

Mathematics Level 7

Chapter 2 — Laws and citizens: the legal system and how laws are made

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Courts, the Constitution and the rule of law

Curriculum trace — Victorian Curriculum 2.0, Civics and Citizenship, Levels 7 and 8 band

- **Content description:** VC2HC8K05
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 - **Elaborations drawn on:** VC2HC8K05.E01 · VC2HC8K05.E02 · VC2HC8K05.E03 · VC2HC8K05.E04
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Teaching sequence (for the teacher)

1. **Hook — the king who had to sign (10 min).** Open with Magna Carta, 1215: a king who imprisoned people without reason was made to agree, in writing, that not even he stands above the law (clauses 39 and 40, below). Ask: *what stops a government today from doing what King John did?* Collect answers; park them.
2. **The rule of law, defined before used (15 min).** Run the definitional preface (below) and `../diagrams/2a_rule_of_law.png`. Make the key move explicit: *the rule of law* is a contested term, so this section names its definition and its rivals (`../diagrams/2a_rule_of_law_thinkers.png`). Students compare Dicey, Bingham and Krygier and decide which definition the Alexander case best fits.
3. **The rulebook — the Constitution and an independent judiciary (15 min).** Sections 71 and 72 in plain language; the separation of powers in one sentence each for Parliament, Executive and courts. Link to 1C: *the same High Court that guards the Constitution is the top of every court ladder*.
4. **The court system in two ladders (20 min).** `../diagrams/2a_federal_courts.png` and `../diagrams/2a_vic_courts.png`. Students label a blank copy from memory, then place three sample matters (a speeding ticket; a \$300,000 business dispute; a murder charge) in the court that would first hear each.
5. **Inside a fair trial (20 min).** `../diagrams/2a_magistrates_courtroom.png` and `../diagrams/2a_fair_trial.png`, then `../diagrams/2a_hearing_flow.png`. The Magistrates' Court of Victoria is the curriculum's named example: no jury, a magistrate decides. Practise the elements on the flow: *which step protects which element?*
6. **Two case studies (20 min).** Worked case study 1 (*Alexander*, decided 8 June 2022) as the contemporary case; worked case study 2 (the Communist Party case, 1951) as the historical check. Both show the same idea: a court telling the government "no".
7. **Access to justice (15 min).** `../diagrams/2a_access_to_justice.png` with the live Victoria Legal Aid facts (phone line, duty lawyers, Help Before Court). Close the loop to the hook: *a right you cannot use is a right in name only*.
8. **Assessment.** Scaffolded tasks Q1–Q6 in class; unscaffolded Q7–Q12 as homework or a checkpoint; the extended response as a timed, evidence-based task.

Contemporary case currency: the Alexander decision is dated 8 June 2022 and the court facts below were retrieved 26 August 2026 (at that date the High Court of Australia had seven justices, headed by Chief Justice Stephen Gageler — High Court of Australia, hcourt.gov.au).

Key ideas

Before the terms: three kinds of word. Some words have one agreed meaning (*judge* names a job). Some are **subject terms** we define once and then use exactly (*appeal, magistrate, due process*). And some are **contested terms** — smart people define them in different ways, and the definition you pick changes the answers you get (*the rule of law, fairness, equality, access*). This section tells you which is which, every time.

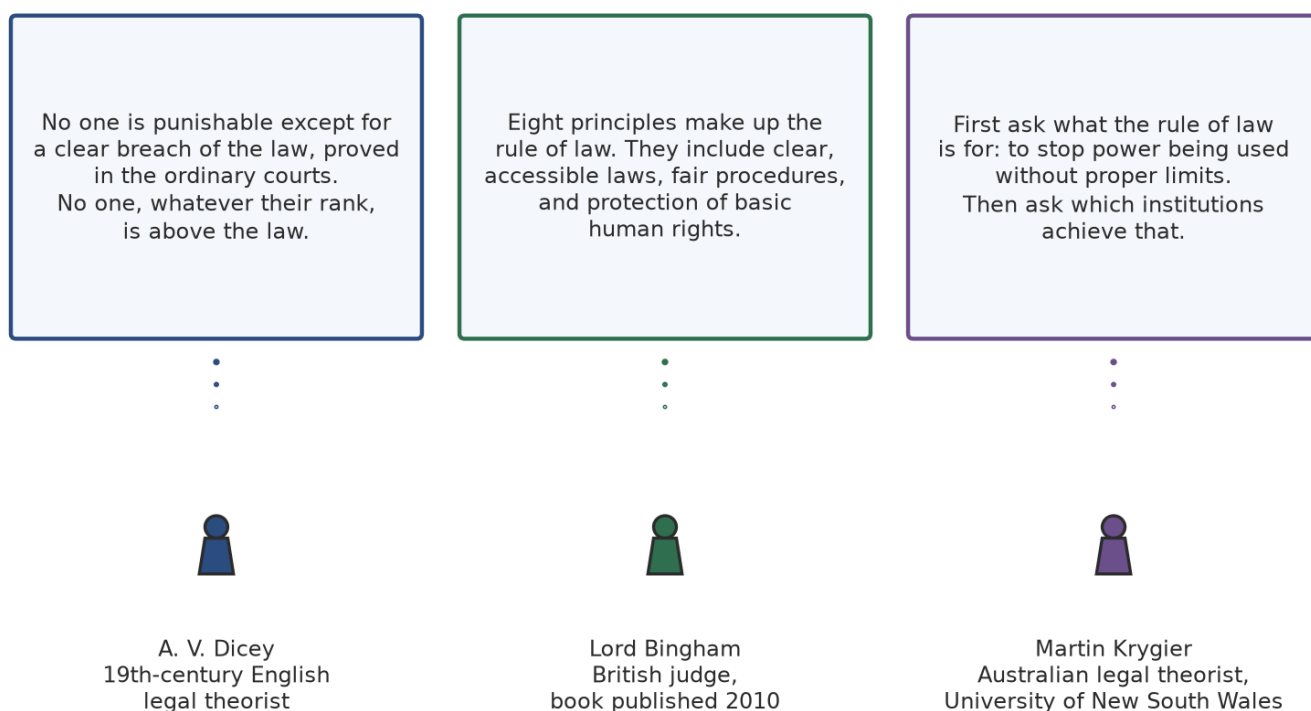
The Constitution and an independent judiciary. The Australian Constitution is the rulebook the whole country was set up under in 1901. Section 71 of the Constitution creates the **High Court of Australia** and says the power to decide federal legal cases belongs to it and to the other federal courts Parliament creates. That means **one branch of government — the courts — holds the power to decide legal cases**, not the Parliament and not the ministers.

An **independent judiciary** means judges and magistrates decide cases on the law and the evidence, free from pressure by the government or anyone else. (Subject terms: the **judiciary** is the judges and magistrates as a branch of government; **independent** here means free to decide by law, not by orders.) Section 72 of the Constitution protects High Court justices: they cannot be removed from office just because a government dislikes a decision — removal needs both Houses of Parliament agreeing, on the ground of proved bad behaviour or inability to do the job, and justices serve to a fixed retirement age. Think about why that matters: a referee who can be sacked by one team the moment a call goes against them is not a referee for long.

The rule of law — defined before used. *The rule of law* is a contested term, so this section uses it in the sense given by the Rule of Law Education Centre (ruleoflaw.org.au): “**the concept that both the government and citizens know the law and obey it.**” Other definitions exist and are not interchangeable with this one — the three strongest are in the figure below, presented at equal strength on purpose.

Three ways to define the rule of law

There is no single agreed definition. Each approach below is presented at its strongest.

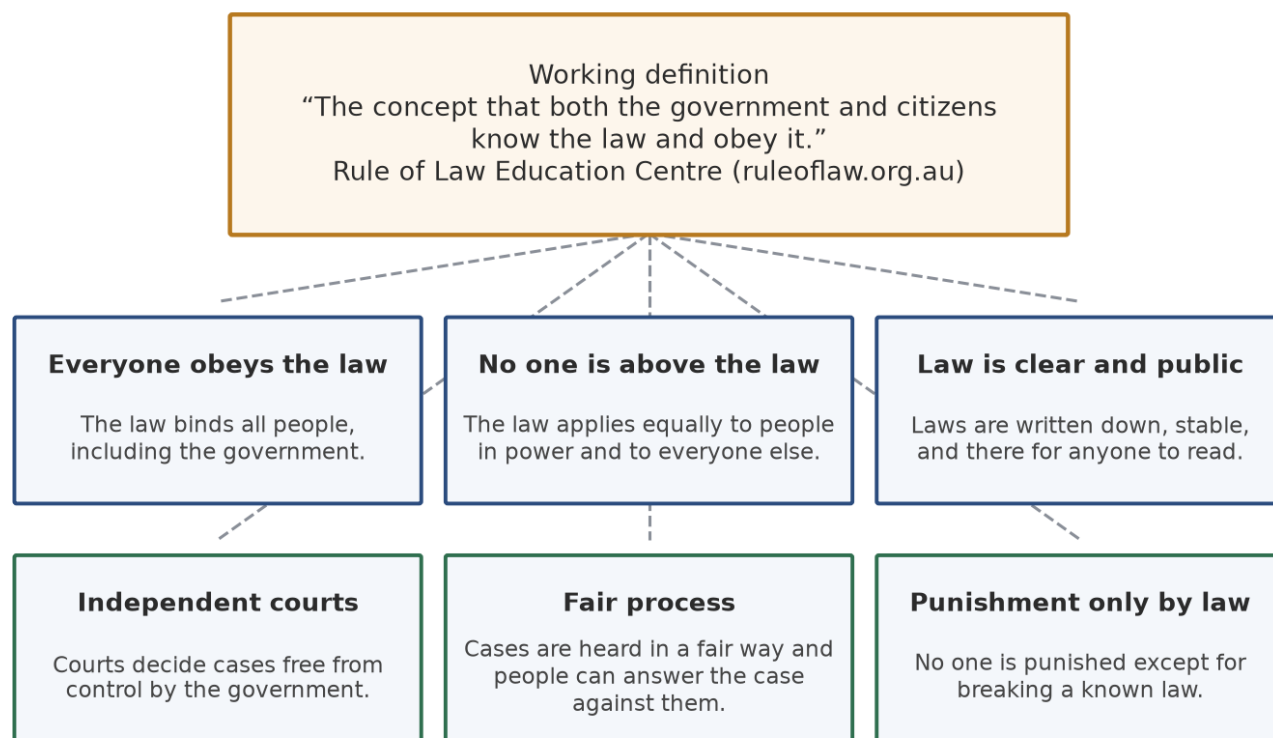


Known limits: critics say Dicey focused too much on England; some say Bingham's list reads more like a wish-list than a definition.

Three competing definitions of the rule of law from A. V. Dicey, Lord Bingham and Martin Krygier, drawn the same size so that no approach is presented as bigger or better than another

Wherever the idea is tested, the working parts are the ones in the next figure: the law binds everyone including the government; no one is above the law; the law is clear, public and stable; courts are independent; cases are heard in a fair way; and punishment happens only according to law.

The rule of law: one idea, many parts



The rule of law is a contested idea: thinkers define it in different ways (see the next figure).

The rule of law as a working definition with six parts: everyone obeys the law; no one is above the law; the law is clear and public; independent courts; fair process; punishment only by law

An 800-year-old root. In 1215, English barons forced King John to seal Magna Carta. Two of its clauses still echo in Australian law today (as quoted by the Rule of Law Education Centre):

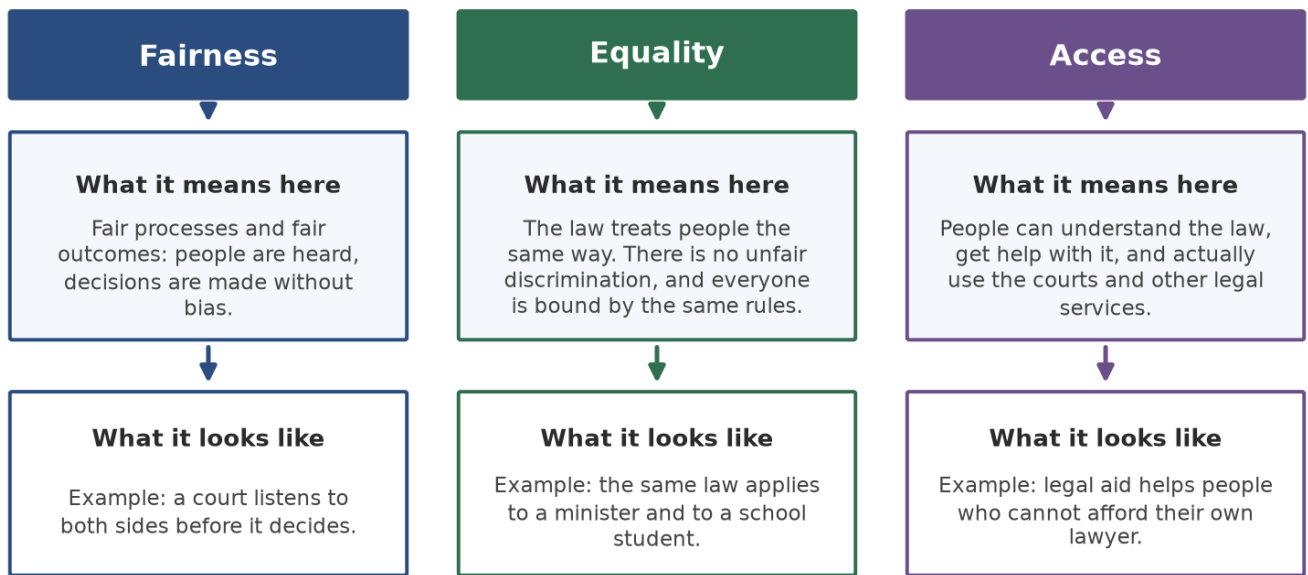
Clause 39: No free man shall be seized or imprisoned, or stripped of his rights or possessions ... except by the lawful judgement of his equals or by the law of the land. **Clause 40:** We will not sell, or deny, or delay right or justice to anyone.

Clause 39 is the great-grandparent of the fair trial; clause 40 is the great-grandparent of access to justice.

The principles of justice — defined before used. *Fairness, equality* and *access* are contested terms, so this section uses these working definitions (the curriculum names all three in elaboration VC2HC8K05 . E02 but does not define them):

The principles of justice

Working definitions used in this section — fairness, equality and access are contested words, so each is defined before use.



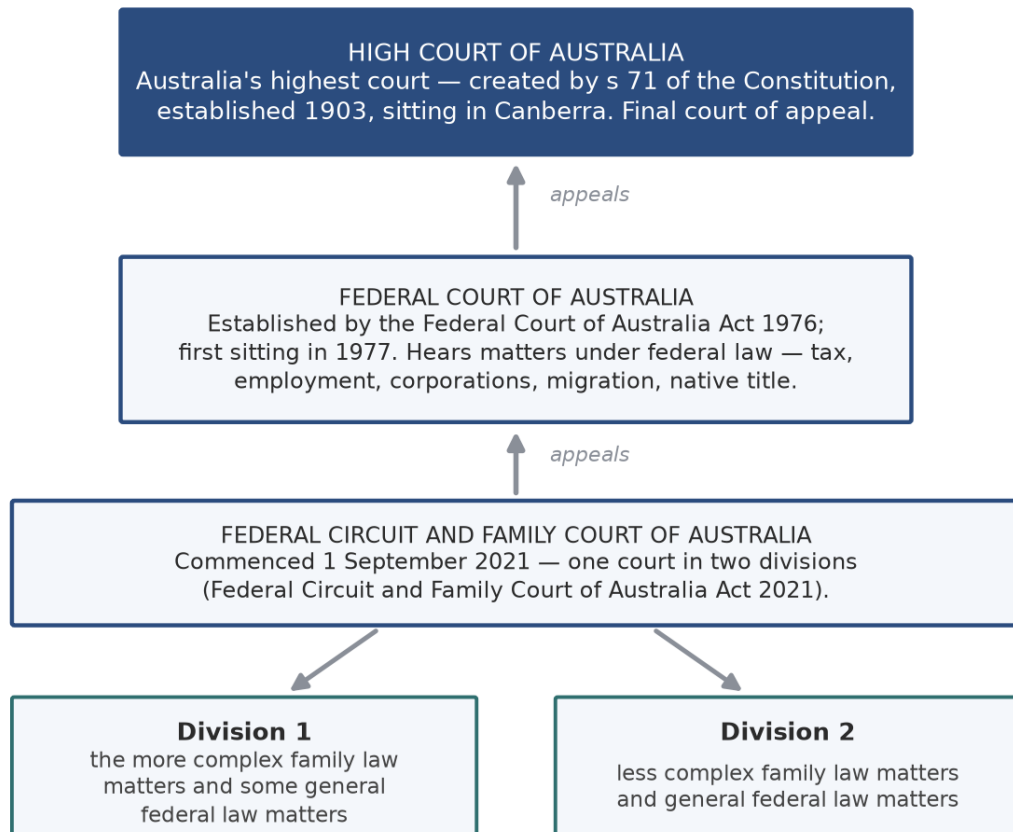
Access is sometimes called “access to justice”: without it, fairness and equality stay on paper only.

Three working definitions: fairness (fair processes and fair outcomes), equality (the law treats people the same way), access (people can understand, get help with, and use the law)

The court system: two ladders. A **hierarchy** (subject term: a system ranked in levels, where higher levels can review lower ones) of courts does two jobs: it sorts matters into the right court to start, and it gives a higher court to check a lower court’s work. An **appeal** (subject term: asking a higher court to review a decision you say is wrong) is how that checking happens. Decisions of higher courts must be followed by the courts below them, which is how the law stays consistent across the country.

The **federal ladder** is headed by the High Court of Australia. Below it sit the Federal Court of Australia (created by the Federal Court of Australia Act 1976; its first sitting was in 1977) and the Federal Circuit and Family Court of Australia, which began on 1 September 2021 as one court in two divisions under the Federal Circuit and Family Court of Australia Act 2021. The High Court is also the final court of appeal for **every** Australian court, federal and state — the top rung of every ladder at once.

Australia's federal court hierarchy

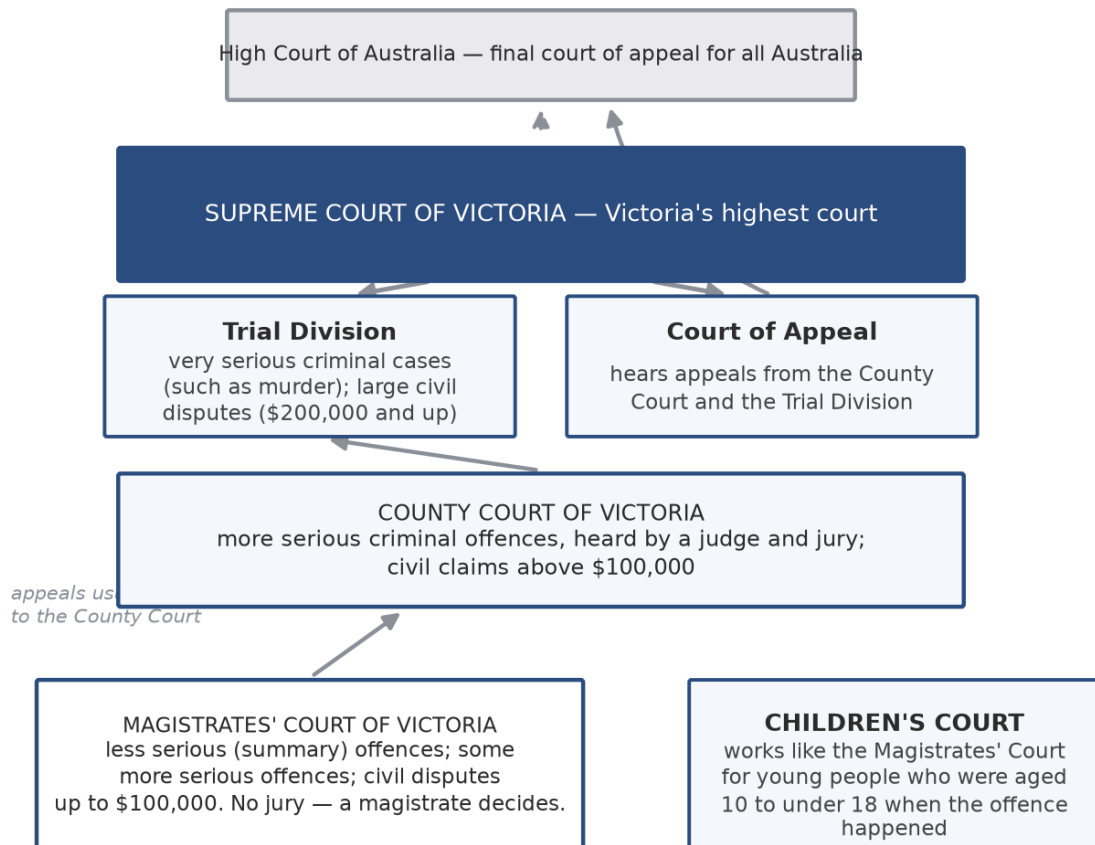


Courts lower in the hierarchy hear more matters first; higher courts review decisions on appeal.

