation. If I weighed just punishment and denunciation most, prison would look better. The conclusion changes with the frame, which is why the frame must be stated. (4 marks: frame + option chosen + two reasons + acknowledges the frame changes the answer.)

S1. (a) View A claims serious offenders should go to prison; reason: prison protects the community, delivers just punishment and deters others. (b) View B claims prison alone does not make us safer; reason: many released prisoners return, and rehabilitation and community orders reduce future crime. (c) View A assumes punishment and removal protect and deter; View B assumes addressing causes reduces reoffending more than prison does. (d) View A weighs protection, punishment and deterrence; View B weighs rehabilitation and (implicitly) access to help. (e) Any reasoned judgement that states a frame and cites evidence from the section (for example the return-to-prison note, the sentencing purposes, or the cost tile). (12 marks total.)

Who holds power? Political actors and their connections

Power in a democracy is never held by one person in one place. It is spread across **political actors** — the parties, interest groups, media organisations, governments and international bodies that act in political life — and it flows along **connections**, both inside Australia and across its borders. This section builds one skill for making sense of that spread: **evaluation** — working out who holds power, where it comes from, how it is used, what checks it, and how much of it there really is. That is the skill named by the content descriptor this section owns, **VC2HC10S05**.

The curriculum path. VCAA pairs VC2HC10S05 with five elaborations. Each is practised here against content taught in other sections of this book (the arrow shows where that content lives):

- **.E01** → 1B
- **.E02** → 1B/3C
- **.E03** → 1D
- **.E04** → 1D/2C
- **.E05** → 2C

Two ground rules.

1. **Evaluation is not sorting.** The job is not to label an actor “powerful” or “weak” but to work out *where* its power comes from, *how* it is used and *what* checks it. An actor that looks weak in one setting can be strong in another.
 2. **Reasoning, not sides.** Two students can read the same case, reach different judgements about how much power an actor holds, and both reason well. In this section you are marked on how well you test a judgement — never on which side you land on.
-

Theory

A word about “power”. The Victorian Curriculum uses the word *power* but does not define it. In this section, *power* is used in the sense given by the study of politics: **the ability of a person or group to shape decisions, actions or outcomes that affect other people**. Other definitions exist and are not interchangeable with this one. *Power* is a **contested term** — people argue about who should hold it and how much is too much — so every task here says *whose* power we mean, *where* it comes from, and *how* it is used. Two related terms are also fixed here. An **institution** is an established organisation or set of rules through which decisions are made — a parliament, a court, a government department, or an international body. A **connection** is a link between actors, or between an actor and an institution, whether formal (a signed treaty or a membership) or informal (shared ideas or money).

The five-question frame. Every actor in this section goes through the same five questions: who, from where, how, checked by, how much. Learn the frame once and it works on a party, a union, a media outlet or a global body.

Evaluating power — the five questions used in this section

Put every political actor through these five questions before you judge how much power it holds.

Question	What it asks	Why it matters
Who?	Which actor holds the power?	Name the actor — a party, a union, a media outlet, a government or an international body.
From where?	Where does the power come from?	Power can come from law, votes, money, numbers of members, ideas or a loud voice. The source shapes how strong it is.
How?	How is the power used?	Describe the action — proposing, funding, campaigning, reporting, recommending or making a binding decision.
Checked by?	What limits or checks it?	Courts, parliaments, elections, members and the media can all hold an actor's power in check.
How much?	What is the degree of power?	The honest answer is usually a degree — strong, partial or weak — not a simple yes or no.

The habit this builds

A good evaluator does not sort actors into 'powerful' and 'weak'. They ask: where does the power come from, how is it used, what checks it, and how much is there? Two students can weigh the same case differently and both reason well — the mark goes to the reasoning, not to the side taken.

Frame prepared by ClassBasics for this section.

A table of the five power-analysis questions used in this section — who, from where, how, checked by and how much — with the question to ask and why each matters

Who holds power? Political actors come in two broad kinds: **domestic** actors, which act mainly inside Australia, and **international** actors, which act across borders or between countries. The table below sets out the main actors this section uses and the kind of power each one draws on.

Political actors — and the kind of power each draws on

Domestic actors act mainly inside Australia; international actors act across borders or between countries.

Political actor	Kind	Where its power comes from
Political parties (e.g. the Australian Labor Party, the Liberal Party)	Domestic	Votes, members, and the chance to form government and shape policy.
Interest groups (e.g. the ACTU, business and environment groups)	Domestic	Members, money and expertise, used to campaign and to lobby decision-makers.
The media	Domestic	The ability to investigate, to publish, and to set which issues the public hears about.
The Australian Government	Domestic	The power to make and carry out law and policy, and to make treaties.
International institutions (e.g. the UNFCCC)	International	Agreements made between countries, and the reviews and rules they run.
The United Nations and its bodies	International	The authority to make treaties, review countries' records, and make recommendations.

