**Year 9/10 Civics & Citizenship/English**

**Depth Study & Expository Essay — Native Title**

## Summary

In this task, students will engage in a self-directed depth study that addresses outcomes in the subject of Civics and Citizenship. This kit contains introductory notes and lists a range of online and printed resources to inform the students about the history, outcome and implications of the *Mabo v Queensland* native title legal case. Students will view a series of videos, review printed and online materials and conduct research in order to draw their own conclusions about the issues around native title law and the Mabo case*.* Students will use their research, reading and discussions to form the basis for writing their own expository essay on the topic of native title.

*In 1982, Edward Koiki Mabo, along with fellow Mer Islanders, Reverend David Passi, Celuia Mapoo Salee and James Rice, launched a case in the High Court of Australia. In an historic judgment ten years later, the Court held that Meriam people possess rights to their traditional lands and that these rights should be recognised and protected by Australian law.* (The Little Red Yellow Black, p.158)

**Learning Outcomes**

1. Students will be able to identify and discussthe history, outcome and implications of the Mabo native title legal case
2. Students will be able to create an expository essay addressing the issues involved in native title legislation and the Mabo native title legal case

# Curriculum Area Topic Suggested Duration

Civics & Citizenship Our Leadership and Activism Two to three lessons

## General capabilities Cross-curriculum priorities

Literacy Aboriginal and Torres Strait Islander histories and cultures

Critical and creative thinking Aboriginal and Torres Strait Islander histories and cultures organising ideas: 2, 3, 5, 6,

Intercultural understanding 8, 9

Ethical understanding

**Australian Curriculum content descriptions**

**Year 9 Civics & Citizenship**

How ideas about and experiences of Australian identity are influenced by global connectedness and mobility (ACHCK081).

Develop, select and evaluate a range of questions to investigate Australia's political and legal systems (ACHCS082).

Identify, gather and sort information and ideas from a range of sources and references as appropriate (ACHCS083).

Critically evaluate information and ideas from a range of sources in relation to civics and citizenship topics and issues (ACHCS084).

Present evidence-based civics and citizenship arguments using subject-specific language (ACHCS088).

Reflect on their role as a citizen in Australian, regional and global contexts (ACHCS089).

**Year 10 Civics & Citizenship** How Australia’s international legal obligations shape Australian law and government policies, including in relation to Aboriginal and Torres Strait Islander Peoples (ACHCK093).

The challenges to and ways of sustaining a resilient democracy and cohesive society (ACHCK094).

Identify, gather and sort information and ideas from a range of sources and reference as appropriate (ACHCS096).

Critically evaluate information and ideas from a range of sources in relation to civics and citizenship topics and issues (ACHCS097).

Present evidence-based civics and citizenship arguments using subject-specific language (ACHCS101).

Reflect on their role as a citizen in Australian, regional and global contexts (ACHCS102).

**Year 9 English**

Understand how punctuation is used along with layout and font variations in constructing texts for different audiences and

purposes (ACELA1556).

**Year 10 English**

Understand that people’s evaluations of texts are influenced by their value systems, the context and the purpose and

mode of communication (ACELA1565).

Understand conventions for citing others, and how to reference these in different ways (ACELA1568).

## Provisions for differentiation

## Learning Support

## Students with special learning needs may be assigned more reading time. They may elect to work in partnerships with peers or a learning support teacher. The more challenging writing tasks can be broken down into simpler steps, or could be refocused on the development of oral responses rather than formal writing tasks.

## Extension

Students could research additional international policy documents, such as the *United Nations Declaration on the Rights of Indigenous Peoples*, the *Convention on the Elimination of All Forms of Racial Discrimination* and the *International Covenant on Civil and Political Rights*. They could prepare a speech about if one or more of these documents contradict the present government’s handling of native title in Australia and present it at a local Toastmaster’s or other community group.

**Resources**

* Copies of the **Research Background Material, Research Project Guide** and **Model Essay** — one per student
* *The Little Red Yellow Black Book — An introduction to Indigenous Australia* (4th edition), Aboriginal Studies Press, AIATSIS, Canberra, 2018, pp 158-163
* Access to online research materials (to be used outside of lesson time)

## Suggested online resources

* Article, *Mabo Case,* *The Little Red Yellow Black* Website — <https://aiatsis.gov.au/explore/articles/mabo-case>
* Article, *Eddie Koiki Mabo,* *The Little Red Yellow Black* Website — <https://aiatsis.gov.au/explore/articles/eddie-koiki-mabo>
* Video, Mabo Lecture, 2017, June Oscar, *The Little Red Yellow Black* Website — <https://aiatsis.gov.au/publications/presentations/mabo-lecture-2017>
* Video, Mabo Lecture, 2016, Melissa George, *The Little Red Yellow Black* Website — <https://aiatsis.gov.au/publications/presentations/mabo-lecture-2016>

