

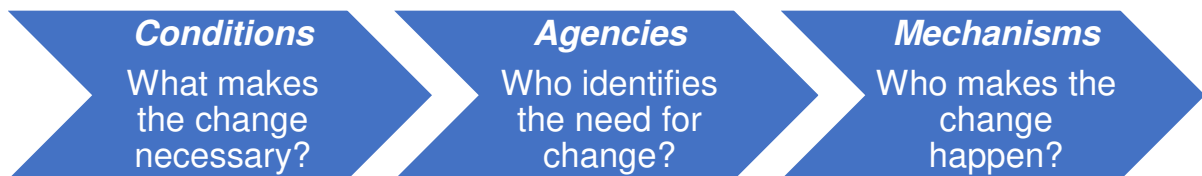
Preliminary Legal Studies – Law Reform Case Study

R v Skaf

Learning Intention: to apply the elements of law reform (conditions, agencies and mechanisms) in the context of a case study – R v Skaf.

Success Criteria: students will understand how R v Skaf generated law reform in order to better protect the rights of the victim and accused, upholding the principles of the rule of law.

Rule of Law Wheel Connections: presumption of innocence; fair and prompt trials; people can only be punished in accordance with the law; the law and its administration is subject to open and free criticism; open, independent and impartial judiciary; no retrospective laws should be made; laws are made in an open and transparent way by the people; the law is known and accessible.



Activity – Law Reforms Generated by R v Skaf

Instructions:

1. Use your notes and text/ references to remind yourself of the role of each of the elements of law reform before you begin (Conditions, Agencies, Mechanisms).
2. Read the Skaf Case Notes
<https://www.ruleoflaw.org.au/case-studies/crime/skaf/>
3. Answer each of the following questions. You should first use bullet points to summarise the key factors and then attempt to use a PEEL format for your response to each question.

We have used question b) on conditions as an example for you here:

Point – What are you going to discuss? Identify the elements that were causing a need for change

Sentence Starter: The conditions that gave rise to law reform during R v Skaf were...

Explanation – Explain why these elements were showing a need for change – why was this important? Why was change needed? How were elements of the Rule of Law being negatively impacted by not creating a legal framework?

Example – Use facts from R v Skaf to support your point and explanation.

Linking Sentence - link back to your original point.

Sentence Starter: Therefore, proceedings in R v Skaf identified the need for change to occur regarding



Questions:

- a) **Identify** the **two** legislative changes that were caused by R v Skaf.
- b) **Explain** what **conditions** gave rise to legislative change during R v Skaf.
- c) **Describe** the **agencies** of reform in this case and their role.
- d) **Identify** the **mechanism** for change. **Give** the names of the legislative changes that occurred and their purpose. **Discuss** how each upholds the rights of the victim and the accused.
- e) **Analyse** how the rule of law is upheld by the process of law reform in NSW.

Extension Activity:

1. Create a table with three columns – Victim, Offender and Society.
2. Use the Rule of Law Wheel to determine which principles of the rule of law existed in R v Skaf for each participant in the legal system. Populate your table with your thoughts. <https://www.ruleoflaw.org.au/principles/>
3. For each element that you do not see in the case, justify why you think it is not relevant to this particular case.



The rule of law must be supported by informed and active citizens

