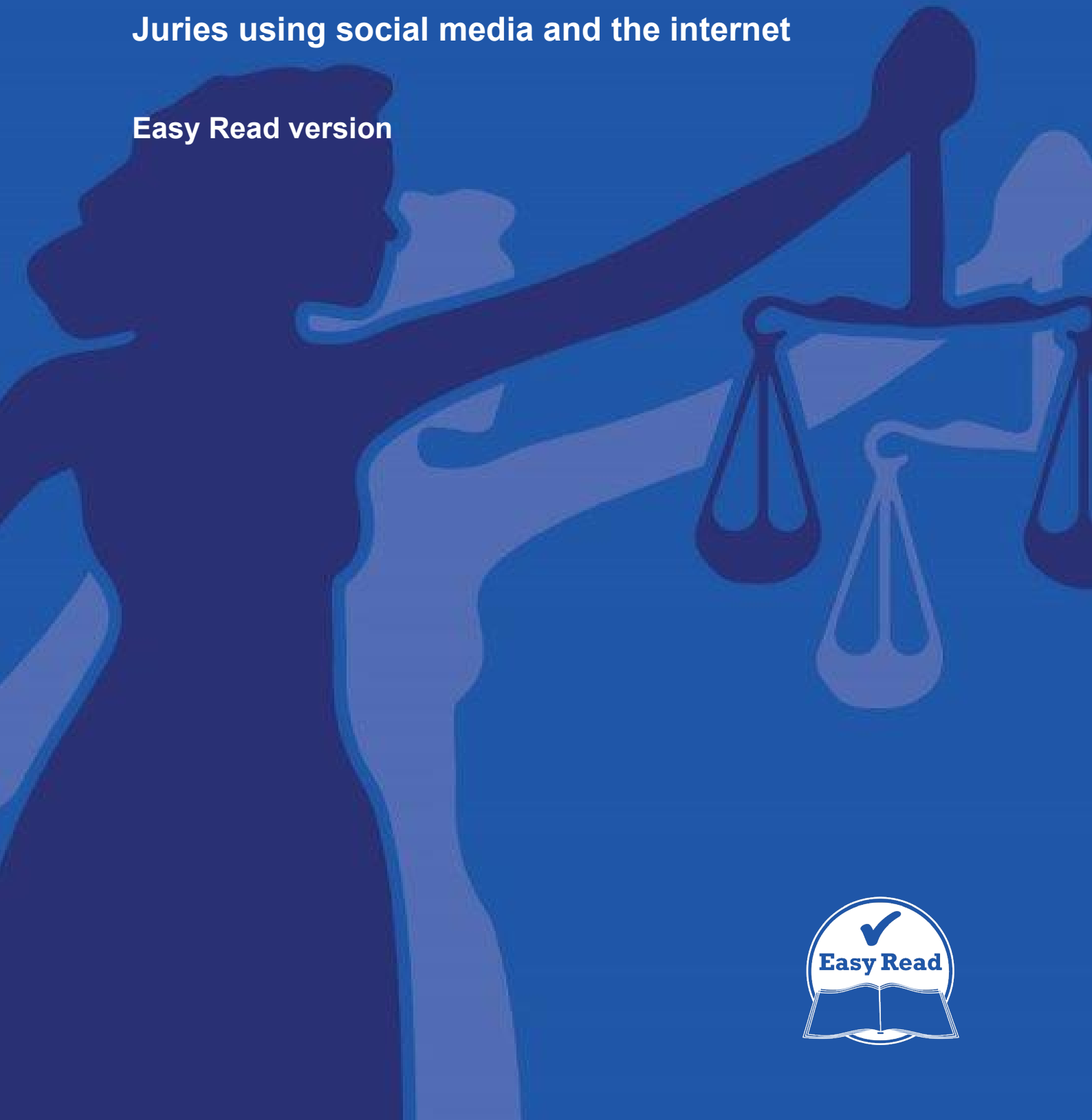


TASMANIA
LAW REFORM
INSTITUTE

How to make sure people get a fair trial

Juries using social media and the internet

Easy Read version



How to use this document



The Tasmania Law Reform Institute (TLRI) wrote this document. When you see the word 'we', it means TLRI.



We have written this information in an easy to read way.

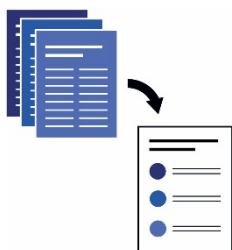
We use pictures to explain some ideas.



We have written some words in **bold**.

We explain what these words mean.

There is a list of these words on page 35.



This Easy Read document is a summary of another document.



You can find the other document on our website at www.utas.edu.au/law-reform/publications/ongoing-law-reform-projects2



You can ask for help to read this document. A friend, family member or support person may be able to help you.

What's in this document?

