

Chapter 3: The legal system and you

Contents

3.1 What happens in a courtroom?

3.2 The presumption of innocence

3.3 What is a fair trial?

3.4 How can Australians receive access to justice and legal representation?

SkillBuilder: Debating an issue

Review and reflect

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Chapter 3: The legal system and you

Overview

Picture yourself standing in court, accused of a crime you did not commit, facing a trial and then being found guilty of the crime. Australia's **rule of law** and our **legal system** should protect you from this happening. But how much do you know about Australia's legal system? Would you know where to find a lawyer? Would you know what would make your trial a fair one? All Australian citizens should have the opportunity to access justice no matter who they are.



FIGURE 1

John Button was wrongfully convicted of the manslaughter of his girlfriend in 1963. Thirty-nine years later, he was acquitted after serving his sentence in prison.

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eLesson

The courtroom

Watch this video to learn more about what happens in the courtroom.

Searchlight ID: ELES-2078

STARTER QUESTIONS

1. Figure 1 shows John Button at Fremantle Prison, where he served five years of his sentence. Why do you think he returned to the prison?
2. How would you feel if you were found guilty of a crime that you did not commit and sent to prison?
3. What would you expect to happen in a fair trial?
4. Who would help you if you had to go to court?

3.1 What happens in a courtroom?

Courts interpret laws and settle disputes. A person who has been charged with a criminal offence may have his or her case heard by a court. It is up to the court to decide if the accused is guilty or not guilty. Let us look at what happens when a criminal matter goes to **trial** before a court.

Courts can be tense places. The decisions made in them can have an enormous impact on people's lives. Courts and the officials who work in them deal with real-life dramas. The main courtroom officials include a **magistrate** or **judge**, **jurors**, a **prosecutor** and **counsel for the defence**. Each state and territory has its own independent system of courts, with different courts at different levels. Courts are often referred to as higher or lower courts.

