

Lesson Plan

Breaking the Law and Civil Disobedience: Is it ever okay?

A lesson plan and resource for teachers teaching Civics and Citizenship, Legal Studies, Global Studies, Media Arts

Topics: Empowering responses to Climate Change, Civic Duty, Civic Disobedience, Differing Perspectives, Government's Duty of Care, Global Challenges, Global Opportunities

Materials Needed: *The First Wave* (available on YouTube)

Teacher's Introduction: The 20 min film, "The First Wave" chronicles the peaceful 3 day protest that blocked the Newcastle coal port in November 2023. A 30 hour blockade of the coal port was approved by authorities, but members of the group extended the blockade past its sanctioned deadline, resulting in over 100 arrests. As such, the protest moved from the realm of peaceful protest into civil disobedience as members were charged with an offence under the Maritime Safety Act.

Links to the ACT Curriculum are included at the end of this document; they are not exhaustive, but indicative. The lesson plan as it stands would link to ACT Curriculum's cross curricular Sustainability priority and also Civics and Citizenship, and Legal Studies curricula. It has been designed with year 9-12 students in mind.

The lesson plan below is only one of many that could be used. It has been prepared by Rising Tide, with the explicit aim of promoting community engagement around the issue of Australia's response to the climate change crisis. For further background information as to why Rising Tide feels this is necessary, Polly Hemming's speech of Mar 21st, 2024 is an excellent starting point.

[The Climate Crisis is an Integrity Crisis | Polly Hemming - The Australia Institute](#)

There are a number of further resources included designed to be a quick refresher on civil disobedience and/or if you wish to delve deeper into different aspects of the lesson and spend additional class time on the topic.

<p>Focus of Lesson: To Explore the Concept of "Is it ever okay to break the law?" More specifically what is Civil Disobedience and is Civil Disobedience justified in the context of taking action on Climate Change</p>	<p>Learning Objectives: At the end of the lesson students should be able to:</p> <ul style="list-style-type: none">• define the term civil disobedience,• cite historical examples of civil disobedience• justify whether they think civil disobedience can be justified generally• justify whether they think civil disobedience is justified specifically in the context of Australia's current action on Climate Change
<p>Prior Knowledge None, although if none, terms such as civil disobedience will need to be defined/explored.</p>	<p>Success Criteria students who engaged in lesson are able to demonstrate they have met the above learning objectives</p>

Knowledge of climate change will lead to deeper discussions.	
--	--

Lesson Plan

Activity	Time	Description
Starter Questions	2-4 min	<p>Is it ever okay to break the law? Is Civil Disobedience ever Justified?</p> <p>Molly the magpie's first 24 hours at home with canine and human best friends - ABC News</p> <p>As a class, discuss the incident in which the Queensland couple were found to have broken the law by keeping a magpie in their home. (A short video is embedded in the news story) Could substitute another example or skip straight to small group activity depending on class.</p>
Small Groups	5-7 min	<p>Vote: who thinks it is (on a) and b))</p> <p>a) never okay to break the law? b) maybe in certain circumstances? c) what is civil disobedience?</p> <p>Discuss: what circumstances might justify breaking the law? If never, why should you never break the law? Is civil disobedience a different form of law breaking?</p>
Report Back/Class Discussion	10 min	<p>-tabulate small group results on whiteboard/digitally: list groups justifications of why it is, or is never, okay to break the law. Discuss justifications, are there common themes, is there agreement/disagreement, is civil disobedience different?</p>
<p><i>(Depending on Time available, this activity could be shortened or omitted.)</i></p> <p>Small Groups or Whole Class Discussion</p> <p>Application of Discussion above to Scenarios provided at right</p>	5-10 min	<p>1) Your dog is attacked by a larger dog and you hit the other dog to get it to let go of your dog What laws are you breaking? Are you justified to do so?</p> <p>2) your partner receives a traffic infringement from an automatic speed camera which will mean they will lose their licence which they need for their workplace; you agree to say you were driving the car to take the points instead</p> <p>3) You believe strongly that Australia is not taking enough action to prevent dangerous climate change so you participate in a protest that blocks a coal port</p>
Rising Tide Video	20 min	<p>Intro: As a class, we have just discussed whether we think it is ever okay to break the law. Here is a 20 min video, while watching the video think about the justifications that we have discussed as a class.</p>
Post Video Discussion	As time allows or as homework	<p>Did watching the video change your opinions about whether it is okay to break the law? What arguments does the video present?</p> <p>Should civil disobedience be viewed differently to other forms of law breaking?</p>

	Have the classes' opinions changed from the initial vote on whether the law should ever be broken.
--	--