What is a trial?	4
Things a jury must do	7
What is this Issues Paper about?	9
Filling in the form	12
Questions	16
Word list	35
Contact us	36

What is a trial?



A trial is a formal meeting in a **court**.



A court is a place where legal problems are solved.



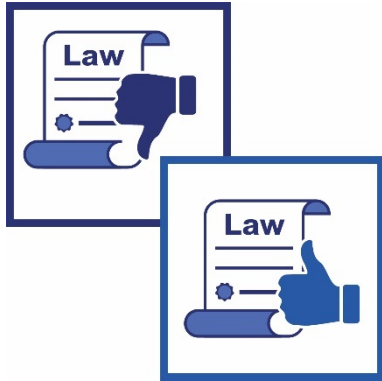
Sometimes a **judge** solves the problems.



A judge is a person who is in charge of a trial in a court.



They tell the **jury** what they need to do and what they should not do.



A jury is a group of people who decides if someone:

- did break the law

or

- did not break the law.



Sometimes a judge and a jury solve the problems.



During the trial, the judge and jury will listen to all the **evidence**.



Evidence is proof that something is true.



Then the judge or the jury will make their decision based on all the evidence.



Juries should only make their decision based on what they hear in the court.



They are not allowed to get information from other places, like:

- the internet
- social media.



Social media includes:

- Facebook
- Instagram
- Twitter.



If the jury thinks the person did break the law, the judge will decide how they will be punished.

Things a jury must do



Everyone has the right to a fair trial.



As a member of the jury, you have **responsibilities** to make sure someone gets a fair trial.



Responsibilities are the things you must do.



You must:

- be fair
- only use the information you hear in the court.



You must not use the internet or social media to:

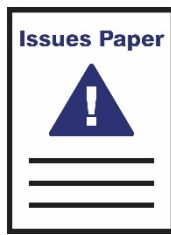
- look for information about the people included in the trial
- share information about the trial.



You are not allowed to do this because you might:

- find information that isn't true
- share information that you aren't allowed to share.

What is this Issues Paper about?



An Issues Paper is a document we write about a problem we are looking at.



This Issues Paper is about jury members using the internet and social media during trials in Tasmania.



We know that some jury members are using the internet and social media when they are not supposed to.

These jury members are using the internet and social media to:



- find out what a legal word or idea means



- find out more information about people involved in the trial



- talk with people involved in the trial



- share information about the trial.



We want to find out more about this problem.

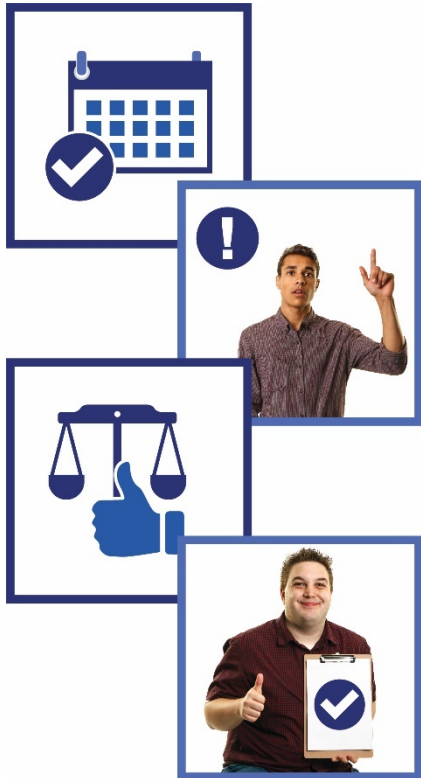


We want to know what can be done about it.

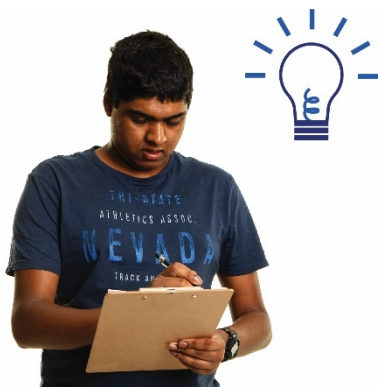


We want to know what you think.

This will help us make sure the laws about this are:



- up-to-date
- needed
- fair
- work well.



You can share your ideas by answering our questions below.

Filling in the form

If you want to tell us what you think, you can use the form that starts on page 15.



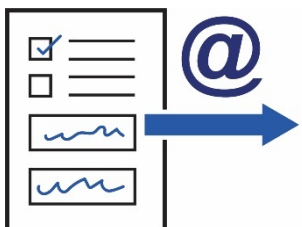
This form has 19 questions for you to think about.



And it has space for you to write your answers.



You don't have to answer every question.



When you have finished the form, you can email it to us.