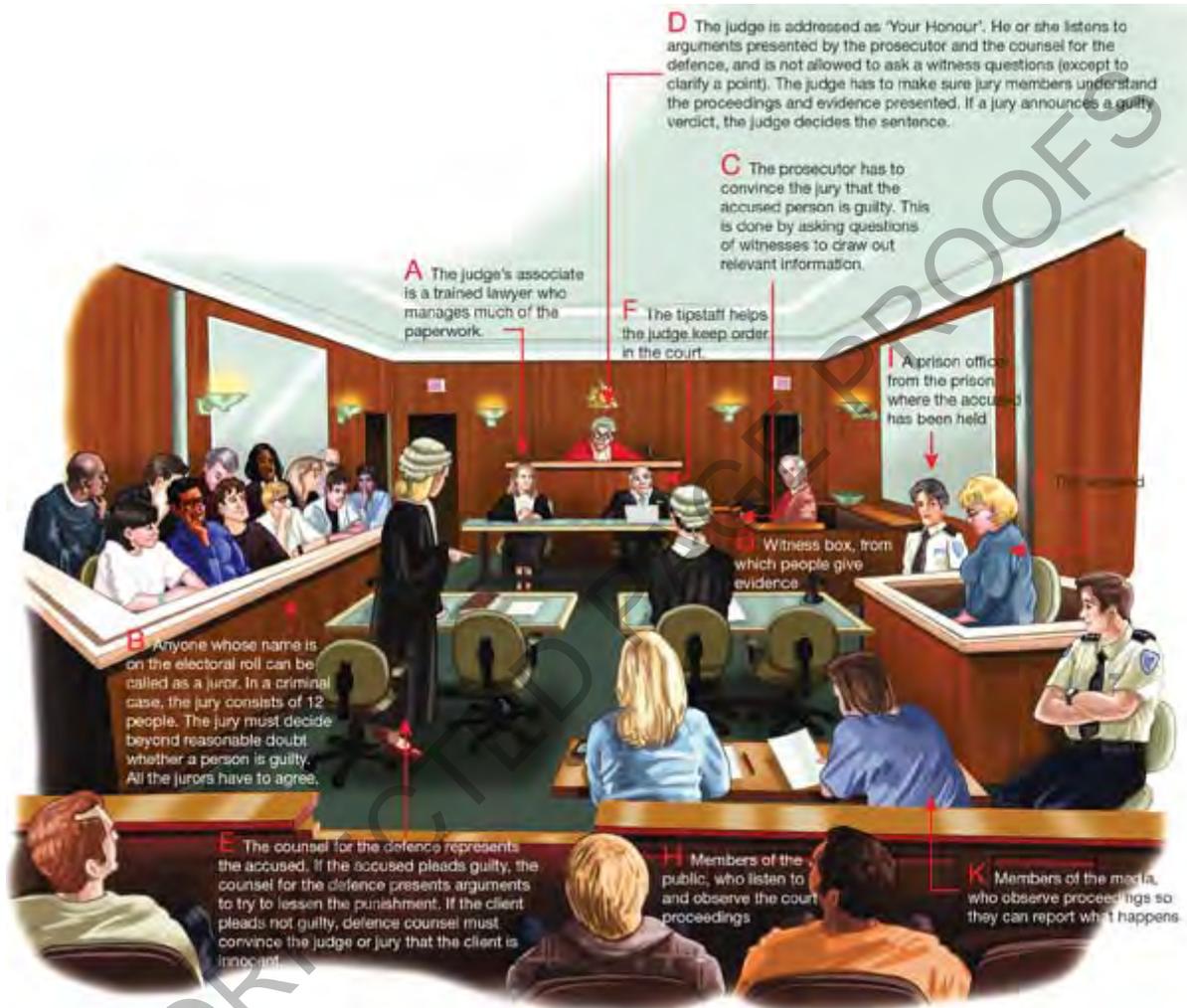


FIGURE 1 The main people involved in a trial for a serious offence

Lower courts

Most people charged with a criminal offence will have their cases heard in a magistrates court (called the Local Court in New South Wales, the Magistrates' Court in Victoria and the Magistrates Court elsewhere). These lower courts are more informal than the higher courts. There is no **jury**, and magistrates do not wear a wig or a robe in court. However, people still need to address the magistrate as 'Your Honour' as they do in the higher courts.

After hearing the cases presented by both sides, the magistrate decides whether a person is guilty or not guilty. If a person is found guilty, the magistrate decides the consequence. This is known as the sentence. A magistrate will refer very serious criminal offences to a higher court.

Higher courts

The states and territories all have a Supreme Court, which hears the most serious criminal cases. All the states except Tasmania have a District Court, although the equivalent court in Victoria is referred to as the County Court. The District or County Court hears serious criminal matters (except for the most significant cases), including murder and treason.

At the beginning of a criminal trial in a higher court, the accused is asked, 'How do you plead?' A jury of 12 people may be selected if the response is 'Not guilty'. The jury's role is to listen to the evidence and decide whether the accused is guilty or not guilty. If the verdict is not guilty, the accused is free to leave the court. If the verdict is guilty, then the judge decides the sentence.

ACTIVITIES

REMEMBER

1. List the main courtroom officials in a serious criminal trial.
2. How are magistrates and judges addressed in court?
3. How many jurors are there for a criminal case?
4. What is the jury's responsibility in a criminal trial?

EXPLAIN

5. The system of courts for each state or territory is referred to as a hierarchy (like a ladder). Construct a diagram showing the hierarchy of courts for your state or territory. Put the highest court at the top and the lowest court at the bottom of your diagram.

DISCOVER

6. Ask your teacher to organise a class excursion to a local court. While you are there, draw a floor plan of the court and label where all the officials are located in the room. Note their role in the court. Write down some of the facts you hear for each case.
7. In a magazine, newspaper or online, find a news article that reports on a criminal case in an Australian court. Summarise the key facts of the case, taking note of who the judge or magistrate was, what the charge was, any decision made and any other court officials mentioned.
8. In a group of three to four, develop a 30-second TV advertisement for a law firm that defends people charged with serious crimes such as murder.

THINK

9. In most states of Australia, a person can be found guilty by a jury only if 11 of the 12 jurors (a majority verdict) or all 12 jurors (a unanimous verdict) conclude that the accused is guilty. Why might this be hard to achieve?

3.2 The presumption of innocence

If you were in trouble at school, you would hope that your teacher or principal would believe your claim that you had done nothing wrong. You would expect that you or your classmates would be treated as innocent until it could be proved that you or they had actually done the wrong thing. In the same way, most Australians expect that when they go to court they will be presumed to be innocent until proven guilty. But is this something that actually happens?

The **presumption of innocence** is a belief that we have inherited from English law. It means that all accused people who appear before a court in Australia are presumed to be innocent until the prosecution proves that they are guilty. Not only are they presumed to be innocent, but they can only be found guilty if the court is reasonably certain that the accused person committed the crime. This means that the magistrate, judge or jury must believe that the accused is guilty **beyond reasonable doubt**. The prosecution has the **burden of proof** in a criminal trial.

Presumption of innocence around the world

The presumption of innocence is contained in article 11 of the Universal Declaration of Human Rights, and in article 14 of the International Covenant on Civil and Political Rights (ICCPR). This means that it is seen as very important across the world. Many nations — including the United States of America, France, Italy and New Zealand — recognise this principle.

Presumption of innocence and bail

Observing the presumption of innocence means that if a person is charged with a criminal offence, they may be granted **bail** by a magistrate or judge. Bail is the promise that an accused person makes to appear in court at a later date. It allows the accused to go home to wait for the trial, rather than stay in custody until he or she must go to court. Sometimes bail will have conditions attached, including the payment of money, surrendering a passport, remaining at the same address or reporting to police. Bail usually applies only to serious cases.

There are cases where the court may suspect that an accused person who is charged with a serious crime might not turn up to court, or might be at risk of causing danger to the public. In this case, bail would be refused and the accused would be detained until the trial.



FIGURE 1 The presumption of innocence suggests that a defendant should not be handcuffed when appearing in court unless he or she presents a risk to other people.

