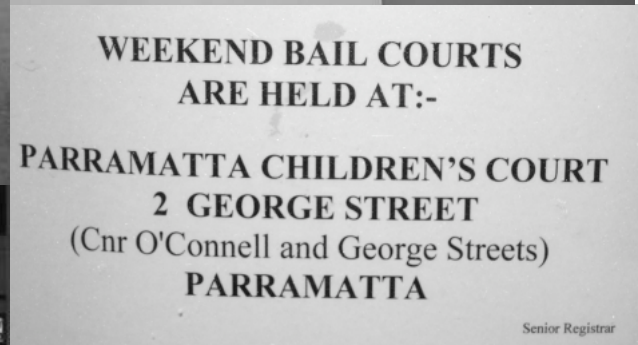
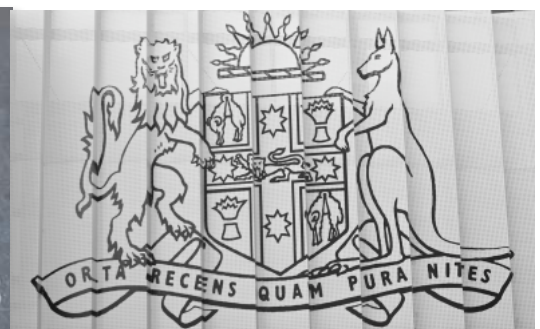


A Guide for Teachers & Students Visiting the Court



Overview

Students should be aware that they are in a real court, where decisions will be made affecting the lives of real people. Some of these decisions may have only a small effect on the person's life, some of the decisions may have a major life changing effect, such as major criminal conviction and a custodial sentence. The events occurring in the court may be emotionally charged and strong feelings may be expressed and otherwise made known – students and teachers should avoid reacting to such conduct.

Students should always remember they are in a court of law, and act accordingly.

What is a “Court”?

A court is a legal institution, part of the government of the state, established to rule on questions of law and decide legal rights and liabilities. In a criminal case the question is whether the accused, on the evidence presented, is guilty beyond a reasonable doubt. In a civil action, the question is has the plaintiff proven the case on the balance of probabilities.

The court consists of a range of personnel all with specific roles to play. Students should note that this is NSW; Australian courts are not like the courts that they may have seen in television programs from the U.S. Lawyers (barristers and solicitors) stand and address the court from the Bar table, they do not walk around the court



room at all. Should they wish to speak to the Judge they must ask and be granted permission to approach the Bench.

The Department of the Attorney General and Justice has an excellent guide to the court entitled “Who’s who in a criminal trial by jury. It is recommended students engage with this interactive courtroom activity prior to their court visit.

http://www.courts.lawlink.nsw.gov.au/cats/courtguide/whos_who/criminal_trial.html#defencelawyer

Notes on Specific Courts

Children's Court

While students are not able to visit the Children's Court (because, in the interests of the children being dealt with, the court's proceedings are not open to the public), they should visit the Court website which has a great deal of information regarding the operations of the Children's Court.
<http://www.childrenscourt.lawlink.nsw.gov.au/childrenscourt/index.html>



Coroner's Court and Family Court

Students are permitted to attend both Coroner's and (most) Family Court hearings, at the discretion of the Coroner / Deputy State Coroner or the Family Court Judge. Students should be mindful of the sensitive nature of the proceedings. Unlike other NSW courts, the Coroner's Court is an inquisitorial court, where the magistrate takes an active role in the proceedings by investigating the death concerned; there are no opposing counsel, only counsel assisting the Coroner and perhaps counsel representing particular witnesses.
<http://www.coroners.lawlink.nsw.gov.au/coroners/index.html>
<http://www.familycourt.gov.au>

The Drug Court

Students should be aware that the Drug Court is a unique court. The emphasis is on rehabilitation, with many suspended sentences and treatment orders given. Students should note that often a round of applause is given and cheering occurs when an offender has gone for a day, a week or a month without re-offending or using drugs. It is a courtesy to applaud at the appropriate time.

