

08/04/2024

## Submission to NESA regarding the Commerce 7-10 Draft Syllabus for the Have Your Say Period March – April 2024

The Rule of Law Education Centre ('RoLEC') seeks to make a submission on behalf of our members regarding the NSW Commerce 7-10 Draft Syllabus ('the Draft Syllabus') released on 11 March 2024.

RoLEC is a not for profit, non-partisan organisation representing 2,400 Members, of which, over 70% are teachers throughout Australia. We educate and inform Australians about how the Magna Carta and subsequent rule of law principles have impacted and contributed to the history, culture and legal processes of Australia and we aim to strengthen the rule of law and human rights through education.

### General comments on the Draft Syllabus

RoLEC acknowledges the substantial reformation of the syllabus from the 2019 iteration and congratulates all those involved who have improved the syllabus.

Specifically, we note the following areas that have been enhanced:

- Improved structure across units so that key concepts are organised in a manner that allows students to build knowledge and understanding sequentially across units. This will enable learners to gain a deeper understanding of cause, effect and outcomes across a range of governance systems and their civic obligations;
- Enhanced representation of civic and democratic principles and processes, particularly in the Core unit 'The legal and political environment', enabling students to understand how and why the systems of governance we have in place are there and why it is vital that they be protected by their participation as active and informed citizens;
- The scaling back of content requirements to enable teachers to focus on creating the conditions for students to gain a deeper knowledge of fundamental concepts; and
- The explicit representation of rule of law concepts across the Core unit of 'The legal and political environment', understanding and appreciation of which is vital to creating conditions that support the longevity of Australia's democracy and its supporting structures.

This is consistent with the UN Declaration on Human Rights Education and Training that reaffirmed that "all States and institutions to include human rights, humanitarian law, democracy and rule of law in the curricula of all learning institutions."

#### 1. Further enhancement of Australia's political environment

The Draft Syllabus Rationale (pp 12) states:

*"Central to the syllabus is the development of an understanding of the relationships between consumers, businesses and governments in the overall economy, and the framework of laws which establish the rights and responsibilities of the parties involved...Through the study of Commerce, students develop skills in researching, evaluating and collaborative decision making. These skills enable them to participate in the community, contribute to society as active and informed citizens..."*

To develop active and informed citizens as per the syllabus rationale, there needs to be further explicit teaching of democratic processes and concepts in the unit 'The legal and political environment (Core)'.

RoLEC suggests that the subheading of 'Australia's Political System' which addresses the democratic system of government in Australia could be enhanced by drawing across some elements currently found in the optional unit 'Political involvement' to deepen student understanding of what their role in the political system will be. It is through these concepts that they will gain an understanding of the cause-and-effect chain and enable them to see that participation and engagement leads to protection of democratic structures and change in social issues.

Further, additional information in the syllabus points should also be provided for teachers to give greater guidance on what civic concepts are needed to be explicitly taught to equip students with the knowledge required to engage effectively with their systems of governance.

Additional explicit guidance for teachers will enable them to create sequences of lessons that cover necessary ideas and concepts to create a more complete picture for students of how systems of governance operate and what their role is in these systems to keep them protected and functioning into the future.

### **Recommendation 1**

Australia's political system in the Core unit 'The Legal and Political Environment' be further enhanced to include elements that teach students explicitly what is required of them as active citizens engaged in Australian systems of governance and gives teachers greater guidance as to content needed to create deep thinking and analysis on political and democratic processes.

#### **Example: Australia's political system**

- The democratic system of government in Australia as outlined in the Australian Constitution
- Comparison of the democratic system of government (features of a democracy, threats and safeguards of democracy) with other systems of government: monarchy, aristocracy, tyranny
- The rights and responsibilities of individuals in the democratic process, including the right to vote
- Voting in Australia – how do we create a government?
- Levels of government and their responsibilities, including the division of powers
- How and why the separation of powers exists between the Parliament, Executive and Judiciary
- The process by which referendums to change the Australian Constitution are initiated and decided

#### **2. Missing element: The High Court and its role in interpreting the Constitution**

RoLEC notes that the Draft Syllabus has omitted explicit instruction related to the High Court in the core and elective units that are law focussed.

The only reference to the High Court appears in the Life Skills content as footnote example 91 on page 46 of the Draft Syllabus. RoLEC believes that the inclusion of express teaching regarding the High Court and its role and function was a substantial improvement made between the 2003 and 2019 iterations of the Commerce Syllabus.

An understanding of the role of the High Court as a core component of the checks and balances on Australian systems of governance is knowledge that is key to understanding the protections to democracy, human rights and civic life provided by the separation of powers. The role of the High court in interpreting the Constitution is a necessary aspect of the court hierarchy in Australia and a key element of the separation of powers. Explicit teaching of this content assists students in understanding a number of related elements, such the protection of human rights in Australia.

Further, RoLEC notes that the current syllabus (2019) core unit 4 ‘Law, Society and Political Involvement’, under the subheading ‘The role and structure of the legal system’, includes explicit content for students to know and understand the role of the High Court under point three:

*‘...key features of Australia’s court system, including the High Court and its role in interpreting the Australian Constitution.’*

### **Recommendation 2**

The role and function of the High Court be explicitly included in ‘The courts’ subheading of the unit ‘The legal and political environment (Core)’ as is currently the case in the 2019 Commerce Syllabus.

#### **3. Teacher training in civics for pre and in-service teachers is needed**

In its feedback on the NSW History K-10 Draft Syllabus, RoLEC noted that research has revealed over the past 20 years, the limited amount of dedicated and explicit teaching of civics concepts has led to reduced knowledge of Australian systems of governance among students and school leavers.

A proportion of these students will now be teachers that are either pre or in-service, making it of critical importance that extensive teacher training is provided to upskill our teachers and provide the knowledge and deep understanding of civic systems and concepts needed to effectively teach these concepts.

### **Recommendation 3**

All pre-service teachers in NSW complete a dedicated unit in Civic education as part of their degree/ diploma through a revised Professional Development Policy.

Civics and Citizenship Education training for current practicing teachers should be prioritised to upskill teachers in concepts related to civics.

RoLEC would welcome the opportunity to discuss our recommendations further with NESA representatives as a part of the consultation process.

Sally Layson  
CEO

Justine Hanks  
Education Manager