

COUNTY
COURT OF
VICTORIA

JUSTICE IN ACTION: A STUDY GUIDE FOR TEACHERS

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ABOUT THE GUIDE

Justice in Action is designed for Victorian teachers and students of VCE Legal Studies and the Victorian Curriculum, Humanities - Civics and Citizenship Levels 9 and 10. This guide provides students and teachers with fresh insights into the operation of the County Court of Victoria and the Victorian legal system. The County Court of Victoria created *Justice in Action* as part of its commitment to actively engage with the community and build understanding of the Court and its processes.

Two cases – one civil and one criminal

Justice in Action follows two fictitious cases, one civil and one criminal, which closely resemble the types of cases heard by the County Court of Victoria. Through these cases students can extend their understanding of the roles of court personnel, court processes and sentencing. The guide also draws upon a collection of **Fact Sheets** prepared for community use by the Court.

The two case studies are presented as a series of short films. The films include interviews with court personnel as well as re-enactments of aspects of each case. The teacher guide provides notes, discussion points, suggested activities and questions. Curriculum links are also provided.

Using Justice in Action

Justice in Action is not intended to be prescriptive. The films and activities provided can be used in a range of ways. This guide is intended to be an enriching resource that can be adapted by teachers to suit their students, course design and lesson length. As such, each section in *Justice in Action* does not need to be followed sequentially.

Each short film runs for five to six minutes. The guide includes suggestions for introductory and general activities, as well as suggested activities and questions accompanying each short film. Teachers should review the suggested activities to choose and adapt those most suitable for their students' needs.

Prior learning

The films will assist students to learn about the principles of justice. Teachers may choose to explore some terms and concepts before showing the films, or during the films. For example:

- the principles of justice: fairness, equality and access
- key concepts in civil and criminal law
- remedies and sanctions.

Teachers should also provide students with section 319 of the *Crimes Act 1958* (Vic), which outlines the offence of dangerous driving causing death.

Teachers please note: sensitivity is required

The case studies are fictitious. However they are very similar to the types of cases regularly heard by the County Court. The library of cases provided on the Court website are based on real cases, although they have been anonymised.

Please be sensitive to the possibility that some of your students or their families may have been involved in similar matters, or may have experienced the legal system in other ways, such as having a relative or friend in prison.

CURRICULUM LINKS

Justice in Action can be used in various ways in the teaching of VCE Legal Studies and the Victorian Curriculum, Humanities Civics and Citizenship, Levels 9 and 10. The following tables outline the curriculum links explored using the materials in this guide.

Many of the activities in this guide also reflect elements of the following capabilities outlined in the Victorian Curriculum:

- Critical and Creative Thinking
- Ethical
- Personal and Social

| VICTORIAN CURRICULUM HUMANITIES – CIVICS AND CITIZENSHIP | | LEVEL 9 & 10 |
|---|--|--------------|
| CONTENT DESCRIPTOR | ACHIEVEMENT STANDARD | |
| Describe the key features of Australia’s court system, including jurisdictions and how courts apply and interpret the law, resolve disputes and make law through judgments... | They explain the key principles of Australia’s system of justice and analyse the role of Australia’s court system. | |

| VCE LEGAL STUDIES – UNIT 1: GUILT AND LIABILITY | | |
|---|---|--|
| AREA OF STUDY | AREA OF STUDY | AREA OF STUDY |
| 1 – Legal foundations | 2 – The presumption of innocence | 3 – Civil Liability |
| KEY KNOWLEDGE <ul style="list-style-type: none"> ◦ the role of individuals, laws and the legal system in achieving social cohesion and protecting the rights of individuals ◦ the principles of justice: fairness, equality and access ◦ types of law such as criminal and civil law ◦ the distinction and relationship between criminal law and civil law | KEY KNOWLEDGE <ul style="list-style-type: none"> ◦ the presumption of innocence ◦ key concepts of criminal law, including: <ul style="list-style-type: none"> – the elements of a crime: actus reus and mens rea – strict liability – the burden of proof – the standard of proof | KEY KNOWLEDGE <ul style="list-style-type: none"> ◦ key concepts of civil law, including: <ul style="list-style-type: none"> – breach – causation – loss – the burden of proof – the standard of proof |
| KEY SKILLS <ul style="list-style-type: none"> ◦ define key legal terminology ◦ explain the role of individuals, laws and the legal system in achieving social cohesion and protecting the rights of individuals | KEY SKILLS <ul style="list-style-type: none"> ◦ define and use legal terminology ◦ research and analyse relevant information about criminal law and offences ◦ explain the purposes and key concepts of criminal law ◦ synthesise and apply legal information to actual and/or hypothetical scenarios in relation to two offences ◦ use legal reasoning and principles to identify and argue the elements of an offence, possible defences and culpability in relation to two actual and/or hypothetical scenarios. | KEY SKILLS <ul style="list-style-type: none"> ◦ define and use legal terminology ◦ explain the purposes and key concepts of civil law ◦ synthesise and apply legal information to actual and/or hypothetical scenarios in relation to two areas of civil law ◦ apply legal reasoning and principles to identify and argue the elements, possible defences and civil liability in relation to two actual and/or hypothetical scenarios |