Further Resources	Explanation and Link
Right to Protest:	An Academic's Views on How the Right to Protest is being constrained in Australia and overseas. Explainer: What are your rights to protest in Australia?
What are Australia's International Obligations to Combat Climate Change:	<p>"Australia is one of the 194 nation states, plus the European Union, that are Parties to the Paris Agreement—the legally binding international treaty on climate change. Parties to the Paris Agreement are required to submit NDCs, which outline their individual commitments to combat climate change, including targets for reducing greenhouse gas emissions, along with details on the policies, measures, and strategies they will implement to achieve these targets. The Paris Agreement requires that each Party's successive NDC represents a progression beyond the Party's then current NDC and reflects its highest possible ambition. In the current cycle of the Paris Agreement, Parties are required to submit new NDCs to the United Nations by early 2025.</p> <p>making finance flows consistent with a pathway towards low greenhouse gas emissions and climate-resilient development. Article 2 also provides that the Paris Agreement will be implemented to reflect equity and the principle of common but differentiated responsibilities and respective capabilities, in the light of different national circumstances.</p> <p>https://storage.googleapis.com/files-au-climate/cca/p/prj2d3336e5a90d264a70605/page/Issues%20paper%20-%20Targets.%20Pathways%20and%20Progress.pdf</p>
International Energy Agency's Position on New Fossil Fuel Projects	"no new long-lead-time upstream oil and gas projects are needed." https://www.iea.org/news/the-path-to-limiting-global-warming-to-1-5-c-h-as-narrowed-but-clean-energy-growth-is-keeping-it-open
Civil Disobedience	the refusal to comply with certain laws considered unjust , as a peaceful form of political protest. Oxford Languages Dictionary Or On the most widely accepted account, civil disobedience is a public, non-violent and conscientious breach of law undertaken with the aim of bringing about a change in laws or government policies (Rawls 1999, 320). https://plato.stanford.edu/entries/civil-disobedience/
A Summary of the Philosophical	Different Scholars discuss what constitutes civil disobedience and when it is justified.

<p>Grounds for Civil Disobedience</p>	<p>See particular section 3.2 “Justificatory Conditions” and very particularly the third point about the need to be coordinated amongst groups sharing the grievance Dissent, Disobedience and Justice — Alberta Civil Liberties Research Centre).</p>
<p>Restrictive Bail Conditions Placed on Protesters</p>	<p>One take on the bail conditions that were imposed on Rising Tide members who were arrested at the blockade. Peaceful coal port protesters prosecuted like bikie gang on bail - Michael West</p>
<p>Newcastle Port: looking to Diversify</p>	<p>While coal is its biggest export, the port authority is already looking to diversify. Port of Newcastle trade down \$23 billion, diversity needed</p>

Glossary 1: A timeline of significant events in the film

(Provided for you to help you find things in the film if you need to 😊)

Setting the scene/introduction 0- 2:30 min approximately

0:30 “2023 was the hottest year on record”

0:40 100+ million tonnes of coal/year (note represents well over 1% of global emissions from energy production exports have fluctuate between 150 million and 130 million tonnes, equates to ~500 million tonnes of CO₂ (C + O₂ → CO₂ 12T produces 44T of CO₂ using molecular masses of Ca and CO₂ respectively)

<https://www.afr.com/companies/mining/newcastle-coal-exports-poised-to-hit-five-year-low-20230619-p5dhn6>

1:00 Key demands

End new coal and gas projects in Australia

Ramp up transition to renewables

Shows banner of 75% tax on fossil fuel profits

Juxtaposition of kayaks and coal tankers

1:12 States Mineral Council: “Could cause economic damage”

1:20- 1:50 upbeat music, lots of scenes of protesters

How do you think the protesters are being portrayed in the video? (note upbeat music)

How might they be portrayed differently if the minerals council was making the video?

2:30 Who are Rising Tide-” a citizen’s movement that aims to take the fight to the fossil fuel dictatorship that has been determining the policy on climate change for decades” from volunteer organiser

3:00 What was the protest?

4:10 “work against the government and the money and get the people’s power”-quote from Tom Hunt who kayaked from Wollongong to Newcastle to support blockage

(sea coverage of Sail4Sanity

<https://coastcommunitynews.com.au/central-coast/news/2023/11/four-events-to-help-nail-net-zero/>)

Points of discussion: is their protest more or less appropriate?, effective?-entails personal sacrifice (time, energy), they also chose to get arrested in the main Rising Tide protest...

4:30- 5:50

Indigenous perspectives: tying indigenous rights and climate activism together

Why do you think the title: “The first Wave” was used by the producers of the Movie

5:50-8:50 Bob Brown+ crowd footage + individual voices and perspectives

8:50-9:10 Grant Howard-been a coal miner for 43 years, wants government to be honest and organise a transition away from fossil fuels

9:10- 11:20

More individual voices, highlighting night action, young people, indigenous voices, invoking need to stop developing new fossil fuels for a safer climate

Working together

14:00 "To protest, means pushing the boundaries"...

14:30 Protest becomes Illegal: escalation leading to arrests, 109 people arrested

15:40 Alan Stewart 97 year old, "do things because they're right", scenes of arrests

16:45 clips from news stories covering arrests

17:00 wrapping up, "build a mass movement of civil disobedience, phase out fossil fuels, looking ahead to action in 2024

18:16: Final Message: "We can only win a better world together"

Curriculum Links

Cross Curriculum Priorities

Sustainability

“The Sustainability priority provides the opportunity for students to draw on philosophical ideas and traditions to develop an appreciation of the necessity of acting for a more sustainable future and so address the ongoing capacity of Earth to maintain life and meet the needs of the present without compromising the needs of future generations.”

