

Palm Island Inquiry

Is justice more than skin deep?

Jo-Anne Cameron and Emma Paige

This is an ambitious classroom venture in which the teachers focus on a very recent and controversial event and try to locate it within a legal, historical and ethical frame of reference.

Designed as a curriculum unit for Year 12 Study of Society, it invites students to ask probing questions about law, justice and race.

The curriculum unit – objectives, structure and resources

1. Allocated Time

Approximately 3 weeks needs to be spent on this case study. This does not include the time needed to examine the essential legal terms and concepts that provided a theoretical foundation for the unit.

2. Objectives

The objectives of this unit sit within a classroom context where students are able to express their thoughts in a supportive environment. They are also informed by the importance of the various aspects of the Dimensions of Learning, especially Habits of Mind.

To have the students:

1. Know and understand details about the specific people, events, court proceedings (to date, i.e. 8 June, 2007) and other factors central to this on-going case involving Mulrunji Doomadgee, Sgt Chris Hurley and the Palm Island community.
2. Consider the complex nature of the concept and application of 'justice'.
3. Explore a range of legal, social, and political concepts linked with the specific events of the Palm Island (2004-2007) case.
4. Consider how issues of race affect the interpretation and application of justice in Queensland.
5. Extend their ability to empathise with the viewpoints of the different stakeholders in the Palm Island Incident, even though these may not align with their personal opinions
6. Develop skills which allow them to work both individually and as a member of a team.
7. Use their interpersonal skills to work with other students, with whom they may not normally work, in the classroom; respect differing opinions in classroom discussion and to listen with an open mind.
8. Reflect upon the skills and processes which were undertaken throughout this unit of study and evaluate their individual performance.

3. Sources

Newspaper articles:

The Courier-Mail 27-28th Jan 2007,

6th February 2007

The Australian

Websites:

Official Government Websites:

The High Court of Australia

<http://www.hcourt.gov.au/>

The Queensland Court System

<http://www.courts.qld.gov.au/>

UQ Databases:

<http://www.library.uq.edu.au/schools/>

Queensland Legislation.

Audio:

Dream Days at the Hotel Existence Powderfinger 2007.

Radio Interview with Bernard Fanning, Lead Singer for Powderfinger, Radio Triple M.

Television

The 7.30 Report, 26th January 2007

Print:

Hooper, Chloe 2006, 'The Tall Man', *The Monthly: Australian Politics, Society and Culture*, March 2006, Issue 10, pp.34-53)

Gray, Anthony and Gail Herlihy 1998, *Legal Studies in Action*, 1st ed, John Wiley and Sons, Milton.

Woodgate, R.W., Black, E.A. and Owens, D.T. 1998, *Legal Studies for Queensland*, Volume 1, 3rd Ed., Legal Eagle Publications, Indooroopilly.

4. Learning Experiences

As we discussed the planning and implementation of the unit, we were conscious of including the following:

- Exploring not only the present but also the past, in relation to the events of 2004-2007, through the completion of a jigsaw activity.
- An ICT component through individual research.
- Teamwork positioned by specific stakeholders in this case.
- Extensive class discussion.
- Reading, analysis and interpretation of a variety of newspaper articles and television coverage of the case.
- Having the students empathise with all of the stakeholders through the simulated mediation.
- The application of the 'theory' of law and justice and how these have played themselves out specifically in this case.

5. Dimensions of Learning

The Gap State High School has adopted the Dimensions of Learning framework for teaching thinking (and other) skills. Each of the five dimensions influenced our planning in the following ways:

1. Attitudes and Perceptions

Positive attitudes and perceptions of classroom tasks will be fostered through the implementation of tasks that are relevant, valuable and of interest to students.

2. Acquiring and Integrating Knowledge

This unit will develop students declarative knowledge. Declarative knowledge will be developed through the discussion of specific legal terms allowing deeper understanding of the Mulrunji Doomadgee and Senior Sargent Chris Hurley case.

3. Extending and Refining Knowledge

The Palm Island inquiry will allow students to develop a number of the specific reasoning processes. Abstracting, inductive reasoning, deductive reasoning and analysing perspectives will all be included in the learning activities.

4. Using Knowledge Meaningfully

Investigation will be used to ensure knowledge is deepened and utilised in a meaningful way. Specifically, this unit fits appropriately with the concept of both an historical and contemporary investigation with focus questions of: what *really* happened, why, what consequences have followed/will follow.

5. Habits of Mind

Critical Thinking: Students will be asked to approach this case study with an open mind and restrain the impulse to make judgements 'off the cuff'. After considerable research, however, and

through class discussions, students will be asked to take a position by formulating a thesis and testing this through their essay writing.