CURRICULUM LINKS

| VCE LEGAL STUDIES – UNIT 2: SANCTIONS, REMEDIES AND RIGHTS | |
|--|---|
| AREA OF STUDY | AREA OF STUDY |
| KEY KNOWLEDGE <ul style="list-style-type: none"> ◦ the principles of justice: fairness, equality and access ◦ an overview of the role and criminal jurisdictions of the Victorian courts ◦ the role of the jury in a criminal trial ◦ the purpose of sanctions: punishment, deterrence, denunciation, protection and rehabilitation ◦ types of sanctions such as fines, community correction orders and imprisonment ◦ factors considered by judges in sentencing | KEY KNOWLEDGE <ul style="list-style-type: none"> ◦ the principles of justice: fairness, equality and access ◦ methods used to resolve a civil dispute such as mediation, conciliation and arbitration ◦ an overview of the role and civil jurisdictions of the Victorian courts ◦ the role of the jury in a civil trial ◦ the purpose of remedies ◦ types of remedies, such as damages and injunctions |
| KEY SKILLS <ul style="list-style-type: none"> ◦ define and use legal terminology ◦ explain the role of Victorian courts and juries in criminal cases ◦ discuss the principles of justice in relation to the enforcement of criminal law and sanctions ◦ discuss the ability of sanctions to achieve their purpose ◦ discuss approaches to sentencing | KEY SKILLS <ul style="list-style-type: none"> ◦ define and use legal terminology ◦ explain the role of the Victorian courts and juries in civil cases ◦ discuss the principles of justice in relation to the resolution of civil disputes and remedies ◦ discuss the ability of remedies to achieve their purposes |

CURRICULUM LINKS

| VCE LEGAL STUDIES – UNIT 3: RIGHTS AND JUSTICE | |
|---|---|
| AREA OF STUDY | AREA OF STUDY |
| KEY KNOWLEDGE <ul style="list-style-type: none"> ◦ the principles of justice: fairness, equality and access ◦ key concepts in the Victorian criminal justice system, including: <ul style="list-style-type: none"> – the burden of proof – the standard of proof – the presumption of innocence – the rights of an accused, including the right to be tried without unreasonable delay, the right to a fair hearing, and the right to trial by jury – the responsibilities of key personnel in a criminal trial, including the judge, jury, parties and legal practitioners – factors considered in sentencing, including aggravating factors, mitigating factors, guilty pleas and victim impact statements – recent reforms and recommended reforms to enhance the ability of the criminal justice system to achieve the principles of justice | KEY KNOWLEDGE <ul style="list-style-type: none"> ◦ the principles of justice: fairness, equality and access ◦ key concepts in the Victorian civil justice system, including: <ul style="list-style-type: none"> – the burden of proof – the standard of proof ◦ the responsibilities of key personnel in a civil trial, including the judge, jury, the parties and legal practitioners ◦ the methods used to resolve civil disputes, including mediation, conciliation and arbitration and their appropriateness ◦ the purpose of remedies ◦ damages and injunctions, and their specific purposes ◦ recent and recommended reforms to enhance the ability of the civil justice system to achieve the principles of justice |
| KEY SKILLS <ul style="list-style-type: none"> ◦ define and use legal terminology ◦ discuss, interpret and analyse legal principles and information ◦ explain the rights of an accused and of victims in the criminal justice system ◦ discuss the responsibilities of key personnel in a criminal trial ◦ discuss the ability of sanctions to achieve their purposes ◦ evaluate the ability of the criminal justice system to achieve the principles of justice ◦ synthesise and apply legal principles and information to actual and/or hypothetical scenarios | KEY SKILLS <ul style="list-style-type: none"> ◦ define and use legal terminology ◦ discuss, interpret and analyse legal principles and information ◦ explain the purposes of pre-trial procedures, using examples ◦ discuss and justify the appropriateness of institutions and methods used to resolve a civil dispute ◦ discuss the responsibilities of key personnel in a civil trial ◦ discuss the ability of remedies to achieve their purposes ◦ evaluate the ability of the civil justice system to achieve the principles of justice ◦ synthesise and apply legal principles and information to actual and/or hypothetical scenarios |