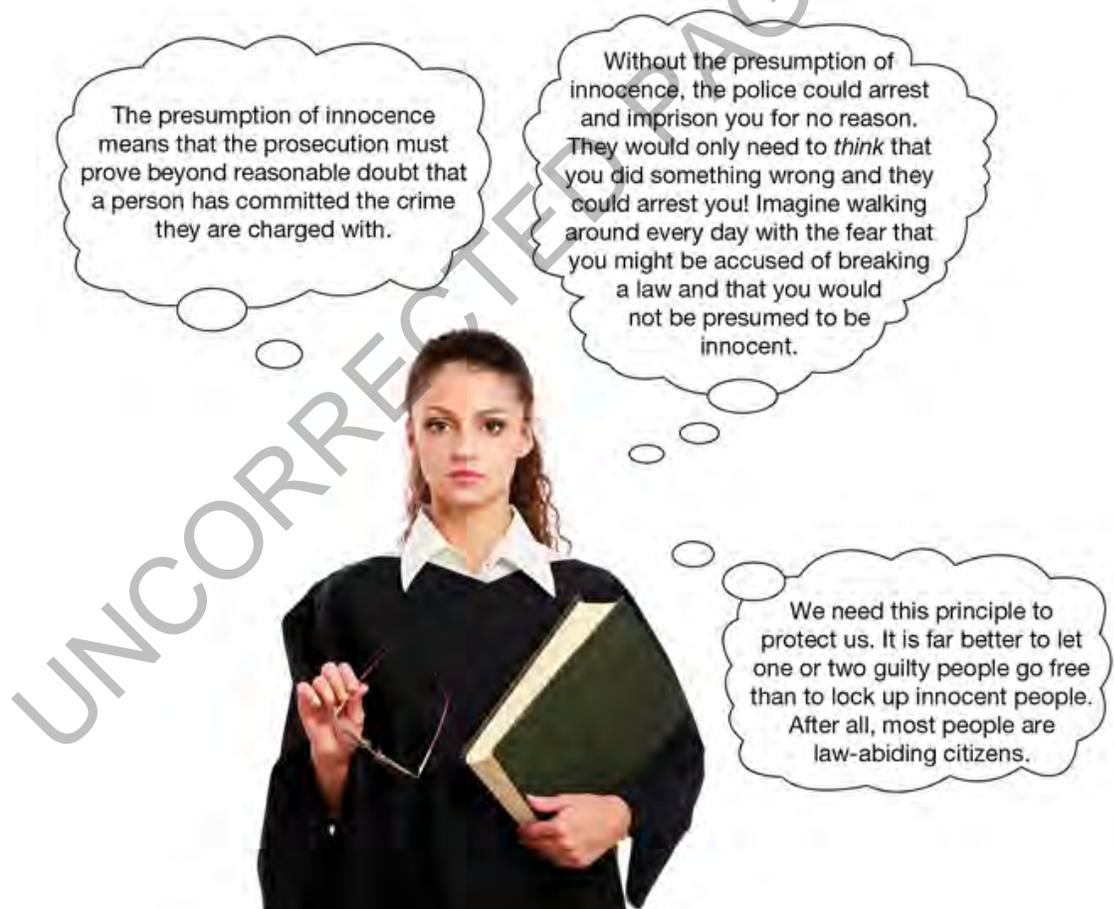


FIGURE 2 Some advantages of the presumption of innocence



The presumption of innocence allows every accused person to clog up our courts and gives legal people too much work to do. It is a loss of both time and money.

There is also the risk that a person accused of a serious crime might go into hiding or commit another crime before the trial begins.

We should do more to help the police deal with troublemakers instead of making it easier for criminals to avoid consequences.

Any victim of crime would tell you that people who are charged with crimes are too protected. They would also tell you that the police are honest and do a good job. So if the police do charge someone with a crime, they must be pretty sure that the accused actually committed that crime.

FIGURE 3 Some disadvantages of the presumption of innocence

CASE STUDY

Presumption of innocence — on your bike

Queensland introduced new laws in 2013 to target the illegal activities of gangs, including criminal bikie gangs. The laws are commonly referred to as 'bikie laws'. A list of declared

criminal organisations was prepared. New offences were created, including members of a criminal gang gathering in groups of three or more, visiting locations like clubhouses or a banned event, and recruiting for their organisations. The laws have been criticised for going against the principle of the presumption of innocence.

Steven Smith, Scott Conley, Joshua Carew, Paul Lansdowne and Dan Whale were arrested and detained in custody in December 2013, following a meeting at the Yandina Hotel. They were alleged by police to have links to the Rebels motorcycle club. Joshua's wife, Tracy Carew, said her husband had been locked up for delivering a pizza to the other men. 'These boys aren't guilty of this crime, they haven't been proven guilty. They haven't been put in front of a jury and deemed guilty yet,' she said. Mrs Carew told the media that the men were placed in solitary confinement awaiting their court hearings. Joshua Carew, and some of the other men, were released from custody under bail conditions in mid-January 2014.



FIGURE 4 Joshua Carew and some other men were arrested due to their alleged association with the Rebels motorcycle club in Queensland. They were held in custody for an extended period of time without trial.

ACTIVITIES

REMEMBER

1. List some countries that believe in the presumption of innocence.
2. Define the term 'beyond reasonable doubt'.
3. What is bail and when can it be granted?

EXPLAIN

4. Examine figure 1. In what way does this image undermine the principle of the presumption of innocence?
5. Read the case study in this section, 'Presumption of innocence — on your bike'. Joshua Carew was held in solitary confinement for approximately six weeks before a bail hearing in the Supreme Court. Briefly outline what this suggests about the attitude of the Queensland government towards the presumption of innocence principle.

