

The response uses legislation to outline a range of issues in the criminal justice system. While demonstrating good knowledge, a more detailed discussion of the issues raised would improve the response. A greater engagement with the 'tension' aspect of the question would have significantly enhanced the response.

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Start here.

Police Powers Evidence Act, warrants, Codes of conduct

Rights of those in Gaol - some cannot vote, freedom of movement ^{education religion}

Situational crime prevention - invasion of privacy? - eh.

Bail Act & Jury Act Amendments.

An ideal criminal justice system simultaneously protects individual rights and acts in the best interest of society at large, however in most cases what best suits the individual does not suit the interest of the community and vice versa. The most common source of tension are the powers given to Police, ~~however~~ other causes of tension are the rights of Gaol inmates and Amendments to the Bail and Jury Act.

More often than not, Police Powers directly conflict with the rights of an individual eg. search and seizure - invades privacy and under normal circumstances "seizure" would be considered theft.

Despite this, the Police play a pivotal role in the Criminal System and thus in serving community interests.

In order to prevent the abuse of these special powers, strict regulations and protocol are in place.

The Evidence Act outlines how evidence may or may not be obtained; if these regulations are not adhered to the submission is considered inadmissible and discarded. ^{This may}

In addition to the regulations of evidence, police ^{generally} require warrants _{magistrate approved} for both arrest, and to search a person or property.

The NSW Police force also has a code of conduct stating

all arrested persons must be told why they are being arrested, that to resist ~~the~~ arrest is an offence and minimum force must be used. Also, detainees must be notified of their rights (silence, legal representation) and also the legal maximum time they can be held (4 hours for adults)

These methods are in place ~~to ensure~~ reduce instances in which the police, by serving the ~~the~~ best interests of the community, to not infringe upon ~~to~~ individual rights and freedoms in an excessive manner.

The concept of Gaol directly contradicts the idea of individual freedom. Although it can be argued that in committing a crime, ^{resulting in gaol time} one is not deserving of basic rights such as freedom of movement as it is in societal interest that they be denied this right as punishment. However attempts to grant other rights such as that to education and religion are made through in-establishment religious areas and academic programs; ~~but~~ but the worst of offenders are denied these and in some cases also denied the right to vote (which serves no purpose to ~~society & democracy~~) Prisoners also often receive punishment inappropriate for ~~the offence~~ rule breaking. Within the Prison system many unnecessary ~~to~~ rights infringements are made as their incarceration is deemed in public interest.

The Bail Act was amended in the early 2000s to limit offenders to only one bail application. This was done in order to free up resources for other endeavours ~~in order to~~ to reduce public cost and for other benefits. This has lead to a dramatic increase of people held on remand - many of

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which are then acquitted. This means that individuals are denied freedoms when they may in fact be innocent in the name of resource efficiency. This amendment also put considerable strain on an already crowded prison system.

Similarly, the Jury Act was recently amended to allow for 11-1 verdicts, reducing the number of hung juries. Whilst this resulted in a faster and lower costing trial process (thus serving community interest) it can be said to ~~in fact~~ contradict the rights of the person on trial - to allow for a non-unanimous verdict may not be considered a fair trial.

To conclude, there is much tension between community interest & individual rights & freedoms. ~~As a result of this~~ In some cases there are regulations in place to ensure the best outcome for both parties occurs. ~~however many instances~~ It can be said that prisoner rights are more often impeded in the name of community interest than civilian.

You may ask for an extra Writing Booklet if you need more space.