The federal court hierarchy: High Court of Australia at the top; Federal Court of Australia in the middle; Federal Circuit and Family Court of Australia (Division 1 and Division 2) at the base, with appeal arrows between levels

The **Victorian ladder** runs from the Magistrates' Court of Victoria (and the Children's Court for young people) up through the County Court of Victoria to the Supreme Court of Victoria, with its Trial Division and Court of Appeal. The Magistrates' Court deals with most legal disputes in Victoria: summary (less serious) criminal matters, some more serious matters if the accused person agrees, and civil disputes up to \$100,000. The County Court hears more serious crimes, by judge and jury, and civil claims above \$100,000; the Supreme Court's Trial Division hears the most serious criminal cases and the largest civil disputes, and its Court of Appeal hears appeals. (Court facts: Victoria Legal Aid, *Victoria's courts and tribunals*, retrieved 26 August 2026.)

The Victorian court hierarchy (state courts)

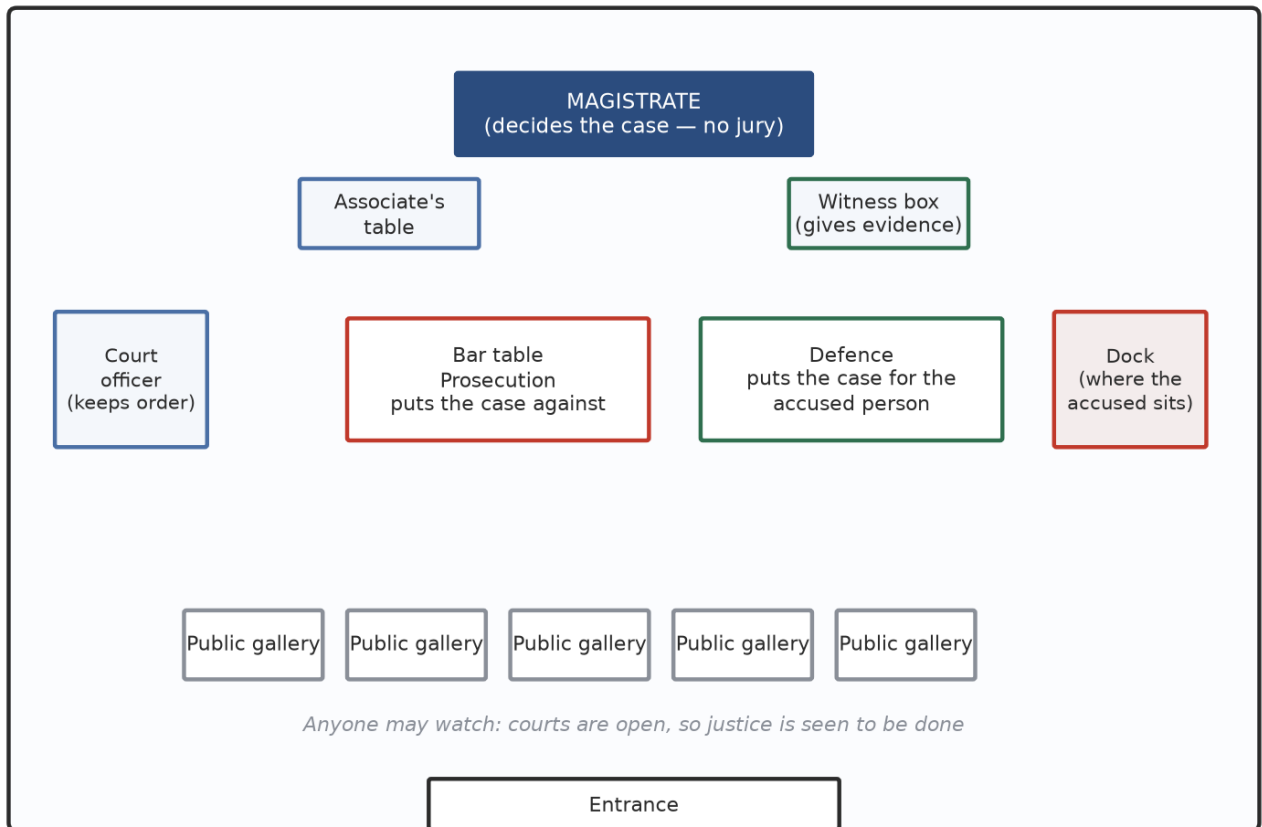


Higher-court decisions must be followed by the courts below them. The High Court can review state court decisions too.

The Victorian court hierarchy: Magistrates' Court and Children's Court at the base; County Court in the middle; Supreme Court of Victoria (Trial Division and Court of Appeal) above; High Court of Australia as the final court of appeal, with appeal arrows

A fair trial, element by element. The curriculum's named example is the **Magistrates' Court of Victoria**, so look inside one of its courtrooms. Notice what is *not* in the picture: there is no jury box. In this court the **magistrate** (subject term: a member of the judiciary who hears less serious matters and decides both the facts and the law) decides the case alone.

Inside a Magistrates' Court of Victoria courtroom



A labelled plan of a Magistrates' Court of Victoria courtroom: the magistrate's bench, the associate's table, the witness box, the prosecution and defence bar tables, the dock, the court officer and the public gallery; there is no jury box

A fair trial is a package of elements, and each element does a specific job:

What makes a trial fair?

A fair trial is not just about the result.
It is about how the result is reached.

Presumed innocent

You are innocent until a court finds you guilty.

Burden of proof

The prosecution must prove the case — the accused does not have to prove innocence.

Independent decision-maker

A magistrate or judge decides without pressure from the government or anyone else.

Legal representation

You may have a lawyer speak for you. If you cannot afford one, legal aid may help.

Witnesses

Witnesses give evidence. Both sides may question the other side's witnesses.

Due process

The right steps are followed: proper notice, a chance to speak, decisions based on evidence.

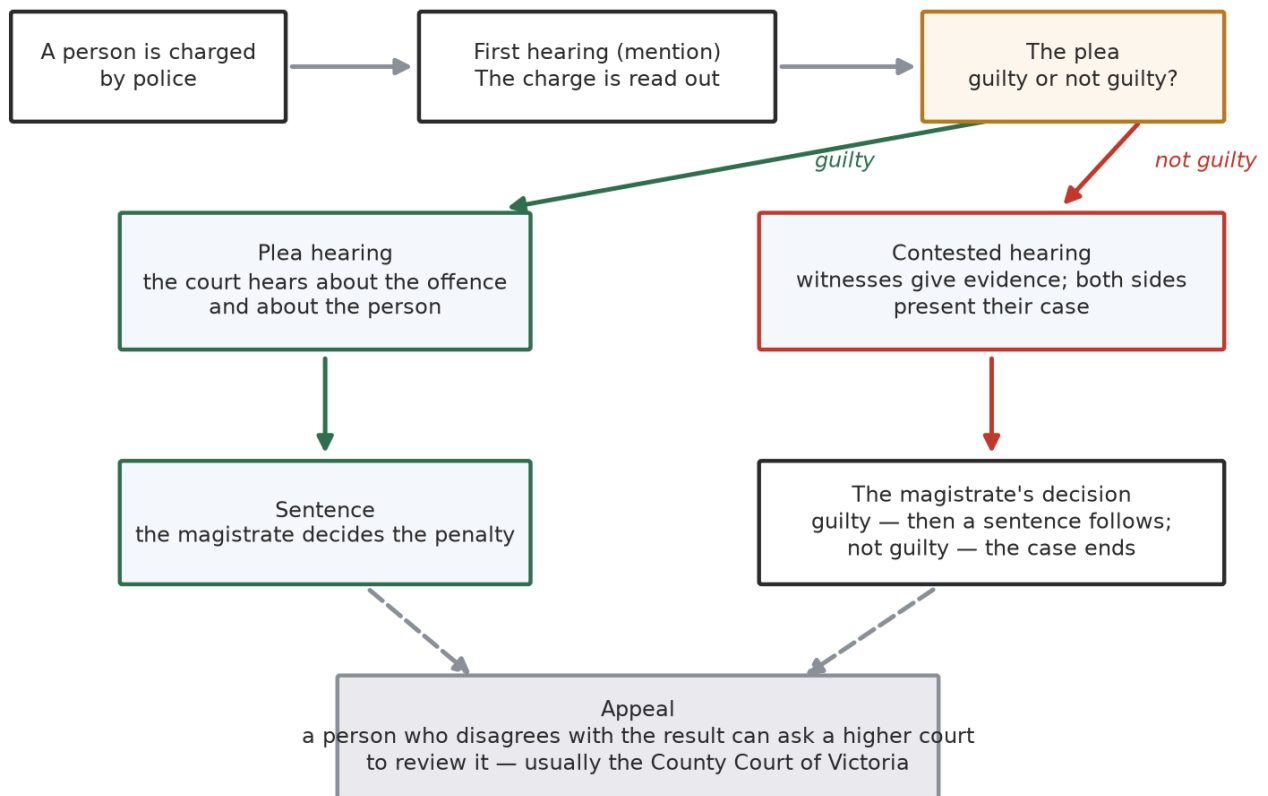
In the Magistrates' Court of Victoria, the magistrate applies these elements every day — most Victorian cases start there.

The fair-trial elements: presumed innocent; burden of proof on the prosecution; an independent decision-maker; legal representation; witnesses both sides may question; and due process, the right steps followed

Subject terms, defined where you meet them: the **accused** is the person charged with an offence; the **prosecution** is the side putting the case against the accused; the **defence** is the side for the accused; a **witness** is a person whose information may help the court, and their account is **evidence**; **cross-examination** is one side questioning the other side's witnesses, to test their account; the **presumption of innocence** means the accused starts from innocent and the court only moves from that if the case is proved; the **burden of proof** says whose job the proving is — the prosecution's; **due process** means the right steps are followed: proper notice of the charge, a real chance to answer it, and a decision based on evidence, not on who is louder or more powerful.

And this is how a criminal matter actually moves through the Magistrates' Court — watch which element each step protects.

A criminal matter in the Magistrates' Court of Victoria

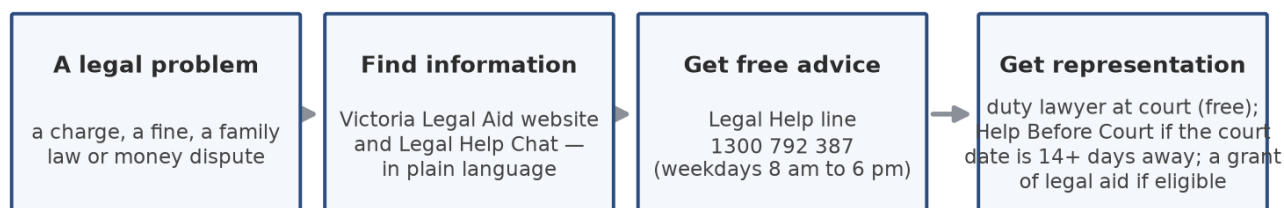


More serious matters can move up: some more serious crimes are heard by a judge and jury in the County Court.

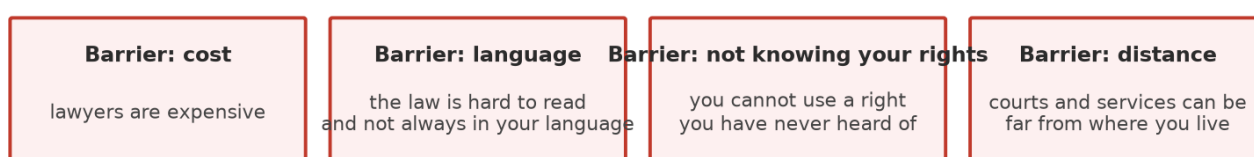
The path of a criminal matter in the Magistrates' Court of Victoria: charge; first hearing (mention); the plea; then a plea hearing if guilty or a contested hearing with witnesses if not guilty; the magistrate's decision and sentence; and an appeal, usually to the County Court

Access to justice and legal aid. A law that only the rich can use protects only the rich. **Access to justice** (working definition, elaboration VC2HC8K05.E04): people can actually understand, use and get help with the law — not just have it on paper. In Victoria, **Victoria Legal Aid** exists to make that real: free legal advice for the people who need it most, free **duty lawyers** at Victorian courts and tribunals on the day, a Legal Help line on 1300 792 387 (weekdays 8 am to 6 pm), a Help Before Court service if your court date is 14 or more days away, and grants of legal aid so an eligible person gets a lawyer for their case. Eligibility focuses on need — for example, people who cannot afford a private lawyer, or people in custody or facing a real risk of jail. (Victoria Legal Aid, legalaids.vic.gov.au, retrieved 26 August 2026.)

Access to justice: from a legal problem to being heard



Why access matters: without it, fairness and equality stay on paper. Protection of the law only counts if people can actually use it.



Free duty lawyers, interpreters, plain-language guides and phone help lines exist to remove these barriers.

Access to justice as a pathway: a legal problem; find information; get free advice; get representation; and the barriers of cost, language, not knowing your rights and distance that the pathway has to remove

Worked case studies

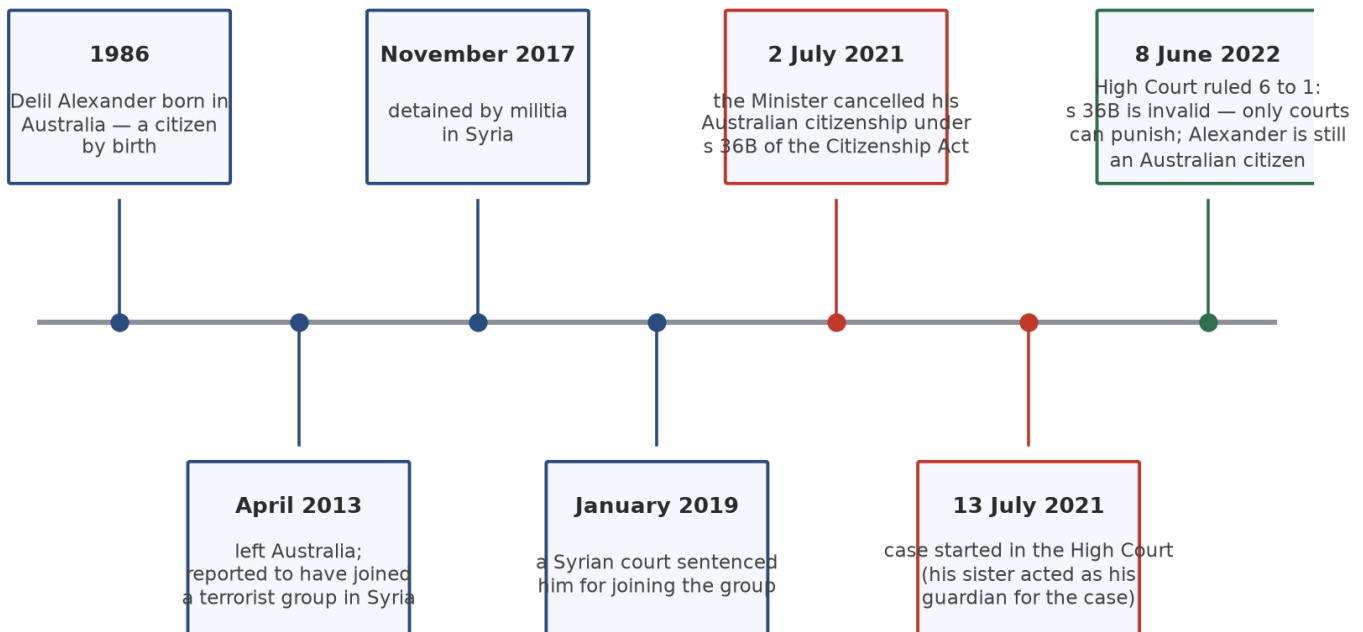
Case study 1 — scaffolded: *Alexander v Minister for Home Affairs [2022] HCA 19*

Source: High Court of Australia judgment, 8 June 2022 (AustLII). Every line below is from the judgment.

Delil Alexander was born in Australia on 5 August 1986 — an Australian citizen by birth. He left Australia in April 2013 and was reported to have joined a terrorist group in Syria, where he was later detained and sentenced by a Syrian court. On 2 July 2021, the federal Minister for Home Affairs used section 36B of the *Australian Citizenship Act 2007* to decide that Mr Alexander had **stopped being an Australian citizen**, because of his own conduct overseas. Mr Alexander, with his sister as his guardian for the case, challenged that in the High Court. On 8 June 2022 the Court ruled 6 to 1 that section 36B was **invalid**.

What happened	Who was involved	Which CD concept it shows
Parliament wrote a law (s 36B) letting a minister cancel a citizen's citizenship as punishment for conduct.	The Parliament that made the law; the Minister who used it.	Parliament makes laws — but only within the Constitution.
The High Court asked: <i>who does the punishing in Australia?</i> Punishing criminal guilt is a job for the courts — Chapter III of the Constitution gives it to the courts, not to ministers.	The High Court (six justices in the majority, one against).	Independent judiciary and the separation of powers : the court checked the other branches.
The Court declared s 36B invalid and declared that Mr Alexander was still an Australian citizen.	Delil Alexander — and, in effect, every citizen the law might have reached.	The rule of law : the government must obey the law too, and a law that breaks the rulebook is no law at

Case study timeline: Alexander v Minister for Home Affairs [2022] HCA 19



The rule of law at work: even Parliament's own law could not let a minister act as judge and punisher — Chapter III gives that job to the courts.

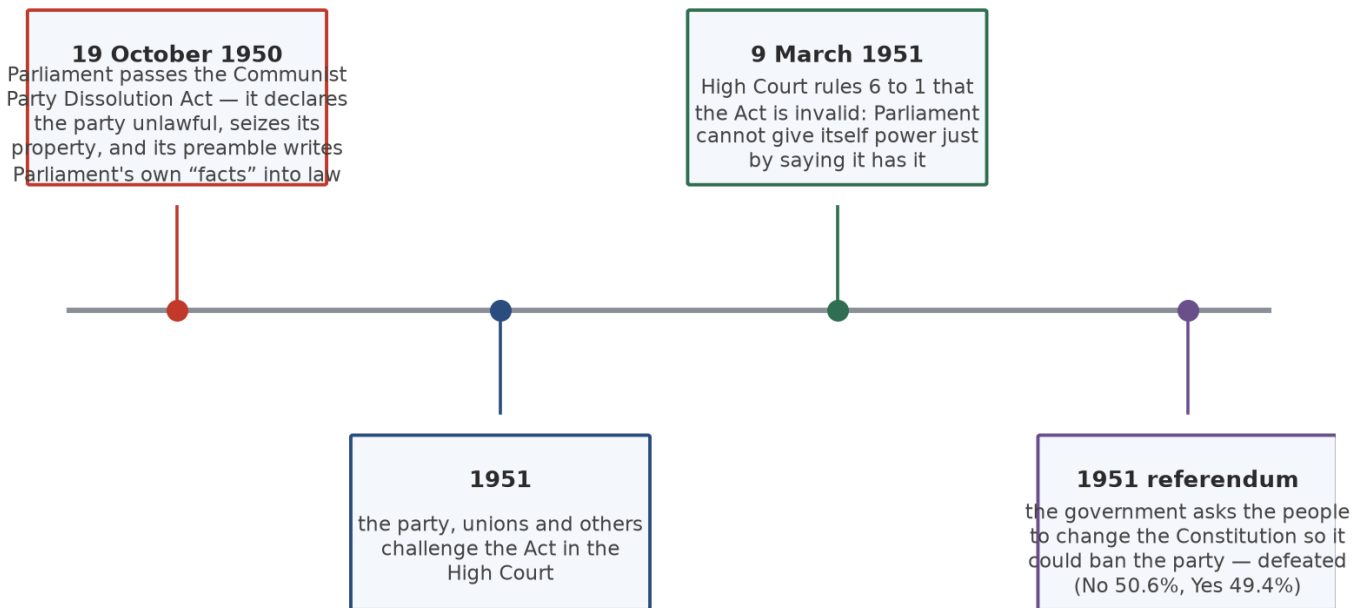
Timeline of the Alexander case: born in Australia in 1986; left in April 2013; detained in Syria in November 2017; sentenced by a Syrian court in January 2019; the Minister cancelled his citizenship on 2 July 2021; the case started in the High Court on 13 July 2021; on 8 June 2022 the High Court ruled 6 to 1 that section 36B is invalid

Case study 2 — unscaffolded: the Communist Party case (1951)

Source: Australian Communist Party v Commonwealth (1951) 83 CLR 1; decided 9 March 1951.