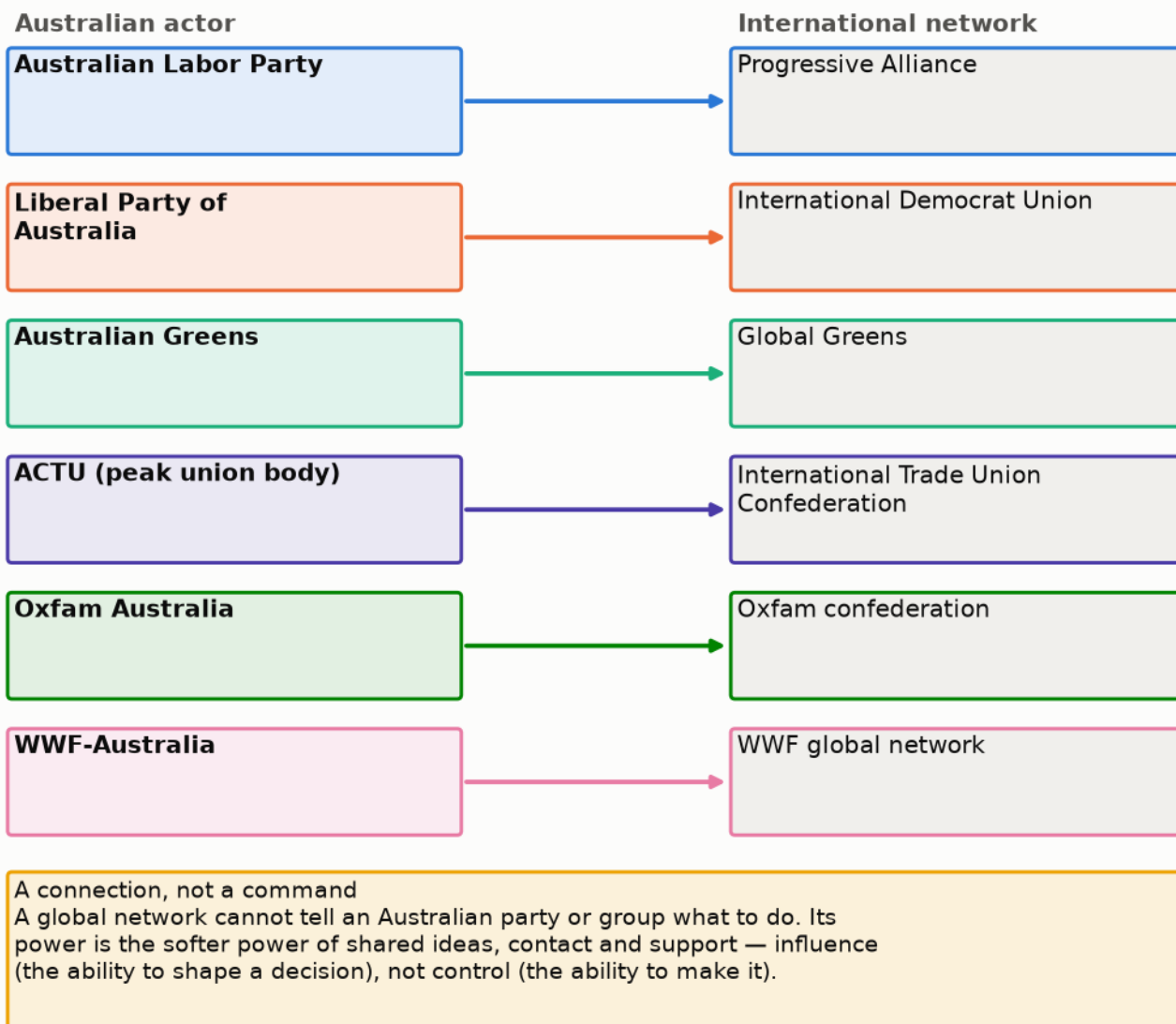
Model prepared by ClassBasics for this section. The actors are real; the 'kind' split is a teaching model.

A table of political actors in Australia and internationally — political parties, interest groups, media organisations, the Australian Government, international institutions and the United Nations — with the kind of power each draws on

.E01 — Connections outside Australia. Australian political actors do not stop at the coastline. Parties and interest groups belong to **international networks** — formal memberships or alliances with like-minded bodies in other countries. These connections matter because they let actors share ideas, coordinate campaigns and lend one another support. The figure below shows six real examples.