ABOUT THE COUNTY COURT OF VICTORIA

Principal trial court

The County Court of Victoria is the principal trial court in Victoria. It hears and determines over 12,000 matters each year. The Chief Judge and the County Court's 66 other judges are supported by over 300 staff. Judges sit in three divisions: Common Law and Commercial (which together form the Court's civil jurisdiction), and Criminal. The Court's purpose is to hear and determine matters in a fair, timely, efficient and accessible way.

Regional courts

In addition to proceedings in Melbourne, judges hear cases at circuit courts in 12 regional Victorian centres. County Court judges also sit as the heads of jurisdiction at the Magistrates' Court, Coroners Court and Children's Court, and they sit at the Victorian Civil and Administrative Tribunal as Vice-Presidents.

Civil jurisdiction

The County Court has jurisdiction in civil and criminal matters. It has original and appellate jurisdiction. The types of civil cases the court can hear include disputes in commercial and building matters and claims for damages, for example for medical negligence, serious injury and defamation.

Civil cases also include matters under specific statute laws, for example in the areas of property, wills and estates, and adoption. The County Court's civil jurisdiction is divided into two Divisions: the Commercial Division and the Common Law Division.

Criminal jurisdiction

The County Court hears criminal cases involving the prosecution of all indictable offences under Victorian criminal law, except treason, murder and manslaughter. Indictable offences are more serious crimes, such as physical and sexual assaults, commercial drug offences, and property offences, such as armed robbery and arson.

Cases involving prosecutions of these offences involve a jury deciding whether the accused person is guilty or not guilty and a judge imposing sentence on an offender if he or she is found guilty of an offence. The Court also hears matters related to criminal charges, such as bail applications.

Keeping up with the times

The County Court acknowledges the world is changing rapidly and profoundly, and it must adapt to meet the challenges and embrace the opportunities that lie ahead. Chief Judge Peter Kidd has outlined a number of priorities to ensure the Court continues to meet the expectations of the community.

By engaging further with the community, the Court aims to be open and transparent and to build community understanding of the role of the Court.

The Court sees its strengths as:

- A commitment to the very highest standards of justice
- Adherence to the principles of openness and transparency
- Professional and highly-motivated staff
- Future focused

Further information about the County Court's role, jurisdiction and history can be found in [Fact Sheet 1](#).

CIVIL LAW: THE SECURITY GUARD SUES FOR NEGLIGENCE

BACKGROUND TO THE CASE

A security guard (the plaintiff) was injured at work when she was punched by a patron outside a party. She injured her neck and back and needs surgery. She does not recover from her injuries and becomes depressed.

The plaintiff sues her employer (the security company) and the venue operator for negligence, alleging they both owed her a duty of care and breached this duty by failing to train her properly and failing to carry out a proper risk assessment.

Both defendants deny they were negligent and argue in defence that there was contributory negligence by the plaintiff and a voluntary assumption of risk. The plaintiff had followed the patron outside onto the street in contravention of her employer's training manual.

The plaintiff elects to have the matter heard by a jury, which finds that both defendants were negligent, and did not provide the security guard with a safe working environment and adequate support. The lawyer for the plaintiff argues she should receive general damages for pain and suffering and special damages for lost earnings.