**Landmark Native Title cases**

* [*Milirrpum v Nabalco Pty Ltd*](http://en.wikipedia.org/wiki/Milirrpum_v_Nabalco_Pty_Ltd) (1971)
* *Coe v Commonwealth* (1979)
* [*Mabo v Queensland (No 2)*](http://en.wikipedia.org/wiki/Mabo_v_Queensland_(No_2)) (1992)
* [*Western Australia v Commonwealth*](http://en.wikipedia.org/w/index.php?title=Western_Australia_v_Commonwealth&action=edit&redlink=1) *(1995)*
* [*Wik Peoples v Queensland*](http://en.wikipedia.org/wiki/Wik_Peoples_v_Queensland) *(1996)*
* [*Western Australia v Ward*](http://en.wikipedia.org/w/index.php?title=Western_Australia_v_Ward&action=edit&redlink=1) *(2002)*
* [*Yorta Yorta v Victoria*](http://en.wikipedia.org/w/index.php?title=Yorta_Yorta_v_Victoria&action=edit&redlink=1) *(2002)*
* *Yarmirr v Commonwealth of Australia (2001)*
* *Akiba v Commonwealth of Australia (2013)*
* *Griffiths v Northern Territory (2017)*

## For Teachers

Ensure that the relevant protocols included in *The Little Red Yellow Black Book* teacher resource have been considered.

**Vocabulary**

Native title

Depth study

Preparation: Make copies of the **Research Background Material** (which includes the **Research Project Guide**) — one set per student. Use duplex photocopying to create three double-sided pages per student. Ensure that students have access to pages 158-163 of *The Little Red Yellow Black Book*.

**LESSON 1 — Introduction and Discussions**

**Step 1** Explain that students will be conducting a depth study into native title.

**Step 2** Distribute copies of the **Research Background Material** in this kit.

**Step 3** Write this question on the board and ask students to use their own words to summarise the concept.

**Q What is ‘Native Title’?** Lead a brief discussion and write up some of the words and phrases students suggest in a mind-map to summarise the class’s ideas.

**Step 4** Write this question on the board.

**Q Is it good that Australian law recognises that Indigenous Australians hold rights over their traditional lands and waters?**

Ask two or three students to answer. Teachers should aim to expose the deficient view that many Australians have of the issue. This will be addressed in the reading to follow.

**Step 5** Read the *Introduction to Native Title* in the **Research Background Material**.

**Step 6** Ask students if they have revised their view of the issue after reading the **Research Background Material**.

**Step 7** Ask students to form pairs and discuss the next question.

**Q What rights would be protected by native title agreements and what activities might traditional owners do in regard to their land and waters?**

**Step 8** Organise the students into groups, by having each pair join with two other pairs. Have the groups read the content on native title and the Mabo case in *The Little Red Yellow Black Book*, pages 158-163.

**Step 9** Have students return to their seats. Assign the following task for homework. Students can look online to find the answer. Tell students they should write their response to the homework question in their regular classroom notebooks.

**Q Find out the literal meaning of the phrase, ‘terra nullius’, a Latin word that the British colonisers used to describe the continent at the time of colonisation.**

**LESSON 2 — Reading, Discussing and Planning**

**Step 1** Ask students to share their definitions of the phrase ‘terra nullius’. Discuss the implications of this way of thinking about the lands and waters of Australia on Aboriginal and Torres Strait Islander peoples, both in the past and today.

**Step 2** Ask the groups to discuss one of the potential benefits that could be gained by the whole Australian community when Indigenous people are free to use their lands for commercial purposes. Students need not write any notes during this discussion activity.

Group 1 — commercial profits to benefit the community

Group 2 — new community resources and infrastructure

Group 3 — better inter-cultural relationships

Group 4 — equal opportunities and the promotion of true equality

Group 5 — freedom to follow traditions and customs and the ability to maintain cultural connections to Country

Group 6 — protection of significant sites

**Step 3** Disband the groups and have the students return to their seats. Explain that they will be researching and writing their own expository essay on the topic of native title. They should think about the information they will need, their overall thesis or argument, the order in which they present their points, the evidence they can collect to support their ideas and their writing style. Emphasise the importance of using primary sources in their essay to support their conclusions.

**Step 4** Distribute the **Research Project Guide** from this kit so that students can look through the essay options and select one topic for their research project and essay.

**Step 6** Students should spend the rest of the lesson thinking about their research and writing plan.

**Assessment ideas**

Contribution to discussion

Essay marked against rubric