Connections outside Australia

Six Australian political actors and the international networks they belong to.



Memberships are a matter of public record; model prepared by ClassBasics, retrieved 26 August 2026.

A mapping showing six Australian political actors joined by arrows to the international networks they belong to — the Australian Labor Party to the Progressive Alliance, the Liberal Party to the International Democrat Union, the Australian Greens to the Global Greens, the ACTU to the International Trade Union Confederation, Oxfam Australia to the Oxfam confederation, and WWF-Australia to the WWF global network

Source: party and union international memberships are a matter of public record; retrieved 26 August 2026.

Read these with the frame. A party's membership of a global alliance is a *connection*, not a *command*: the Progressive Alliance cannot tell the Australian Labor Party what to do. Its power is the softer power of shared ideas, contact and mutual support. That is a key habit in this section — noticing when a connection carries **influence** (the ability to shape a decision) rather than **control** (the ability to make the decision).

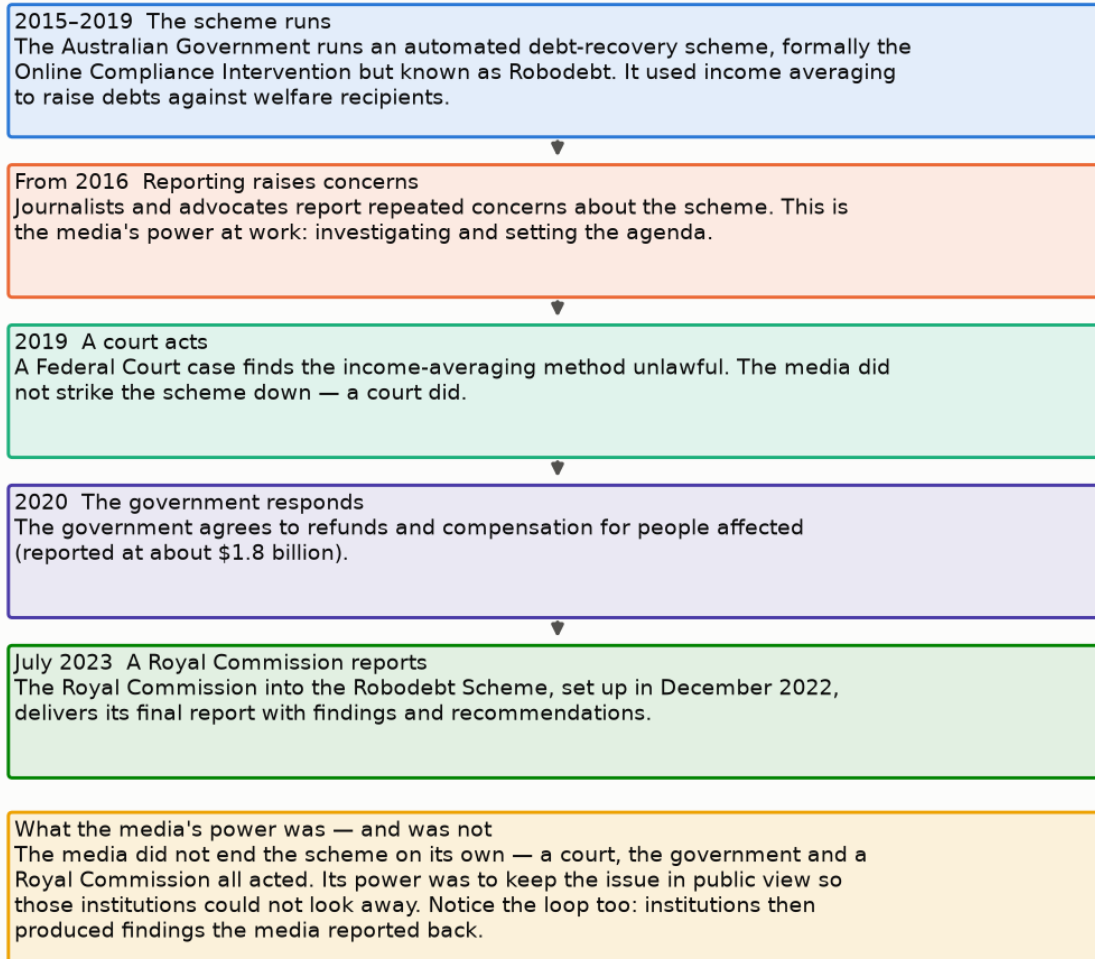
.E02 — The media's influence on an institution. The media is a political actor too. Its power is not the power to make law — it has none of that — but the power to **set the agenda**: to decide which issues the public hears about, and to investigate what governments do. One real case shows the chain of that influence: the **Robodebt** scheme.

