

## **Criminal Law and Civil Law**

*Law can be classified as criminal law and civil law*

### **Criminal Law**

*Criminal law* is concerned with the crimes against the ....., which are punishable by the law.

In New South Wales, the ..... **1900** is the main statute covering crime.

The concept of ..... is inherent in criminal law. people who break the law are called offenders.

A person required to stand trial is referred to as the .....

When defenders are found innocent, they are ..... of the charge.

A defendant who is found guilty is convicted of the charge and faces .....

The prosecution has the burden of ..... the defendant actually committed the crime. Ie The physical act was done (*actus reus*) and that the accused ..... to commit the act (*mens rea*).

Because it is accepted that any crime committed harms society as a whole, the ..... prosecutes the perpetrator.

In New South Wales, prosecutions are conducted by a member of the DPP (.....).

Cases brought before criminal courts are written as **R vs. Jones**, for example – R represents the ..... (R means Rex or Regina, that is King or .....).

The basis of our legal system is the presumption of ..... which means the accused, is considered innocent until proven guilty by the .....

The standard of proof required in criminal law is that a case must be proven beyond reasonable doubt.

In criminal trials,

- The onus of proving a criminal charge is on the .....
- The standard of proof on a prosecutor in criminal trials is to prove the charge beyond .....

In Australia the States and Territories have enacted their own criminal laws.

The Crimes Act 1900 (NSW) sets out what are the main criminal offences in New South Wales.

Other statutes involving crimes also:

The Motor Traffic Act 1909 (NSW) creates ..... such as exceeding the speed limit, failing to stop at a red light, and dangerous driving.

## **Civil Law**

Civil law is concerned with the enforcement of ..... rights.

Civil law deals with disputes between individuals in which a **litigant** ..... another person for alleged injury and demands .....

Civil law includes all the ..... laws, eg property law, torts, contracts, family la.

It often involves **negligence** or **damage to** property. It is the responsibility of the **aggrieved party** to take the action to court, and so civil cases are written as **Smith vs. Jones** for example.

Once the matter is taken to court, the aggrieved party is known as the .....

The party whom the plaintiff sues is known as the **defendant**. Thus, in the above example Smith s the ..... and Jones is the .....

Civil court trials are called **actions** or ..... The civil **onus of proof** is on the .....

The burden of proof in civil trials is on the **balance of** .....

In civil actions, when a plaintiff proves the case against the defendant, the court may award the plaintiff ..... (money) as **compensation** for the injury. The ..... must pay this.