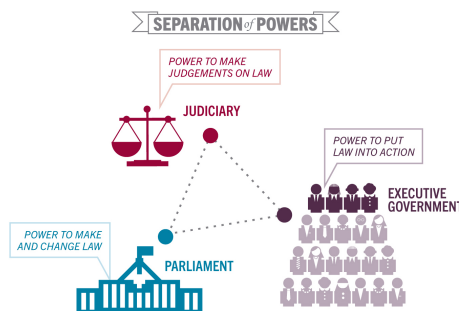


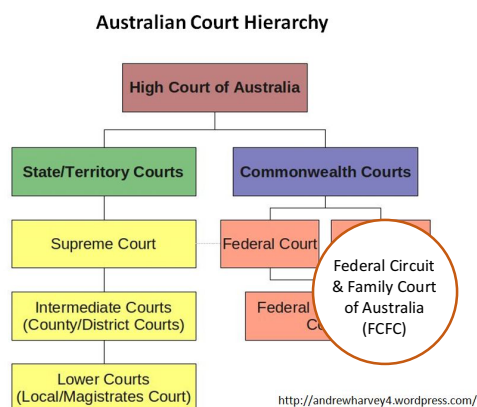
## WEEK ONE: OVERVIEW OF THE AUSTRALIAN LEGAL SYSTEM AND ASSOCIATED SERVICES

### **Australian Justice System:**

- Knowing how the legal system operates helps you understand what your client(s) have faced and what current decisions imposed mean
- Adversarial system
  - Each party presents their case to the court and the court makes a judgement on the matter based on evidence, legal submissions made and applying relevant laws
  - Court does not conduct their own investigation
- Criminal cases involve the prosecution by the police or office of public prosecution on behalf of the state
  - Summary offences
  - Indictable offences
- Separation of powers helps avoid one group having all the power



### The Australian Court Structure:



- Magistrates Court hears approx. 90% of cases
- County Court hears all criminal matters other than murder and treason cases
- The Supreme Court hears cases which seek compensation >\$200,000
- Supreme Court has court of appeal and the trial division
- The new FCFC speeds up the processing of family court cases
- The FCFC reports to the Federal court

### Court Diversion Programs:

- A diversion program is a way to deal with a matter out of the court system and give the person a chance to avoid a criminal record
- Eligibility criteria:
  - The offence can be heard in the Magistrates' Court
  - The offence does not have a minimum or fixed sentence or penalty
  - Agreement that the person was responsible for the offence

## **Forensic Psychology:**

- No universal definition
- Involves interaction of psychology and the legal process.
- There are several areas where forensic psychology informs the legal process including:
  - Consultation to areas of the justice system
    - Police recruitment and investigation
    - Trial process, preparation and jury selection
    - Correctional services, workplace safety, organisational structure
    - Child protection
  - Expert psychological evidence in courts and other tribunals
    - Insanity defence, sentencing and parole, eyewitness identification, child custody issues
  - Development and delivery of clinical services to forensic populations
    - Assessment, counselling, treatment, training
  - Research
    - Based on the scientific method
    - Ethical considerations make research in the forensic context challenging
- Forensic psychologists are scientist-practitioners
  - They consume, evaluate and apply scientific theory

## History of Forensic Psychology:

- There is great resistance between psychology and the legal system as they do not speak the same language
- Standard of proofs
  - Psychology – finding is significant according to p-value
  - Legal system – proven beyond reasonable doubt
- Legal system speaks at the individual level whereby psychology speaks at a group level