Creative Thinking: This will be promoted by allowing students to generate new ways of viewing a situation, outside the boundaries of standard convention. Students will be asked to think about the Palm Island incident in a number of ways, some of which they may not agree with.

6. Assessment

All students sat for a 600 word Essay with Notice (1 week) conducted under supervised conditions in the exam block. See the accompanying assessment instrument at the end of the unit.

The curriculum unit – teaching and learning sequence

Setting the Scene and Tuning In

It was deemed integral to the success of the case study to begin with particular legal concepts. This basic knowledge was essential to promote critical understanding of the complex issues of this case. Consequently, students undertook a broad study of the Queensland legal system by focusing on the following areas:

- the difference between common and statute law
- The difference between criminal and civil law
- the principle of the separation of powers
- original and appellate jurisdiction
- significance of *Mabo* and *Donahue vs. Stevenson*
- court hierarchy and court procedures
- mediation and its value
- the ‘doctrine of precedent’
- elements of a crime
- defences against a crime

Focused Learning Experiences

The lessons in the ‘main body’ of the unit sit within the context of students’ study of essential legal concepts as outlined above.

1. The unit commenced with the reading of the thought-provoking essay featured in *The Monthly*, ‘The Tall Man’ written by Chloe Hooper. Students read it in their own time.
2. Students were asked to identify three issues which they thought were important or interesting from the reading. A number of students were asked to tell the class what they had selected and this was discussed as a class. The article was very emotive and a large number of students commented on the resonance it had with them. The teacher then identified the three issues which were important, this was discussed at length with all class members given the chance to discuss their ideas. This discussion was an important component of the unit because it got the students thinking about the incident and its implications. At the conclusion of this discussion students were asked to answer a number of questions relating to *The Tall Man* to ensure that the meaning of this article was clear in everyone’s mind. The questions asked were:

- *What impact (if any) does the element of the author’s personal experience have upon the overall feel of this article?*

- *What is the significance of the title 'The Tall Man'?*
- *Evaluate the importance of the interviews discussed in this article. How have these affected your opinion?*
- *In what ways could this article be considered biased?*
- *From the information given do you believe that justice will be served in this case? Justify your answer.*
- *What questions of your own do you need to answer in order to gain a better understanding of Palm Island and the events before and after the death of Mulrunji?*

Students were asked to answer these questions individually but then class discussion was promoted in working out possible answers.

3. Students watched *The 7.30 Report*, which outlined the Palm Island incident in great detail. This activity was undertaken in two parts: firstly, the students were asked to watch the video and take notes on the sections they deemed to be important. This was then discussed as a class. Students were then instructed to watch the video a second time when they were expected to answer a number of questions given to them by the teacher. This process was deemed necessary for two reasons. Firstly, because it is unrealistic to expect students to absorb all the information from one viewing and secondly, it was considered good practice for their upcoming university experiences.
4. Following on from this activity, students were given a number of extracts from the newspaper which provided them with a basic understanding of the events which occurred, the legal decisions which had been made, how this incident occurred and the members of the Palm Island community who were involved. Students were asked to read through these articles and then develop some answers to the questions which were asked. (These articles are not included with this unit. If you are interested in finding out more about them, contact Jo-Anne Cameron.)
5. Students were instructed to develop and create their own chronology of events in relation to the Palm Island Incident. The goal of this activity was to assist students to think about the reliability to the evidence which they had, and to make judgements about the factual accuracy of these texts by constructing their own chronology.
6. The discussion and evaluation of these newspaper extracts highlighted many more enquiry questions at which point students were provided with a few more newspaper extracts which would assist in developing their understanding of the deeper issues of this case study. Students were asked to read these texts in their own time and told that they would come back to them later. Initial class discussion highlighted the historical factor involved in this case study, stemming from 'The Tall Man' article. A jigsaw activity was set up and carried out. A jigsaw activity is based on the idea of students as social learners. Students were asked to form groups of four with those that were sitting near them. Each group was handed different stimulus material which outlined a historical aspect of Aboriginals in Australia.
 - Sources included: *The Royal Commission into Aboriginal Deaths in Custody*, *The History of Palm Island* and a transcript of a television interview that discusses specific aspects of the Royal Commission.
7. Students were asked a series of questions regarding their stimulus material. Questions included: What does the stimulus tell you? What evidence is used and how does the source assist your understanding?
8. Students discussed these aspects with the other members of their groups and then nominated someone to present their answers to the class. Students were asked to make

notes during these presentations. This activity was designed to give the students a snapshot of the historical aspects of this case study.