On 19 October 1950 the Commonwealth Parliament passed the *Communist Party Dissolution Act 1950*. It declared the Communist Party unlawful, took its property, and let the Governor-General declare other organisations and even individuals unlawful. The Act's own preamble simply **wrote into the law** Parliament's claim that the Party was a danger to Australia. The High Court ruled 6 to 1 that the Act was invalid. Its core point: a Parliament cannot give itself power by *saying* it has power — the Constitution is the measure of what Parliament may do, and the High Court applies that measure. Later in 1951 the government put a referendum to the people to change the Constitution so the ban would be allowed; it was narrowly defeated (No 50.6%, Yes 49.4%).

Case study timeline: the Communist Party case (1951)



Two checks on power in one story: independent courts that check the law, and the people (a referendum).

Timeline of the Communist Party case: the Act of 19 October 1950; the High Court challenge; the 6-to-1 ruling of 9 March 1951; and the defeated 1951 referendum

Practice questions

Scaffolded

Q1. Name the document that is Australia's rulebook, the year it took effect, and the section that creates the High Court of Australia.

Q2. In your own words, what does *independent judiciary* mean, and which section of the Constitution protects High Court justices from being removed just because a government dislikes a decision?

Q3. The Rule of Law Education Centre defines the rule of law as "the concept that both the government and citizens know the law and obey it." List **three** of the six working parts shown in the rule-of-law figure.

Q4. Place each matter in the Victorian court that would first hear it: (a) a shoplifting charge (summary offence); (b) a murder charge; (c) a civil dispute over \$250,000.

Q5. Match each fair-trial element to the job it does: (i) presumption of innocence; (ii) burden of proof; (iii) due process. Jobs: (A) the proving is the prosecution's job, not the accused's; (B) the right steps are followed; (C) the accused starts from innocent until proved guilty.

Q6. A friend says, "Legal aid means any Australian can get a free lawyer for anything." Using the access-to-justice figure and the Victoria Legal Aid facts, correct this in one or two sentences.

Unscaffolded

Q7. Magna Carta clause 40 says justice must not be sold, denied or delayed. Which of the six working parts of the rule of law would break first if court fees were set so high that most people could never afford to go to court? Explain.

Q8. In *Alexander*, the majority said punishing criminal guilt is a job Chapter III of the Constitution gives to the courts. Explain why that reasoning also protects **you**, even though you are nothing like Mr Alexander.

Q9. The Communist Party case is often summed up as “Parliament cannot recite itself into power.” Translate that into plain English for a Year 7 student, using the idea of the Constitution as a rulebook.

Q10. Two students argue about Dicey and Bingham. Student A says Bingham’s definition is better because it protects human rights. Student B says Bingham’s list is so long it stops meaning anything. Put **both** sides in their strongest form, then say which you prefer and why.

Q11. Using the hearing-flow figure: at which step does the accused person first get to hear the case against them, and which two fair-trial elements are most at work during a contested hearing? Give reasons.

Q12. Elaboration VC2HC8K05.E02 is concerned with whether everyone can get the law’s protection equally. Give **one** barrier from the access figure and **one** real support named in this section that removes it, and say what would likely happen to an accused person if that support did not exist.

Extended response

Prompt: “The rule of law in Australia is a shield against power, not just a slogan about obedience.” Do you agree? Argue your position using (i) the working definition and at least two of its parts, (ii) **one** of the two case studies in this section as evidence, and (iii) one element of a fair trial or one access-to-justice support. You must also state the **strongest** argument against your position before you answer it. (250–350 words)

Marking is on the quality of your reasoning, not the conclusion you reach. Two students on opposite sides can both earn full marks.

Answers

Q1. The Australian Constitution; 1901; section 71. **Q2.** Judges and magistrates decide cases on the law and evidence, free from government pressure; section 72 (removal needs both Houses agreeing on proved bad behaviour or inability, so a government cannot sack a justice over a decision). **Q3.** Any three of: everyone obeys the law; no one is above the law; the law is clear and public; independent courts; fair process; punishment only by law. **Q4.** (a) Magistrates' Court; (b) Supreme Court (Trial Division); (c) Supreme Court (claims of \$200,000 and above) — a \$250,000 claim is above the County Court's usual \$100,000 line and in the Supreme Court's range. **Q5.** (i)–(C); (ii)–(A); (iii)–(B). **Q6.** Legal aid is targeted, not universal: Victoria Legal Aid helps the people who need it most — for example, people who cannot afford a private lawyer or who face a real risk of jail — through free advice, duty lawyers and grants, not a free lawyer for everyone for anything. **Q7.** “No one is above the law” / “fair process” breaks first: if only the wealthy can afford a court, the law protects them in a different way from everyone else, so justice is effectively sold and denied (clause 40's exact complaint). Accept any part with a worked reason. **Q8.** The principle is about *who* may punish, not *who* is punished: if a minister could punish anyone the minister calls guilty, no one's liberty would be safe from the government of the day. The shield is general even when the case is unusual. **Q9.** Writing “we are dangerous, therefore this law is valid” in the Act did not make it valid; only the Constitution says what Parliament may do, and the High Court reads that rulebook. Saying something is true in a law does not make it constitutionally true. **Q10.** Side A at its strongest: rights are the point of limiting power, so a definition that leaves them out protects process without protecting people. Side B at its strongest: if *rule of law* means everything good, it means nothing testable — a country could tick every box except the one being argued about. Credit goes to the quality of both strong statements and a reasoned choice. **Q11.** The first hearing (mention), where the charge is read out; during a contested hearing the elements most at work are witnesses (both sides question them) and the burden of proof (the prosecution must prove its case). Reasons must tie each element to a step. **Q12.** Example: barrier — cost; support — free duty lawyers at court. Without them, an unrepresented person facing jail would meet the state's lawyers alone, so equality before the law would be true on paper and false in the room. Other barrier/support pairs with the same structure also accepted.

Marking guide and model responses

Extended-response rubric (5 marks). Award one mark for each of: (1) a stated position; (2) the working definition of the rule of law used correctly with at least two of its parts; (3) a case study used as **evidence** (facts + which principle it tested), not just named; (4) one fair-trial element or access support used to support the position; (5) the strongest counter-argument stated in its strongest form **and** answered. Conclusion reached earns no mark of its own — on purpose.

Model response skeleton (agreeing side). *Position:* the rule of law is a shield. *Definition:* it means both the government and citizens know and obey the law. *Parts used:* no one is above the law; punishment only by law. *Evidence:* in *Alexander* (8 June 2022) a minister's power to strip citizenship as punishment was struck down 6 to 1 because punishing is a courts' job — the shield held against a popular law about an unpopular person. *Support:* due process — the right steps, decided by an independent court. *Counter at its strongest:* the rule of law can be used as a slogan to demand obedience from citizens while governments delay and use technical rules against them (justice delayed is justice denied). *Answer:* that is an argument that the shield needs the access side of it — legal aid and prompt, affordable courts — which is exactly why access is one of the principles of justice.

Model response skeleton (disagreeing side). Can earn full marks the same way if it reasons: *position:* in practice it operates more as slogan than shield; *definition and parts* as above; *evidence:* the Communist Party case shows the shield working **once**, in 1951, after a law had already done damage, and the same year a majority of voters nearly voted the power in anyway (50.6% No) — shields that depend on six judges and a narrow referendum are thin; *support:* cost barriers weaken access, so the protections are unequal in practice; *counter at its strongest:* without the rule-of-law idea there would be no standard to call those failures failures — the shield is imperfect, not absent; *answer:* imperfect tools are still tools, but calling the tool a shield should not end the argument about who it actually covers.

Both skeletons earn 5/5 on the rubric. That is the point.

Sources (all retrieved 26 August 2026 unless stated): High Court of Australia, hcourt.gov.au (role of the Court, s 71, current justices) · *Alexander v Minister for Home Affairs* [2022] HCA 19, judgment of 8 June 2022, via AustLII archived copy · *Australian Communist Party v Commonwealth* (1951) 83 CLR 1; 1951 referendum result (No 50.6%) · Victoria Legal Aid, *Victoria's courts and tribunals* and legal-aid service pages, legalaids.vic.gov.au · Federal Court of Australia, 40th anniversary of first sitting (first sitting 1977; Court established by the *Federal Court of Australia Act 1976* (Cth)), federalcourt.gov.au (archived 2017) · *Federal Circuit and Family Court of Australia Act 2021* (Cth) (commencement 1 September 2021) · Rule of Law Education Centre, ruleoflaw.org.au (working definition of the rule of law; Dicey, Bingham and Krygier approaches; Magna Carta clauses 39 and 40) · *Commonwealth of Australia Constitution Act*, ss 71–72.

Having a say in how laws get made

Curriculum: VC2HC8K06. This section draws on elaborations .E01, .E02 and .E03.

Teaching sequence

Before we start: three words this section uses exactly. A **bill** is a proposed law put before a parliament — it is not law yet. When both houses of a parliament pass a bill and it receives **Royal Assent** (the Governor-General's signing step at the Commonwealth level, or a state Governor's at state level), the bill becomes an **Act of Parliament** — a law. And when a parliament sends a bill or a topic to a committee to study, it **refers** it there. Every question in this section uses these words in these senses.

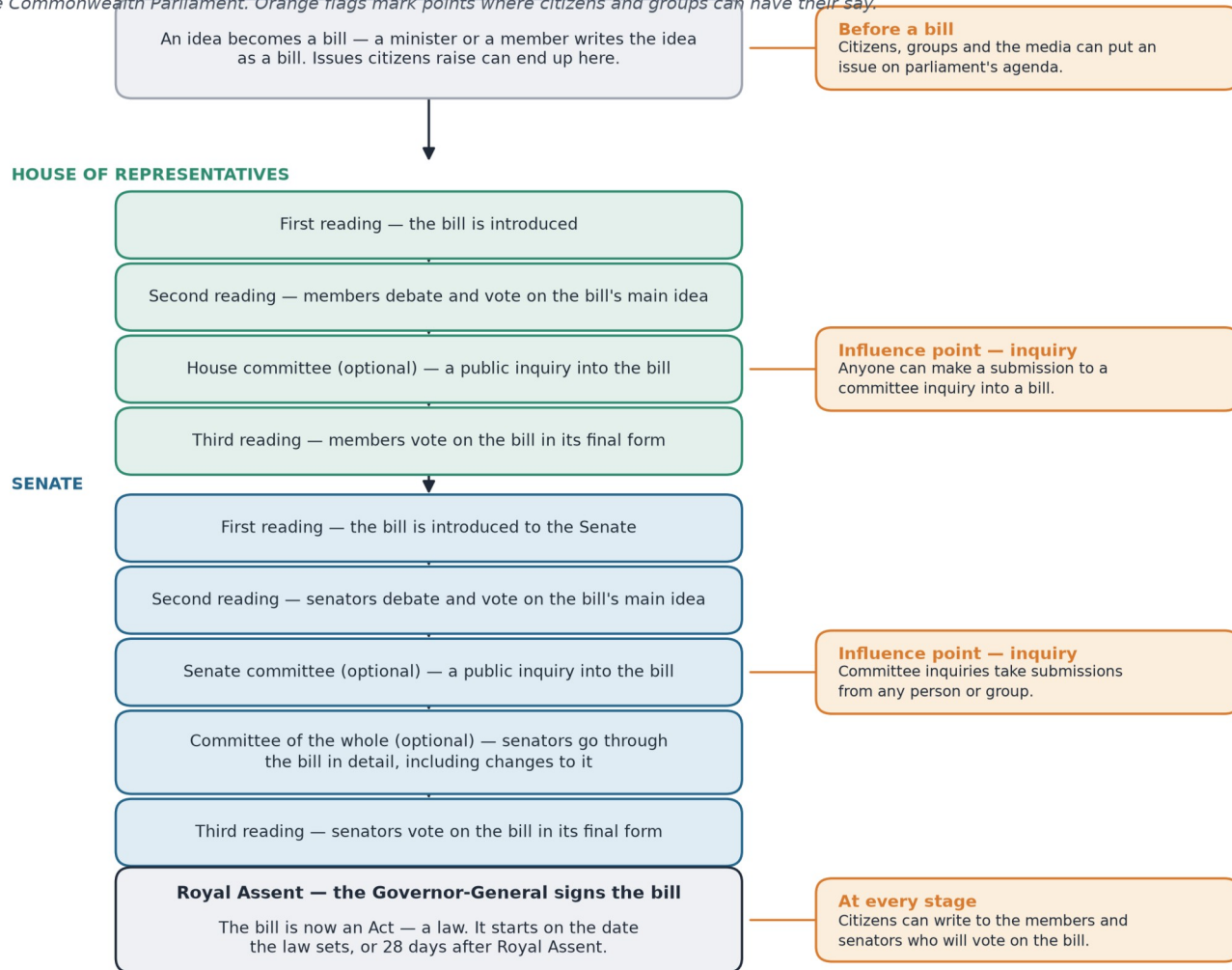
Key idea. Laws are made *for* citizens — but at several points on the way, citizens can put their views *into* them.

1. Where laws are made, and where citizens fit

In the Commonwealth Parliament in Canberra, about 200 bills are put forward in a typical year. Most take about two to three months from first reading to Royal Assent, and about 9 in 10 government bills pass. A bill must pass both houses — the House of Representatives and the Senate — in the same words. At some stages a house may send the bill to a committee, and that is the point where citizens' views are formally invited in. The figure below traces the path.

How a bill becomes a law — and where citizens can influence it

The Commonwealth Parliament. Orange flags mark points where citizens and groups can have their say.



About 200 bills are introduced each year. Most bills take 2 to 3 months, and about 9 in 10 government bills pass.

Stages and figures: Parliamentary Education Office, 'Law-making' fact sheet (peo.gov.au), retrieved 26 August 2026.

Flow diagram of the path a bill takes through the House of Representatives and the Senate, showing the committee stages where citizens can send submissions, ending in Royal Assent

Figure 1 — The path a bill takes to become an Act, and the points where citizens can put their views in.

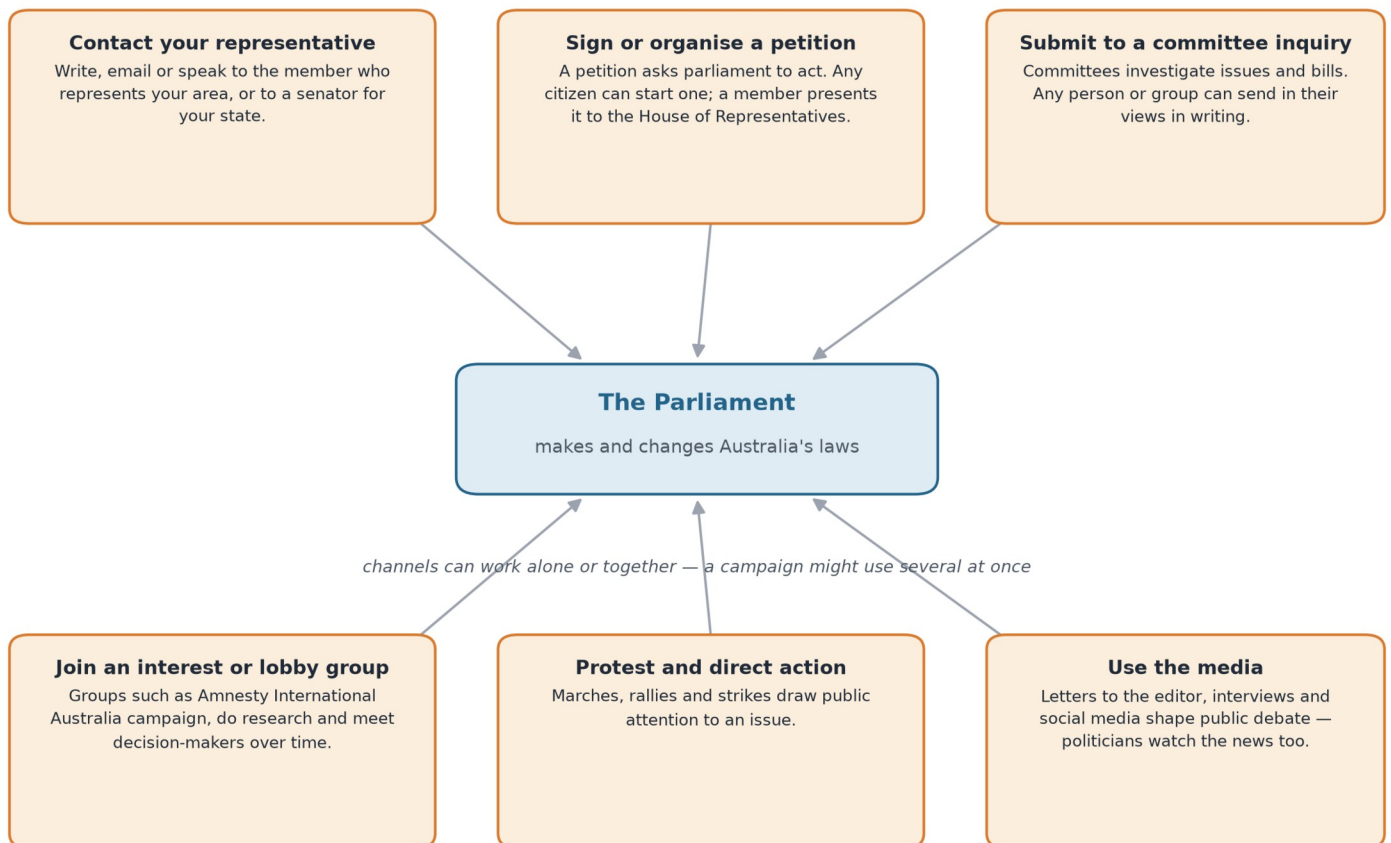
Key idea. A law is not finished until both houses pass it and it receives Royal Assent — and before that point, citizens' views can be invited in.

2. The six channels

The curriculum names the main ways citizens participate in and influence lawmaking. This section groups them into six channels.

Six channels: how citizens participate in, and influence, lawmaking

Parliament does not only listen at election time. These channels are open all year.



Right to petition: Australian Parliament, 'Petitions' (aph.gov.au), retrieved 26 August 2026.

Hub-and-spoke diagram with 'A citizen with a view about a law' at the centre and six channels around it: contact an elected representative, petition, submission to a committee inquiry, interest group or lobby group, organised protest and direct action, and the media

Figure 2 — Six channels a citizen can use to influence lawmaking.

Three of the channel words need exact definitions:

- a **petition** is a written request to a parliament, signed by many people. The Parliament of Australia's own pages describe the right to petition as the only way an individual citizen can directly place a grievance before the Parliament;
- a **submission** is a written statement of views sent to a committee inquiry. Anyone can send one — a person, a group, or a big organisation;
- an **interest group** is a group of members or supporters that works over time to influence law and policy, and a **lobby group** is a group (or people paid for the work) that meets and writes to decision-makers to argue for a change.

Comparing the methods citizens use

Each method works in a different way. Real examples show them in action.