CIVIL CLAIM

EPISODE 1: THE CIVIL COURTROOM

This episode introduces key personnel in the civil courtroom.

SUGGESTED STUDENT ACTIVITIES AND QUESTIONS

Create a chart like the one below. While watching this episode, or later, complete the 'Role' section of this chart. Then, with a partner, discuss how each role contributes to the principles of justice.

An example has been completed below. [Fact Sheet 3](#) provides more detail about the role of key personnel in the County Court and other key concepts.

| LEGAL PERSONNEL | ROLE | HOW DOES THIS ROLE CONTRIBUTE TO THE PRINCIPLES OF JUSTICE: FAIRNESS, EQUALITY AND ACCESS? |
|---|---|---|
| Plaintiff's team (barrister and solicitor) | | |
| Defendant's team (barrister and solicitor) | | |
| Judge's associate | A lawyer who helps the judge organise the trial. The judge's associate locates relevant points of law, assists with research and general paperwork and liaises with the parties and public on the judge's behalf. | Helps with access to justice by communicating with the parties and the public about the matter. Helps with fairness by ensuring that the judge has relevant case law and other research at hand to help with decision-making in the matter. |
| Tipstaff | | |
| Judge | | |
| Jury | | |

CIVIL CLAIM

EPISODE 2: THE PLAINTIFF'S CLAIM

This episode can be used by teachers and students to apply the elements of the civil law of negligence to the facts of a scenario and to explore possible defences.

Prior knowledge

There will be a range of terms that may be unfamiliar to students. You might choose to research these terms prior to watching this episode, or you can do this as you go through the episode. These include;

- Duty of care
- Negligence
- Contributory negligence
- Voluntary assumption of risk
- Balance of probabilities
- Apportionment of liability
- General damages
- Special damages
- Punitive damages.

SUGGESTED STUDENT ACTIVITIES AND QUESTIONS

1. Listen to Judge O'Neill's summary of this case and, on your own or in small groups, discuss the following questions:
 - a. What does the plaintiff allege against her employer?
 - b. What does the plaintiff allege against the company that operates the venue?
 - c. Who are the defendants in this case?
 - d. What does negligence mean?
 - e. What is the role of the lawyers (the barrister and solicitor) in a civil claim?
 - f. If a client tells a lawyer something, is the lawyer allowed to mislead the court? Explain your answer, including how this rule promotes the principles of justice.
2. Working in pairs, and using the elements of the common law tort of negligence and the information provided by the lawyers in this episode, explain the plaintiff's case against her employer and the venue operator, including your evaluation of the likelihood of success of each element. The following table will help you explain your arguments.
3. Considering the above factors, predict whether the plaintiff will be successful in her negligence claim against each defendant. Justify your response.

| ELEMENT OF NEGLIGENCE | ARGUMENT | EVALUATE THE LIKELIHOOD OF SUCCESS |
|--------------------------------|----------|------------------------------------|
| Duty of care | | |
| Breach of duty | | |
| Causation | | |
| Loss | | |
| Possible defences | | |
| ◦ Contributory negligence | | |
| ◦ Voluntary assumption of risk | | |

CIVIL CLAIM

EPISODE 3: MEDIATION AND DISCOVERY

This episode outlines the mediation process and explores the pre-trial procedure of discovery of documents.

SUGGESTED STUDENT ACTIVITIES AND QUESTIONS

Judge Chris O'Neill, the Head of the Common Law Division, says around 85% of matters that start in the County Court are resolved before they get to trial. Many of these will be resolved through the process of mediation. Some will 'settle' or be resolved after mediation, but just prior to the scheduled trial date.

1. Explain why you think so many matters resolve prior to trial.
2. What are the benefits of taking a reasonable offer to settle?
3. What are the risks of rejecting a reasonable offer to settle and deciding to go to trial?
4. What factors should a plaintiff consider before accepting an offer to settle?
5. Imagine you are a spokesperson for the County Court. The court has been approached by the 'Lawchat' radio program to explain the benefits of mediation. A member of the public has also contacted Lawchat arguing that plaintiffs do not get a 'fair outcome' through mediation and miss out on the chance to have their matter heard in court. **Fact Sheet 10** provides further information about the process and advantages of mediation and alternative dispute resolution generally.
In pairs, write and perform a short role-play that explains the benefits of mediation as well as the possible disadvantages. Your script should refer to the principles of justice: fairness, equality and access.