9. Students were then asked to return to the newspaper extracts, which had been handed out. They were asked to continue reading and answering questions but they were to remain in the groups which were formed in the jigsaw activity. This gave students an opportunity to 'bounce' ideas off one another. The teacher facilitated class discussion where appropriate in the answering of the questions.
10. This knowledge base was then consolidated in the culminating activity, which was to simulate a mediation session. In this, many of the stakeholders of this case study would be given an opportunity to present their case in a neutral environment. To ensure that all students were fully aware of the requirements of the task, class discussion was centred on the nature of mediation and the role it plays in the Queensland legal system; notes were given to support this knowledge.

To initiate this activity, students were randomly given a coloured piece of paper and asked to sit in the groups according to the colour of the paper they had been given. This ensured that the groups were formed randomly and gave the students the opportunity to work outside their normal friendship groups. The colours were used to represent a particular stakeholder who would be involved in the simulated mediation. They were:

1. Team - Senior Sergeant Chris Hurley. (Yellow)
2. Team - Palm Island Community/ Queensland Aboriginal Community. (Purple)
3. Team - Doomadgee Family. (Green)
4. Team - Public Prosecutions. (Red)
5. Team - Government. (Orange)
6. Team - The Media. (Blue)

Students were then handed an activity sheet, which outlined their tasks for this activity. In the context of this classroom there were only 2 'journalists' who represented 'Team Media' and they were given different task sheets to the remainder of the class. Students were asked to undertake research to develop an understanding of their nominated perspective and then formulate a 5-6 minute speech for the mediation session, which highlighted arguments which supported this viewpoint. Students were also asked to prepare for 2-3 minutes of questions during the mediation session. The 'journalists' were asked to research the role that the media had played in the Palm Island incident and during the simulated mediation session take notes regarding the proceedings and then compile a news report for the class.

11. Students were given class time to work in their teams and research. It was suggested that students divide the workload evenly and then spend the majority of time researching for supporting evidence. Students successfully negotiated the workload and were able to develop some very convincing arguments, which supported the views of their nominated stakeholder.
12. The following lesson was the simulated mediation session. Jo-Anne Cameron was 'The Mediator' who would conduct the mediation session. Each team sat together in a 'U' shaped formation, which had been constructed to simulate a real mediation session. The Mediator started proceedings by outlining the rules of the session. For example the order in which each stakeholder would present and reminding students of the time constraints particularly on the question time, which would be available. Each group presented in a timely manner and the mediation session well received throughout the classroom.

While groups were presenting their case during the mediation students were instructed to complete a graphic organiser. This graphic organiser was customised from the example given in *The Dimension of Learning - Dimension Three Extending and Refining Knowledge - Analysing Perspectives*. The graphic organiser asked students to identify the stakeholder and then think about the perspective on a number of levels including their personal opinion. This ensured that students were absorbing the information that was presented by each group ensuring an overall understanding of the Palm Island case study. Students were then asked to reflect upon the results of the mediation session. Questions such as what they had learnt, what they thought the outcomes of the mediation session were and did they think that a mediation session would provide the stakeholders with any resolutions in the real world.

Consolidation and Review

13. In the lesson following this, the two ‘journalists’ provided their summaries of what they had drawn together from the presentations that each of the stakeholder groups had presented. These acted as excellent overviews of the issues and opinions involved in the case. During this lesson there was also some discussion of Jessie Street, mother of Sir Lawrence Street, who, amongst other causes, had worked for indigenous rights in the early and mid- twentieth centuries. In this way, many threads of the past were interwoven with the present.
14. The concluding lesson for this unit was based on the controversy that had surrounded the release of Powderfinger’s album- ‘*Dream Days at the Hotel Existence*’ with particular reference to the song ‘Black Tears’. It had been revealed that this song made direct and indirect reference to the incident in question and the defence accused singer/song writer Bernard Fanning and the other members of the band in this particular case of attempting to sway a potential jury. Students were asked to read through a newspaper article which highlighted these issues and to listen to the song while reading the lyrics. Students were then asked to consider a number of questions including: did this song have the potential to sway a potential jury and was the song explicit enough to have any influence over the public. Students were then asked to listen to a radio interview where Bernard Fanning discussed this controversy and then decide if they agreed with his views.

Reflections

‘How it could it fail to grab your attention’
(Powderfinger ‘Black Tears’ from *Dream Days at the Hotel Existence*).

The success of this unit lay in its contemporary relevance and its interesting and complex nature. I feel that this unit enabled me as a student teacher to engage and excite students in a ‘real’ way. Classroom discussion was one of the most important pedagogies that was utilised and I felt this enabled me to connect with the students on a more personal level. The planning and implementation of this unit was a collaborative project and I feel that this process was beneficial to the learning experiences of all the students. It is integral to the survival of free speech that our young people are encouraged to grapple with the big issues and what better place to start than the classroom.