Method	Who uses it	How it can influence lawmaking	A real Australian example
Contacting an elected representative	Any citizen, on their own	Puts a view straight to the person who will debate and vote on laws	Members' and senators' offices answer letters and emails from the public
Petition	Many citizens together	Shows parliament how many people share a view and asks for action	A petition with more than 50,000 signatures for a federal Human Rights Act was presented in August 2026
Submission to a committee inquiry	Any person or group	Gives evidence and ideas that committees use in their reports and recommendations	About 15,000 submissions went to the Senate inquiry into the social media minimum age bill (Nov 2024)
Interest group / lobby group	An organised group of members or supporters	Campaigns, does research and meets decision-makers over a long time	Amnesty International Australia campaigns for human rights at home and overseas
Organised protest and direct action	Groups and movements	Draws public and media attention to an issue so parliament cannot ignore it	About 300,000 people joined school strikes for climate action in Australia on 20 September 2019
The media	Journalists and citizens	Shapes what the public knows and talks about; politicians respond to public debate	News reports on bills and inquiries tell citizens what parliament is deciding

One campaign often uses several methods at once — a group might protest, run media stories and send a submission about the same bill.

Examples: Amnesty International Australia ([amnesty.org.au](https://www.amnesty.org.au)); Senate committee inquiry records (aph.gov.au); Wikipedia, 'School strike for climate' (20 Sept 2019 turnout, citing organisers) — retrieved 26 August 2026.

Four-column table comparing the six methods citizens use: who uses each one, how it can influence lawmaking, and a real Australian example of each

Figure 3 — Comparing the methods citizens use.

Key idea. Different channels do different jobs: a letter carries one person's story, a petition shows numbers, a submission carries evidence, and protest and media make an issue hard to ignore.

3. Contacting an elected representative

Every citizen in Australia is represented by a local member of the House of Representatives and by the senators of their state or territory. Members' and senators' offices in Canberra and in their home areas answer letters and emails from the public every working day. A short, polite letter that names one issue and asks for one clear action gets a real reading. The figure below shows the five parts of a letter that gets heard.

A model letter to your elected representative

Five parts. Each part has a job to do.

Alex Chen Year 7, Riverside Secondary College I live in the area you represent 12 March 2026	1. Say who you are Members answer people who live in the area they represent.
Dear Ms Nguyen MP,	2. Name the issue One letter, one issue. Say which law you mean.
I am writing to you about the proposed law that would set a minimum age for social media accounts.	3. Give reasons and evidence Your own experience counts. Facts and examples make it stronger.
Many students in my year level tell me they feel pressure to stay online late at night. Our school counsellor says this is affecting students' sleep. I believe the law should require companies to protect young users better.	4. Ask for a specific action A clear ask is easier for a member to act on.
I ask you to raise this issue in the House of Representatives, and to support a committee inquiry that hears evidence from young people.	5. Be polite and sign it A respectful letter gets a better hearing.
Thank you for taking the time to read my letter. Yours sincerely, Alex Chen	

Members' offices reply to letters and emails from constituents: see the House of Representatives 'Contact a member' pages (aph.gov.au), retrieved 26 August 2026.

Side-by-side model of a student's letter to a local member about the social media minimum age law, with the five parts colour-coded: say who you are, name the issue, give reasons and evidence, ask for a specific action, be polite and sign it

Figure 4 — A model letter to an elected representative: five parts, each with a job to do.

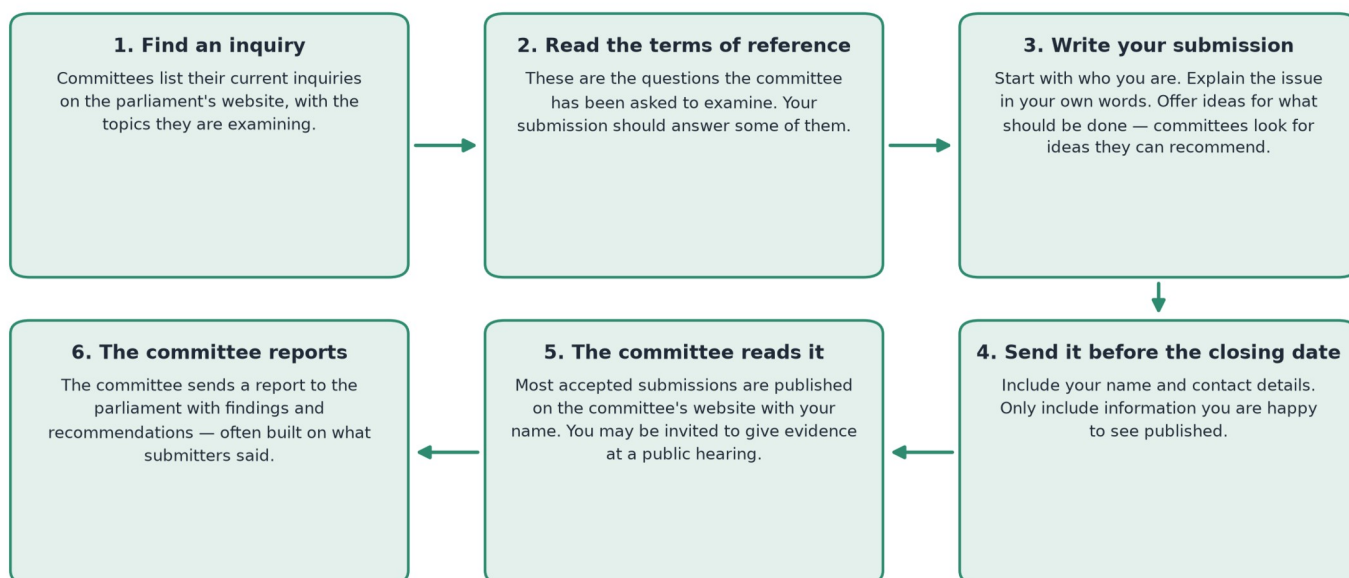
Key idea. Contacting your elected representative is the most direct channel a citizen has — one voice, put straight to the person who will debate and vote on laws.

4. Submissions and committee inquiries — the process

When a parliament wants to understand a bill or a big question, a **committee** — a small group of members from both sides of politics and sometimes the crossbench (the members who belong to neither major party group) — runs an **inquiry** into it. The process runs in six steps.

How to make a submission to a committee inquiry

Anyone can make a submission — you do not need to be an expert, an organisation or an adult.



The same idea works in Victoria: the Parliament of Victoria's committees list their inquiries and accept submissions at parliament.vic.gov.au.

Steps: Australian Senate, 'How to make a submission', and House of Representatives committees, 'Getting involved in committee inquiries' (aph.gov.au), retrieved 26 August 2026.

Six-step flow diagram of a committee inquiry: the parliament refers the topic, the committee calls for submissions, people and groups send written submissions, the committee holds public hearings, the committee writes a report with recommendations, and the report is tabled and the government answers it

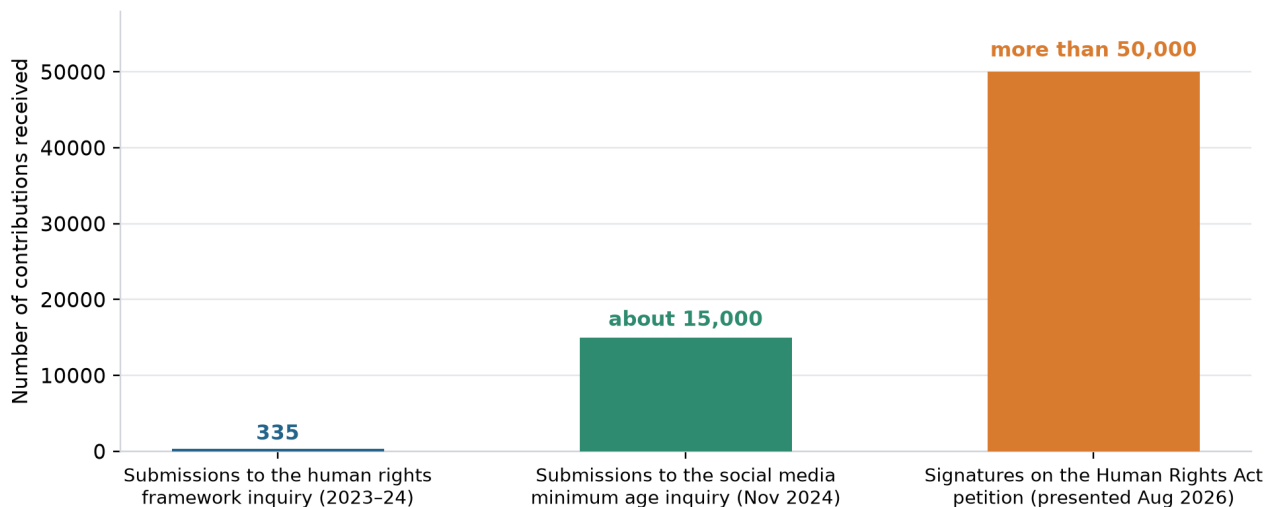
Figure 5 — The six steps of a committee inquiry, from referral to a tabled report.

When the report is **tabled**, it is formally handed to a house of parliament and becomes a public record. The government of the day usually has to answer it in writing. That is how a citizen's submission can travel: from an email or letter, into a report, onto the floor of the parliament.

How many people use this channel? It changes a lot from inquiry to inquiry, as the next figure shows.

How many people took part? Three recent examples

Different channels reach different numbers of people — and the same campaign can use more than one.



Sources: Parliamentary Joint Committee on Human Rights inquiry records; Senate Environment and Communications Legislation Committee inquiry records; Amnesty International Australia (retrieved 26 August 2026).

Bar chart comparing three recent examples: 335 submissions to the human rights framework inquiry of 2023-24, about 15,000 submissions to the social media minimum age inquiry of November 2024, and more than 50,000 signatures on the Human Rights Act petition presented in August 2026

Figure 6 — How many people took part? Three recent examples.

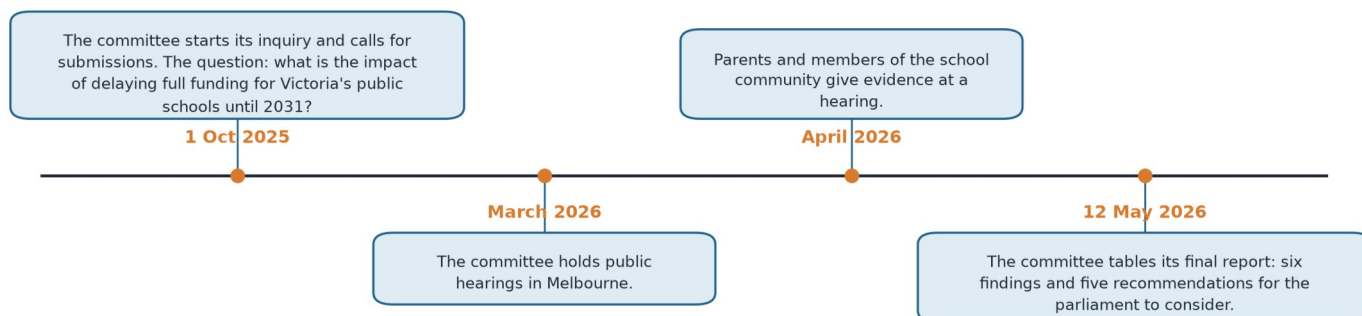
Key idea. A submission is the channel where a citizen's reasons and evidence go onto the official record of a law being considered.

5. A Victorian example — the public school funding inquiry

The same process runs in the Parliament of Victoria. On 1 October 2025 the Legislative Council's Legal and Social Issues Committee opened an inquiry into public school funding, after the government delayed a promised funding step for Victorian public schools until 2031. In March and April 2026 the committee held public hearings where parents, teachers and principals gave evidence, and on 12 May 2026 it tabled a report with six findings and five recommendations. While the inquiry was open, anyone — including a student or a parent — could send a submission by email, by post to Parliament House, Spring Street, East Melbourne, or through the committee's web page.

Case study: a Victorian committee inquiry — public school funding

The Legislative Council's Legal and Social Issues Committee, Parliament of Victoria.



Citizens could take part by emailing a submission, writing to the committee or attending a hearing — details were published on the inquiry's page.

Parliament of Victoria, Inquiry into Public School Funding, media releases 1 October 2025 – 12 May 2026 (parliament.vic.gov.au), retrieved 26 August 2026.

Timeline of the Victorian inquiry into public school funding: inquiry opens 1 October 2025, public hearings in March 2026, parents give evidence in April 2026, and the report is tabled on 12 May 2026 with six findings and five recommendations

Figure 7 — The public school funding inquiry: a committee inquiry in the Parliament of Victoria, 2025-26.

Key idea. The committee process is the same in Victoria as in the Commonwealth Parliament: a referral, a call for submissions, hearings, and a tabled report the government must answer.

6. Interest groups and lobby groups

An interest group does what a citizen can do, but steadily and over years: it researches, it campaigns, and it meets decision-makers. **Amnesty International** — the example the curriculum itself names — is an interest group that works for human rights in countries around the world, and its Australian branch runs campaigns at home and overseas.

Lobbying in Australia is not secret. Since 2008 the Commonwealth has run a **Lobbying Code of Conduct** and a public register: people paid to lobby federal ministers and their staff must sign the code and be listed on the register, which names who they are and who pays them. People paid to lobby who break the code can be taken off the register.

Key idea. Groups give citizens a steady voice: one letter is one voice, but a group can research, campaign and meet decision-makers for years on end.

7. Organised protest, direct action and the media

On 20 September 2019, about 300,000 people — many of them students — joined school strikes and marches for climate action across Australia, one of the largest protest days in Australia's history. The then Prime Minister Scott Morrison answered the same day that he wanted “more learning in schools and less activism in schools” — which is itself evidence of the point of protest: the issue was on the front page and the Prime Minister was answering it. Protest and **direct action** (public acts such as marches, strikes and sit-ins) work by making an issue hard to ignore, and the **media** carries it to millions of people who were not in the street.

Key idea. Protest, direct action and media influence lawmaking by changing what the public talks about — and politicians respond to the public.

Two views — when a loud protest and a quiet letter disagree, which should a parliament weigh more?

View 1 — the loud protest. A protest shows how strongly and how widely people feel about something. On 20 September 2019 about 300,000 people gave up a school day or a work day to be counted; no petition that year matched that. A parliament that waits for careful letters hears too little from people without time, confidence or good words — so the street keeps the parliament honest about what ordinary people care about.

View 2 — the quiet letter. A letter, a petition or a submission gives reasons and evidence that a parliament can actually use when it writes a law. A protest rewards the loudest, not the most careful. And noise can flood the process: the social media minimum age inquiry received about 15,000 submissions in a single day, and its committee had one half-day hearing before a law that binds the whole country was voted on — a sign that speed and volume can crowd out the evidence a good law needs.

Neither view is the “right answer” — democracies genuinely disagree about how much weight each channel should carry. In this subject you are marked on the quality of your reasoning — defining your terms, using evidence, and giving the other side a fair hearing — not on which view you reach.

Worked examples

Example 1 — scaffolded

Worked case study 1 — **Amnesty International Australia and the campaign for a federal Human Rights Act** (elaboration .E02). Use the timeline in Figure 8 and the table method below.

Case study: Amnesty International Australia and the push for a Human Rights Act

An interest group using committee submissions, a petition and contact with MPs and senators.



The campaign is still running: the petition asks the parliament to pass a federal Human Rights Act.

Amnesty International Australia news release, '50,000 people call for Australian Human Rights Act' (amnesty.org.au, 20 August 2026); Parliamentary Joint Committee on Human Rights, Inquiry into Australia's Human Rights Framework (aph.gov.au) — retrieved 26 August 2026.

Timeline case study of Amnesty International Australia and the push for a federal Human Rights Act: inquiry referred in March 2023, 335 submissions received during 2023-24 including three from local Amnesty groups, committee report recommends a Human Rights Act in May 2024, and a petition of more than 50,000 signatures is handed to MPs and senators on 20 August 2026

Figure 8 — Case study 1: an interest group uses submissions, a petition and contact with MPs and senators.

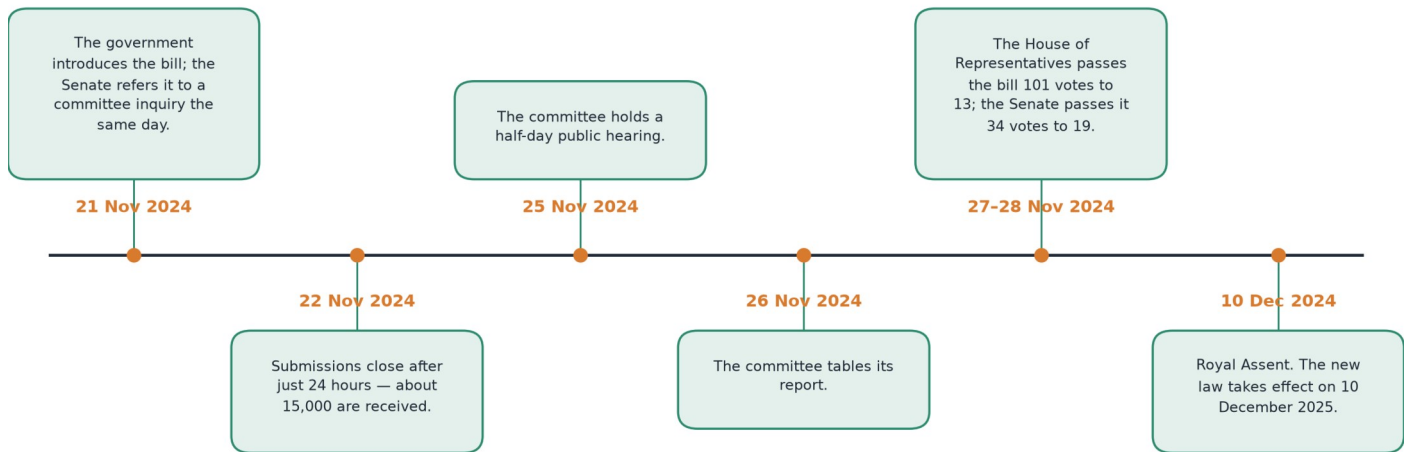
Working	Comment
Step 1 — What happened? A federal committee inquiry into Australia’s human rights framework began in March 2023; it received 335 submissions; its May 2024 report recommended a federal Human Rights Act; and on 20 August 2026 a petition signed by more than 50,000 people was handed to MPs and senators at Parliament House.	Put the events in order first — the story stays straight.
Step 2 — Who was involved? Amnesty International Australia and its local groups, the Human Rights Law Centre, 184 backing organisations, the Parliamentary Joint Committee on Human Rights, and MPs and senators from several parties.	An interest group rarely acts alone — it builds a wide, evidenced case.
Step 3 — Which channels were used? Submissions to a committee inquiry (including three from local Amnesty groups), a petition, and direct contact with MPs and senators.	One campaign, three channels — each doing a different job.
Step 4 — Which CD concept does it show? An interest group influencing lawmaking through submissions to a parliamentary committee — VC2HC8K06, elaboration .E02.	A case study is only finished when it is tied back to the exact concept it shows.

Example 2 — scaffolded

Worked case study 2 — **the social media minimum age law** (elaboration .E03, Commonwealth example). Trace the process in Figure 9 against the six steps in Figure 5.

Case study: the social media minimum age law — one inquiry, 15,000 submissions

Online Safety Amendment (Social Media Minimum Age) Act 2024 (Commonwealth).



Most of the 15,000 submissions were from members of the public; the committee also published 88 submissions from organisations.

Senate Environment and Communications Legislation Committee, *Inquiry into the Online Safety Amendment (Social Media Minimum Age) Bill 2024* (aph.gov.au); ABC News, 'Social media age ban inquiry flooded with submissions' (abc.net.au, 25 November 2024) — retrieved 26 August 2026.

Timeline case study of the Online Safety Amendment (Social Media Minimum Age) Act 2024: bill introduced and referred to a Senate committee on 21 November 2024, about 15,000 submissions received in 24 hours, half-day public hearing on 25 November, report tabled on 26 November, passed 101 votes to 13 and 34 votes to 19 on 27-28 November, Royal Assent on 10 December 2024

Figure 9 — Case study 2: one committee inquiry, about 15,000 submissions, and a law three weeks later.