From **2015 to 2019** the Australian Government ran an automated debt-recovery scheme, formally called the **Online Compliance Intervention** but known as Robodebt. It used **income averaging** — comparing yearly tax data with fortnightly welfare records — to raise debts against welfare recipients. Reporting by journalists and advocates raised

repeated concerns about the scheme from 2016, and the pressure those reports built is part of what followed. The figure below traces the chain.

The media's influence — the Robodebt case

How reporting helped keep an issue in public view while institutions acted on it.



Robodebt Royal Commission (robodebt.royalcommission.gov.au); Federal Court class-action settlement reported June 2020; retrieved 26 August 2026.

A timeline of the Robodebt case showing the media's influence on institutions — the scheme runs 2015 to 2019, reporting and advocacy raise concerns, a Federal Court case finds the method unlawful in 2019, the government agrees to refunds and compensation in 2020, and a Royal Commission reports in July 2023

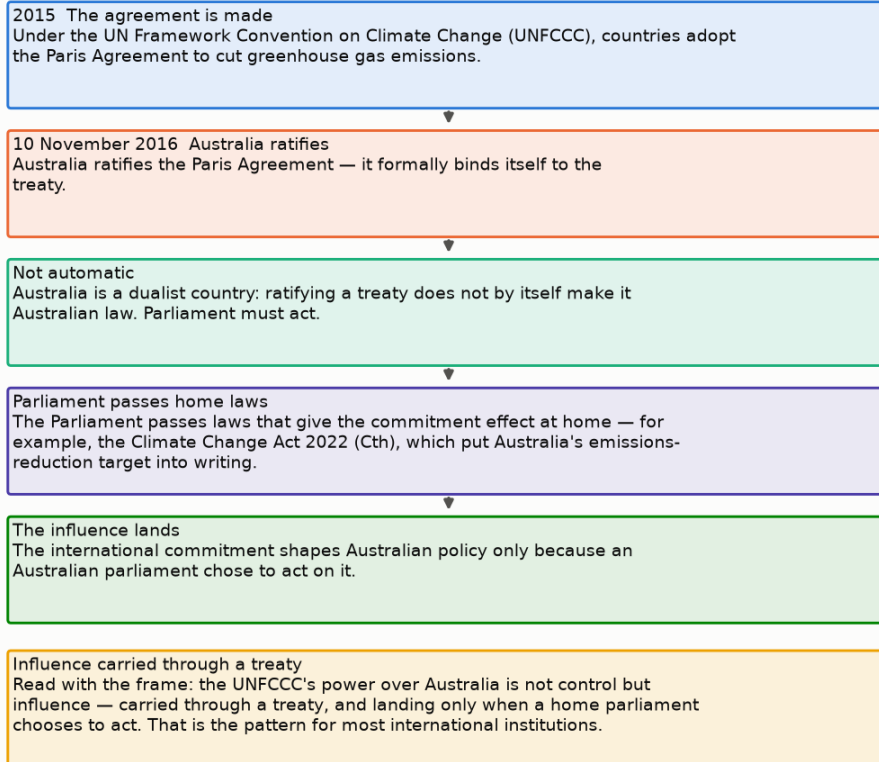
Source: Robodebt Royal Commission, robodebt.royalcommission.gov.au; Federal Court class-action settlement reported June 2020; retrieved 26 August 2026.

Two things to notice. First, the media did not overturn the scheme by itself — courts, the government and a Royal Commission all acted. The media's power was to **keep the issue in public view** so those institutions could not look away. Second, the chain runs both ways: the media influenced institutions, and institutions (a court, a Royal Commission) then produced findings the media reported. Power here is a loop, not a one-way push.

.E03 — How international institutions influence Australia's institutions. An **international institution** is a body set up by agreement between countries, such as the **United Nations** and its specialist bodies. The **United Nations Framework Convention on Climate Change (UNFCCC)** is one: under it, countries adopted the **Paris Agreement** in **2015**, and Australia **ratified** it on **10 November 2016** — that is, formally bound itself to it. The figure below traces how that international commitment reached into Australian law.

An international institution reaches into Australian law

The path from the UNFCCC and the Paris Agreement to Australian climate law.



Paris Agreement ratification, Department of Climate Change, Energy, the Environment and Water; Climate Change Act 2022 (Cth), Federal Register of Legislation; retrieved 26 August 2026.