DISCOVER

6. The media is expected to avoid news coverage that undermines the presumption of innocence. However, there are many cases where the media has ignored this principle. Charges made against Martin Bryant in 1996 are one example. Find out more about what the media did before the Bryant case went to court.

PREDICT

7. What might happen if an accused person went to court and was put on trial without the presumption that they were innocent?

THINK

8. Discuss the advantages and disadvantages of the principle of presumption of innocence.

3.3 What is a fair trial?

In Australia, we believe that our legal processes protect the right of every accused person to receive a fair trial — a trial held before a competent, independent and unbiased court recognised by law. You would presume that your side of the story would be listened to. You would expect that you would be provided with the opportunity to contest any charges made against you. You would think that the person listening to both sides would not favour either of those sides.

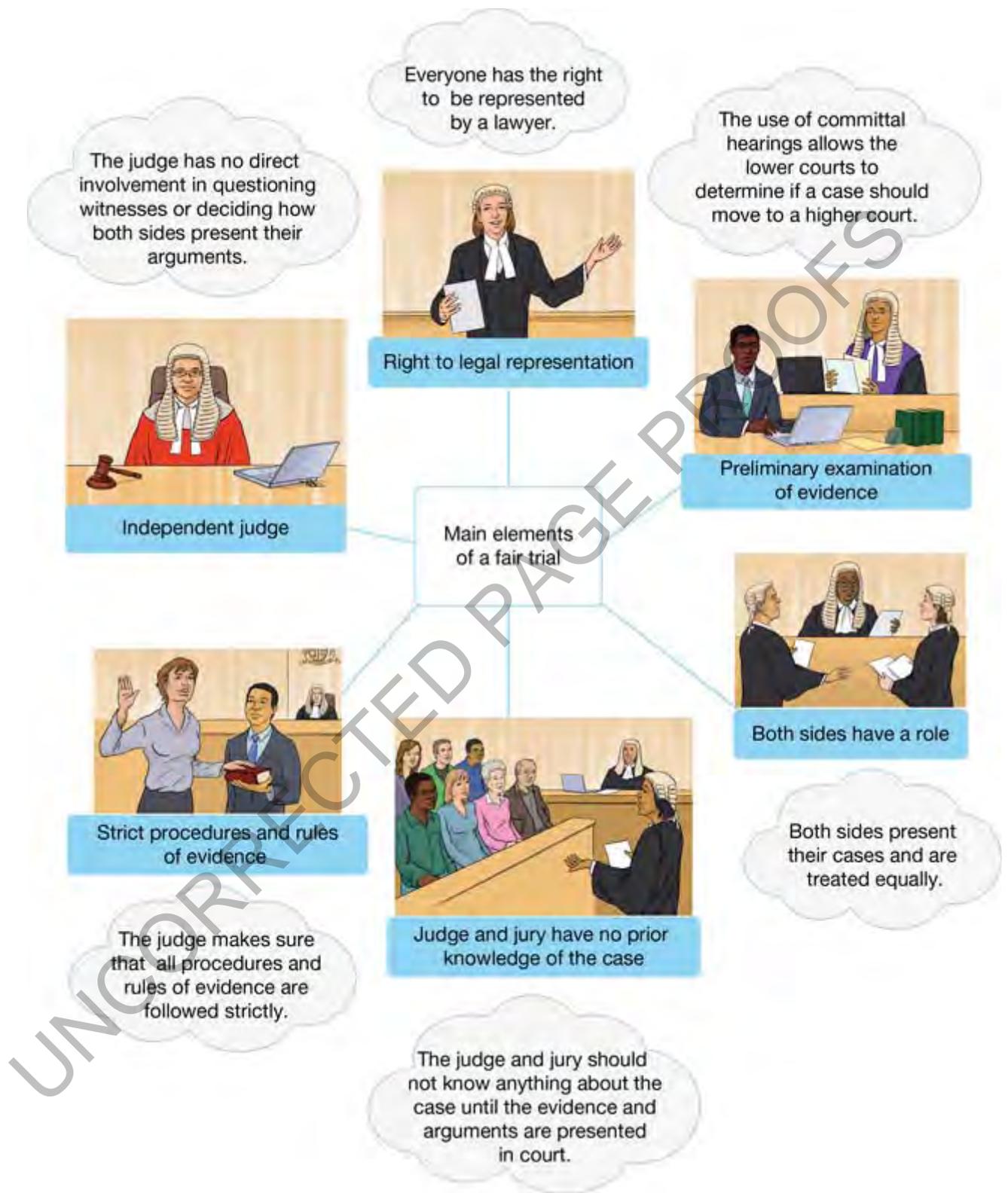


FIGURE 1 Main elements of a fair trial

Main elements of a fair trial

The main elements of a fair trial are summarised in figure 1. Let us now look at each element in more detail.

Preliminary examination of evidence

When a person is charged with a criminal offence, he or she will be told to attend a magistrates court. The magistrates courts hear minor offences and some serious cases. They also examine very serious cases to decide whether the accused person should be put on trial in a higher court. This is called a **committal hearing**. If the magistrate decides that there is enough evidence and the case is serious enough, the case will be heard in the District (or County) Court, or in the Supreme Court.