Working	Comment
Step 1 — What happened? The government introduced the bill on 21 November 2024 and the Senate referred it to a committee the same day; submissions closed after 24 hours at about 15,000; a half-day hearing followed; the report was tabled on 26 November; both houses passed the bill; Royal Assent came on 10 December 2024.	The six steps of Figure 5 all appear — compressed into eight days.
Step 2 — Who was involved? The government, the Senate committee, about 15,000 people who sent submissions (most of them members of the public), 88 organisations whose submissions were published, and both houses of Parliament.	When a channel is open to everyone, the numbers can be enormous.
Step 3 — How did citizens influence it? Citizens used the submission channel at very large scale, and several members and senators pointed to the volume of public concern in the debates; at the same time, the 24-hour window meant most of that evidence arrived in a single day.	Influence is real — and the time a committee gives shapes whose evidence gets in.
Step 4 — Which CD concept does it show? Citizens participating in and influencing lawmaking through submissions to a parliamentary committee — VC2HC8K06, elaboration .E03.	Same concept as Example 1, different parliament-level detail: .E03 asks for the <i>process</i> , so name the steps.

Practice questions

Scaffolded

- Q1.** Figure 1 shows the path a bill takes. (a) At which point on that path are citizens formally invited to send in their views? (b) What must happen to a bill after both houses pass it before it is an Act?
- Q2.** Match each citizen to the best channel from Figure 2: (a) a student who wants to tell their local member one personal story about one law; (b) 50,000 people who share one request; (c) a group that wants to put detailed evidence about school funding on the official record; (d) a paid representative of a business group who wants a meeting with a minister.
- Q3.** Sort these into **petitions**, **submissions** and **neither**: (a) a written request to parliament signed by 10,000 people; (b) a written statement of views sent to a committee inquiry; (c) a march through the city streets; (d) evidence sent by a group to a committee running an inquiry.
- Q4.** Look at the model letter in Figure 4. (a) Which part of the letter gives *evidence*? (b) Which part gives the member something clear to *do*?
- Q5.** Figure 5 shows the six steps of a committee inquiry. Put these in order: (a) the report is tabled; (b) the committee calls for submissions; (c) the parliament refers the topic; (d) the committee holds public hearings; (e) people and groups send submissions; (f) the committee writes a report with recommendations.
- Q6.** Read *Two views — when a loud protest and a quiet letter disagree....* Give one reason from each view, in your own words.

Unscaffolded

- Q7.** Explain how contacting an elected representative can influence lawmaking, and give one reason why a short, polite, one-issue letter is more likely to be acted on than a long general one.
- Q8.** Amnesty International is named in the curriculum as an example of an interest group. Using Example 1, explain two different channels Amnesty International Australia used in the campaign for a federal Human Rights Act, and what each channel achieved.
- Q9.** Elaboration .E03 is about submissions to parliamentary committees. With Example 2 and the Victorian inquiry in Figure 7, explain how a submission gets made and considered, step by step, and name one Commonwealth example and one Victorian example.
- Q10.** Compare organised protest and the petition as ways of influencing lawmaking. What does each channel show a parliament, and what does each channel *not* show?
- Q11.** Figure 6 shows 335 submissions, about 15,000 submissions, and more than 50,000 signatures. Explain what these three numbers do — and do not — tell us about how much influence citizens had in each case.
- Q12.** The social media minimum age inquiry gave the public 24 hours to send submissions. Was that enough? Argue one side of this question using at least two facts from Example 2.

Extended response

- Q13.** “Ordinary citizens cannot really influence lawmaking — only organised groups and loud protests can.” Do you agree? Write a response of about one page. You must use evidence from at least two of: Figure 4 (the model letter), Figure 6 (the three numbers), Example 1 (Amnesty International Australia), Example 2 (the social media minimum age inquiry), and Figure 7 (the Victorian public school funding inquiry).

Answers

Q1. (a) At the committee stage, when a house refers a bill (or a topic) to a committee and the committee calls for submissions. (b) It must receive Royal Assent. **Q2.** (a) Contact an elected representative; (b) petition; (c) submission to a committee inquiry; (d) lobby group. **Q3.** Petitions: (a). Submissions: (b), (d). Neither: (c) — a march is protest / direct action. **Q4.** (a) Part 3 — reasons and evidence (the school counsellor's observation about sleep). (b) Part 4 — the ask: raise the issue in the House and support a committee inquiry that hears from young people. **Q5.** c, b, e, d, f, a. **Q6.** Sample: View 1 — a protest shows how strongly and how widely people feel, and keeps parliament honest about what ordinary people care about; View 2 — letters and submissions carry reasons and evidence a parliament can use, and noise can flood the process. **Q7–Q13** — see the worked solutions below.

Worked solutions

Q7. Every citizen has a local member and state senators, and their offices read and answer letters and emails from the public. A member who hears a personal story from someone they represent may raise it in debate, ask a question in the house, take it to a minister, or push for a committee inquiry — so one citizen's view can reach the people who write and vote on laws. A short, polite, one-issue letter is more likely to be acted on because a member can see exactly what the problem is and what is being asked; a long general letter gives the office no clear problem and no clear ask.

Q8. First channel: submissions to a parliamentary committee. Amnesty International Australia and three of its local groups sent submissions to the Parliamentary Joint Committee on Human Rights' inquiry into Australia's human rights framework (2023-24), and the committee's May 2024 report recommended a federal Human Rights Act — the group's evidence went onto the official record and into a report tabled in parliament. Second channel: petition and direct contact. On 20 August 2026 a petition of more than 50,000 signatures, run with the Human Rights Law Centre and backed by 184 organisations, was handed to MPs and senators from several parties at Parliament House — putting numbers and public faces to the same ask. (Equally good: the media channel — Amnesty runs public campaigns that keep the issue in the news.)

Q9. The process runs in six steps in both parliaments. (1) A house refers a bill or topic to a committee: the Senate referred the social media minimum age bill on 21 November 2024, and the Victorian Legislative Council referred public school funding to its Legal and Social Issues Committee, which opened the inquiry on 1 October 2025. (2) The committee calls for submissions. (3) People and groups send written submissions — about 15,000 in the Commonwealth inquiry, and parents, teachers and principals among those in the Victorian one. (4) The committee holds public hearings — a half-day hearing in Canberra on 25 November 2024, and hearings in March and April 2026 in Victoria where parents gave evidence. (5) The committee writes a report with recommendations — tabled 26 November 2024 in the Commonwealth inquiry and 12 May 2026 in Victoria, with six findings and five recommendations. (6) The report is tabled and the government answers it; in the Commonwealth case both houses then passed the bill and it received Royal Assent on 10 December 2024.

Q10. A protest shows a parliament how strongly people feel and how many will give up a day — about 300,000 on 20 September 2019 — and it forces the issue into the media and into ministers' mouths the same day. What it does not show is reasons, evidence, or what the protesters would write into the law's words. A petition shows numbers behind one clear request — more than 50,000 signatures on the Human Rights Act petition — and goes on the parliament's formal record; what it does not show is the detail of evidence behind each signature. Each channel is strong where the other is thin, which is why one campaign often uses both.

Q11. The numbers tell us how many people used each channel: 335 submissions in the human rights framework inquiry, about 15,000 in the social media inquiry, and more than 50,000 signatures on the petition. They tell us a committee saw a small, detailed set of views in one case and a flood of public feeling in the others. What the numbers do *not* tell us is influence: 335 submissions produced a report recommending a federal Human Rights Act, while about 15,000 submissions arrived in 24 hours and the law passed with little change. A big number shows participation; influence has to be argued from what changed afterwards — the report, the government's answer, or the words of the Act.

Q12. Sample one side (not enough): 24 hours is not enough time for most citizens to find out about an inquiry, read a complex bill and write a careful submission, so the evidence the committee received was rushed; the committee then had one half-day hearing and one day to write a report on a law that binds the whole country — speed and volume

crowded out the careful checking a good law needs. Sample other side (enough): the channel was open to everyone and about 15,000 people used it, the committee also published 88 organisation submissions and held a hearing, and the elected houses then debated and passed the bill 101 votes to 13 and 34 votes to 19 — in a democracy the elected parliament, not the submission window, carries the final responsibility. Full marks go to either side when two facts from Example 2 are used and the reasoning is explained.

Q13. Sample structure, disagree: the claim confuses *loud* with *effective*. An ordinary citizen's letter carries a personal story straight to the person who debates and votes on laws — the model letter in Figure 4 shows how one student's evidence and one clear ask do that. A committee inquiry takes submissions from any person — the Victorian school funding inquiry heard parents and teachers, and the social media inquiry received about 15,000 submissions, most from members of the public (Figure 6). A petition lets any citizen add their name — more than 50,000 did on the Human Rights Act petition. Organised groups and protests are powerful — Amnesty International Australia's submissions and petition (Example 1) show a group keeping up one ask for years, and the 2019 strikes put 300,000 people on the street — but they use the same channels open to one citizen: contact, submissions, petitions and media. Sample structure, agree: groups have time, money and research a single citizen lacks, and a protest's 300,000 people are harder to ignore than one letter — the 24-hour window shows that when the public floods a channel, the process shapes what gets heard. Either position earns full marks when it uses at least two of the named sources as evidence, gives the other side a fair hearing, and reaches a clear conclusion.

Sources, retrieved 26 August 2026 unless stated: Parliamentary Education Office, Making laws and How a bill becomes a law factsheets (aph.gov.au/peo — the ~200 bills a year, the two-to-three-month path, and the ~9 in 10 government bills figure); Parliament of Australia, Petitions and Contact a member pages (aph.gov.au); Parliamentary Joint Committee on Human Rights, Inquiry into Australia's Human Rights Framework (aph.gov.au — referred 15 March 2023, 335 submissions, report of May 2024 and its Recommendation 2); Amnesty International Australia, news release '50,000 people call for Australian Human Rights Act' (amnesty.org.au, 20 August 2026 — the petition, the 184 backing organisations, and the presentation at Mural Hall); Senate Environment and Communications Legislation Committee, inquiry into the Online Safety Amendment (Social Media Minimum Age) Bill 2024 (aph.gov.au — the November-December 2024 dates, the ~15,000 submissions, the 88 published organisation submissions, and the 101-13 and 34-19 votes); ABC News, 'Social media age ban inquiry flooded with submissions' (abc.net.au, 25 November 2024); Parliament of Victoria, Legislative Council Legal and Social Issues Committee, Inquiry into Public School Funding (parliament.vic.gov.au — opened 1 October 2025, hearings March-April 2026, report tabled 12 May 2026 with six findings and five recommendations; contact details as published); Department of the Prime Minister and Cabinet, Lobbying Code of Conduct and Register of Lobbyists (2008, via the archived lobbyists.pmc.gov.au); Wikipedia, 'School strike for climate' (the ~300,000 Australian turnout on 20 September 2019, citing organisers) and ABC News reporting of 20 September 2019 (the Prime Minister's response).**

What laws are like and where they come from

Curriculum focus — VC2HC8K07 (Civics and Citizenship, Levels 7 and 8 band).

This section draws on two curriculum examples: .E01 and .E02.

Teaching sequence (teacher-facing)

Teacher note: this block is written for you, not for the student. It is deliberately NOT vocabulary-gated.

Aim. Students can (1) name and explain the four characteristics of law from E01, (2) identify parliament and the courts as the two chief sources of law, (3) trace how a statute is made and how a court-made rule binds later courts, and (4) analyse one case study in which both sources appear — consumer law (E02).

Step 1 — Rules vs laws (10 min). Open with the school uniform rule and the red-light law. Ask: who made each, who must follow each, and what happens if each is broken? Show `2c_rules_laws.png`. Land the definition: a **law** is made by parliament or a court, binds everyone in the community, and is enforced by police and courts.

Step 2 — The four characteristics (15 min). Show `2c_characteristics.png`. The four headings are the curriculum's own words; teach each with its dated example. Read the *society's values* definition box aloud and check the working definition is what students use. Show `2c_values_change.png` and ask students to add one value change they have lived through (e.g. phones in classrooms) and whether law has followed yet.

Step 3 — The two chief sources (20 min). Show `2c_sources.png`. Teach statutory law with `2c_bill_to_act.png` (a bill must pass both houses in the same form; royal assent; the Act is then in force). Teach common law with `2c_precedent.png`: higher courts bind lower courts; *Donoghue v Stevenson* (1932) is the worked anchor. Drill the two-way interaction: parliament can change or overrule common law by statute; courts interpret statutes when applying them to real cases.

Step 4 — Case studies: consumer law made twice (20 min). Work Case study 1 (*Grant v Australian Knitting Mills*) with the table; then Case study 2 (*ACCC v Valve Corporation*). Show `2c_consumer_timeline.png` so students see courts first (1932, 1933), then parliament (2011), then courts applying parliament's statute (2016, 2024).

Contemporary dated case for this step. *ACCC v Qantas Airways Limited*: the ACCC began the case in August 2023 after Qantas kept advertising and selling tickets for flights it had already cancelled; in 2024 the court found those representations false or misleading; Qantas was ordered to pay a \$100 million penalty and about \$20 million in refunds to the 86,597 affected consumers. Use it live in class as the enforceable-and-known characteristics in action: a statute (the ACL), applied by a court, with a public, dated consequence.

Step 5 — The steelman debate (15 min). Show `2c_steelman.png`. Both positions are presented in their strongest form (house rule). Run a paired talk: each pair must state the OTHER side's position so well that the other side would agree with the wording, before giving a reasoned view. Set Q13; remind students that marking is on reasoning, not conclusion.

Scope note (binding). This section teaches E01 and E02 only. The two elaborations excluded for 2C in TOC §2A are not taught here and no invented substitute is supplied; precedent and court-made law are taught through the non-ATSI decided cases *Donoghue v Stevenson* and *Grant v Australian Knitting Mills*, exactly as the chapter note in TOC.md directs.

Assessment map. Q1–Q6 scaffolded (recall and apply with the figures); Q7–Q12 unscaffolded (explain and argue in own words); Q13 extended response (steelman + evidence, marked on reasoning).

Theory

Rules are not laws. A **rule** is made by a group or its leader — a school, a club, a family — and binds only the members of that group. A **law** is different in three ways: it is made by parliament or a court acting for the whole

community; everyone in the community must follow it; and police and courts **enforce** it — to enforce a law is to make sure there is a real consequence, through police and courts, when it is broken.

Rules and laws: similar but not the same

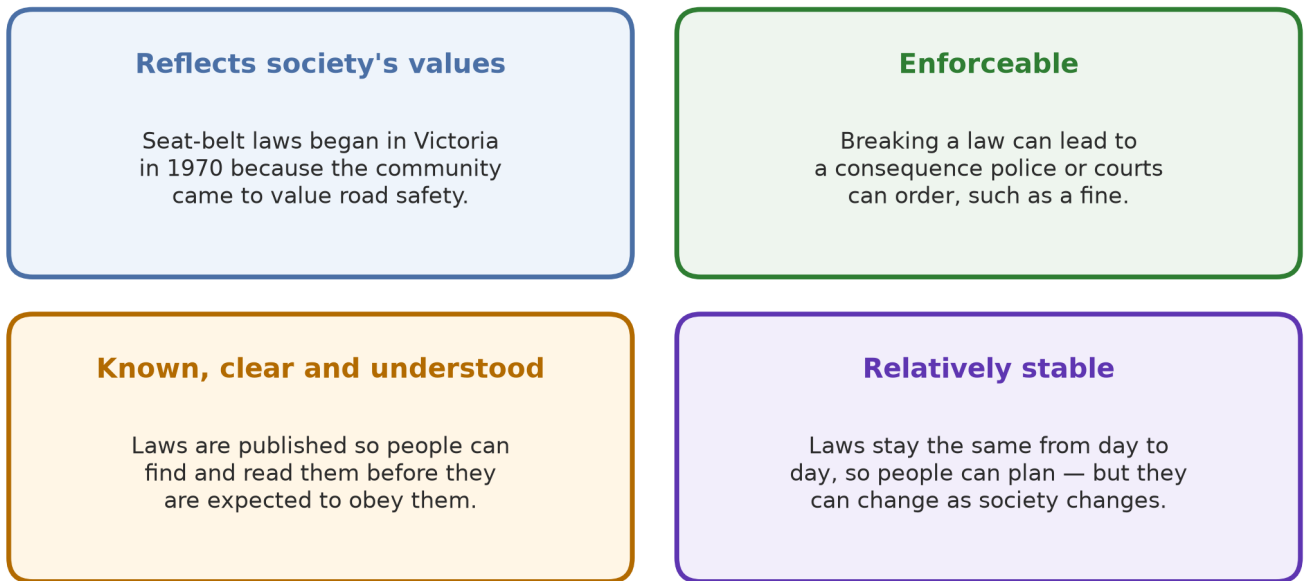
	Rules	Laws
Who makes it?	A group or its leader (a school, a club, a family)	Parliament, or a court, acting for the whole community
Who must follow it?	Members of that group only	Everyone in the community
Who enforces it?	The group (a teacher, a coach, a parent)	Police and courts
What can happen if it is broken?	A group consequence (detention, being dropped)	A legal consequence (a fine, a court order, or time in prison)
Example	School rule: wear the uniform	Law: stop at a red light

A comparison table of rules and laws across who makes them, who must follow them, who enforces them, what happens if they are broken, and one example of each

The four characteristics of law. The names below are the curriculum’s own words from E01.

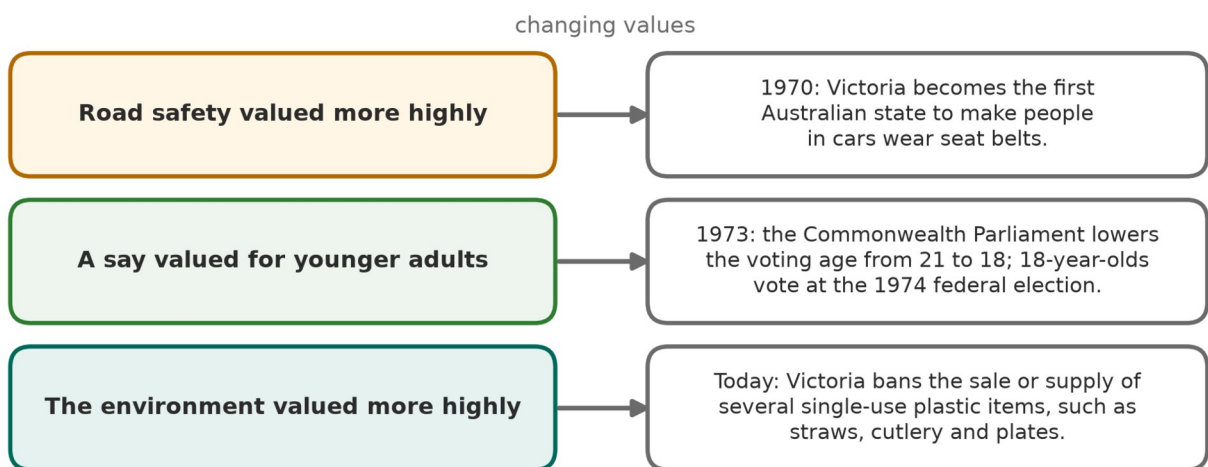
1. **Law reflects society’s values.** A community’s values are the things it agrees matter and should be protected. When those values shift, law can shift too — slowly, after public debate.
The Victorian Curriculum uses the term *society’s values* but does not define it. This section therefore treats it as the things a community, at a given time, agrees matter and should be protected — an operational definition, meaning a working definition we agree to use here. Other definitions exist and are not interchangeable with this one. Every question in this section is answerable on that definition alone.
2. **Law is enforceable.** A law is not a wish. Breaking it can lead to a consequence police or courts can order — a fine, a court order, or time in prison.
3. **Law is known, clear and understood.** Laws are published so people can find and read them before they are expected to obey them. A secret law is not a law in the full sense, because nobody can follow what nobody can know.
4. **Law is relatively stable.** Laws stay the same from day to day, so people can plan their lives around them. *Relatively* is the key word: stable is not frozen. When community values shift, law can change — but by a public, dated process, not whenever someone feels like it.

