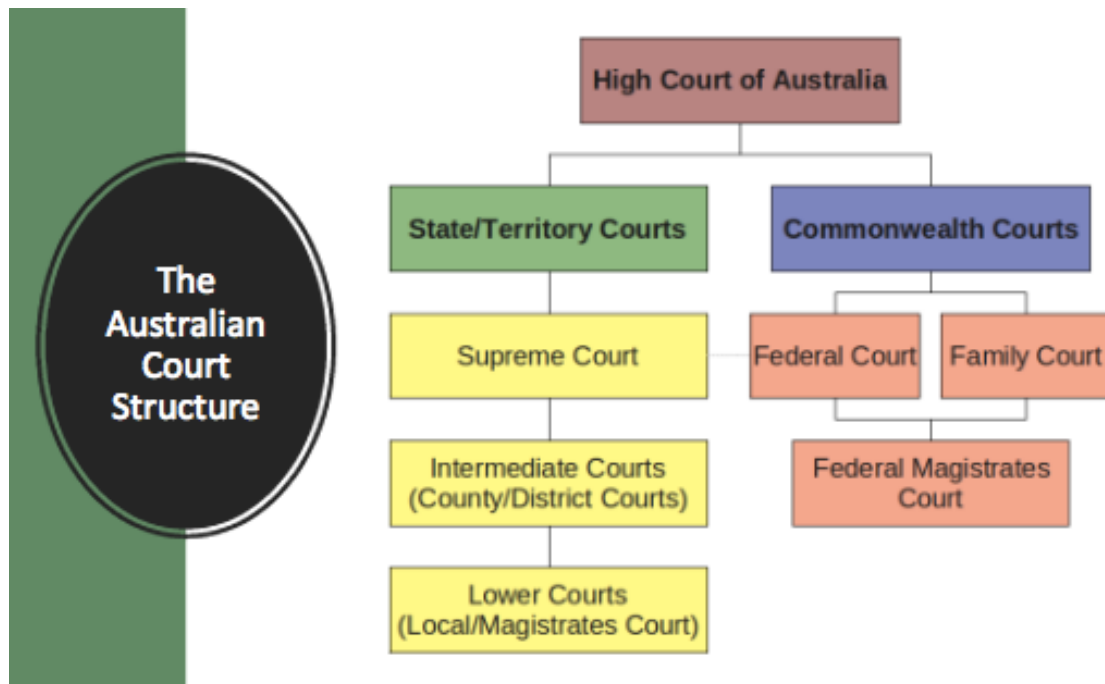


## Week #1 – Australian Legal Systems & Services



### **High Court of Australia**

Highest level in Australia, Deals with constitutional and commonwealth matters as well as cases that have progressed through lower courts without satisfactory resolution.

### **Supreme Court**

Most serious offences, hear criminal matters that involves major indictable offences such as murder, treason, drug trafficking and civil matters involving the highest level of payout. People sentenced here may appeal their sentences to the Appeal Court.

### **County/District Court**

People sentences in the Magistrates court may appeal their sentences to the country/ district court. Hears criminal matters that involve minor indictable offences. Anyone who is charged in the County court has the right to be heard by a judge and jury, around 70% of people committed to district/ county court please guilty.

### **Local/ Magistrates Court**

Presided over by a Magistrate alone, no judge or jury. Lower level offences such as traffic offences, property damage etc. are heard here. Some minor indictable offences can be hears where maximum prison sentence is 10 years or less, or fine of \$120,000 or less.

### **Ancillary Cases**

Are cases that come after the initial (main) proceedings. For example spousal maintenance after the divorce settlement. The court they are heard on depend what type of ancillary issue it is.

## **Separation of Powers**

Describes the manner in which the law gives power to the arms of governments in Australia to ensure that it remains fair and accountable. It is the creation of checks and balances on the use of power balanced between the Judiciary, Legislature and Executive, so each can act as a check on the power of another.

The high Court is an interdependent and impartial decision making body which has the power to overrule the decisions of all lower courts and to declare laws invalid and actions of the Executive unlawful.

The Legislature acts as a check on the Judiciary because it can pass laws which override the decisions of the courts, however laws cannot be reverse past rulings, only after the time it is proclaimed. In Australia there is not a "true" separation between the Legislature and Executive because those appointed to the Executive are also members of Parliament.

## **The Adversarial System**

Follows the due process model, every effort must be made to ensure that the accused received a "fair" trial and that the decisions are based on reliable information.

## **Forensic Psychology**

Although no clear definition exists, forensic psychology is a branch of psychology that related to the law and involves working within the criminal justice system. Some roles include

- Consulting with players in the justice system
- Providing expert psychological evidence
- Developing and delivering clinical services to forensic populations
- Conducting Research

## Week 11

### Cultural competence

The awareness, knowledge and skills, and the practices and processes used by people to function appropriately in a culturally diverse society

- It is necessary as we are a diverse society with a multicultural population and indigenous groups with a multicultural workforce

### Prevalence of crime across populations

- Prevalence determined by crime and country of birth
- Inadequate statistics based on 'cultural' belongingness; migration status; and self-reported ethnicity
- Crime is more related to the environment; substance abuse; and mental illness than ethnicity
- The arrests, conviction, and imprisonment rates of some migrant groups are disproportionate to their presence in the population
- The proportion of deaths of aboriginal people in custody is exceptionally high compared to the rest of the community

### Cultural factors and assessment

- Country of origin
- Cultural identity
- Migration status
- Religion and spirituality
- Language ability
- Length of time in new country
- Issues pertinent to Indigenous Australians
  - o Stolen generations, trauma, abuse

### Cultural competence training

#### *What is it?*

Cultural competence training professionals should learn how to have religious competence - skills, practices, and orientations that recognize, explore, and harness patient religiosity to facilitate diagnosis, recovery, and healing.

CCT should be delivered in conjunction with culturally appropriate services and a culturally appropriate workplace environment

#### *Policy Development*

Should address:

- Purpose, clients, content etc.
- Who will develop, provide and evaluate the training
- When and how it will be implemented

#### *Procedures*

- Develop partnerships with culturally relevant organisations
- Conduct a needs assessment – to inform the training content

- Provide the training – using a structured approach to achieving specific outcomes
- Acknowledge the heterogeneity of cultures – therefore specific training should be provided relevant to different cultural groups
- Training should be ongoing
- Trainers should be experts in cultural knowledge
- Continuous monitoring and evaluation of training

#### Cultural competent skills

1. Suitable counselling techniques
2. Have the ability to respond to multicultural mannerisms – Nods; hand gestures – Smiling/no smiling
3. Acknowledging client's views/story on a regular basis (as compared to doing this only at the end of a sentence or story)
4. Language skills
5. Differences in communication
6. Differences in responding to assessment and intervention

#### Interpersonal communication with indigenous people

- The use of appropriate titles for reference to people of indigenous and non-indigenous descent
- Appropriate forms of greeting and leave taking
- Respectful behaviour
- The use of personal names
- The importance of elders and land custodians
- Non-verbal communication styles i.e. eye contacts, emotion, posture

#### Different kinds of justice systems

Changes in the law

Koori courts

Culturally appropriate assessment and intervention

Improving initial responder response

Observation and reporting of culturally intrinsic behaviours as part of the evidence