Our email address is law.reform@utas.edu.au



Or you can post it to:

Tasmania Law Reform Institute

Private Bag 89,

Hobart TAS 7001



You need to email or write to us by
4 October 2019.



If you don't want us to share what you say
in our report, please tell us.



If you said we could share what you say but then
change your mind, that's ok too.

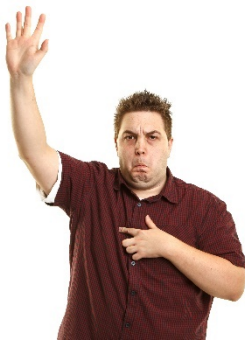


Just let us know before we finish writing
our report.



You can contact us on:

- (03) 6226 2069
- Law.Reform@utas.edu.au



If you aren't happy with how we have done our study, you can tell the Tasmanian Social Sciences Human Research Ethics Committee:



- (03) 6226 6254



- human.ethics@utas.edu.au

Reference:

H0016752

Tell them ethics reference number [H0016752].



Please tick how you want us to use what you tell us.



☐ The TLRI can share what I say and tell people that I shared my ideas.



☐ The TLRI can share what I say but not tell anyone my name.



☐ The TLRI cannot share what I say.



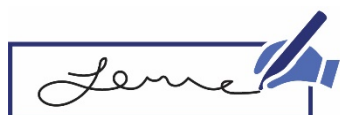
Name



Phone



Email



Signature



Date

Questions

Question 1



Have you seen jury members using the internet or social media during a trial?

What were they doing?

Question 2



Do you think it is something that happens a lot or not very much?

Question 3



Do you think that jury members only use the internet and social media to look into big trials that are talked about on the television and in newspapers?



Or do you think this is happening with small trials too?

Question 4



Why do you think jury members are using the internet and social media during a trial even if they know they are not supposed to?

Question 5



If jury members use the internet and social media anyway can we stop them seeing things about the trial?

How could we do this?

Question 6



Before a trial starts, someone could look on the internet and social media and check what is on there about the trial.

Who do you think should be in charge of doing this?

Question 7



How can we make sure jury members do the right thing?

Should we give them more information and training about using the internet and social media during a trial?

What else could we do?

Question 8



Do you know about what other places in Australia are doing to make sure jury members are doing the right thing?

Question 9



At the start of a trial, jury members must promise to be fair and only use the information they hear in the court.



Should jury members also promise that they will not use the internet or social media during the trial?

How do you think we could make this happen?

Do you think it would work?

Question 10



Should we come up with a list of instructions for all jury members to follow?

What do you think these instructions should include?

For example, it could include:



- what they aren't allowed to do on the internet
- the social media they aren't allowed to use
- what happens if they use the internet or social media during the trial
- a reminder of their responsibilities and the important job they are doing.

Would it help if a list of instructions was given to each jury member so they could check it during the trial?

Question 11



The judge tells the jury all of the rules about using the internet and social media.

Is it a problem if the judge doesn't know very much about social media or the internet?

Question 12



Could we help jury members better understand the role of the internet and social media during a trial?

If you said yes, how do you think we could do this?

Question 13



Do you think it works to take mobile phones away from jury members during the trial?

Should we keep doing this?

Question 14



Should we trust jury members when they tell us they are following the judge's instructions?

Or, should we check what jury members are doing on the internet and social media:



- before the trial?
- during the trial?
- after the trial?

How could we do this?

Question 15



If a jury member has been in a jury before do you think this makes them a better jury member?

If you said yes, why do you think this makes them better?

Question 16



Do you think a jury member who has been a jury member before won't use the internet and social media in the wrong way?

If you said yes, why do you think they won't do this?

Question 17



Do you think a jury member who has been a jury member before can help new jury members follow instructions about using the internet and social media?

Question 18



How can we help jury members to feel comfortable telling us about other jury members that are doing the wrong thing?



Could we ask people that the jury member knows online to tell us if they are using social media and the internet during the trial?

Question 19



Should a jury member be punished for using social media and the internet in the wrong way during a trial?

If you said yes, do you think we should act like they have broken the law?

Word list



Court

A court is a place where legal problems are solved. Sometimes a judge solves the problem. Sometimes a judge and a jury solve the problem.



Evidence

Proof that something is true.



Judge

A judge is a person who is in charge of a trial in a court.



Jury

A jury is a group of people who decides if someone:

- did break the law

or

- did not break the law.



Responsibilities

The things you must do.

Contact us



(03) 6226 2069



law.reform@utas.edu.au



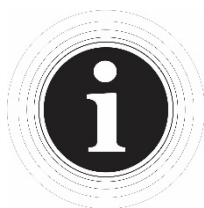
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[www.utas.edu.au/law-reform/publications/
ongoing-law-reform-projects2](http://www.utas.edu.au/law-reform/publications/ongoing-law-reform-projects2)



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