Closed Courts

At times a court may be closed to the public. Children's Court hearings are always "closed" or "in camera" hearings.

At other times, a public court may need to be closed, especially when a child is a defendant or witness or when an order has been made when the proceedings are not to be published, such as in a terrorism trial.

If a court is closed, the glass-viewing panel in the door will be covered over, indicating that students (and any other members of the public) are not to enter.

Court hearings

Mentions and adjournments

Mentions

The first time an accused person goes to court (and perhaps on follow-up occasions) it is called a mention. Local Court mentions are usually very brief. There may be a number of mention dates in the Local Court. The accused person may be required to attend. If they are in custody, they may appear from the place they are detained by video-link. The accused person does not have to enter a plea of guilty or not guilty during Local Court mentions (but may do so as a defended hearing approaches).

Adjournments

Sometimes, parties to a court proceeding may ask the court for more time before the matter is considered, for one of many reasons. This is called an adjournment. It is up to the Judge's or Magistrate's discretion as to whether or not to grant an adjournment and if granted, what length of time is appropriate.

Other Proceedings

A number of other proceedings occur in the courts, most of which students will be familiar with. These include committal hearings, criminal trials, sentencing hearings and appeals as well as a wide range of civil matters.

Witnesses

Students should be aware that with a hearing involving witnesses, all witnesses giving evidence in a case will remain outside the courtroom until called by the Court Officer to give their evidence. After a witness's testimony has been completed (including examination-in-chief, cross-examination and re-examination) the witness will usually leave the courtroom (although allowed to remain).

Students should be aware that only a small percentage of criminal trials are jury trials, most defended criminal matters being heard in the Local Court before a Magistrate. While many courtrooms, especially in District Courts, will have a jury box, very few will have a jury present.

Visiting the court

Students should dress neatly in either full school uniform or neat, smart casual dress.

Students and their gear / equipment will be checked by security staff, this will generally include a security scan, just like at an airport. At all times, students must comply with any directions from the court personnel.



Security checkpoint at the Downing Centre Court Complex

What to take to the Court complex.

- A clipboard
- Pens / pencils.

Students should only bring a **small** bags, such as a “bum bag”, if absolutely essential.

What NOT to take to the Court complex.

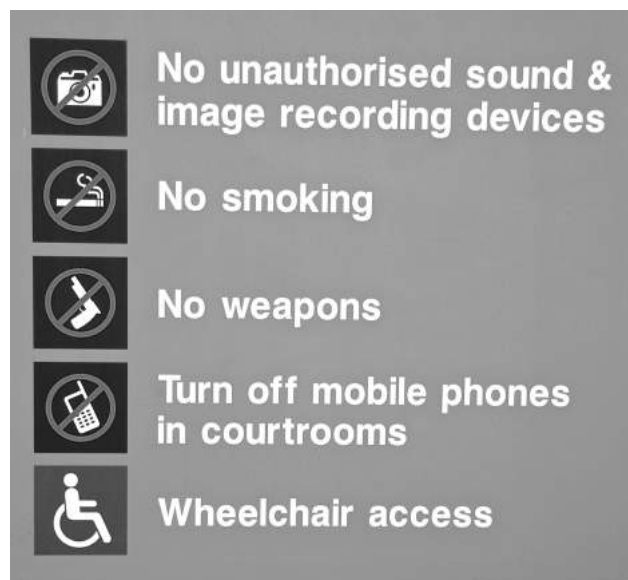
The following items should NOT be taken into any court complex:

- scissors
- knives
- laser pointers
- metal rulers or any sharp-edged metal items
- food and drink
- electronic devices, including laptops, portable music players, cameras and gaming consoles
- caps, beanies or other headwear

It is an offence to bring items that are considered dangerous or illegal into the Court complex. Recording of any kind, image or sound, is prohibited in the Court complex.

Students should not take large school bags to the court. There are often limited or no storage facilities for them and they cannot be left unattended.

Before students enter the court building they must hand in their mobile phone to the court officer. These items will be returned when students leave.