6. What is the limitation of actions? Explain the ways in which having limitation of actions promotes the principles of justice. Consider all parties involved in a civil proceeding when answering this question.
7. Discovery of documents is an important pre-trial (or interlocutory) step. Explain what discovery of documents involves.
8. Sometimes there are disputes about discovery of documents. In this case:
 - a. Why would the plaintiff's medical records be relevant?
 - b. Why would internal training manuals and processes from the security company be relevant? How might the plaintiff and defendant's arguments might be affected if they do not have access to these documents?
9. The plaintiff's employer's policy was not to follow patrons outside. Why does the plaintiff say she followed the patron outside the venue in this case?
10. Do you think her answer was reasonable? Explain your thinking. How might this fact affect her case?

CIVIL CLAIM

EPISODE 4: THE ROLE OF THE JURY

This episode focuses on the role of a jury in a civil matter and on the process of determining damages.

HAVE YOUR SAY: YOU ARE THE JURY



What factors might be considered in determining the types and amount of damages paid?

Decide the types of damages your jury agrees to and the amount. Justify your response.

SUGGESTED STUDENT ACTIVITIES AND QUESTIONS

1. Outline the judge's role at the end of a civil case.
2. What are the two types of damages that could be awarded in this case?
3. If you were a juror, how easy or difficult would you find it to make an assessment of damages? Explain your response.
4. How effective do you think damages are in compensating a plaintiff in a case like this one? Consider the principles of justice in your response.

Further activities

1. Using [Fact Sheet 13](#), explain the civil and criminal jurisdiction of the County Court of Victoria.
2. In small groups, using [Fact Sheet 10](#) critically analyse three ways the County Court promotes access to justice.
3. Write a reflection on this hypothetical civil matter, which brings together your knowledge of legal principles. The reflection should include an evaluation of how well the principles of justice were achieved in this matter.

CRIMINAL LAW: THE DRIVER, THE MOBILE PHONE AND THE CYCLIST

BACKGROUND TO THE CRIMINAL TRIAL

This is a trial for dangerous driving causing death. A 22 year old man is using his mobile phone to text a friend and is driving too fast (but not above the speed limit) as he approaches a roundabout. A bike rider goes through the roundabout very quickly in front of him and he clips the back wheel of her bike with his car. The bike rider is killed.

The defendant pleads not guilty at a committal hearing and is committed to stand trial in the County Court. The defence collision report suggests the bike rider was travelling very fast and the defendant was driving at a reasonable speed. The defendant has expressed considerable remorse and has no prior convictions.

CRIMINAL TRIAL

EPISODE 1: THE CRIMINAL COURTROOM

This episode introduces key personnel in the criminal courtroom.

To the teacher

If not undertaken with students already, teachers may choose to discuss with students the concept of justice and the three underlying principles of justice: fairness, equality and access.

SUGGESTED STUDENT ACTIVITIES AND QUESTIONS

Use a chart such as the one below that lists the legal personnel referred to in this episode. In pairs, outline the role of each person, and then explain how their presence in the courtroom contributes to the principles of justice.

His Honour Chief Judge Peter Kidd notes that most criminal trials are conducted in public. How does having a public trial promote the principles of justice?

| LEGAL PERSONNEL | ROLE | HOW DOES THIS PERSON CONTRIBUTE TO THE PRINCIPLES OF JUSTICE: FAIRNESS, EQUALITY AND ACCESS? |
|---|------|--|
| Prosecution team (barrister and solicitor) | | |
| Defence team (barrister and solicitor) | | |
| Judge's associate | | |
| Tipstaff | | |
| Judge | | |
| Jury | | |

CRIMINAL TRIALS

EPISODE 2: THE RIGHTS OF THE ACCUSED

This episode describes the details of the case and focuses on the rights of the accused, such as

- the right to be tried without unreasonable delay
- the right to a fair hearing and
- the right to trial by jury.

