

AUSTRALIA LEGAL SYSTEM

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Australia's legal system also known as 'Common law system' is based on the model which was inherited by those countries whose development was influenced by British Colonialism in particular the commonwealth countries and the U.S.A.

Australia's legal system protects and promotes human rights through: constitutional safeguards; the separation of powers; the rule of law and a transparent criminal justice system.

The Constitution specifically protects certain rights and freedoms, so Australia remains one of the few countries in the world without a charter of rights. This means that rights are not inviolable in Australia and can only be granted and protected by acts of government.

There is strict separation of powers in the Australian legal system between the different levels of government. The Constitution sets out the relative powers between the three arms of federal government: legislative, executive and the judiciary.

The rule of law embodies the principle of equal treatment before the law, such that governments and individuals are all subjects to the same law. State officials are required to act within the Constitution and the law on the basis of the powers which are granted to them so as to protect individuals from arbitrary decision making. The rule of law upholds the right to justice and is enforced through the legal system. Remedies for injustices are also provided by the legal system.

The legal system in Australia consists of different levels of courts which hear criminal and civil cases. People who are accused of a criminal offence are tried before the criminal courts, and this is also where people who are victims of a criminal offence can obtain justice. People who have legal disputes of a non-criminal nature can take them to the civil courts to obtain justice.

Minor infringements of the law are dealt with by the local courts, or Magistrates courts, and more serious criminal offences are heard before the Supreme Court.

Transparent criminal justice system includes a number of principles fundamental to the criminal justice system that ensure its

transparency and protect the rights of the individuals which come before it. These include: the principle that an accused person is presumed innocent until proven guilty beyond reasonable doubt; the right to a fair trial; equal access and equality before the courts; the right to legal representation; the right not to be tried or punished more than once for an offence (double jeopardy); and protection against retrospective criminal offences.

Under the Australian legal system all people whether domestic or international are treated equally before the law and safeguards ensuring fairly judgment by government or officials. But Australia's legal system has its drawbacks, its main drawback is that Australia doesn't have a charter of rights, lack of inviolable rights adversely affects the legal system.

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