In the Court complex

Students should wait quietly and patiently until they are able to enter a courtroom. In many cases a Court Officer will give the students an introductory talk in one of the courtrooms.

When moving between courts and around the court complex, students should move quietly and carefully in small groups, being aware of the many members of the public also attending.

In the Court room

Students should enter the courtroom quietly and find a seat in the public gallery quickly so as not to disturb any proceedings underway. Some courts may be closed and students will not be permitted to enter.

If a judge or magistrate is present, students should give a small bow of the head and shoulders towards the bench as they enter the courtroom. This is done out of respect for the important position that the judge or magistrate holds in society.



Parramatta Courthouse Complex houses both District and Local Courts



Downing Centre Court Complex: Local and District Courts,

If a judge enters or leaves the court, whilst students are present, students will be asked by a Court Officer to stand. The judge or magistrate will bow to the court and students should reciprocate.

Once students have entered a courtroom, they should remain viewing the case for at least 20 minutes to minimize disruption to the proceedings.

Many magistrates/judges will address students, during proceedings, to give explanation or comment on the court process. On occasions, the magistrate or judge may engage in discussion when the court has been adjourned. Students should address the magistrate or judge as “Your Honour” and should ask sensible questions.

If students leave the courtroom when the court is still in session, they should do so quietly as a group, remembering to acknowledge the Bench by bowing slightly when they leave.

Students should remember that these are real cases and the accused, victims and relatives of all parties may be present in the Court and are to be respected. Students should also be mindful that matters given in evidence may be offensive or disturbing and the language used (repeating things said outside at an earlier time) may be offensive and they should act appropriately.

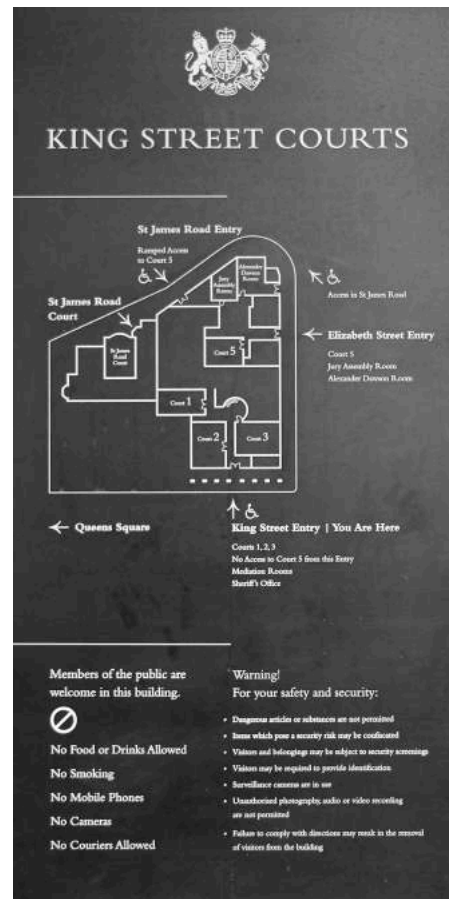
Magistrates and judges may determine that the matter before the court is not appropriate for the students and they may be asked to leave. Students may encounter people they know during a Court visit, and should be mindful of the person's privacy and the nature of the court matter.



Supreme Court of NSW – St James Rd Court



Supreme Court of NSW – Queens Square



Other Court Links

NSW Courts and Tribunals

http://www.courts.lawlink.nsw.gov.au/cats/which_court_or_tribunal.html

H.S.C.Online Criminal Trial Process Charles Sturt University

http://hsc.csu.edu.au/legal_studies/structure/crime/4076/trial_process.htm

Armstrong Legal (Criminal Law Lawyers) Court videos

<http://www.armstronglegal.com.au/criminal-law/court-videos/>

Federal Courts

<http://www.ag.gov.au/legalsystem/courts/Pages/default.aspx>

Family Law Courts, a range of useful links

<http://www.familylawcourts.gov.au>

The various courts and Attorneys Generals departments have web pages for media releases. These are a quick and easy source of useful information for students and teachers.



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