VCE Legal Studies 2018–2023

Appendix 2 – The Magistrates Court – Observation Activity

Unit 1 Area of Study 1

To complete this task you will need to take notes on your observations during your visit and complete a written task after your visit. You will need a copy of this observation task prior to the visit so that you can take notes during the visit.

Name: Date: \_\_\_\_ / \_\_\_\_ / \_\_\_\_

Section 1 – Predict – To be done PRIOR to going to Court

What are you likely to see or observe at the Magistrates court in Melbourne? How are you likely to feel in this environment? (Clues: consider cases, dress, types of employment, location, physical features, architecture, design or layout).

Section 2 – Observe – To be done DURING your observations at the Court

Draw a floor plan of the Magistrates’ Court and include labels for the following participants:

* Magistrate
* Bench clerk
* Media / Reporters
* Defence
* Prosecution
* Witness
* Defendant

Briefly describe the function of each person above

| Court Personnel | Role / Function |
| --- | --- |
| Magistrate |  |
| Bench clerk |  |
| Media / Reporters |  |
| Defence |  |
| Prosecution |  |
| Witness |  |
| Defendant |  |

Take notes on a number of cases your observed in court

| Case | Gender of defendant | Estimated age of defendant | Type of Offence / Case | Was the defendant Represented (yes/no)? | What was the case about? | Was the defendant convicted? | If so, what sanction was given? |
| --- | --- | --- | --- | --- | --- | --- | --- |
| 1 |  |  |  |  |  |  |  |
| 2 |  |  |  |  |  |  |  |
| 3 |  |  |  |  |  |  |  |
| 4 |  |  |  |  |  | | |
| 5 |  |  |  |  |  | | |

Comment on your impressions of the courtroom. You should comment on the following points:

* The courtroom atmosphere—was it formal or informal?
* The physical facilities—consider heating, cooling, lighting, seating and acoustics
* The proceedings—such as the number of cases heard and the speed at which the cases were heard
* Whether it appeared to be efficient. Did it appear to be fair?

Section 3 – Explain & Evaluate – To be done AFTER your observations at the Court

Prepare a report of your visit to court. Your report should discuss the following.

* What is the function of the Magistrates’ Court?
* Explain the types of cases that are heard in the Magistrates’ Court. Use some of the cases you have observed as examples.
* Thinking about the cases that you have observed, answer the following questions:
* How many male defendants were there?
* How many female defendants were there?
* Was there a difference between the types of offences committed by male offenders and female offenders? Explain.
* What was the average age of the defendants?
* Were most defendants represented by a lawyer? Do you think that it made a difference if the defendant had a legal representative?
* What was the most common sanction given by the magistrate?
* How did the magistrate decide on the sentence or fine given to a person?
* Explain how a person may appeal a decision made by the Magistrates’ Court.
* From your observations, did you notice any procedures that assist or hinder the legal system to provide for the principles of justice: fairness, equality and access? Discuss