Teacher information: preparing for role-play Magistrate Court Hearings

Step 1: Select your role-plays.
A wide range of scripts are available for schools to choose from. Beginner scripts are fully scripted whereas advanced scripts only contain material presented by Police Prosecutors.

When using advanced scripts it is up to defence lawyers, to develop their own argument.

Students can refer to the What’s the Story resource that contains visual examples of lawyers using persuasive argument in a court. https://itunes.apple.com/au/itunes-u/australian-curriculum/id595230070?mt=10

Step 2: Refer to the diagram, The ‘players’ in a Magistrates Court and allocate roles: (If possible, visit the courts prior to the activity to watch cases in the general Magistrates Courts (criminal jurisdiction).

- Defendant (accused) – enters a plea of guilty
- Police Prosecutor - summarises prosecution's case (allegations)
- Defence Lawyer – provides information aimed at minimising any penalty
- Magistrate’s Clerk – Calls on the case and reads the charge(s)

THE MAGISTRATES COURT
The ‘players’ in a Magistrates Court

The magistrate
A magistrate hears evidence and decides whether a person is guilty or innocent of an offence as charged. Magistrates are lawyers who have worked in the
profession for at least seven years. A magistrate imposes penalty on those who are guilty.

**Defence counsel**
The defence counsel’s job is to assist the accused to present their side of the story. In this exercise they will bring mention factors that might help lessen the consequences for their client.

**Defendant**
The defendant (also known as the accused in a criminal matter) is the person who has allegedly committed a crime.

**Magistrate’s clerk**
The magistrate's clerk is responsible for the order of business in the court. In this activity, they will read the charges to the accused.

**Prosecutor**
The state prosecutes a person for a crime. The prosecutor can be:

- an individual representing the state, such as a police prosecutor;
- a public prosecutor who works for the office of the Director of Public Prosecutions;
- a representative of a state or government department (for example, a park ranger or fisheries officer);
- a local council representative (for example, a council health inspector, a council planning inspector);
- or a private individual.

It is the prosecutor’s job to present information that proves beyond reasonable doubt that the defendant committed the crime as charged.

**Sheriff’s Officer**
The Sheriff Officer’s main task is to keep order in the court and to assist in the running of court. In addition, the Sheriff’s officer ensures that defendants do not leave court without completing any necessary paperwork.

**Witness**
Either party to a dispute may call witnesses to present information about what they may have seen or heard.

**Additional information**
**What happens before a case comes to court?**

- After a crime has been committed police conduct an investigation. They speak with any witnesses and the defendant to create a record of interview.
- Following the interview, a summons charging the defendant is issued or an arrest is made.
- The Defendant is entitled to have a lawyer present during the Police interview and in court.
- The particulars of the offence are provided on a document called a complaint or information.
The process during the role-plays

- The clerk introduces the magistrate announcing, ‘Silence. All Stand.’ The magistrate enters the court and sits down at which time those present in the court can sit. (This will be done for each school group)
- The magistrate’s clerk calls upon each case.
- The defendant moves to the dock and the parties stand and introduce themselves e.g. ‘May it please the court, my name is SURNAME, for the PROSECUTION/DEFENCE’.
- The clerk reads out the charges and asks the defendant whether they are guilty or not guilty.
- The prosecutor presents the allegations.
- A lawyer acting for the defendant explains the circumstances related to the offending.
- The accused stands and the magistrate delivers a sentence. Typically they will refer to the following:
  - The name of the defendant, their age and the charges against them.
  - The relevant facts.
  - Highlight previous convictions if any.
  - Any relevant reports.
  - What has been said by each side.
  - Highlight any factors that justify the sentence they are about to give.
  - The relevant law.
- The magistrate will provide general feedback to students and answer questions.