SUGGESTED STUDENT ACTIVITIES AND QUESTIONS

1. The barrister Sarah Keating refers to the 'cab rank' principle. This means that barristers must accept any work in an area of law in which they are competent. How does this contribute to the principles of justice?
2. Why would it be unfair to have to represent yourself in court? [Fact Sheet 5](#) has more information about how access to legal representation promotes the principles of justice.
3. Outline the role of prosecutors. How must they act in a fair way?
4. What is a statutory offence?
5. Where do you find the elements of this particular offence?
6. Is there a mental element to the offence of dangerous driving causing death? Explain your answer.
7. Imagine you are the lawyer representing the young man in this case. Explain to him why you think he is likely or unlikely to be granted bail. Explain how bail promotes the principles of justice.
8. Judge Lisa Hannon, the head of the Common Law Division of the County Court, says that matters similar to this could take up to two years to be heard and completed, from the time of being charged to trial and sentencing in the County Court. Why could it take this amount of time to hear and finalise a case?
9. In small groups, predict the impact of delays (from the time of charge to sentencing) on the following people involved in the justice system:
 - victims and their families
 - defendants
 - judges
 - other court staff
 - others waiting to have their case heard
 - taxpayers
10. What are the three things the prosecution has to prove in this case? Write a short paragraph summarising what the prosecution must establish to achieve a guilty verdict in this case. Apply the facts of this case in your answer.

CRIMINAL TRIALS

EPISODE 3: THE KEY ARGUMENTS

This episode outlines what the prosecution will argue in the case and what might be the case for the defence. Students can practise applying the facts of a case to the elements of the offence of dangerous driving causing death. The role of the jury is also outlined.

HAVE YOUR SAY: YOU ARE THE JURY



In small groups discuss the outcome of this case – do you think the accused will be found guilty of the offence of dangerous driving causing death? All people in your group must come to an agreement on the predicted outcome. Refer to the three elements of this offence in your discussion.

SUGGESTED STUDENT ACTIVITIES AND QUESTIONS

1. Crown Prosecutor Fran Dalziel notes the prosecutor will need to make it clear to the jury that they don't need to find that the accused deliberately did something wrong, but that in all the circumstances, the driving was dangerous. List all of the behaviours of the accused that the prosecution would use to establish this.
2. What does barrister Sarah Keating say about each element of the offence in relation to this case? What is the real issue in this case? What will the prosecution need to prove?
3. How can this case be defended, according to Sarah Keating? What defences might be available in this case? Which elements of the offence do they relate to?
4. Imagine you are the defence counsel. Applying the elements of the offence of dangerous driving causing death to the facts of this case, what will you argue in relation to:
 - the use of the mobile phone?
 - the speed of the bike rider?
5. Imagine you are the prosecution counsel. Applying the elements of the offence of dangerous driving causing death to the facts of this case, what will you argue in relation to:
 - the use of the mobile phone?
 - the speed of the bike rider?
6. Judge Peter Kidd discusses the role of the jury in this episode. What are the jury's key roles? How does this compare to the role of the judge?
7. Evaluate how effective you believe the jury system is in meeting the principles of justice: fairness, equality and access.

CRIMINAL TRIALS

EPISODE 4: SENTENCING AND IMPACT

The jury reaches the verdict. This episode focuses on the sentencing process and the impact of offending on both the offender and the victim's family.

SUGGESTED STUDENT ACTIVITIES AND QUESTIONS

If a defendant is found guilty, there will be a plea hearing. It usually does not take place immediately, but a date will be set for several weeks later. Barrister Sarah Keating outlines the reasons having a period of time before the plea hearing.

1. Explain how this time period helps achieve the principle of fairness for the defendant.

Chief Judge Kidd discusses the sentencing process. The Chief Judge says that sentencing is not mathematical, but that it involves the application of a number of principles. A sentence must be just in all the circumstances, including consideration of rehabilitation of the offender. It must also be consistent.

The sentencing guidelines for judges are laid out in Section 5 the *Sentencing Act 1991* (Vic) and must be used by judges.