Four characteristics of law in Australia



Four boxes, one per characteristic of law — reflects society's values, enforceable, known clear and understood, relatively stable — each with a dated Australian example

As society's values change, laws can change too



Each change followed years of public debate — law is relatively stable, not frozen.

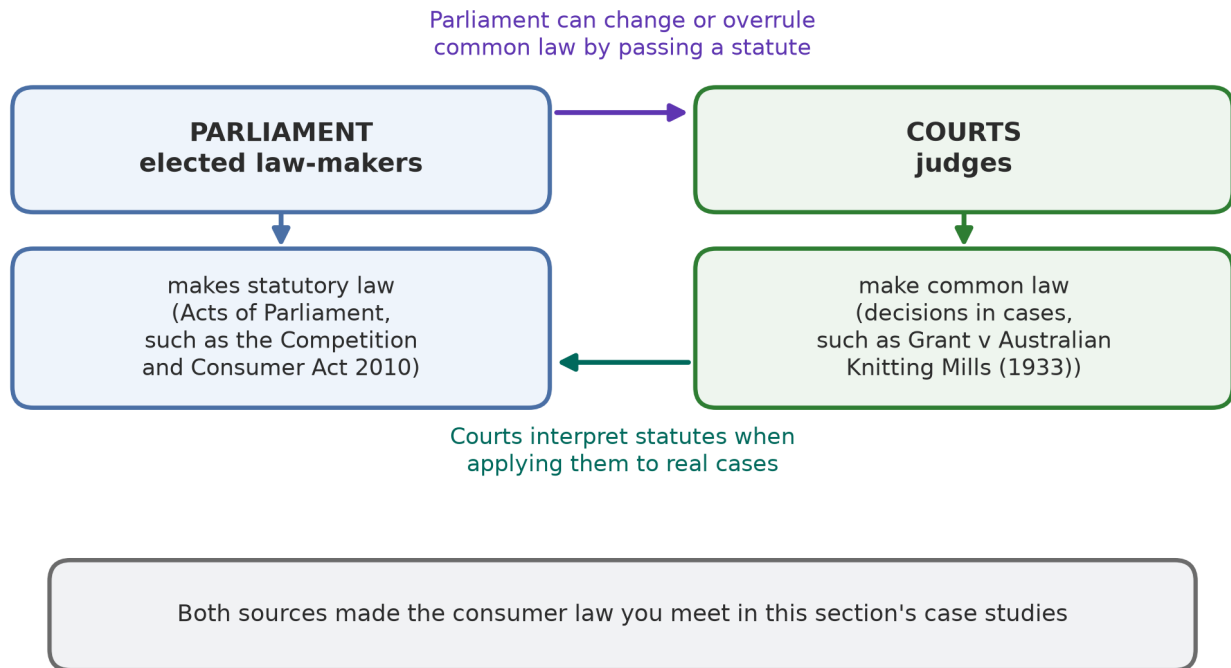
Three rows pairing a change in community values with a dated Australian law change: seat belts in Victoria from 1970, the voting age lowered to 18 in 1973, and Victoria's ban on several single-use plastics today

The two chief sources of law. Australia's law comes chiefly from two places.

- **Parliament** makes **statutory law** — statutory law is law made by parliament, written down in a **statute** (an Act of Parliament).

- **Courts make common law** — common law is law made by judges, written in the reasons they give for deciding real cases.

The two chief sources of law in Australia



Two columns: parliament makes statutory law such as the Competition and Consumer Act 2010; courts make common law such as Grant v Australian Knitting Mills (1933); a purple arrow shows parliament can change or overrule common law by statute, and a teal arrow shows courts interpret statutes when applying them to real cases

How a statute is made. When parliament plans a new law, the plan starts as a **bill**. In the Commonwealth Parliament, a bill must be debated and voted through by both houses — the House of Representatives and the Senate — in the same form. It then receives **royal assent** — royal assent is the Governor-General's signing of the bill, which turns it into an Act. From that moment it is statutory law, in force and published.

How a statute is made in the Commonwealth Parliament

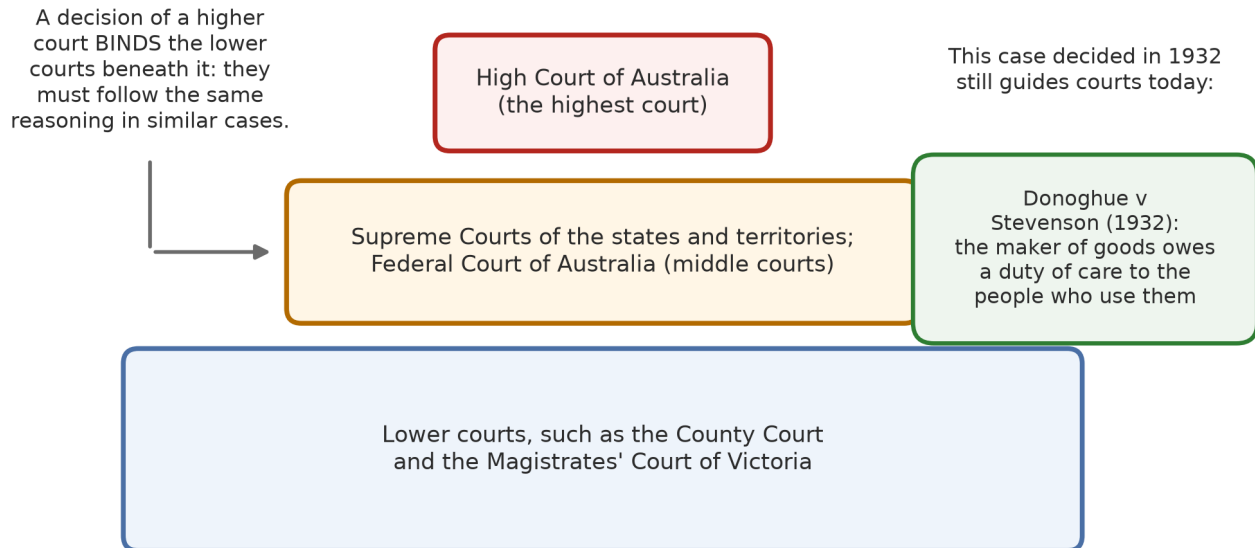


A bill must pass both houses in the same form. Section 2B looks at how citizens try to influence bills while they are being debated.

A five-step flow: a bill is written; the House of Representatives debates and votes; the Senate debates and votes; the Governor-General gives royal assent; it becomes an Act, a statute

How common law is made. When a court decides a case, it gives reasons. Those reasons can contain a rule that later courts must follow in similar cases. Australian courts sit in a **hierarchy** — a hierarchy is a ranking, from highest to lowest. In Australia the High Court of Australia is the highest court; beneath it sit middle courts such as the Supreme Courts of the states and territories and the Federal Court of Australia; beneath them sit lower courts such as the County Court and the Magistrates' Court of Victoria. A decision of a higher court **binds** the courts below it: they must follow the same reasoning in similar cases. Following an earlier decision like this is following **precedent**.

How precedent works in a court hierarchy



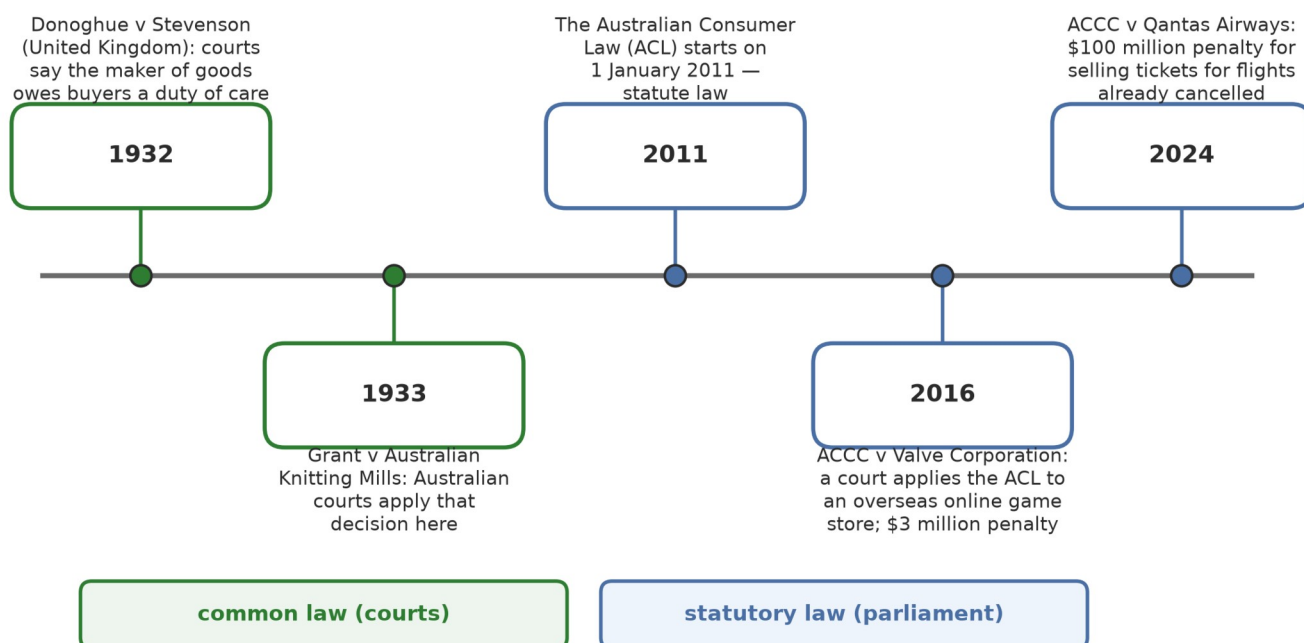
A court following an earlier decision like this is following PRECEDENT.

A three-tier court hierarchy with the High Court of Australia on top, middle courts beneath, and lower courts at the base, a side note that higher courts bind lower courts, and a side box noting Donoghue v Stevenson (1932): the maker of goods owes a duty of care to the people who use them

The two sources act on each other. Parliament can change or overrule a common law rule by passing a statute. And courts **interpret** statutes — to interpret a law is to work out what it means when it is applied to a real case. So statutory law and common law are not two separate worlds; they act on each other all the time.

Consumer law: both sources at work. The law that protects you when you buy things was built by both sources. Courts began it: in Donoghue v Stevenson (1932), United Kingdom judges said the maker of goods owes a **duty of care** — a duty of care is a legal rule, made by courts, that you must take care not to harm people your actions are likely to affect — to the people who use its goods; Australian courts applied that rule here in Grant v Australian Knitting Mills (1933). Parliament then wrote consumer protection into statute: the **Australian Consumer Law (ACL)** started on 1 January 2011, written into the Competition and Consumer Act 2010 as its Schedule 2 — a schedule is an extra part attached to the body of an Act. A **consumer** is a person who buys or uses goods or services. The ACL is enforced by the **ACCC** (the Australian Competition and Consumer Commission, the government body that enforces consumer law) together with state agencies — and courts keep applying it, as the Valve and Qantas cases below show.

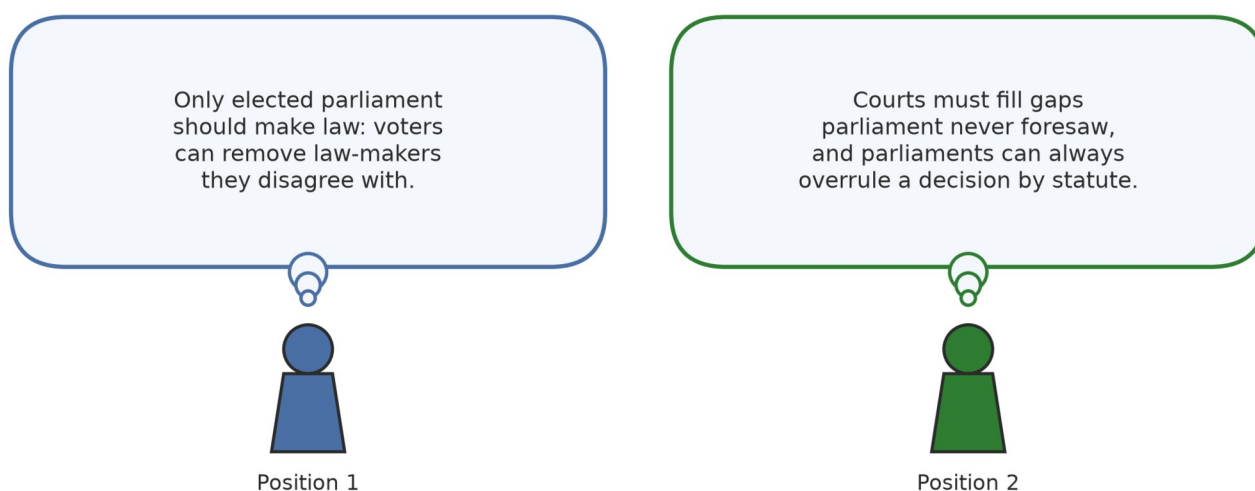
Consumer protection: made by courts AND parliaments



A timeline from 1932 to 2024: 1932 Donoghue v Stevenson and 1933 Grant v Australian Knitting Mills in green as common law made by courts; 2011 the Australian Consumer Law starts, 2016 ACCC v Valve Corporation, and 2024 ACCC v Qantas Airways in blue as statutory law made by parliament and applied by courts

A question worth arguing about. Judges are not elected. Should unelected judges make law? Two strong positions sit in this debate, and this section presents each in its strongest form on purpose. Marking on the extended task is on the quality of your reasoning — defined terms, stated evidence, limits named — not on which position you end up holding.

Should unelected judges make law? Two strong positions



The extended task asks you to reason between these positions — not to guess which one the book prefers.

Two people drawn the same size, each holding one position in a thought bubble: position 1 says only elected parliament should make law because voters can remove law-makers they disagree with; position 2 says courts must fill gaps parliament never foresaw and parliaments can always overrule a decision by statute

Worked examples

Case study 1 — *Grant v Australian Knitting Mills (1933)* — scaffolded

What happened. In 1931 an Adelaide doctor, Donald Grant, bought woollen underwear and singlets from a department store, John Martin & Co. Within hours of wearing them he developed a serious skin illness. The goods contained too much of a harmful chemical left in during making. Grant sued the maker (Australian Knitting Mills) and the shop. On 18 August 1933 the High Court of Australia decided for Grant, and on 21 October 1935 the Privy Council in London — at that time the last court an Australian case could go to — rejected the maker's **appeal** (an appeal is a request to a higher court to re-check a decision). Both the maker and the shop were held responsible.

Who was involved. Dr Grant (the consumer); Australian Knitting Mills (the maker); John Martin & Co (the shop); the High Court of Australia and, on appeal, the Privy Council.

Which CD concept is shown. Common law: the rule the courts applied was judge-made in *Donoghue v Stevenson* (1932), not written by parliament — and Grant shows **precedent** working: an Australian court following the 1932 reasoning in a similar case.

Working	Comment
1932: <i>Donoghue v Stevenson</i> — a person who drank ginger beer from a bottle that held the remains of a snail was owed care by the maker, even though she had not bought the drink herself.	Courts make common law: judges state a rule (a duty of care to the people who use your goods) where parliament had written none.
1933: Grant buys woollen underwear; it causes a serious skin illness; the High Court decides for Grant on 18 August 1933.	Precedent: Australian courts apply the 1932 reasoning to a similar case — same rule, new facts.
1935: the Privy Council dismisses the appeal (21 October 1935); maker and shop both responsible.	The highest court of the day confirms the rule, so it stands as law; enforcement follows the court's order.

Case study 2 — *ACCC v Valve Corporation (2016)* — worked

What happened. Valve Corporation runs Steam, an overseas online store for video games. From 2014 the ACCC took action against Valve, because Valve told Australian customers they had no right to refunds and tried to take away or limit the ACL's **guarantees** — guarantees are promises the law writes into every consumer sale, such as that goods must be of acceptable quality — and because Valve's claims about refunds were false or misleading: they led people to believe what was not true. On 29 March 2016 a court found Valve had broken the Australian Consumer Law; in December 2016 Valve was ordered to pay a **penalty** (a penalty is a payment to the public, ordered by a court as punishment) of A\$3 million; Valve's appeals failed in December 2017, and the High Court rejected Valve's last appeal in April 2018.

Who was involved. The ACCC (the body that enforces the ACL); Valve Corporation (an overseas business selling to Australians); Australian consumers; the courts that applied the statute.

Which CD concept is shown. Statutory law applied by courts: the rule Valve broke was written by parliament (the ACL, in the Competition and Consumer Act 2010); it took courts to interpret that statute and apply it to an overseas online store. The case also shows two characteristics: the law was **known and clear** (Valve could read the ACL's guarantees) and **enforceable** (a dated, public, A\$3 million consequence).

Practice questions

Scaffolded

Q1. Use the rules-and-laws figure. (a) Who makes laws in Australia? (b) Who must follow a school rule, and who must follow a law? (c) Name one consequence that can follow from breaking a law but not from breaking a school rule.

Q2. Match each story to one of the four characteristics (reflects society's values; enforceable; known, clear and understood; relatively stable). (a) Laws are published online so people can read them before they are expected to obey

them. (b) A court can fine you for breaking a law. (c) Victoria banned the sale or supply of several single-use plastic items after the community came to value the environment more highly. (d) The seat-belt law of 1970 is still in force today, changed only by a public vote in parliament.

Q3. Use the bill-to-Act flow. (a) Which two houses must pass a bill in the same form? (b) Who gives royal assent? (c) After assent, what is the new law called?

Q4. Use the court-hierarchy figure. (a) Name the highest court in Australia. (b) The County Court of Victoria must follow the decisions of which courts above it? (c) What is the name for a court following an earlier decision?

Q5. (a) Which chief source of law made the Australian Consumer Law? (b) Which chief source made the duty-of-care rule in 1932? (c) If parliament disagrees with a common law decision, what can it do?

Q6. Imagine parliament passed a law but kept it secret and told nobody. (a) Which characteristic of law is broken? (b) Explain in one sentence why that is unfair to the people meant to follow the law.

Un scaffolded

Q7. In your own words, give two ways a rule differs from a law, with one example of each.

Q8. In 1970 Victoria became the first Australian state to make people in cars wear seat belts. (a) Which characteristic of law does this change best show? Explain. (b) Law is also *relatively stable*. In your own words, what does that phrase mean, and how does the seat-belt story show it?

Q9. Grant v Australian Knitting Mills: (a) name who was involved; (b) say what the courts decided; (c) state which chief source of law made the rule the courts applied, and give one reason for your answer.

Q10. Valve told Australian customers they had no right to refunds; a court disagreed and applied the ACL's guarantees. (a) Which chief source of law made the ACL? (b) Which chief source applied it to Valve? (c) What penalty did Valve end up paying?

Q11. "Law reflects society's values." Using this section's working definition of *society's values* and ONE dated example from the values-change figure, explain this characteristic in your own words.

Q12. A friend says: "Judges don't make law. Only parliament makes law." Using what this section teaches about the two chief sources, explain what is right and what is wrong in that claim.

Q13 — Extended response. "Should unelected judges make law?" The two-positions figure gives the two strong sides. Write a reasoned answer of about one page that (a) states EACH position in its strongest form, (b) uses at least ONE dated case or law from this section as evidence for each position, and (c) gives your own reasoned view, naming one limit of your view. Marking is on the quality of your reasoning — terms defined, evidence used, limits named — not on which position you choose. Two students who reach opposite conclusions can both earn full marks.

Answers

Q1. (a) Parliament, and courts. (b) A school rule binds members of that school only; a law binds everyone in the community. (c) E.g. a fine, a court order, or time in prison — ordered by police and courts, not by a group. **Q2.** (a) Known, clear and understood. (b) Enforceable. (c) Reflects society's values. (d) Relatively stable. **Q3.** (a) The House of Representatives and the Senate. (b) The Governor-General. (c) An Act (a statute). **Q4.** (a) The High Court of Australia. (b) The High Court, and the middle courts above it (the Supreme Courts of the states and territories, and the Federal Court of Australia). (c) Precedent. **Q5.** (a) Parliament (statutory law). (b) The courts (common law). (c) Pass a statute that changes or overrules it. **Q6.** (a) Known, clear and understood. (b) People cannot obey a law they cannot find or read, so punishing them for it is unfair. **Q7–Q12.** See the fully-worked solutions. **Q13.** No single correct conclusion; see the marking points in the solutions.

