

Juries in NSW

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The jury system plays a very important part in the running of the courts. The jury system is needed in both criminal and civil cases. There are advantages of the jury system as well as disadvantages. However, the jury system is still very important to the justice system.

The role of the jury in NSW

A jury is a group of people from the community with all sorts of backgrounds, beliefs, religions, education levels and ages, who listens to the evidence of the cases and helps the court to decide the outcome of the cases. Jury duty in NSW is a very important responsibility, providing a link between the justice system and the community.

The role of the jury in criminal trials

In criminal trials, the jury consists of 12 people and the jury's duty is to decide whether the person accused is guilty or not guilty of a crime. The jury listens to the judge's instructions, information given out by the prosecutor and most importantly, the evidence. Then the 12 jurors must agree on the same decision whether the accused is guilty or not. If they decide that the accused is innocent, he or she will walk free but if they decide that the accused is guilty, a punishment will be given to him or her. However the punishment is not decided by the juries, it is decided by the judge based on the seriousness of the crime.

The role of the jury in civil trials

In civil trials, the jury consists of 12 people and the jury's duty is to decide which party is right or wrong and the amount of money that should be paid for the damages. There are 2 or more parties in a civil case-the 'plaintiff and the 'respondent'. The plaintiff is the party that starts the case who is suing the other party, and the respondent is the party who is being sued by the plaintiff. The jury will listen to the arguments of both parties and come to a decision whether the respondent should pay or not to pay the plaintiff. If the jury decides that the respondent must pay the plaintiff, the magistrate or the judge will decide on the amount of money that should be paid to make up for the dept, injury, or damage.

Eligibility for jury service in NSW

Anyone in the community who is enrolled in the State electoral roll is eligible to participate in the jury service. The jury system gives people from the community a chance to participate in the justice system. Therefore people whose occupation involves around the government and legal system such as the governor, judge/magistrate, lawyer, police officer or prison officer cannot participate in jury service. Also people who have been convicted of a serious crime or has been sentenced to prison are not allowed to participate. People who cannot read speak or understand English also cannot take part. If a person has some kind of connection with the person accused, they must step down. If a person participated in a jury service during the last 12 months, they will not be able to participate again for 3 years.

Jury selection

Jurors are randomly chosen by the NSW sheriff from a list of people from the electoral role who appears to be eligible to take part in the service. If you have been selected, the sheriff will write to tell you that you have been selected to take part in a jury service and you can be called to sit on a jury if there is a trial held in a court during the next 12 months

The advantages and disadvantages of the jury system in NSW in 2005

Advantages

- Provides a link between the public and the legal system which reflects the community's values.
- The decision is made by more than 1 person giving an opportunity for the accused to be not guilty
- Jurors are not controlled by the government
- Gives an opportunity to people from the community to participate in the justice system
- The use of juries leaves the judges free from the pressure of deciding cases

Disadvantages

- All jurors must agree on the same verdict for the final decision-guilty or not guilty-even though they're against it
- Some people are not allowed to participate
- Some people may not understand the legal system
- Juries cannot give reasons for the decision they made

In conclusion, I think the jury system is an acceptable system because it plays an important part in the justice system. Not only it gives an opportunity to the community to participate in the justice system it gives an opportunity to the person accused to be judged equally by a number of people. Also the juries are independent and they are not controlled by the government, therefore it is a fair system.

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