Committal hearings guarantee a fair trial because they allow an accused person to know the case against him or her. They also provide the opportunity for the accused person to gather evidence and to test the evidence of the prosecution.

Right to legal representation

In a fair trial, everyone has the right to **legal representation**. In certain cases, legal aid can be provided for people who cannot afford the cost of hiring a lawyer (see section 3.4).

Both sides have a role

The right to a fair trial means that everyone is entitled to be treated equally by the court. Both sides have the right to present their case. The two opposing sides will gather evidence and present their case to an independent judge or magistrate. The side with the strongest argument is likely to win the trial.

Independent judge

The judge is very much like the umpire in a game of football. His or her job is to make sure that both sides follow the rules. Judges are independent, which means that they have no direct involvement in questioning witnesses or deciding how either side will present its arguments. The judge makes sure that all the rules of evidence and procedure are followed and that both sides are treated equally.

Judge and jury have no prior knowledge of the case

Neither judge nor jury should know anything about the case until the evidence and arguments are presented in court. Jurors must listen very carefully to the evidence given in a trial and make a decision based only on that evidence and the law. They are not allowed to discuss the case with anyone else, even after the trial has finished.



FIGURE 2 Any citizen who is listed on the electoral roll can be randomly summoned for jury service.

Strict procedures and rules of evidence

A fair trial will follow strict procedures. These procedures are designed to ensure that each side has an equal opportunity to present its own case as well as challenge the evidence introduced by the other side. A fair trial will also observe strict rules for the type of evidence that can be looked at in court. The procedure for a trial in a higher court with a jury is shown in figure 3.

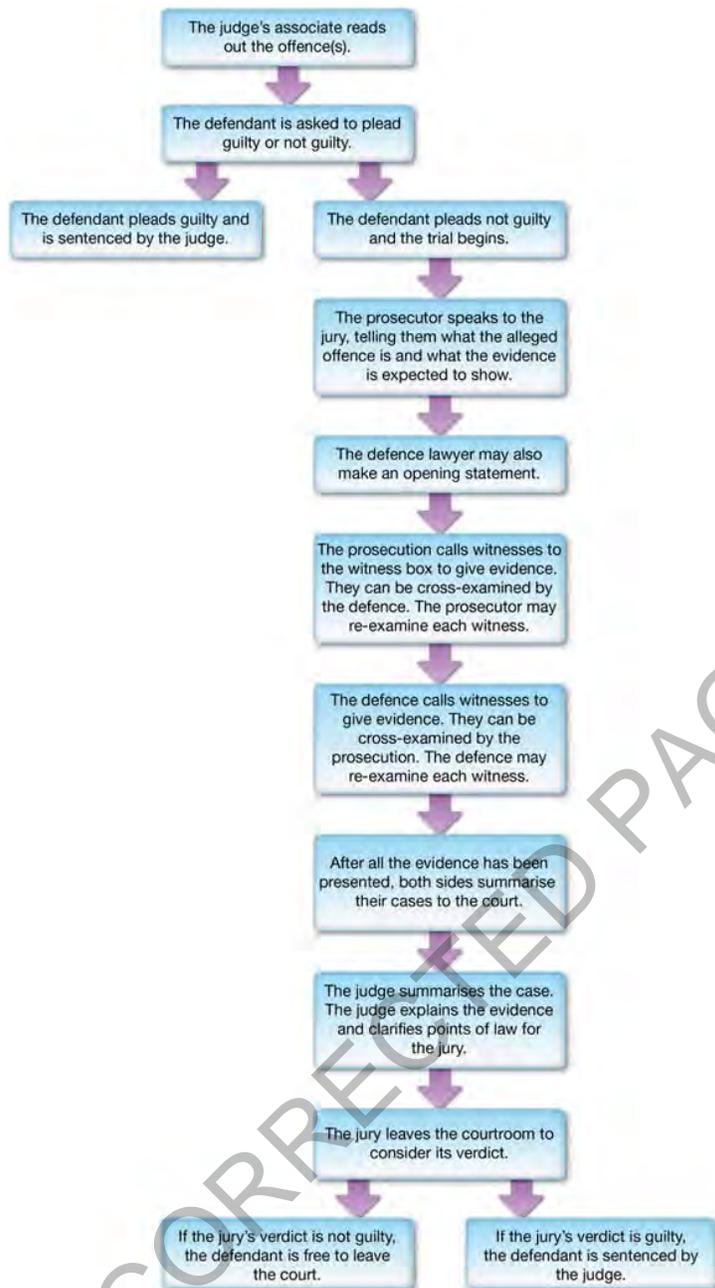


FIGURE 3 Procedure for a trial in a higher court with a jury

Witnesses can be asked to give evidence at a criminal trial if they are the victim of the crime, if they have direct information about the crime or if they are an expert providing specialist opinion. Expert witnesses might give evidence on topics such as whether a written document matches the handwriting of the accused, or whether the accused person's actions might have been influenced by things such as mental illness or prescription drugs. Each witness must take an oath or affirmation promising to tell the truth.

An oath



An affirmation



FIGURE 4

Before witnesses in court can give their testimony, they have to take either an oath or an affirmation promising to tell the truth.

