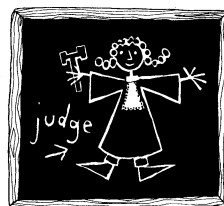


LEGAL STUDIES

Children's Courts, design and a fair trial



The article *Design and Children's Courts* (pages 229–234) examines the impact of design on the capacity of young people to participate in a meaningful way in Children's Court proceedings. The article draws on the recommendations made by the Australian Law Reform Commission in the *Seen and Heard* report.

By designing their own Children's Court, students consider how these recommendations would make it easier for young people to participate in a fair trial.

Introductory task

Using your textbook or the Internet:

1. Find out what types of cases are heard in the Children's Court [Youth Court or Juvenile Court] in your state or territory.

ACT	courts.act.gov.au/magistrates/index.html
NSW	lawlink.nsw.gov.au/childrenscourt
NT	nt.gov.au/justice/ntmc/about.shtml
Qld	courts.qld.gov.au/4317.htm
SA	courts.sa.gov.au/courts/youth/index.html
Tas	magistratescourt.tas.gov.au/divisions/childrens
Vic	childrenscourt.vic.gov.au
WA	justice.wa.gov.au

2. Suggest reasons why it may be necessary to have a special court to hear cases relating to young people.

The right to a fair trial

Working in groups of two or three:

3. Read the first two paragraphs of the article and answer the following questions:
 - a. The first paragraph refers to the ideal of a right to a fair trial. What are the attributes of a fair trial referred to in this paragraph?
 - b. What other features do you think are necessary for a fair trial?
 - c. What factors are identified as affecting the achievement of a fair trial for young persons?

4. The article discusses research into how the design of Children's Courts impacts on a young person's ability to participate in court proceedings. Draw up a chart like the one below. For each factor:

- identify the problems discussed in the article
- note the recommendations made in the ALRC report

Factors	Problems	Recommendations
Size of the courtroom		
Noise and distractions		
Position of Magistrate		
Proximity of parties		
Children in Custody		
Children not in custody		
Holding Cells		
Interview Rooms		
Waiting Rooms		

5. You have been commissioned to design a new Children's Court complex. The design brief asks you to:

- Design a court complex that will make it easier for young people to understand and participate in Children's Court proceedings.
- Consider the recommendations of the Australian Law Reform Commission as part of your design.
- Prepare a proposed floor plan of the court complex consisting of courtrooms, interview rooms, waiting areas and holding cells.
- Prepare a floor plan for the actual courtroom [Note: If you have not visited a court, ask your teacher for a diagram of the layout of a courtroom.]

As part of the brief, you have also been asked to present a written explanation of five features included in your design and how each feature will make it easier for young people to understand and participate in Children's Court proceedings.

Prepare your design brief for a new Children's Court complex.

JULES ALDOUS teaches legal studies at Shelford Girls' Grammar School in Melbourne.