A flow showing an international institution influencing Australia's institutions — the UNFCCC and Paris Agreement, Australia's ratification in November 2016, and the domestic laws that followed, including the Climate Change Act 2022

Source: Paris Agreement ratification, Department of Climate Change, Energy, the Environment and Water; Climate Change Act 2022 (Cth), Federal Register of Legislation; retrieved 26 August 2026.

Australia is a **dualist** country: ratifying a treaty does not by itself make it Australian law. Parliament must pass laws that give the commitment effect at home. The **Climate Change Act 2022** (Cth — a Commonwealth, or federal, law) is one such law — it put Australia's emissions-reduction target into writing. Read with the frame: the UNFCCC's power over Australia is not control but **influence carried through a treaty** — and it only lands because an Australian parliament chooses to act.

.E04 — UN recommendations and the Australian Government's response. The United Nations does not only make treaties; it also reviews how countries treat their own people. One mechanism is the **Universal Periodic Review (UPR)**, run by the UN **Human Rights Council**, in which each country's human-rights record is examined by other countries roughly every four and a half years. At Australia's review in **January 2021**, other countries put **256 recommendations** to Australia. Australia then responded to each, either **supporting** it (agreeing to act) or **noting** it (acknowledging it without committing).

The Universal Periodic Review — UN advice on Australian policy

How the UN reviews Australia's human-rights record, and how the Australian Government responds.

The body

The UN Human Rights Council runs the Universal Periodic Review (UPR). Each country's human-rights record is examined by other countries, roughly every four and a half years.

January 2021 Australia is reviewed

At Australia's review, other countries examine its record and put questions and recommendations to it.

256 recommendations

Other countries put 256 recommendations to Australia — on matters such as modern slavery, equality, and how asylum seekers are treated.

Australia responds

The Australian Government answers each recommendation: supporting it (agreeing to act) or noting it (acknowledging it without committing).

The final say

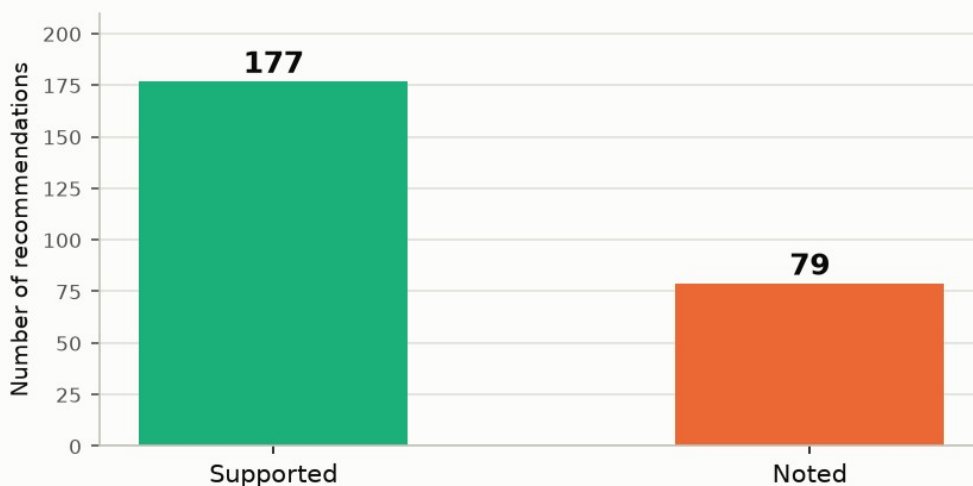
The UN can recommend, but Australia decides what to act on. The connection is real; the final say stays with the Australian Government.

UN Universal Periodic Review, Australia third cycle, January 2021; Australia's response, UN Human Rights Council document A/HRC/46/11/Add.1; retrieved 26 August 2026.

A flow showing the Universal Periodic Review process — Australia's record examined by other countries, 256 recommendations made in January 2021, and the government supporting or noting each one

Australia's response to the UPR recommendations

January 2021 review: 256 recommendations in total



Prepared by ClassBasics from the UN Human Rights Council document A/HRC/46/11/Add.1 (Australia's response), retrieved 26 August 2026.

A bar chart of Australia's response to the 256 Universal Periodic Review recommendations made in January 2021 — 177 supported and 79 noted

Source: UN Universal Periodic Review, Australia third cycle, January 2021; Australia's response, UN Human Rights Council document A/HRC/46/11/Add.1; retrieved 26 August 2026.

The numbers tell you something about power. The UN can *recommend*, and Australia chooses how to respond — supporting some, noting others. The UPR shows a **connection** between an international institution and Australian policy, but one where the Australian Government keeps the final say.