Fully-worked solutions

Q7. A model answer: a rule is made by a group or its leader and binds only that group's members (e.g. "wear the uniform" at my school), while a law is made by parliament or a court, binds everyone in the community (e.g. stop at a red light), and is enforced by police and courts. Any two of these differences with a fitting example earns the marks.

Q8. (a) Reflects society's values: the community came to value road safety more highly, and in 1970 Victoria's parliament turned that value into law. (b) *Relatively stable* means a law stays the same from day to day so people can plan, yet can change when values change. The seat-belt law has stayed in force for decades (stable) but was itself a change made when values shifted (not frozen).

Q9. (a) Dr Donald Grant (a consumer), Australian Knitting Mills (the maker), John Martin & Co (the shop), the High Court of Australia and the Privy Council. (b) The courts decided for Grant: maker and shop were held responsible for the harm his goods caused. (c) The courts (common law) — the rule applied was judge-made in *Donoghue v Stevenson* (1932); parliament had written no statute about snail-free bottles or safe underwear, so the rule the courts used was precedent, not statute.

Q10. (a) Parliament — the ACL sits in the Competition and Consumer Act 2010. (b) The courts — they interpreted the statute and applied it to Valve's sales to Australians. (c) A\$3 million (ordered December 2016, after the 29 March 2016 finding; appeals failed through to the High Court in April 2018).

Q11. A model answer using the working definition: *society's values* here means the things a community, at a given time, agrees matter and should be protected. In 1973 the Commonwealth Parliament lowered the voting age from 21 to 18, and 18-year-olds voted at the 1974 federal election — the community had come to value a say for younger adults, and law followed that value. Because the definition is the one we agreed to use here, an answer that uses a different dated example from the figure in the same way also earns full marks.

Q12. What is right: parliament is a chief source of law, and it can change or overrule any common law decision by statute — so no judge-made rule sits above parliament. What is wrong: courts ARE a chief source of law too; common law is judge-made, as *Donoghue* (1932) and *Grant* (1933) show, and lower courts must follow higher courts' reasoning (precedent). The friend has half the picture: parliament is supreme, but it is not the only law-maker.

Q13. Marking points (reasoning, not conclusion): 1 mark for stating position 1 in its strongest form (only elected parliament should make law, because voters can remove law-makers they disagree with); 1 for stating position 2 in its strongest form (courts must fill gaps parliament never foresaw, and parliaments can always overrule a decision by statute); 2 for evidence, at least one dated case or law per position (e.g. *Donoghue/Grant* for position 2 — judges filled a gap no statute covered; the ACL or the seat-belt law for position 1 — elected parliament setting the rule); 1 for a reasoned own view; 1 for naming one limit of that view. A student arguing either side can score 6/6.

Sources (all checked on 2026-08-26)

- Victorian Curriculum F–10 2.0, Civics and Citizenship, Levels 7 and 8 band: content description VC2HC8K07 and elaborations E01–E02, cited by code (the wording is the VCAA's; read it in the Victorian Curriculum F–10 Version 2.0) (VC2_ASEExtract-CD-Elab_29-07-2026.csv).

- Wikipedia, *Donoghue v Stevenson* — House of Lords, 26 May 1932; facts and the duty of care.
- Wikipedia, *Grant v Australian Knitting Mills* — High Court of Australia 18 August 1933; Privy Council 21 October 1935; maker and shop held responsible.
- Wikipedia, *Australian Consumer Law* — Schedule 2 of the Competition and Consumer Act 2010; started 1 January 2011; enforced by the ACCC with state agencies.
- Wikipedia, *Valve Corporation* and *Australian Competition and Consumer Commission* — ACCC v Valve Corporation (No 3): finding 29 March 2016; A\$3 million penalty December 2016; appeals failed December 2017; High Court April 2018. ACCC v Qantas Airways Limited: begun August 2023; false or misleading claims about cancelled flights; \$100 million penalty and about \$20 million to 86,597 affected consumers (2024).
- Wikipedia, *Seat belt legislation*; *Voting age*; *1974 Australian federal election* — Victoria first Australian state to require seat belts, 1970; voting age lowered 21 to 18; 18-year-olds voted at the 1974 federal election.
- vic.gov.au, *Single-use plastics* (page updated 8 May 2026) — Victoria bans the sale or supply of several single-use plastic items, such as straws, cutlery, plates and foam-plastic food and drink containers, but straws needed for disability or medical reasons are still allowed.

Criminal and civil law: how they differ

Curriculum traceability — VC2 Civics and Citizenship, Levels 7 and 8 (codes only). Teacher-facing; not part of the student text.

- **Content description code:** VC2HC8K08 (Levels 7–8 band, knowledge strand).
 - **Elaborations drawn on:** VC2HC8K08.E01 · VC2HC8K08.E02
 - **Builds on:** VC2HC6K04 (Level 6 — how laws are made and why they matter).
 - **Assessment allocation (chapter plan):** this section feeds 3 MCQs to the bank (Q13–Q15 below).
 - **Scope:** the section’s framing is the criminal/civil distinction itself; E01 is taught through “what makes a crime”, E02 through the areas of civil law.
-

Teacher notes — teaching sequence

Teacher-facing; not vocabulary-gated. All real-world facts below were retrieved 26 August 2026.

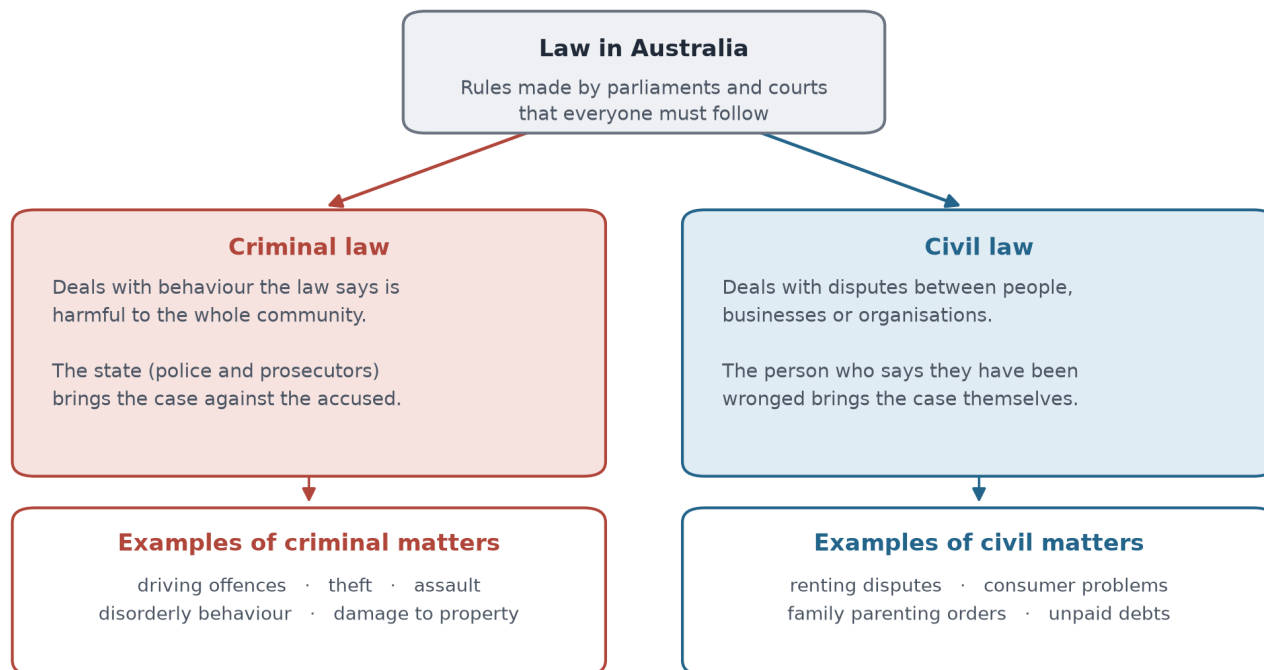
1. **Hook (5 min).** Put one question on the board: “*A store sells candles that catch fire. Is that a crime, a civil wrong, or both?*” Take quick votes; do not resolve it yet. Return to it after Worked case 2 (the Panda Mart story is exactly this).
 2. **Branch the map (10 min).** Figure 1 for the two branches; Figure 2 for the side-by-side comparison. Drill the three big differences orally: *who brings the case* (the state vs a plaintiff), *how sure the court must be* (beyond reasonable doubt vs the balance of probabilities), *what the court does at the end* (punish vs put things right).
 3. **Contemporary case — criminal (10 min).** *DPP v Risham Nominees Pty Ltd* [2026] VSC 412: on 25 June 2026, Justice Jacinta Forbes, in the Supreme Court of Victoria, convicted a Melbourne company of workplace manslaughter after a worker, Jassim Al-Shadori, died following a fall at work; the court found the company’s system of work was negligent and its training inadequate, and fined it \$3,400,000. Use Figure 10’s case card. Point students to the three criminal fingerprints: the state (the DPP) brought the case; the standard was beyond reasonable doubt (the company pleaded guilty); the outcome was punishment (a fine paid to the state). Source: Supreme Court of Victoria, sentences list, retrieved 26 August 2026.
 4. **Contemporary case — civil and criminal together (10 min).** *Consumer Affairs Victoria (CAV) v Panda Mart*, Figure 11’s timeline: public warnings (March 2025, March 2026), an urgent civil injunction from the Supreme Court (December 2025), criminal charges against the Cranbourne store (January 2026), and a further civil application to stop the stores trading until products meet safety rules (August 2026, decision expected September 2026). Sources: CAV media releases, consumer.vic.gov.au, 9 July 2026 and 7 August 2026, retrieved 26 August 2026.
 5. **Contemporary case — civil in everyday life (5 min).** CAV’s renting taskforce (9 July 2026) fined three real-estate businesses for advertising rental properties without a fixed price — e.g. Hocking Stuart (Frankston) \$11,855. Connect to Figure 4’s “Property and renting” tile and to VCAT as the informal place most renting disputes go. Source: CAV media release, 9 July 2026, retrieved 26 August 2026.
 6. **Data beat (5 min).** Figure 3: in every year 2014–15 to 2023–24, around 98–99 of every 100 criminal cases sentenced in Victoria were heard in the Magistrates’ Court of Victoria — the first level of courts, where a magistrate decides without a jury. Source: Sentencing Advisory Council, using Court Services Victoria data, retrieved 26 August 2026.
 7. **Sequence.** Theory (with Figures 1–9 and the glossary, Figure 9) → Worked examples → Scaffolded practice → Unscaffolded practice → MCQs → extended response. Answers for students are at the back; use the solutions for marking.
-

Theory

Two branches. Laws are rules everyone in Australia must follow. Parliaments make most laws; courts apply them and say what they mean. You met this idea in Level 6 (VC2HC6K04). Here we sort Australian law into its two big branches.

The two main branches of Australian law

One law, two branches — they deal with different kinds of problems.



Examples drawn from the Magistrates' Court of Victoria, mcv.vic.gov.au (retrieved 26 August 2026).

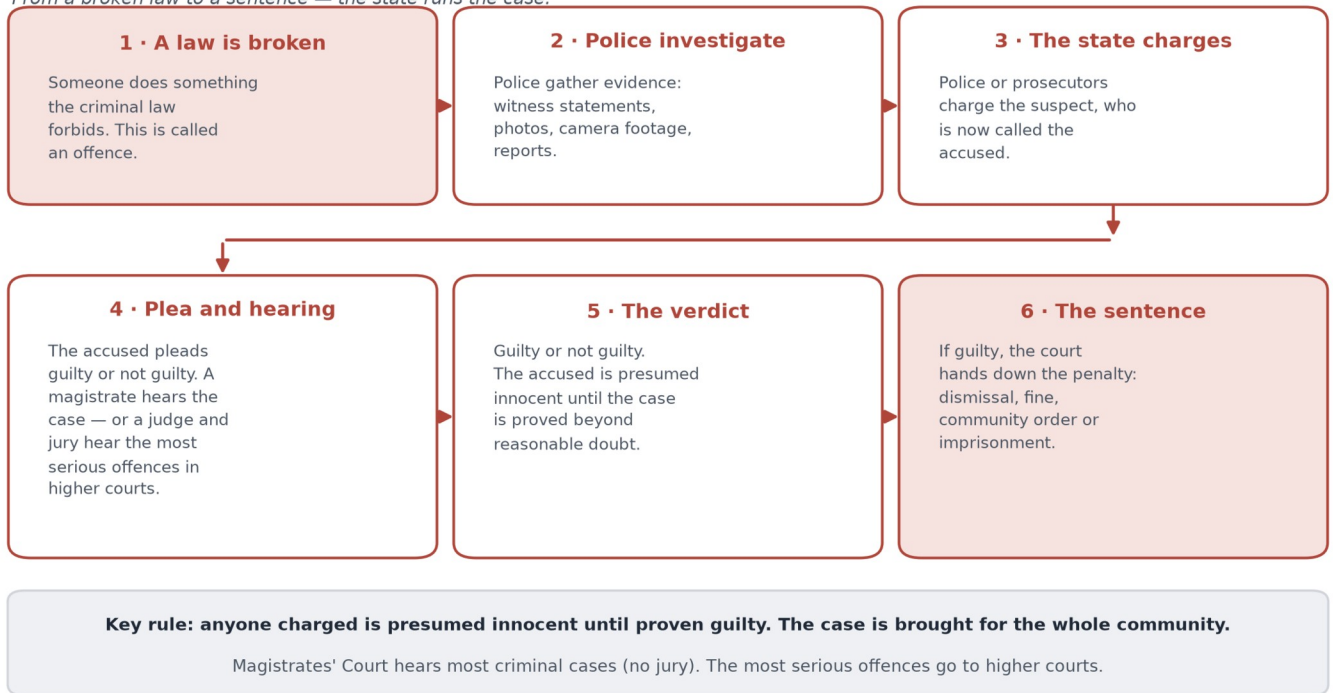
A tree diagram: the trunk 'Law in Australia' splits into two branches, criminal law in red (with examples theft, assault, fraud) and civil law in blue (with examples contracts, consumer law, renting disputes).

Figure 1. Australian law splits into two big branches.

Criminal law — what makes a crime? (E01). A crime is behaviour that harms the whole community, not just one person. That is why the community itself — the state — brings the case, through police or through the Director of Public Prosecutions (DPP), the government lawyer who runs serious criminal cases. The person charged is **the accused**, and the accused is **presumed innocent until proven guilty**. To return a guilty **verdict**, the court must be sure — proof **beyond reasonable doubt**. If guilty, the court hands down a **sentence**: a punishment, such as a fine or **imprisonment**. Theft, assault, fraud and homicide (killing a person) are all crimes.

How a criminal case moves through the courts

From a broken law to a sentence — the state runs the case.



Steps reflect how the Magistrates' Court of Victoria describes criminal matters, mcv.vic.gov.au (retrieved 26 August 2026).

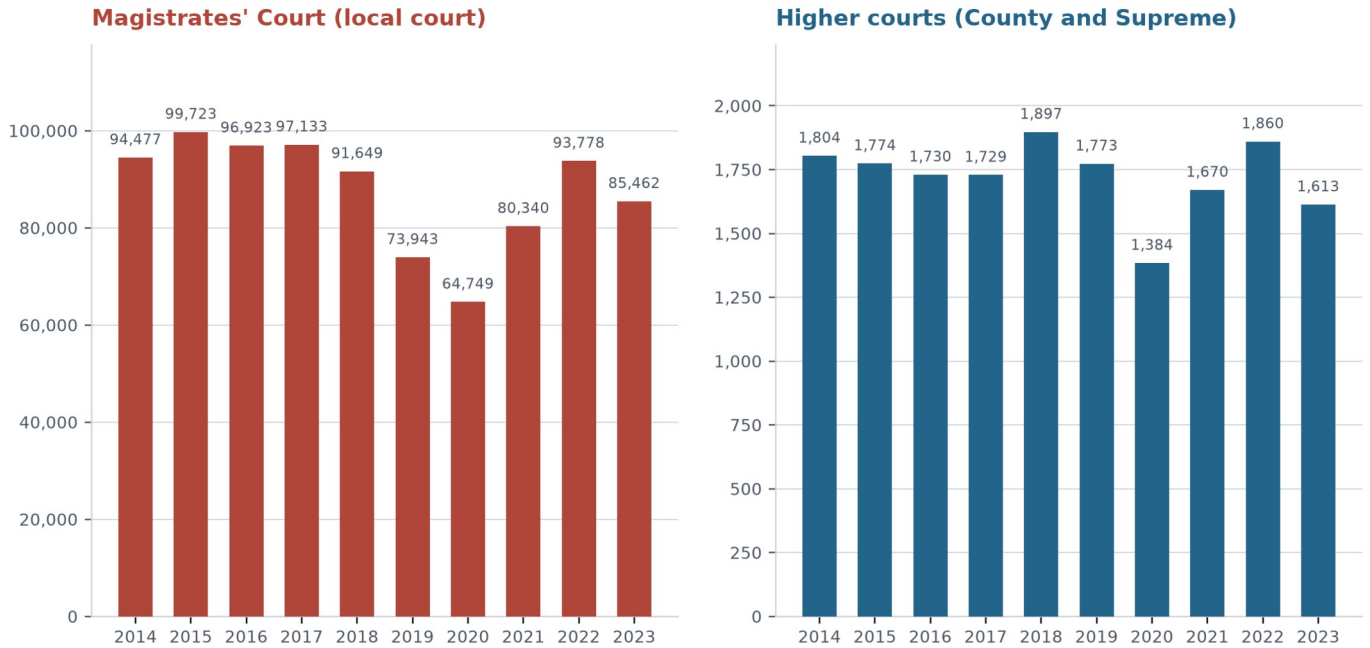
Flowchart of a criminal case in six steps: a crime is reported to police; police investigate and may charge a suspect; the prosecutor brings the case for the state; the accused pleads guilty or not guilty; if not guilty, a hearing or trial tests the evidence; the court must be sure beyond reasonable doubt before a guilty verdict, and a guilty verdict is followed by a sentence. A band below notes the key rule: anyone charged is presumed innocent until proven guilty.

Figure 2. How a criminal case runs.

Where criminal cases are heard. Most criminal cases in Victoria are heard in the Magistrates' Court of Victoria — the first level of Victorian courts, sitting in 51 places across the state, where a magistrate decides the case without a jury. Only the most serious cases go to higher courts.

Where criminal cases are sentenced in Victoria

Cases sentenced each year, 2014–15 to 2023–24 — two panels, different scales.



Around 98–99 of every 100 criminal cases sentenced each year are heard in the Magistrates' Court.

Source: Sentencing Advisory Council of Victoria, sentencingcouncil.vic.gov.au (data from Court Services Victoria; retrieved 26 August 2026).

Two bar charts, one above the other, for the years 2014–15 to 2023–24: the top chart shows criminal cases sentenced in the Magistrates' Court of Victoria (between about 64,700 and 99,700 each year) and the bottom chart shows the Supreme Court (between about 1,400 and 1,900 each year).

Figure 3. Criminal cases sentenced in Victorian courts, 2014–15 to 2023–24. Around 98–99 of every 100 are heard in the Magistrates' Court.

Civil law — disputes between people (E02). Civil law is about **disputes** — disagreements — between people, businesses and organisations. The side that starts a case is the **plaintiff** (*subject term: the person or group who starts a civil case*); the other side is the **defendant**. A civil court does not punish. It puts things right — it can order a side to pay **compensation** (also called **damages**), to do something, or to stop doing something. The court decides on **the balance of probabilities** — it asks which story is more likely.

Civil law is not one thing — it covers many areas

Six common areas of civil law in Australia.



Areas and examples drawn from the Magistrates' Court of Victoria and Consumer Affairs Victoria (retrieved 26 August 2026).

Six tiles showing areas of civil law: contracts; consumer law; family law; property and renting; civil wrongs; money disputes, each with a one-line example.

Figure 4. Civil law covers many areas.

How a civil dispute is worked out

Court is often the last step — most disputes settle earlier.



Steps reflect civil procedure described by the Magistrates' Court of Victoria (21-day defence; disputes to \$100,000) and by VCAT, mcv.vic.gov.au and vcat.vic.gov.au (retrieved 26 August 2026).