Activities

REMEMBER

1. What is a committal hearing?
2. What is legal representation?
3. Briefly outline the following elements of a fair trial:
 - a. preliminary examination of evidence
 - b. right to legal representation
 - c. both sides have a role
 - d. independent judge
 - e. judge and jury have no prior knowledge of the case
 - f. strict procedures and rules of evidence.

EXPLAIN

4. Draw your own diagram showing the steps involved in a trial with a jury. Use an appropriate illustration for each step to show that you understand it.

5. Explain the role of a juror and a witness in a fair trial.
6. When can a judge question a witness?
7. How does a person come to be selected to serve on a jury?

DISCOVER

8. Using internet resources, find the website of the magistrates court in your state and research the type of cases that it hears. Does your state's magistrates court have committal hearings?
9. Using internet resources, find the website of the District (or County) Court or the Supreme Court in your state and research the type of cases that it hears.

THINK

10. Roleplay a mock trial of a person who has been charged with robbing a bank. (Refer to the information in section 3.1 and the process described in figure 3 to help you.) Divide up the courtroom roles — a list of roles necessary is shown below. Allow people sufficient time to prepare their case. An example has been provided for you in the case study below. Set the classroom up like a courtroom and see if the accused receives a fair trial.

Roles in a mock trial

- Judge
- Judge's associate
- Tipstaff
- Jurors (12)
- Prosecutor
- Counsel for the defence
- Accused
- Witnesses
- Members of the public
- Members of the media
- Police officer

eBook plus

Interactivity

The courtroom

Searchlight ID: INT-1206

CASE STUDY

Sample case for a mock trial

Andrew Accused has been charged by the police with armed robbery. The police allege that on the morning of Friday, 18 February, Andrew entered the Bank Easy branch in Bondi. He approached the teller, Thuong Teller, and said to her, 'This is a stick-up. Fill this bag with money or you will get shot!' At the time, Thuong was serving Colin Customer. Bao Bankworker, another teller, and Maria Manager, the branch manager, were also in the bank at the time. Andrew was arrested by Purujit Policeman as he tripped in the doorway. Andrew claims that he was not carrying a gun and that he was only joking around with Thuong.

11. Complete the following table to explain how each element contributes to a fair trial. The first response has been done for you.

Element of a fair trial	How it contributes to a fair trial
Preliminary examination of evidence	The use of committal hearings allows an accused person to know the case against him or her and provides the opportunity to gather evidence and to test the evidence of the prosecution.
Right to legal representation	
Both sides have a role	
Independent judge	
Judge and jury have no prior knowledge of the case	
Strict procedures and rules of evidence	

3.4 How can Australians receive access to justice and legal representation?

All Australians must have the opportunity to access **justice**. We all have the right to legal representation but, for various reasons, not all Australians can gain access to the law.

Difficulties in gaining access to the legal system

There are various reasons why people may not be able to access the legal system. Some people may have little to no understanding of the law. People with limited English may find it difficult to communicate their problem. Some people may feel intimidated by lawyers or may be unable to pay for legal representation.

Our legal system has devised ways of providing access to justice and legal representation for everyone.



FIGURE 1

Everyone has the right to legal representation under our legal system, but not everyone can afford it.

Legal aid

In Australia, we believe that **legal aid** is very important in providing access to justice. Without legal aid, some people would not have legal representation. They would lose their right to be treated equally by the law and therefore to receive a fair trial.

Legal aid can be provided for people who cannot afford the cost of hiring a lawyer. It is offered by several organisations including legal aid commissions, community legal centres, and Aboriginal and Torres Strait Islander legal services.



FIGURE 2 What legal aid provides

Legal aid commissions

Each state and territory has its own legal aid commission. Legal aid commissions are funded by the state and federal governments. They provide legal assistance, legal information and advice, lawyers to represent people attending court, and grants of money to help people to obtain legal representation. The services of legal aid commissions are free, unless the legal assistance required is ongoing. In this case, a small financial contribution is required.



FIGURE 3 The legal aid commissions are funded by the government and provide legal assistance, legal information and advice.

Community legal centres

Community legal centres provide free legal advice and assistance as well as related services to the public. They focus on the disadvantaged and people with special needs. The centres may receive funds from the state and federal governments and from donations, but some centres receive no or

very little money and are largely or entirely staffed by volunteers. These volunteers can be lawyers or non-lawyers.



FIGURE 4 Community legal centres are funded by the state and federal governments and donations, and provide legal advice and assistance with a focus on the disadvantaged and people with special needs.

Aboriginal and Torres Strait Islander legal services

Each state and territory has an Aboriginal and Torres Strait Islander legal service, funded by the federal government. They provide legal assistance to Aboriginal and Torres Strait Islander people as well as community education in law and law reform.

Legal awareness

The law touches the lives of everyone, so people need to be aware of their legal rights and responsibilities. Awareness of the law can be improved through education, information and the media. Schools teach civics and citizenship so that students have some awareness of the law. Information can be found on the internet. The website of the Attorney-General's department provides information on access to justice. Advertising is used to promote understanding of new laws so that people are aware of them.