.E05 — How well Australia upholds an international law. To **uphold** an international law is not one thing but three. First, **ratify** it — formally bind yourself to it. Second, **implement** it — pass home laws that give it effect. Third, **comply** in practice — act in line with it. The figure below sets out the test.

What it means to uphold an international law

Upholding is not one thing but three steps — and the honest answer is usually a degree.

1 Ratify

Formally bind yourself to the treaty. From this moment, international law says you have an obligation.



2 Implement

Pass home laws that give the treaty effect. In a dualist country like Australia, a treaty is not home law until parliament acts.



3 Comply

Act in line with the obligation in practice. This is the step most often contested — the gap between the promise and what happens.

The degree scale

Because upholding has three steps, the answer is rarely 'fully' or 'not at all'. Place the case on the scale: strongly upheld, largely upheld, partly upheld, or contested. Different source types — the law on the books, what happens in practice, and an outside review — can pull the judgement to different points.

Model prepared by ClassBasics for this section.

A model of the three steps of upholding an international law — ratify, implement and comply — with a scale showing that the honest answer is usually a degree, from strongly upheld to contested, rather than fully or not at all

One international law to test is the **Convention relating to the Status of Refugees** (the **Refugee Convention**). Australia **joined** it on **22 January 1954** and joined its **1967 Protocol** on **13 December 1973**. Its core duty is **non-refoulement** — the rule that a refugee must not be sent back to a place where their life or freedom would be threatened. At home, that duty is given effect mainly through the **Migration Act 1958** (Cth). Whether Australia upholds the Convention in practice, though, is **contested** — and the strongest version of each side (a *steelman* of each) is worth reading before you judge.

Does Australia uphold the Refugee Convention?

Australia joined the Convention in 1954 and the 1967 Protocol in 1973. Two views on how well it upholds the duty, each at its strongest.

The case that Australia upholds it
Australia bound itself early (1954)
and gave the duty home effect through
the Migration Act 1958. Its
protection-visa system assesses
claims, and courts can review
decisions, which holds the government
to the rule. Australia also resettles
refugees and takes part in the UN
system that the Convention rests on.

The case that Australia falls short
Critics, including UN bodies, argue
that some practices — such as
mandatory detention and some offshore
measures — do not sit well with the
Convention's duty of non-refoulement
and with treating claims fairly. On
this view, the signature and the home
law are not enough if practice falls
short of the promise.

Your task

Both sides accept the same machinery — the treaty, the home law, the courts —
and disagree about how well it works in practice. This section takes no side.
Weigh the two views and judge the degree.

Dates Australia joined the Refugee Convention, UN Treaty Collection; non-refoulement, Article 33 of the Convention; retrieved 26 August 2026.

Two columns setting out the strongest case that Australia upholds the Refugee Convention and the strongest case that it falls short, with a note that the section takes no side

Source: dates Australia joined the Refugee Convention, UN Treaty Collection; non-refoulement, Article 33 of the Convention; retrieved 26 August 2026.

Notice that both sides accept the same machinery — the treaty, the home law, the courts — and disagree about how well it works in practice. That disagreement *is* the degree, and weighing it is the skill.

Worked examples

Example 1 — scaffolded

Use the five-question frame to evaluate the media's power in the Robodebt case.

Working	Comment
Who? News media outlets and investigative journalists, reporting alongside advocates and people affected by the scheme.	The actor is the media — a domestic political actor.
From where? Not from law — the media makes no law. From its ability to investigate, publish and keep an issue in public view.	The source of its power is voice and attention, not formal authority.
How? By reporting concerns about the scheme from 2016, and keeping them public while courts and government acted.	The media set the agenda; it did not itself strike the scheme down.
Checked by? The institutions it pushed — a Federal Court found the method unlawful in 2019; a Royal Commission reported in July 2023. The media answers to its own standards of evidence too.	Power is checked by the very institutions it influences, and by its duty to report accurately.
How much? Real but partial. The media helped keep the issue alive, but it took courts, the government and a Royal Commission to act.	A strong evaluation lands on a degree, not a yes-or-no.

Judgement. The media's power in this case was the power of **influence**, not control — strong enough to keep the issue in public view, not strong enough to end the scheme on its own.

Example 2 — scaffolded

Analyse how well Australia upholds the Refugee Convention, using the ratify–implement–comply test.

Working	Comment
Ratify. Australia joined the Convention on 22 January 1954 and joined the 1967 Protocol on 13 December 1973.	The first step is clearly met — Australia is bound.
Implement. The duty is given effect at home mainly through the Migration Act 1958 (Cth).	The second step is met — there is home law.
Comply. This is the contested step. One side points to the protection-visa system and court review; the other points to UN criticism of some practices.	The honest disagreement sits here, at practice, not at the signature.
Weigh. Both sides accept the treaty and the home law; they differ on how well practice matches the duty.	The spread between the two sides <i>is</i> the degree.
Judgement. A model judgement is partly : ratified and implemented clearly, contested in practice. The mark goes to weighing both sides and landing on a degree that the evidence can carry.	

