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Trials will be fairer with better juror education on social media use

The Tasmania Law Reform Institute (TLRI) today recommended improved education for jurors to stop inappropriate use of social media and internet during criminal trials.

In its latest report, the TLRI recommends improvements to the training and information that prospective jurors receive at the courthouse before they are chosen as jurors; and the directions that jurors are given by the judge once they are chosen to sit on a trial.

“Education by Tasmanian courts is key to ensuring jurors understand why they are being asked to limit their internet use and to encourage self-regulation during the period of the trial for the benefit of the accused, and the justice system more generally,” report author Jemma Holt said.

Jurors’ online activity is largely undetectable and unquantifiable. However, TLRI’s wide-ranging research and community consultation on this topic show there is a widespread perception that juror misconduct of this kind is prevalent in Tasmania.

“Such a perception is just as capable of undermining public confidence in the criminal justice system,” Ms Holt said.

Everyone has a right to a fair trial. A fair trial describes a system that provides an accused person many protections. That system relies on jurors being impartial and returning a verdict that is based solely on the evidence presented within the courtroom.

Ms Holt said jurors who conduct research outside the trial process, intentionally or unintentionally read news or social media commentary about the trial, or who publish about the trial on social media, can undermine these protections.

“There is no way of effectively segregating jurors from the wider online community because of the prevalence of internet-connected smartphones.”

“Many people are, nowadays, so used to continuously sharing their life online and accessing information via the internet, that it takes some energy and effort to break these habits.

“Many jurors simply don’t appreciate the consequences of such behaviour in the context of their role and obligations as a juror.

“It is for the courts to adapt to meet these new challenges,” she said.

The report can be found at utas.edu.au/law-reform/publications/completed-law-reform-projects under the tab ‘Juries & Social Media’.

This project was funded by the Law Foundation of Tasmania.

An animated explainer video is available at https://youtu.be/XD_NN0XQhNA

For more information, please contact the TLRI on (03) 6226 2069 or law.reform@utas.edu.au.

Media contact: Claire Baker 0437 132 014 or c.baker@utas.edu.au

Information released by:

Communications Office
University of Tasmania
+61 3 6226 2124
Communications.Office@utas.edu.au
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