

DESIGNING OUR POLITICAL AND LEGAL SYSTEM YEAR 7 TEACHER POST-VISIT RESOURCE

1. POINTS TO REVIEW AFTER YOUR VISIT

Review the points below and your previous answers with a partner or in a small group and then discuss them with your class.

Instructions:

Note: We have created a [Year 7 Kahoot! Quiz](#)

Read each of the following statements and circle True or False.		
<p>a. The accused person must prove to the court that s/he is not guilty of the crime.</p> <p>A very important legal principle is the burden of proof. That is, the onus/ responsibility is on the State to prove that that the accused is guilty. The State must prove the accused person's guilt beyond reasonable doubt. That is the standard of proof.</p> <p>Another important legal principle is the presumption of innocence, i.e. the accused is always presumed to be innocent until proven guilty.</p>	True	False
<p>b. The judge decides if an accused person is guilty or not guilty for serious charges.</p> <p>The jury decides if an accused person is guilty or not guilty for serious charges. Juries are only used in District Court and Supreme Court trials.</p> <p>The standard of proof required to find an accused person guilty of a crime is the same for a jury and a magistrate, that is, beyond reasonable doubt.</p>	True	False
<p>c. An accused person is thought to be innocent until proven guilty.</p> <p>This is known as the presumption of innocence.</p>	True	False
<p>d. Jury duty is a responsibility of everyone who can vote in Western Australia except in special situations and except for people in special types of jobs.</p> <p>Significant amendments were made to the <i>Juries Act WA</i> in 2011. Those amendments included deferring jury duty for six months on request, increasing the minimum fine to \$800 for failing to respond to a jury duty summons and reducing the number of occupations which make a person ineligible for jury duty.</p>	True	False

e. You have the right to trial by jury if you are accused of a serious crime in Western Australia. Serious crimes are dealt with by the District Court and Supreme Court. Serious crime has a serious impact on our community and, therefore, the community is involved (i.e. in the form of the jury) in such trials. Also, if a person is found guilty of committing a serious crime there are very serious consequences for that person. If a Magistrates Court matter goes to trial a magistrate will hear the case and s/he must decide on the verdict. Juries are not used in the Magistrates Court.	True	False
f. The law for the Queen and Prime Minister is different to the law for everyone else. An essential element of our legal system is that everyone must be treated equally and that everyone is answerable before the law.	True	False
g. The government can remove a judge from his/her position at any time. A judge can only be removed from his/her position if s/he breaks the law and a possible sentence is imprisonment. When a judge reaches the age of 70 s/he must step down. This system is referred to as security of tenure. Security of tenure is important for judges as it helps to ensure that they act without fear or favour in their role.	True	False
h. The Australian Constitution is the set of rules by which Australia is governed. It defines what laws the Commonwealth Government is responsible for and what laws the State Governments are responsible for. The Australian Constitution is the legal framework for governance in Australia.	True	False

2. RULE OF LAW

Read each of the following statements and circle True or False.		
a. Everyone is equal in the eyes of the law. Everyone is equal in the eyes of the law and therefore everyone is treated equally and everyone faces the same penalties if found guilty. Nobody is above the law.	True	False
b. An accused person is thought to be guilty until proven innocent. A very important legal principle is the burden of proof. That is, the onus/responsibility is on the State to prove that the accused is guilty. The State must prove the accused person's guilt beyond reasonable doubt. That is the standard of proof. Another important legal principle is the presumption of innocence, i.e. the accused is always presumed to be innocent until proven guilty.	True	False

<p>c. People accused of serious crimes do not have access to lawyers in Western Australia.</p> <p>People accused of serious crimes must have access to lawyers in WA.</p> <p>In the Magistrates Court accused people quite often represent themselves. Whilst there are numerous drawbacks when a person self-represents the Magistrates Court will, and often, allows it.</p> <p>In the District and Supreme Courts self-representation is strongly discouraged and the court will do everything in its power to ensure that an accused person has legal representation.</p>	True	False
<p>d. The rule of law creates responsibilities for both the government and citizens in Western Australia.</p> <p>Everyone has responsibilities under the rule of law as everyone is accountable/answerable before the law.</p> <p>It would be interesting to brainstorm with the students what responsibilities are created for the government and citizens under the rule of law.</p> <p>The Rule of Law Institute has numerous online resources which teachers may find useful: Rule of Law Institute of Australia</p>	True	False

3. THE THREE ARMS OF GOVERNMENT AND THEIR FUNCTIONS

The three arms of government are the Legislature, the Executive and the Judiciary. Each of the three arms of government has a special role to play in our justice system.

a. Complete the gaps in the sentences below.

The Legislature: makes **laws**. The politicians elected to the WA parliament and the Federal parliament, in both houses, are the Legislature, i.e. the State Legislature and the Federal Legislature.

The Executive: administers the **laws** made by the Legislature. The Governor, Premier and the State Ministers are the State Executive. The Governor General, Prime Minister and the Federal Ministers are the Federal Executive

The Judiciary: interprets and applies the **laws**. The Justices in the Supreme Court of Western Australia are the WA judiciary. The Justices in the High Court are the Federal Judiciary.



4. DISCUSSION TASK

Why do we have three separate arms of government?

Having three separate arms of government ensures that there is separation of powers, i.e. it prevents any one of the three parties from having too much power/influence over the law and how it is applied.

5. GENERAL QUESTIONS

- a. Who do you think has the hardest job in a court room and why do you think that?

All answers should be accepted. Encourage the students to give reasons for their answers.

- b. Which job would you like to have if you worked in a court room and why would you like that job?

