



Index and Introduction



AUSTRALIAN
CONSTITUTION
CENTRE

Unit 10: Rights and freedoms in the Australian Constitution – Year 8 - C & C Strand: Citizenship, Identity & Diversity

Topic 8.2: Rights and Freedoms in the Australian Constitution

Subject: Civics & Citizenship Strand: Citizenship, Identity & Diversity

Year Level: 8

Achievement Standard: By the end of year 8 students explain how Australians are informed about and participate in their democracy. They describe the roles of political parties and elected representatives in Australian government.

Curriculum Content Descriptor and ACARA link: Year 8 - how Australian citizens can participate in democracy, including voting in elections, contact with their elected representatives, joining political parties and standing as an independent, use of lobby groups and direct action ([AC9HC8K01](#))

Area/Questions and Takeaways

1. How are rights and freedoms protected in Australia by the Constitution, statute and the common law? Does each provide a different level of protection?
2. Why are the express rights and freedoms in the Constitution so limited?
3. On what basis did the High Court decide there was an implied freedom of political communication in the Constitution, and why did it not extend this to a freedom of movement?
4. What is the 'principle of legality' and how do courts use it to protect rights?

Prior Learning Required: Topics 6.1, Lesson 7.2, and 8.1

Year 7 - the characteristics of active citizenship and the freedoms that enable participation in democracy within the bounds of law, including freedom of speech, association, assembly, religion and movement ([AC9HC7K02](#))

Skills/Activities/Lessons Overall brief:

Teacher Instruction:

1. Discuss the freedoms that enable active participation in Australia's democracy within the bounds of the law, including freedom of speech, association, assembly, religion and movement.
2. Explain how each freedom supports active participation in Australia's democracy.
3. Discussing how these freedoms can be limited by law.
4. Debate how to manage situations when rights and freedoms are in conflict (for example, whether it should be a matter for parliaments or judges to resolve).

Topic summary:

This topic explores rights and freedoms that are important to our democracy. They include express constitutional freedoms, such as freedom of religion, implied constitutional freedoms, such as the implied freedom of political communication, and common law freedoms of movement, association and assembly. Students learn about the how these freedoms have been interpreted narrowly and may be limited by law. They consider how conflicts between freedoms should be resolved and the value of freedoms in supporting the democratic system.



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Teacher Reference Documents (TRD) and Activities/Lessons

TRD 80: Our constitutional rights and freedoms? Why did the 1988 referendum to extend them fail?

Lessons/Activities 1: Rights and freedoms under the Constitution

TRD 81: The implied freedom of political communication (Students Resource)

TRD 82: The implied freedom of political communication (Teachers Resource)

Lesson/Activities 2: Freedom of political communication

TRD 83: Freedom of interstate movement in Australia: To what extent is it protected by the Constitution?

TRD 84: Freedom of Movement: Challenges to lockdowns during the COVID-19 pandemic (Student Resource)

TRD 85: Freedom of Movement: Challenges to lockdowns during the COVID-19 pandemic. (Teacher Resource)

TRD 86: Are freedom of association and assembly protected under the Australian Constitution?

Lesson/Activities Three: Freedom of movement, association and assembly

TRD 87: Freedom of Religion and the Constitution

TRD 88: Common law freedoms and the principle of legality: Case studies on the protection of the rights of ordinary Australians.

Lesson/Activities Four: Freedom of religion, common law freedoms and the principle of legality.

Special COVID-19 Disclaimer: Learning on the topic of COVID-19 may cause sadness or distress for some students. Teachers need to account for such sensitivities. By asking students to remember how these COVID-19 laws affected their life, the unit may open up issues that are not covered in the content. Teachers may need to be prepared to handle emotional issues that students and families experienced eg compulsory face masks in schools and work, teachers sacked for not complying with vaccine mandates, families not being able to travel, visit very ill relatives or to attend funerals including across State borders or overseas.

COVID-19 resulted in unprecedented new rules, laws, and emergency powers usually only applied by governments in war times. Most students will remember for their entire life experiences of living through COVID-19. CEFA considers it essential to reference the lockdowns through the C&C Units, topics, lessons & activities and including through Case studies. Therefore CEFA has developed a resources disclaimer similar to that developed for the First Nations resources. Teachers should be sensitive and use discretion if encouraging classroom activities inquiring on the effects of lockdowns on the students, their families, and their communities.