Civics and Citizenship

https://v9.australiancurriculum.edu.au/f-10-curriculum/learning-areas/civics-and-citizenship-7-10/year-7_year-8_year-9_year-10?view=quick&detailed-content-descriptions=0&hide-ccp=0&hide-gc=0&side-by-side=1&strands-start-index=0&subjects-start-index=0

Knowledge and understanding: Citizenship, diversity and identity

how and why individuals and groups, including community, religious and cultural groups, participate in and contribute to civic life in Australia and to global citizenship

(AC9HC9K05)

locate, select and compare information, data and ideas from a range of sources

(AC9HC10S02)

explore and analyse examples of the tensions between conflicting positions on issues of personal, social and global importance

Students develop a range of questions and locate, select and compare information from sources to investigate political and legal systems, and contemporary civic issues. They analyse information to explain perspectives and challenges related to political, legal or civic issues. Students identify and evaluate the methods or strategies related to civic participation or action. Students use civics and citizenship knowledge, concepts and terms to develop descriptions, explanations and evidence-based arguments.

Media Arts: years 9-10

https://v9.australiancurriculum.edu.au/f-10-curriculum/learning-areas/media-arts/year-7_year-8_year-9_year-10?view=quick&detailed-content-descriptions=0&hide-ccp=0&hide-gc=0&side-by-side=1&strands-start-index=0&subjects-start-index=0

“investigate the ways that media artists use **media arts concepts** to construct representations in media arts works and practices across **cultures**, times, places and/or other contexts”

Years 11 and 12

Legal Studies Contemporary Issues and the Law

[Legal Studies A-T-M](#)

evaluate existing contentions, structures and processes for change and reform in society, including the courts, for example, law reform commissions, citizen challenges to law such as extinction rebellion

Global Studies

[Global Studies A-T-M - ACT Board of Senior Secondary Studies](#)

Global Actors

“They reflect on their role as citizens giving legitimacy to global actors through their decisions and beliefs.”

- Global Challenges

“Students critically analyse significant contemporary issues that pose challenges to global actors and processes, and to individuals around the world, as a result of processes employed by global actors to address issues and critique the resulting balance of power.”

- Global Opportunities

“Students analyse what progress and change can be achieved by global political action. They examine how the global system is perceived and used to improve lives for individuals and communities. Students evaluate possible pathways for progress and consider to whom current reform processes bring benefits. The nature of international declarations and agreements are considered in terms of their universality and contingency. Students consider their preferred future, the actions necessary to achieve it, and why it would be better.”

How does [The First Wave](#) fit into HaSS (History and Social Sciences) Yrs 7-10 Australian Curriculum

Rising Tide's 20 minute film [The First Wave](#) on the 2023 blockage of the world's largest coal export facility in Newcastle may fit within the following areas of Version 9 of the Australian HaSS Curriculum

Year 7: Citizenship, diversity and identity

[AC9HC8K05](#): how culture and religion may influence individuals' and groups' perceptions and expressions of [citizenship](#) and their actions as [citizens](#).

[AC9HC8K06](#): different experiences of, perspectives on and debates about Australia's national [identity](#) and [citizenship](#), including the perspectives of First Nations Australians as owners of their respective nations, and of different migrant groups.

Year 8:

Questioning and researching

[AC9HC8S01](#): develop questions to investigate Australia's political and [legal systems](#), and contemporary civic issues.

Citizenship, diversity and identity

[AC9HC8K05](#): how culture and religion may influence individuals' and groups' perceptions and expressions of [citizenship](#) and their actions as [citizens](#).

[AC9HC8S01](#): develop questions to investigate Australia's political and [legal systems](#), and contemporary civic issues.

Analysis, evaluation and interpretation

[AC9HC8S03](#): analyse information, [data](#) and ideas about political, legal or civic issues to identify and explain differences in perspectives and potential challenges.

Civic participation and decision-making

[AC9HC8S04](#): explain the methods or strategies related to making decisions about civic participation.

Year 9:

Citizenship, diversity and identity

[AC9HC9K05](#): how and why individuals and groups, including community, religious and cultural groups, participate in and contribute to [civic life](#) in Australia and to [global citizenship](#).

Questioning and researching

[AC9HC9S01](#): develop and modify questions to investigate Australia's political and [legal systems](#), and contemporary civic issues.

Civic participation and decision-making

[AC9HC9S04](#): evaluate the methods or strategies related to making decisions about civic participation.

Year 10:

Government and Democracy

[AC9HC10K02](#): the Australian Government's role and **responsibilities** at a **regional** and global level. (The approach might be Australia having signed on to the Paris Accord).

Laws and Citizens

[AC9HC10K04](#): how Australia's international **legal obligations** shape Australian **law** and **government** policies, including those relating to First Nations Australians, and the issues related to the application of these obligations.

Civic participation and decision-making

[AC9HC10S04](#): evaluate the methods or strategies and outcomes related to making decisions about civic participation.