Flowchart of a civil case in six steps: a dispute begins; the sides talk or try mediation; if that fails the plaintiff files a claim; the defendant has 21 days to file a defence; a hearing tests the evidence; the court decides on the balance of probabilities and makes orders that put things right. A band below notes that claims to \$100,000 can be heard in the Magistrates' Court, and many renting and consumer disputes go to VCAT instead.

Figure 5. How a civil case runs.

The two branches side by side.

Criminal law and civil law side by side		
Six questions tell the two branches apart.		
Question	Criminal law	Civil law
What is it about?	Behaviour the law says harms the whole community — a crime.	Disputes between people, businesses or organisations.
Who starts the case?	The state — police or prosecutors (the DPP for serious crimes).	The person wronged — called the plaintiff.
Who is it against?	The accused person (or company).	The defendant.
Who decides?	A magistrate, or a judge and jury in higher courts.	A judge, a magistrate or a tribunal member (e.g. VCAT).
How sure must the court be?	Beyond reasonable doubt — the court must be sure.	On the balance of probabilities — more likely than not.
If the case is proved...	Found guilty — sentenced to a fine, community order or prison.	Ordered to put things right — e.g. pay compensation.
DPP = Director of Public Prosecutions; "Plaintiff" and "balance of probabilities" are defined in the text of this section.		

A three-column table comparing criminal law and civil law across seven questions: what it is about; who brings the case; the other side's name; how sure the court must be; the result if proved; an example; and a real 2026 case (the Risham workplace case for criminal law, the Panda Mart unsafe-products case for civil law).

Figure 6. Criminal law and civil law side by side.

How sure must the court be? The two standards of proof are the clearest difference between the branches.

How sure must the court be? — the two standards of proof

Civil law needs 'more likely than not'. Criminal law needs far more.

less sure

more sure

Civil law: **the balance of probabilities**



the court only needs to decide which story is more likely

Criminal law: **beyond reasonable doubt**



the court must be sure — any sensible doubt means not guilty

Why the gap? A criminal case can cost someone their freedom.

So the law sets the criminal bar much higher than the civil bar.

Standards of proof as applied in Australian courts; explained here in plain English, not as exact percentages.

Two horizontal gauges from 'less sure' to 'more sure'. The civil law gauge is filled just past halfway and is labelled 'the balance of probabilities — the court only needs to decide which story is more likely'. The criminal law gauge is filled almost to the end and is labelled 'beyond reasonable doubt — the court must be sure; any sensible doubt means not guilty'. A band below asks: why the gap? A criminal case can cost someone their freedom, so the law sets the criminal bar much higher.

Figure 7. The two standards of proof.

What can the court do?

What can the court do? — outcomes in each branch

Criminal law punishes; civil law puts things right.



Punishments and limits as described by the Magistrates' Court of Victoria and the Sentencing Advisory Council (retrieved 26 August 2026). 'Injunction' and 'damages' are defined in this section.

Two columns. Left, a red ladder of criminal punishments from least to most serious: dismissal; a promise to the court; a fine; a Community Corrections Order; imprisonment (up to 2 years for a single offence in the Magistrates' Court). Right, blue boxes of civil orders: pay money; do something; stop doing something; plus a note that a civil court does not send people to prison or record convictions — it fixes the dispute.

Figure 8. Outcomes in each branch: criminal law punishes; civil law puts things right.

Which branch? A quick test. Ask three questions: (1) *Who brings the case?* The state (police/DPP) points to criminal law; a person, business or organisation bringing its own case points to civil law. (2) *What is the court asked to do?* Punish points to criminal law; put things right points to civil law. (3) *How sure must the court be?* Beyond reasonable doubt is the criminal bar; the balance of probabilities is the civil bar.

Key terms.

Key terms for this section

Red tiles: criminal side · blue tiles: civil side · grey: both.

criminal law About crimes — behaviour that harms the community. The state brings the case.	civil law About disputes between people, businesses or organisations.	offence A crime — an act that breaks the criminal law.
the accused Charged with an offence; presumed innocent until proven guilty.	prosecutor Police or the DPP — brings the criminal case for the state.	plaintiff The person or group who starts a civil case.
defendant In a civil case, the person or group being sued.	verdict The court's decision: guilty or not guilty.	sentence The penalty the court hands down to a guilty person.
standard of proof How sure the court must be before it finds a case proved.	compensation Money paid to make up for loss or harm (also: damages).	mediation An independent helper helps both sides reach an agreement.

Definitions as used by the Magistrates' Court of Victoria, VCAT and Consumer Affairs Victoria (retrieved 26 August 2026).

A grid of twelve definition tiles. Red (criminal side): criminal law; offence; the accused; prosecutor; verdict; sentence. Blue (civil side): civil law; plaintiff; defendant; compensation; mediation. Grey (both): standard of proof.

Figure 9. Key terms for this section.

Worked examples

Worked case 1 — scaffolded (criminal law): a company in the dock

Read the case card, then follow the reasoning table.

Worked case 1 — a criminal case against a company

DPP v Risham Nominees Pty Ltd [2026] VSC 412 · Supreme Court of Victoria.

What happened?

A worker, Jassim Al-Shadori, died after falling at work. The company had set up a system of work that gave too little thought to the high risk of a fall, and workers had not been properly trained.

The charge

Workplace manslaughter — a homicide offence for when a worker dies because of very careless conduct by those running the workplace.

Who brought the case?

The state, through the Director of Public Prosecutions (DPP). The company pleaded guilty.

The outcome — 25 June 2026

Justice Jacinta Forbes convicted the company and fined it \$3,400,000.

What this shows

Criminal law punishes conduct that harms the community. Companies can commit crimes too, and fines are one way courts sentence them.

Sentence details: Supreme Court of Victoria, supremecourt.vic.gov.au (retrieved 26 August 2026). 'Manslaughter' is a subject term defined in this section.

Case card with five rows. What happened: a worker, Jassim Al-Shadori, died after falling at work, and the court found the company's system of work and training were inadequate. The charge: workplace manslaughter, a homicide offence, for very careless conduct. Who brought the case: the DPP, for the state; the company pleaded guilty. Outcome: on 25 June 2026, Justice Jacinta Forbes convicted the company in the Supreme Court of Victoria and fined it \$3,400,000. What this shows: a company can commit a crime, and a criminal case is the state punishing behaviour that harms the community.

Figure 10. Worked case 1 — DPP v Risham Nominees, Supreme Court of Victoria, 25 June 2026.

Question	Working	Comment
Which branch?	The state (the DPP) brought the case to punish harmful behaviour.	Crimes harm the community, so the state brings the case — the criminal fingerprint.
What made it a crime?	A death at work caused by a very careless system of work and poor training.	The charge's name is workplace manslaughter — a homicide offence.
How sure was the court?	The company pleaded guilty, so the court did not need a trial to be sure beyond reasonable doubt.	A guilty plea accepts the criminal bar is met.
What was the outcome?	A fine of \$3,400,000, paid to the state.	A fine paid to the state is a punishment — a sentence, not compensation to a person.

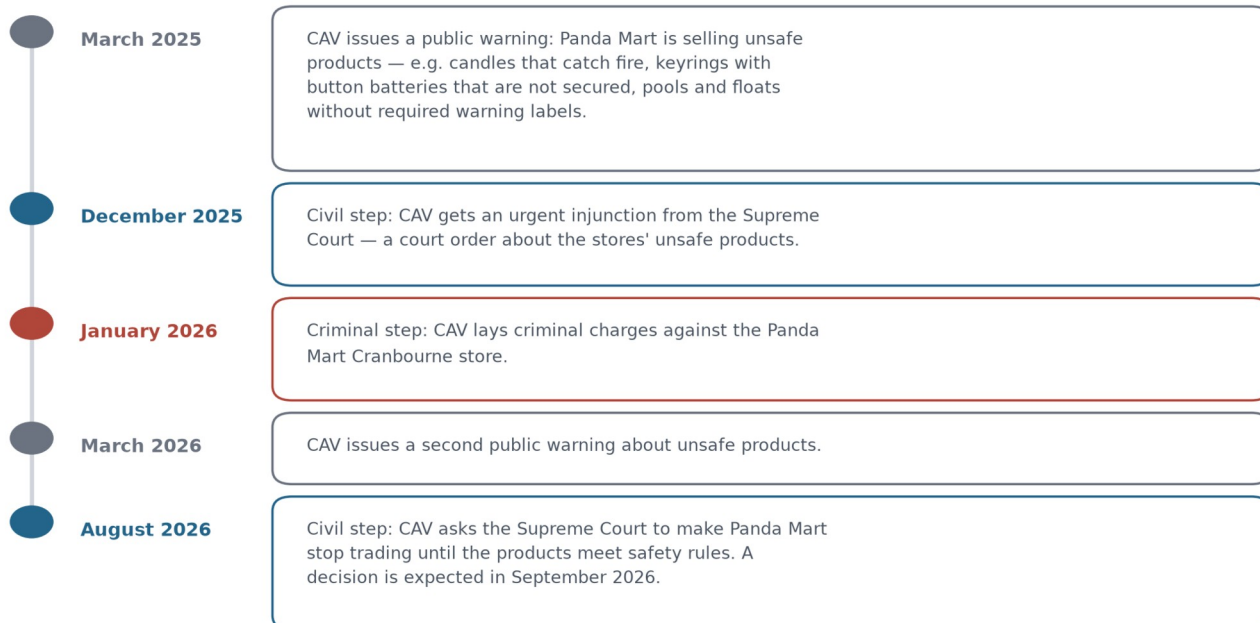
Worked case 2 — scaffolded (both branches): one story, two branches

Read the timeline, then follow the reasoning table.

Worked case 2 — one story, both branches of law

Consumer Affairs Victoria (CAV) v Panda Mart — unsafe products in Victoria.

Colour key: ● criminal ● civil ● public warning



What this shows: the same behaviour can bring both branches into play — civil law to stop the harm (an injunction), criminal law to punish (charges).

Events: Consumer Affairs Victoria media releases, consumer.vic.gov.au (9 July 2026 and 7 August 2026; retrieved 26 August 2026). 'Injunction' is a subject term defined in this section.

Timeline of five events, colour-coded. March 2025, grey: CAV issues a public warning about unsafe products such as candles that catch fire. December 2025, blue: civil step — CAV gets an urgent injunction from the Supreme Court. January 2026, red: criminal step — CAV lays criminal charges against the Panda Mart Cranbourne store. March 2026, grey: a second public warning. August 2026, blue: civil step — CAV asks the Supreme Court to make Panda Mart stop trading until the products meet safety rules; a decision is expected in September 2026.

Figure 11. Worked case 2 — CAV v Panda Mart, one story through both branches.

Event	Branch	Why
Dec 2025: urgent injunction	Civil	An injunction (subject term: a court order to stop doing something) asks the court to stop harm now — putting things right, not punishing.
Jan 2026: charges laid against the Cranbourne store	Criminal	Charges are the state's way of punishing behaviour that harms the community (selling unsafe products).
Aug 2026: application to stop the stores trading	Civil	Again the aim is to stop harm, not to punish.

Takeaway: the same behaviour can bring both branches into play — civil law to stop the harm, criminal law to punish it.

Practice questions

Scaffolded

Q1. Sort each story into a branch. (The first is done for you.)

- (example) A store sells a heater that breaks in a week and will not give a refund. → **Civil** — a consumer dispute; the buyer wants things put right (a refund).
- (a) A person takes a bike from a park and keeps it.
- (b) A tenant falls behind on rent and the landlord wants the money.
- (c) A person hits someone outside a club.
- (d) A builder is paid, then stops work halfway through the job.
- (e) A driver is caught going well over the speed limit.

Q2. Match each term to its definition (see Figure 9).

Terms: (1) the accused · (2) plaintiff · (3) verdict · (4) sentence · (5) compensation · (6) mediation · (7) defendant · (8) standard of proof.

Definitions: (a) the court's decision of guilty or not guilty · (b) money paid to make up for loss or harm · (c) the person or group who starts a civil case · (d) how sure the court must be before it finds a case proved · (e) charged with an offence; presumed innocent until proven guilty · (f) the penalty the court hands down to a guilty person · (g) in a civil case, the person or group the case is against · (h) an independent helper helps both sides reach an agreement.

Q3. Copy the table and fill the gaps using the word bank.

Word bank: *the state (police/DPP) · a plaintiff · beyond reasonable doubt · the balance of probabilities · punishment · putting things right · a crime · a dispute.*

Question	Criminal law	Civil law
What is it about?	behaviour that harms the community — ... (i) ...	a disagreement between people — ... (ii) ...
Who brings the case?	... (iii) ...	... (iv) ...
How sure must the court be?	... (v) ...	... (vi) ...
What does the court do?	... (vii) ...	... (viii) ...

Q4. Read Figure 3. (a) Which court sentences most criminal cases in Victoria each year? (b) Roughly how many of every 100 criminal cases sentenced is that? (c) Which year, 2014–15 to 2023–24, had the fewest criminal cases sentenced in the Magistrates' Court? (d) Read the Supreme Court value for 2023–24.

Q5. Figure 7 shows two bars. Name the standard of proof that matches each description: (a) the court must be sure — any sensible doubt means not guilty; (b) the court decides which story is more likely; (c) the bar used in a criminal case; (d) the bar used when a plaintiff sues a builder.

Q6. Match each dispute to the area of civil law in Figure 4 that fits best: (a) a phone plan charges you for calls you never made; (b) parents who have separated disagree about when their children spend time with each parent; (c) a landlord keeps a bond even though the flat was left clean; (d) a neighbour's dog digs up your garden and they will not pay to fix it.

Unscaffolded

Q7. For each story, state the branch, who brings the case, and a one-line reason: (a) a store sells a phone that never works and ignores every complaint; (b) someone takes that same phone from a bus stop and keeps it; (c) a tree from a

neighbour's yard falls on your fence and they will not pay to fix it; (d) a person keeps sending threatening messages to a neighbour.

Q8. One story, two branches. A shop sells a toy with a loose button battery; a child is hurt. Explain one civil angle and one criminal angle in this story, and say who would bring each case.

Q9. Use Figure 7. In two or three sentences, explain why the criminal bar is set much higher than the civil bar.

Q10. Use Figure 11. The December 2025 step and the January 2026 step both respond to the same unsafe products. Say what each step was trying to do, and which branch it belongs to.

Q11. A tenant and a landlord disagree about a bond of \$1,800. Name the body that hears most renting disputes in Victoria, the area of civil law it sits in (Figure 4), and one reason this body suits a small money dispute.

Q12. A company is found guilty of one offence in the Magistrates' Court of Victoria. (a) Name two outcomes from the criminal ladder in Figure 8 that the magistrate could choose. (b) Could the magistrate sentence the company's manager to 10 years of imprisonment for that single offence? Explain using one fact from Figure 8.

Multiple choice

Q13. In Australia, what makes something a crime?

- A. Any disagreement between two people.
- B. Behaviour that harms the community, with the state bringing the case.
- C. Any mistake that costs someone money.
- D. A complaint about a faulty product.

Q14. In a criminal case, the court can only find the accused guilty if it is sure:

- A. on the balance of probabilities.
- B. beyond reasonable doubt.
- C. because the plaintiff asked for a guilty verdict.
- D. because the accused did not come to court.

Q15. Which of the following is an area of *civil* law?

- A. homicide
- B. consumer law
- C. theft
- D. assault

Extended response

Q16. Consumer Affairs Victoria met the same unsafe products with both branches of law (Figure 11). In a paragraph of 6–8 sentences: (a) explain what the civil steps were trying to do; (b) explain what the criminal step was trying to do; (c) argue why one branch alone was not enough. Use at least two dated facts from Figure 11 and one idea from Figure 7. *What a good answer shows:* names both branches correctly · links each step to punish vs put things right · uses dated evidence · explains the different standards of proof in your own words.

Answers

Q1. (a) Criminal — theft; the state brings it. (b) Civil — a renting/money dispute; the landlord brings it. (c) Criminal — assault; the state brings it. (d) Civil — a contract dispute; the owner brings it. (e) Criminal — a driving offence; the state (police) brings it.

Q2. 1–e, 2–c, 3–a, 4–f, 5–b, 6–h, 7–g, 8–d.

Q3. (i) a crime · (ii) a dispute · (iii) the state (police/DPP) · (iv) a plaintiff · (v) beyond reasonable doubt · (vi) the balance of probabilities · (vii) punishment · (viii) putting things right.

Q4. (a) The Magistrates' Court of Victoria. (b) About 98–99 of every 100. (c) 2020–21. (d) 1,613.

Q5. (a) Beyond reasonable doubt. (b) The balance of probabilities. (c) Beyond reasonable doubt. (d) The balance of probabilities.

Q6. (a) Consumer law. (b) Family law. (c) Property and renting. (d) Civil wrongs.

Q13. B. **Q14.** B. **Q15.** B.

Fully-worked solutions

Q7. (a) Civil — the buyer (a plaintiff) brings a consumer claim; the court is asked to put things right (repair, refund or compensation), not to punish. (b) Criminal — taking and keeping the phone is theft; behaviour that harms the community, so the state (police) brings the case. (c) Civil — a dispute between two neighbours about paying to fix harm; the neighbour whose fence was hurt would be the plaintiff. (d) Criminal — threats are a crime (assault/fear of harm); the state brings the case.

Q8. *Civil angle:* the hurt child's family, as a plaintiff, could sue the shop for compensation to make up for the harm — the court would decide on the balance of probabilities and order money or other remedies. *Criminal angle:* selling unsafe products is an offence against consumer safety laws, so the state (here CAV, as in the Panda Mart case) can lay charges to punish the store; the court would need proof beyond reasonable doubt. The same facts feed both branches: one asks “put things right for this family?”, the other asks “punish this harm to the community?”

Q9. A criminal case can cost someone their freedom (imprisonment) or leave them with a criminal record, so the law only allows a guilty verdict when the court is sure — beyond reasonable doubt. A civil case ends in orders that put things right between two sides, such as paying compensation, so the fair bar is lower: which story is more likely (the balance of probabilities). The size of what is at stake sets the height of the bar.

Q10. December 2025 (civil): the urgent injunction asked the Supreme Court to stop the harm now — a court order about the unsafe products, putting things right before anyone else was hurt. January 2026 (criminal): the charges against the Cranbourne store asked the court to punish the breaking of product-safety law. Stopping harm and punishing harm are different jobs, so the story needed both branches.

Q11. VCAT (the Victorian Civil and Administrative Tribunal) hears most renting disputes; the area is “Property and renting” (civil law). It suits a small money dispute because it is a tribunal, less formal and cheaper than a court, and designed to resolve everyday civil disputes quickly.

Q12. (a) Any two of: dismissal; a promise to the court; a fine; a Community Corrections Order; imprisonment (for a person). (b) No. Figure 8's ladder caps imprisonment at up to 2 years for a single offence in the Magistrates' Court, so 10 years is far beyond that court's top step; a case that serious would go to a higher court. (A company itself cannot be imprisoned — the ladder's imprisonment step applies to people; companies are punished by fines, as in Worked case 1.)

Q13. B — a crime is behaviour that harms the community, with the state bringing the case (E01). A, C and D describe civil disputes. **Q14.** B — beyond reasonable doubt is the criminal standard; the balance of probabilities (A) is the civil bar. **Q15.** B — consumer law protects shoppers in civil disputes; homicide, theft and assault are crimes.

Q16. Model response. When CAV warned Victorians about Panda Mart’s unsafe products in March 2025, and again in March 2026, it was acting outside court; but it also used both branches. The civil steps — the urgent injunction of December 2025 and the August 2026 application to stop the stores trading — aimed to stop the harm now: court orders that put things right and protect shoppers, decided on the balance of probabilities. The criminal step — the January 2026 charges against the Panda Mart Cranbourne store — aimed to punish the breaking of safety laws, and would need proof beyond reasonable doubt. One branch alone was not enough: punishment alone would not get unsafe candles and keyrings off the shelves quickly, and an order to stop trading alone would not punish the harm already done to the community. Figure 7 shows why the bars differ — a criminal case can end in punishment, so its bar is set much higher — and the Panda Mart story shows both bars at work on the same facts.