ACTIVITIES

REMEMBER

1. What is meant by the term 'justice'?
2. What is legal aid?

EXPLAIN

3. Describe the legal assistance offered by the following:
 - a. legal aid commissions
 - b. community legal centres
 - c. Aboriginal and Torres Strait Islander legal services.
4. Recommend where the following people could get legal advice. Explain why you chose each option.
 - a. John is an elderly pensioner who has been charged with growing cannabis for commercial use.
 - b. Tahni is an Aboriginal and Torres Strait Islander who has been charged with assault.
 - c. Yousif has recently arrived in Australia from Africa, and has been charged with driving without a licence.
5. How can legal awareness improve access to justice and legal representation?

DISCOVER

6. If any of the organisations offering legal aid have an office in your area, invite a representative from the organisation to speak to your class or school about legal aid.

PREDICT

7. List the consequences of not providing options for everyone to access the law. Compare your list with the rest of the class.

THINK

8. Work in groups of three or four. Identify one factor that can improve access to justice and legal representation (for example, legal aid). Create a storyboard that explains this factor and outlines how it can improve access to justice and legal representation. Produce a video presentation that will engage viewers. Show the video to your class.

SkillBuilder: Debating an issue

Tell me

What is a debate?

A debate is a discussion about an issue. The issue is presented as a statement — for example, 'Using a jury is the best way to make sure a trial is fair'. Participants in the debate take it in turns to put forward arguments for and against the statement.

Unlike an argument you might have at home, a debate follows strict rules of conduct.

Why is debating useful in civics and citizenship?

A debate requires the participants to carefully investigate an issue and critically analyse both sides of the question. Participating in a debate can develop research skills. It can also help individuals gain confidence in public speaking. Debating is used by people who work in law, such as lawyers, and by people involved in politics, such as members of parliament.



FIGURE 1

The skills used in debating, including researching and analysing information, are considered very useful in the legal profession.

Model

The members of each team take it in turn to present their arguments in three to four minutes. The affirmative team's first speaker starts the debate. The following case study illustrates how a formal debate is conducted.

CASE STUDY

Conduct of a debate

Affirmative team



The first speaker should:

- a. greet the audience
- b. state which team he or she is representing and the issue
- c. introduce the other team members, their role and the team's view
- d. argue the team's case and state how the second speaker will build on this case.

The second speaker should:

- a. explain how his or her speech will build on the affirmative team's view
- b. argue against (rebut) the first speaker from the negative team
- c. add new examples to support the affirmative team's view.

The third speaker should:

- a. argue against (rebut) the negative team's case
- b. summarise the main arguments of the debate
- c. restate the affirmative view, explaining why it is the stronger case
- d. avoid introducing new arguments.

Negative team



The first speaker should:

- introduce the team members, describe their role and the team's view
- state whether the negative team accepts the affirmative team's view of the topic
- argue against (rebut) the points made by the first speaker of the affirmative team
- state how the second negative speaker will build on the team's case.

The second speaker should:

- explain how his or her speech will build on the negative team's view
- argue against (rebut) the two previous speakers from the affirmative team
- add new examples to support the negative team's view.

The third speaker should:

- argue against (rebut) the affirmative team's case
- summarise the main arguments of the debate
- restate the negative view, explaining why it is the stronger case
- avoid introducing any new material.

Elements of a good debate

A good debate:

- has members from each team taking turns to present their cases
- starts with the first speakers from each team introducing their teams and their team's view
- continues with the second speakers rebutting the previous speakers and adding new examples to support their team's view
- finishes with both third speakers rebutting the other team's case, summarising the main arguments and restating their team's view
- has arguments that only take three to four minutes.

Show me

How to conduct a debate

You will need:

- a sheet of lined paper
- a pen
- a team of three people.

Procedure:

A formal debate follows a set of rules. In a debating contest (for example, in school) there are two teams of three speakers, each of whom plays a defined role. One team argues in favour of the topic (the affirmative team) and the other team argues against the topic (the negative team). You can prepare for a debate by following the steps below.

STEP 1

Form a team of three people. Find out whether your team is to debate in favour of or against the topic. As a team, examine the topic carefully and discuss what you think it is about. You may need to use a dictionary to find a definition of key words contained in the topic statement.

STEP 2

Work out what arguments support your team's case. List them in order of importance.

STEP 3

Work out what arguments do not support your team's case. This will help you to anticipate what your opponents will say.

STEP 4

Carry out research to help fully develop your arguments. As part of your research, consider interviewing other students and the adults you know to learn their attitudes to the issue.

STEP 5

- a. Divide the arguments you have collected among the members of the team.
- b. Decide which team members will be the first, second and third speakers. Agree on what each member will say.

Let me do it

Developing my debating skills

Work with a partner

1. Select one of the following topics:
 - a. 'Our legal system should not presume that an accused person is innocent.'
 - b. 'Judges should participate in finding evidence and questioning witnesses in criminal trials.'
 - c. 'Legal aid should be provided to all people accused of a crime.'
2. Work on your own to compile a list of as many arguments as you can for each side of the topic.
3. Convince your partner in two minutes that you support the topic.
4. Your partner has two minutes to question you about the topic.
5. Reverse the roles in steps 3 and 4 above.

Class debate

As a class, decide on the topic to be debated. Follow the steps given above to prepare for and conduct the debate.