Practice questions

Scaffolded

Q1. Using the five-question frame: (a) name the question that asks *where* an actor’s power comes from; (b) name the question that asks *what limits* that power; (c) in one sentence of your own, why is “how much?” the hardest of the five to answer?

Q2. Using the actors table: (a) name one domestic political actor and one international political actor; (b) for each, state the kind of power it draws on; (c) which actor in the table makes binding treaties?

Q3. Using the connections map: (a) which international network does the Australian Labor Party belong to? (b) name two interest groups and the international bodies they belong to; (c) why is a party’s membership of a global alliance *influence* rather than *control*?

Q4. Using the Robodebt timeline: (a) in which years did the scheme run? (b) name the two institutions, other than the media, that acted on the scheme; (c) in one sentence, what was the media’s power in this case?

Q5. Using the international-influence flow: (a) what does it mean to say Australia ratified the Paris Agreement on 10 November 2016? (b) what does *dualist* mean, and why does it matter here? (c) name one Australian law that gives a climate commitment effect at home.

Q6. Using the UPR bar chart: (a) how many recommendations were made to Australia in January 2021? (b) how many did Australia support, and how many did it note? (c) what does “noting” a recommendation mean?

Unscaffolded

Q7. “International networks give Australian parties and interest groups real power.” Evaluate this claim using the connections map and the five-question frame. Reach a reasoned judgement about how much power these connections really carry.

Q8. The Robodebt chain shows the media influencing institutions. Using the timeline, explain whether the media’s power here was closer to *influence* or *control*, and name the evidence that supports your answer.

Q9. “Australia fully upholds the Refugee Convention.” Using the ratify–implement–comply test and the two views in the steelman figure, analyse how well Australia upholds this obligation. Reach a reasoned judgement — fully, partly, or contested — and support it.

Q10. The UN can recommend changes to Australian policy through the UPR, and Australia supports or notes each one. Explain what this shows about the power of an international institution over Australian policy — and where that power stops.

Inquiry and argument task

Q11. Choose **one** political actor and **one** contemporary issue from this section — the media and Robodebt, the UNFCCC and climate policy, the UN and the UPR, or Australia and the Refugee Convention. Build a short evaluation using the five-question frame: who, from where, how, checked by, and how much. For each question, use at least one piece of evidence from the figures in this section or from a source you locate, and record it. Then write a short argument (about one page) answering this question: *weighing the evidence, how much power does this actor really hold on this issue, and what checks it?* You are marked on how you weigh the evidence — not on the judgement you reach.

Answers

- Q1.** (a) “From where?” (b) “Checked by?” (c) Any sentence that captures that degree needs evidence and judgement, not just a label — it asks how much, and that must be weighed.
- Q2.** (a) e.g. domestic: the Australian Labor Party (or the media, or an interest group); international: the United Nations (or the UNFCCC, or the UN Human Rights Council). (b) A party draws on votes and members; the UN draws on the agreements its members make. (c) The Australian Government (through the executive) makes treaties; the parliament gives them home effect.
- Q3.** (a) The Progressive Alliance. (b) e.g. the ACTU belongs to the International Trade Union Confederation; Oxfam Australia belongs to the Oxfam confederation. (c) Because the alliance cannot command the party — it can share ideas and offer support, which is influence, not control.
- Q4.** (a) 2015 to 2019. (b) The Federal Court (which found the method unlawful in 2019) and the Royal Commission (which reported in July 2023). (c) To keep the issue in public view — influence, not control.
- Q5.** (a) On that date Australia formally bound itself to the treaty. (b) Dualist means a ratified treaty is not automatically home law — parliament must pass laws giving it effect, so the commitment only lands if parliament acts. (c) The Climate Change Act 2022 (Cth).
- Q6.** (a) 256. (b) 177 supported, 79 noted. (c) Acknowledging it without committing to act on it.
- Q7.** Marked on: applying the frame, landing on a degree (e.g. real but limited — connections carry influence, shared ideas and support, not control), and supporting it with the map. Reasoning, not conclusion.
- Q8.** Marked on: a judgement (influence), and evidence that the media kept the issue in view while courts, the government and a Royal Commission were the ones that acted. Reasoning, not conclusion.
- Q9.** Model judgement: partly. Ratified (1954/1973) and implemented (Migration Act 1958) clearly; contested in practice, where the two views differ. Marked on applying all three steps and weighing both sides. Reasoning, not conclusion.
- Q10.** Marked on: the UN can recommend and Australia responds (supports or notes), showing influence and a connection, but the final say stays with the Australian Government — the power stops short of control. Reasoning, not conclusion.
- Q11.** Marked on: five completed frame questions, each backed by at least one piece of evidence; an argument that weighs the evidence and lands on a degree; reasoning, not conclusion.
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Fully-worked solutions

