

13 March 2026

Dr James Popple
Chief Executive Officer
Law Council of Australia
PO Box 5350
BRADDON ACT 2612



By email: alan.freckelton@lawcouncil.au

Dear Dr Popple

Civics Education

1. We refer to correspondence from the Law Council dated 16 February 2026, seeking the Society's input to inform a forward work plan for engagement on civics education.
2. We note that the request focuses on the priorities for civics education nationally, to inform civics education in schools and to improve public and parliamentary discourse. The Law Council has a specific interest in the topics for civics education and examples of best practice materials.
3. This request has been widely circulated to the Society's membership. The depth of responses received demonstrates that civics education is an issue of genuine concern for the profession. In particular, this submission has been significantly informed by members of the Society's Justice Access and Human Rights Committees.
4. Civics education has an important function in empowering individuals to understand their rights and obligations and to engage meaningfully with democratic and legal institutions. At the same time, civics education should foster a broader culture of justice, fairness and mutual responsibility. The Society supports civics education that goes beyond technical knowledge of institutions and processes. Civics education should not be limited to understanding how Parliament operates or how laws are made (although explicit teaching about these has an important role). The teaching of civics education requires real engagement with philosophy, logic, critical reasoning and ethics, by teachers who are properly skilled and resourced, and opportunity within the curriculum for deep discussion and time for reflection. Civics education should encompass a comparison of other societies, as well as reflecting on the evolution of civics over time.
5. The Society notes the observation of the Law Council's paper that Australians generally are not familiar with a number of issues related to our Constitutional democracy and legal system. From this perspective, civics education offers an important basis for educating our community members while in their formative years (that is, senior secondary education) on concepts such as a right to a fair trial, the presumption of innocence, rights of the accused and bail presumptions. These concepts are often now influenced by media and external "noise" rather than by a foundation based on law and constitutionality.
6. The Society's Justice Access Committee considers that civics education should include developing an Australian society and culture that is more *just*, rather than simply more knowledgeable. There may be a role for the profession to co-design a civics curriculum with teachers at each stage of education (primary, middle and high school) and look at how to meaningfully embed this learning so that students are taught how to recognise and promote justice, access and fairness at each stage of their educational journey. Without meaningful co-design of content, professional development for teachers and shared language around law, justice

and democracy, there is a risk that expanded civics education will remain superficial and fail to address the challenges the Law Council has identified.

7. The Justice Access Committee supports the suggested topics in Attachment A and would additionally suggest that key aspects of civil and administrative law are explored. The Committee notes that many Australians may be more likely to engage in private commercial transactions than the criminal justice system. Civil and administrative issues also play an important role in the lives of people experiencing disadvantage and low legal capability. Introducing concepts from an early age and embedding these into the learning curriculum can help build practical awareness of how everyday legal systems work and how to navigate support systems – especially systems that are designed to be a safety net for the vulnerable. Examples of foundational civil/administrative law concepts include the principles that guide commercial transactions and reasonable expectations for fairness, transparency and accountability in government decision-making.
8. The Justice Access Committee notes that the Victorian Law Foundation's PULS results revealed that a driver of the gap in access to justice is 'legal capability' (Volume 2 of the PULS Report (Summary) at page 10). Civics education needs to be designed with a focus on building legal capability from an early age: not just understanding how the system works, but knowing your place in it, why it applies to you, and why you should care if others don't have access to help within it.
9. The Society observes that recent research from Adelaide University looking into legal need in South Australia, indicates that a large cross-section of the community is unaware of Community Legal Centres, JusticeNet, and the scope of legal aid services. The Society considers it is imperative that the community understands the pathways available to seek assistance and that education address the common public misconception that access to justice is limited to those who can afford it.