2. Working with a partner, explain what you think is meant by each of these sentencing principles, as outlined in the sentencing guidelines:

| SENTENCING PRINCIPLE | MEANING |
|-----------------------------|---------|
| Punishment | |
| Specific deterrence | |
| General deterrence | |
| Rehabilitation | |
| Denunciation | |
| Protection of the community | |

3. Listen to Chief Judge Kidd's comments about sentencing again, then outline some of the challenges judges face when handing down sentences. It is noted that the daughter of the victim has submitted a victim impact statement in which she says "*I never wish for any other daughter to go through [this], for the pain and suffering is too much.*"
4. **Fact Sheet 8** contains further information about the role and rights of victims. Using this fact sheet, create an information piece (you can use video, audio, a brochure or something similar) for victims of crime, outlining the rights of victims and the ways victims are supported before, during and after a criminal trial in the County Court.
5. In the judge's address to the offender, she says that this offence is often committed by young people, so there is a need to deter other young people from committing the same offence. Explain how the judge is applying the sentencing guidelines by making this comment.
6. How will the accused's life may be changed due to a conviction? Provide and explain more than two reasons in your response.
Fact Sheet 5 contains further information about sentencing in the County Court and how it promotes the principles of justice.
7. The sentence handed down in this matter is described in the written summary of the case. Students can be guided through the basic principles of sentencing, and the types of sentences available, and current sentencing practices. Students can examine statistics about dangerous driving causing death to predict the sentence in this matter.
Statistics about dangerous driving causing death show:
 - It is often young people who commit this offence
 - Overwhelmingly, it is men who commit this offence rather than women
 - Many offenders are sentenced to a term of imprisonment.
8. In small groups, discuss the following questions:
 - a. Should there be an education campaign for young people about this offence? Why?
 - b. This offence is a relatively common way that otherwise law-abiding citizens find themselves in jail. Why do you think this might be?
9. Evaluate how effective sanctions can be in achieving

CRIMINAL TRIALS FURTHER ACTIVITIES

- In pairs, use **Fact Sheet 6** to explain the process of a committal hearing. How does a committal hearing contribute to the principles of justice: fairness, equality and access?
- Using **Fact Sheet 5** evaluate how effectively a criminal law plea and hearing reflects the principles of justice.
- Write a reflection on this criminal case, applying your knowledge of legal principles. The reflection should include an evaluation of how well the principles of justice were achieved in this case.
- **Fact Sheet 9** outlines how the issue of mental illness is addressed by the criminal law and in the procedures of the County Court. How does the law and procedure about fitness to stand trial, and the defence of mental impairment, contribute to the principles of justice?
- Using the information from the criminal case study, reflect on some of the factors that affect the ability of the criminal justice system to achieve the principles of justice. Consider in particular Judge Hannon’s comments in relation to the time taken for matters to move through the court system.
- Use **Fact Sheet 2** to explain the recent reforms to how children can give evidence in the County Court. Discuss the benefits and any possible disadvantages of these reforms.
- Use **Fact Sheet 14** to explain how the Koori County Court operates. How does it promote the principles of justice?

FURTHER RESOURCES & BIBLIOGRAPHY

County Court of Victoria

Information about the major trial court in Victoria

Court Services Victoria

An independent statutory body providing services and facilities to Victoria's courts, information about all Victorian courts, jury service, and a range of other information

Law Stuff, National Children's and Youth Law Centre

Information for young people about the law, their rights and the legal system

Sentencing Advisory Council

Detailed information about sentencing in Victoria, including student activities and statistics

Victims of crime

Government website with information and support for victims of crime

Victoria Law Foundation

Helps Victorians understand the law, resources for teachers and students

Victoria Legal Aid

Legal services and advice, answers to common legal questions

Bibliography

Sentencing Advisory Council, Sentencing Advisory Council: Online sentencing statistics, accessed 2018, <https://www.sentencingcouncil.vic.gov.au/statistics/sacstat>

Victorian Curriculum and Assessment Authority, 2017, Victorian Certificate of Education, Legal Studies Study Design, Victorian Curriculum and Assessment Authority

Victorian Curriculum and Assessment Authority, Victorian Curriculum: Civics and Citizenship, 2018, <http://victoriancurriculum.vcaa.vic.edu.au/the-humanities/civics-and-citizenship/introduction/rationale-and-aims>

Legislation

Crimes Act 1958 (Vic)

Sentencing Act 1991 (Vic)





County Court of Victoria

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countycourt.vic.gov.au