- Q1.** (a) The “From where?” question asks where an actor’s power comes from — law, votes, money, voice or ideas. (b) The “Checked by?” question asks what limits that power — courts, parliaments, elections or the actor’s own rules. (c) “How much?” is hardest because degree is not read off a label; it must be weighed against evidence, and two people can weigh the same evidence differently and both reason well.
- Q2.** (a) A domestic actor acts mainly inside Australia — the Australian Labor Party, the media, or an interest group such as the ACTU. An international actor acts across borders — the United Nations, the UNFCCC, or the UN Human Rights Council. (b) A party draws on votes, members and the chance to form government; the UN draws on the agreements its members make and the reviews it runs. (c) The Australian Government, through the executive, makes and ratifies treaties; parliament then gives them effect at home — so treaty-making is shared between the two.
- Q3.** (a) The Australian Labor Party belongs to the Progressive Alliance, a global network of centre-left and social-democratic parties. (b) The ACTU belongs to the International Trade Union Confederation, and Oxfam Australia belongs to the Oxfam confederation. (c) A global alliance cannot command its members — it shares ideas, contacts and mutual support. That is influence (the ability to shape a decision), not control (the ability to make it), which is why the connection carries soft power rather than hard power.

Q4. (a) The scheme ran from 2015 to 2019. (b) The Federal Court found the income-averaging method unlawful in 2019, and a Royal Commission reported in July 2023. (c) The media’s power was to investigate and keep the issue in public view from 2016 so that courts, the government and the Royal Commission could not look away — the power of influence, not of control.

Q5. (a) Ratifying a treaty is the formal step that binds a country to it; 10 November 2016 is the date Australia took that step for the Paris Agreement. (b) In a dualist system a ratified treaty is not automatically home law — parliament must pass laws giving it effect, so an international commitment only lands if an Australian parliament chooses to act. (c) The Climate Change Act 2022 (Cth) put Australia’s emissions-reduction target into home law.

Q6. (a) 256 recommendations. (b) Australia supported 177 and noted 79. (c) Noting a recommendation means acknowledging it without committing to act on it — so the count shows how far Australia agreed and where it held back.

Q7. Model judgement: real but limited power. Work the frame: the actor is a party or interest group; its power from a global network comes from shared ideas, contacts and support, not from any right to command; it is used by shaping policy debates and lending one another backing; it is checked by the fact that the Australian party still answers to Australian voters and members. So the connection carries influence — sometimes a lot of it — but not control. A strong answer lands on a degree and names the evidence.

Q8. The media’s power was closer to influence than control. Evidence: the media reported concerns and kept the issue in public view, but it was a Federal Court that found the method unlawful (2019), the government that agreed to refunds and compensation (2020), and a Royal Commission that reported (July 2023). The media set the agenda; institutions acted. That split — keeping an issue in view without itself ending the scheme — is what separates influence from control.

Q9. Step 1, ratify: met — Australia joined in 1954 and joined the 1967 Protocol in 1973. Step 2, implement: met — the duty is given home effect mainly through the Migration Act 1958 (Cth). Step 3, comply: contested — one side points to the protection-visa system and court review, the other to UN criticism of some practices. Judgement: partly — clearly ratified and implemented, contested in practice. The grade-worthy move is letting the two sides pull the judgement and saying so, rather than answering “fully” or “not at all”.

Q10. The UPR shows an international institution with influence but not control. The UN can examine Australia’s record and put recommendations (256 in January 2021), and Australia responds by supporting (177) or noting (79) each one — so the connection is real and the UN shapes the conversation. But the final say stays with the Australian Government, which chooses what to act on. That is where the UN’s power stops: at Australia’s own decision.

Q11. Model shape (media and Robodebt). Who: news media and investigative journalists with advocates. From where: the ability to investigate, publish and keep an issue in view — not from law. How: by reporting concerns from 2016 and keeping them public. Checked by: the institutions it pushed (a court, a Royal Commission) and its own duty to report accurately. How much: real but partial — influence, not control, because courts and government did the acting. The argument then weighs these and lands on a degree that the evidence can carry. Markers reward the weighing, not the landing spot.