First Nations

10. The Society notes the report referenced in the Law Council's paper, *From Classroom to Community* by the Joint Standing Committee on Electoral Matters, which highlighted that civics education is failing to equip young people with the knowledge needed to understand the historical and contemporary realities of Aboriginal and Torres Strait Islander peoples, including colonisation, systemic racism, and ongoing impacts of discriminatory policies. Members of the Society's Human Rights Committee express support for reforms to civics education that are truthful, culturally safe, and grounded in the lived realities of Aboriginal peoples. The Committee considers that civics education should equip all Australians with accurate knowledge of colonisation, human rights, and the ongoing impacts of inter-personal and systemic racism. Without this foundation, civic participation and democratic engagement cannot be meaningfully realised.
11. The Human Rights Committee expresses concern that both the teaching curriculum and teacher resources fail to address the Law Council's reported gaps in understanding First Nations history and key aspects of Australia's Constitution. Civics education should include a proper understanding of Aboriginal citizenship and self-determination. There should be a focus on understanding Aboriginal led, self determined engagement with the parliament as a foundational principle of modern civics education.
12. The Justice Access Committee further considers that civics education should canvas the legal history and concepts regarding the relationships between governments, First Nations and First Nations people. It should include an understanding of First Nations Law and how it can coexist with Australia's existing legal systems. The Committee considers this an important opportunity to educate and encourage young people to seek answers based on fact, and to understand the differences in types of law and legal traditions and how they interact.

Additional Considerations for Aboriginal Civic Participation

13. The Society's Human Rights Committee notes that Aboriginal young people continue to experience disproportionately high rates of disengagement from school. This disengagement is not simply an educational issue – it directly shapes civic participation by limiting access to civic knowledge, reducing trust in institutions and diminished confidence in engaging with democratic processes.
14. The Committee considers that culturally safe and truthful civics education can play a protective and empowering role by strengthening identity, belonging, and connection to community. When Aboriginal students see their cultures, governance systems, and histories reflected in the curriculum, it affirms their place within Australia's civic story and supports stronger participation in public life. Embedding Aboriginal perspectives into civics education is therefore a key strategy for improving long-term civic inclusion and justice outcomes, and for ensuring that future generations of young Aboriginal people are equipped to participate fully and confidently in Australia's democratic systems.

Recommended materials

15. In preparing this response, the Society has had the benefit of Rebecca Plummer's *Evaluating Practical Models Improving Access to Justice in Communities Experiencing Isolation and Disadvantage* and Dr Sarah Moulds' *Connected Parliaments: Reimagining Youth Engagement with Parliaments in Australia* (both herewith).
16. Additional resources recommended to support a deeper civics education model include Hugh Mackay's books *Australia Reimagined: Towards a more compassionate, less anxious society* and *Reinventing Australia: The mind and mood of Australia in the 90s*, and Bri Lee's *Who Gets to be Smart: Privilege, power and knowledge*.
17. The article *Citizenship in Scottish schools: the evolution of education for citizenship from the late twentieth century to the present* is recommended: <https://www.tandfonline.com/doi/full/10.1080/00467600902855488>. It sets out a case for children and young people as 'citizens now' rather than citizens-in-waiting, and emphasises that young people learn most about citizenship by being active citizens. In particular it encourages schools to promote young people's active participation in decision-making and to develop a participatory ethos, and recognised that schools were one influence among many on young people's ideas about citizenship.
18. The Society encloses a summary of Professor Jennifer Margaret McKay's socio-legal research on environmental governance and water law in Australia and the international human right to a clean, healthy and sustainable environment, and in particular the role of civics education to teach procedural (access to information, participation, remedies) and substantive (clean air, safe water, healthy ecosystems) dimensions to demonstrate how institutional design, trust, and stakeholder engagement shape environmental outcomes. This socio-legal lens supports civics education that builds civic capabilities (rights-consciousness, legal literacy, and deliberative participation) for environmental decision-making. For civics education, this translates into modules that integrate legal frameworks (international and domestic), case study analysis (water reuse, groundwater protection), and practical exercises in public participation and policy evaluation.

I trust these comments are of assistance in the development of the Law Council's work on civics education. Please contact me if you have any queries.

Yours sincerely



David Colovic
President

Enc. *Evaluating Practical Models Improving Access to Justice in Communities Experiencing Isolation and Disadvantage*, Plummer (2023)

Connected Parliaments: Reimagining Youth Engagement with Parliaments in Australia, Moulds (2024)

Regional Education Outreach at the Parliament of South Australia: Strategies and Learnings, Young (2022)

Civics Education and the Human Right to a Clean, Healthy Environment, McKay