All answers should be accepted. Encourage the students to give reasons for their answers.

6. COURT PERSONNEL CHALLENGE (Optional activity)

Instructions

The Court Personnel Challenge is a card game. The job titles of the court personnel are on separate cards. Place the cards face down on the desk.

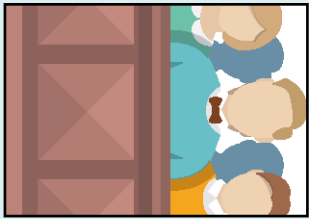
Each person chooses a card and must try to describe the duties of the court personnel on the card. The challenge for the other students is to guess which of the court personnel you are describing.

If the other students can guess which of the court personnel you are describing you keep the card. Then another student has his/her turn. If the other students cannot guess which of the court personnel you are describing you put the card back. Then another student has his/her turn. Keep going until you have been able to describe the duties of all of the court personnel on the cards.

**Cards without the description of the duties are in the student resource document.
The cards will need to be cut up beforehand.**

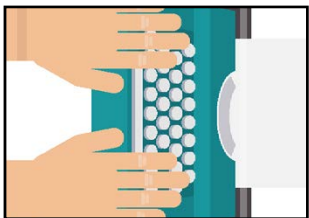


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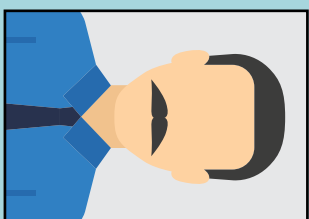
Jury

I am one of twelve people selected to listen to the evidence. We decide if the accused is guilty or not guilty in the Supreme and District Courts.



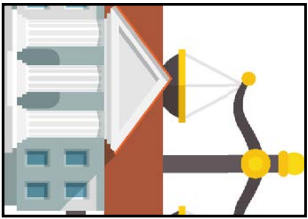
Judge's Associate

I am the judge's personal assistant. I ensure that files are ready for court, read the charges and label any exhibits.



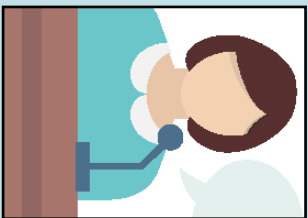
Orderly

I say "All Rise" when the court starts and ends. I go outside the court to call witnesses and bring them into court.



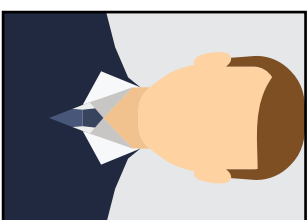
Judge

I make sure the accused person gets a fair trial. I help the jury to understand the law and legal concepts and answer their questions. Finally I decide on the sentence if the accused is found guilty.



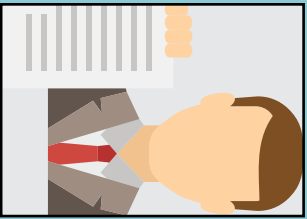
Witness

I am called to give evidence for the prosecution or defence. I tell the court what I know about the case.



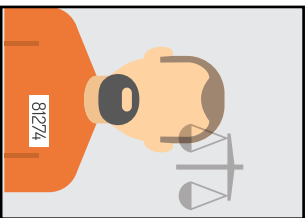
Defence Counsel

I am the lawyer who represents the accused. I try to create doubt that the accused is guilty.



State Counsel

I am the lawyer who represents the State. I must prove beyond reasonable doubt that the accused is guilty.



Accused

I am the person defending the charge.



Jury Foreperson

I am the spokesperson for the jury in court. My role is to ask the judge questions on behalf of members of the jury and I announce the verdict.

Designing our Political and Legal System

Year 7 Multimodal Presentation

TASK

Create a multimodal 3-5min presentation and present it to the class:

During your visit to the Francis Burt Law Education Programme you will have had the opportunity to observe a court in session and/or participate in a mock trial. You should have seen some of the very important legal principles of the Western Australian criminal justice system being used; presumption of innocence, burden of proof and standard of proof, as well as gaining an understanding of how the rule of law applies.

You should also have had the opportunity to observe how citizens participate in the criminal justice system in their roles as either witnesses or jurors.

Discuss the rule of law, the legal principles of our justice system and the role citizens play in our justice system.

1. What does the rule of law mean?
 - a. Give examples of the rule of law being applied while you were in court and/or during the mock trial.
2. What does each legal principle mean?
 - a. Burden of proof
 - b. Standard of proof
 - c. Presumption of innocence
 - i. Give examples of each of the legal principles you observed being used while you were in court and/or during the mock trial or trial re-enactment;
3. Give examples of how citizens participated in their role as either witnesses or jurors while you were in court or during the mock trial.



CRITERIA FOR ASSESSMENT

1. Relevance to the topic
2. Shows a good understanding of the rule of law, legal principles and the roles of citizens in providing justice
3. Provides appropriate examples
4. Accuracy of grammar and spelling
5. Referencing of sources used (either with footnotes or endnotes)

Suggested online resources for research tasks – teachers will need to review and adapt these online resources as per student needs and interests.

Australian Law Reform Commission: [Fair Trial](#)

Australian Law Reform Commission: [Burden of Proof](#)

Australian Law Reform Commission: [Privilege Against Self-Incrimination](#)

Department of Attorney-General: [Jury Duty](#)

Legal Aid Western Australia: [Legal Resources](#)

Legal Services Commission of South Australia: [General Principles of Criminal Law](#)

Rule of Law Institute: [What is the Rule of Law](#)

Supreme Court of Western Australia: [Going to trial](#)