Emma Paige

All Emma’s comments above are ones with which I agree. In addition, I believe this unit provides considerable evidence of how important it is for Study of Society (and other Humanities) teachers to be cutting out newspaper articles, being on the look-out for good articles from journals and ‘diving’ for the record button on the remote when items appear on

television that are useable. Without these resources it would have been very much harder, if not impossible, to actually put the unit together. It was also evidence, as Emma has identified, of what classroom good can come from teachers' collaborative effort. We each contributed to the unit and acted as sounding boards and editors for one another. The end product was, I believe, a professionally satisfying experience for us, because it was such a worthwhile learning experience for our students.

Jo-Anne Cameron
jcame25@eq.edu.au

Postscript

Since the unit was created, taught and the assessment item created, Chris Hurley has been tried and the students have actually sat the exam. The former has provided considerable additional material that will be included, when this unit is taught later this year to other Gap High students in Legal Studies. I am pleased to recount that overall, students did very well on their Essays with Notice. Perhaps the latter is the best testimony of all, at least in the short term, of how successful this unit truly was.

About the authors

Jo-Anne Cameron is Head of Department, Humanities and Learning Enhancement, The Gap SHS Brisbane.

Emma Paige undertook teaching practicum as a student teacher at The Gap SHS in 2007.

DIRECTIONS

1. Start working on this task *immediately*.
2. Time Allowed: 1 week's notice of topics
Date of Writing: Wednesday 20 June 2007
3. Select **one (1)** of the provided topics.
4. The topic you select will be the basis of your essay of approx. 600 words. You will have 70 minutes to write under supervised exam conditions.
5. On the day of writing you will be permitted to bring the following into the exam:
 - A plan of no more than 125 words in note form, which must be submitted with your essay and
 - 2 or 3 accurately referenced quotes or other in-text referencing on *another* sheet of paper. These are not included in the word count but they should not be more than 2-3 sentences each. You do not need to provide a bibliography.
 - The final decision as to whether or not the material you are bringing into the exam is within the spirit of the task and meets the above description lies with Ms Cameron. You risk losing all your material if it is not. In this instance you will have to write without notes. If in doubt, ASK – no later than 8.40 am the Wednesday morning of the exam.
7. Whichever topic you select, it will not be sufficient for you to simply present a descriptive account of the topic. Your essay *must contain and argue a thesis* which reflects your thinking and opinion on this topic. The essay must follow the conventions of the genre of analytical exposition.
8. In the presentation of your essay you **MUST**: use the introduction, body paragraphs and conclusion accurately and to good effect; use terms and other vocabulary appropriate to the task; include accurate in-text referencing; show evidence of your ability to select, analyse and interpret a wide range of evidence in order to test a valid thesis; justify your interpretations, judgements and conclusions.
9. In the presentation of your essay you **MUST NOT**: use sub-headings; use personal pronouns (I, we) or contractions (isn't, could've).
10. The criteria which will be assessed are: Knowledge and Understanding; Critical Processes and Communication.
11. On the Criteria Sheet clearly indicate whether you have chosen Topic A or B. Write the appropriate letter at the top of the first page of your own writing.
12. Read carefully; answer the question that has been asked; think calmly; plan intelligently; compose your thoughts before you write carefully, accurately and precisely; breathe deeply and prepare thoroughly so that on the day of the exam **YOU CAN DO THIS**.
13. You should give your essay a title.

MAIN COMMON CURRICULUM ELEMENTS: Explaining to others; hypothesising; inter-relating ideas/themes/issues; analysing; synthesising; justifying; reaching a conclusion; using appropriate vocab; using correct spelling, punctuation and grammar.

UNIT:

Who is in Control?
Investigating Legal and Political Power and Decision Making.

DEPTH STUDY:

Palm Island Inquiry.
Is Justice More than Skin Deep?



The Gap SHS

Year 12 Study of Society

Essay with Notice
(Summative Assessment)

Semester 3 2007

NAME

Teachers:
Ms Cameron and Ms Paige

Topics

Select **one (1)** of the following topics. The topic you select will be the basis of your essay of approx. 600 words. Formulate and test an appropriate thesis of your own creation. This thesis must of course reflect the central idea of the statement to which you are responding.

A Assess the validity of the following statement:

The events of the 'Palm Island incident' (2004-2007) provide considerable evidence of how complex the concept of 'justice' is and how difficult it is to apply when so many stakeholders have competing interests.

Justify your judgement.

OR

B Assess the validity of the following statement:

The 'Palm Island incident' (2004-2007) provides considerable evidence of how, in a very real way, issues of race can be seen to have impacted upon the interpretation and application of policing and justice in Queensland.

Justify your judgement.