Evaluating the debate

Use the following list to evaluate the performance of each team:

1. The team's viewpoint was clearly outlined.
2. Speakers' statements were well researched.
3. Speakers gave clear reasons to support their view.
4. Examples were used to support arguments.
5. Responses to arguments made by the other team were effectively made.

6. The concluding statements were convincing.
7. Speakers spoke loud enough to be heard.
8. Speakers made good eye contact with the audience.
9. Speakers spoke at a good pace (not too fast or too slow).
10. The overall performance of the team was effective.

Questions

1. How did you decide what your point of view would be?
2. What aspect of compiling a list of arguments did you find relatively easy and what did you find more challenging?

Checklist

I have:

- compiled a list of arguments for each side of the topic
- clearly outlined the team's viewpoint
- researched the topic
- given clear reasons to support the team's view
- responded to arguments made by the other team
- spoken loudly, clearly and confidently.

Skills questions

1. Choose the correct answer. Debates are used to:
 - A. explain how you can get a fair trial.
 - B. analyse information and develop logical arguments supported by evidence.
 - C. determine the best legal system.
 - D. outline why we use trial by jury.
2. Choose the correct answer. Debates are conducted with:
 - A. second speakers first, first speakers second and third speakers last.
 - B. third speakers first, first speakers second and second speakers last.
 - C. first speakers first, second speakers second and third speakers last.
 - D. speakers appearing any order.
3. What is a debate?
4. Why is debating useful?

Review and reflect

Review

Every individual has the right to access justice in Australia. Our legal system exists to make sure that any person accused of a crime receives a fair trial. The accused is presumed to be innocent by a court until the prosecution proves that he or she is guilty. Both the prosecution and defence will have the opportunity to present evidence and question witnesses before a judge who is competent, independent and unbiased. Everyone has the right to be represented by a lawyer in court, regardless of whether or not they can afford it or even understand the law.

- Presumption of innocence means that any accused person who appears before a court is presumed to be innocent until the prosecution proves that they are guilty beyond reasonable doubt.
- A fair trial occurs when evidence is examined at a committal hearing before proceeding to a trial, when both sides present their case, when the judge is independent, and when strict procedures and rules of evidence are followed.
- Ordinary citizens can play a part in a fair trial in their roles as witnesses (providing evidence to the court) and jurors (making decisions about the guilt of the accused based on the law and the evidence presented to the court).
- Legal aid can be provided to people involved in a dispute or criminal matter who would otherwise be unable to afford legal representation or access to the law.
- People can be made aware of the law through education, information and the media.

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Interactivity

Drag and drop

Use this interactivity to learn more about how criminal cases are heard in Australia.

Searchlight ID: INT-5313

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Interactivity

Multiple choice

Searchlight ID: INT-3900

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Interactivity

True/false

Searchlight ID: INT-3901

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Interactivity

Crossword

Reflect

1. Read the following case study and then answer the questions.
 - a. Why do you think that Victoria wanted to introduce changes to its jury directions laws?
 - b. Does Victoria's Attorney-General seem to think that juries are important? What makes you believe this?
 - c. In what way will shorter and simpler jury instructions affect jurors and the right to a fair trial?

In July 2009, Victorian Attorney-General Robert Clark launched a report by the Victorian Law Reform Commission on jury directions. The report found that the process used for judges giving instructions to juries in Victoria encouraged errors in the justice system.

A Jury Directions Advisory Group had been established earlier to explore whether change could be made to the system. The main focus was the lengthy and complicated instructions that judges give to juries.

'Complex jury directions lead to unnecessary appeals and retrials that are a significant cause of delay in the court system, as well as unnecessary trauma and stress for victims, witnesses and others,' Mr Clark said.

Research suggests that instructions to juries in Victoria were approximately two hours longer than in Queensland, South Australia and Western Australia. Estimates for New South Wales were reasonably similar to Victoria.

After the review, Victoria's parliament introduced new laws which encourage shorter and simpler jury instructions that focus on the important issues that juries must focus on in a trial.

2. Examine the national legal aid statistics in table 1 and then answer the questions.
 - a. Which state had the highest number of applications for legal aid? Which state had the highest number of approvals?
 - b. Why do you think these states had the highest number of applications and approvals?
 - c. Calculate the percentage of applications approved for each state. Do this by dividing the number of approvals by the number of applications. Convert this number into a percentage by multiplying by 100. (For example, for the Australian Capital Territory, divide 2197 by 3238. This equals 0.68. Multiplied by 100, this becomes 68 per cent.)
 - d. Which state had the highest percentage of approvals for legal aid? Which state had the lowest percentage of approvals for legal aid?
 - e. Go to your state or territory's legal aid website to try to find out why it does not approve every application. Find out how much money your state or territory spent on legal aid in criminal trials.

Table 1 Legal aid applications and approvals for the financial year 2012–13

State	Applications in 2012–2013	Approvals in 2012–13
Australian Capital Territory	3 238	2197
New South Wales	46 788	37 194
Northern Territory	2 360	2 027
Queensland	34 707	26 186
South Australia	18 947	15 368
Tasmania	7 137	6 281
Victoria	43 415	39 669
Western Australia	13 372	8 915

Source: Data derived from National Legal Aid (NLA) Statistics.

UNCORRECTED PAGE PROOFS