

1996

## **Making justice culturally sensitive: Project implementation report**

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**FACULTY OF HEALTH AND HUMAN SCIENCES**  
**Department of Justice Studies**

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**MAKING JUSTICE CULTURALLY SENSITIVE**  
**Multicultural Justice Education Project**

Paul Omaji  
Nara Srinivasan

June 1996  
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**PROJECT  
REPORT**

Sponsor: DEETYA



**EDITH COWAN UNIVERSITY**  
PERTH WESTERN AUSTRALIA

**Multicultural Justice Education Project**

**MAKING JUSTICE  
CULTURALLY SENSITIVE:  
Project Implementation Report**

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Nara Srinivasan**

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Joondalup WA 6027  
June 1996**

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# **PART ONE**

## **IMPLEMENTATION DESIGN**

## **EXECUTIVE SUMMARY**

1. The Commonwealth Department of Employment, Education and Training (as it was then called) funded Edith Cowan University from the 1995 National Priority (Reserve) Fund to direct a project to identify courses for educating and training personnel employed by justice agencies on multicultural issues; identify course content for a program to educate NESB and Aboriginal peoples on various aspects of the Australian justice system; and develop training packages for the justice agencies and NESB and Aboriginal communities. The Project was conceived against the background of an increasing concern about the well-being of minority groups within the justice system.
2. The University, through its Department of Justice Studies and Centre for Police Studies, in conjunction with other tertiary providers, justice agencies and NESB and Aboriginal community organisations, executed the project in accordance with the conditions of the agreement. The implementation was guided by the goal of enhancing a greater understanding of the Australian justice system by NESB and Aboriginal people, and a greater understanding of cultural issues by the justice personnel.
3. The Project found that while some organisations were moving into a well advanced stage of policy development and implementation of cultural awareness programs, most were at a stage of either 'no action' or preliminary discussions about cross-cultural training programs. It also found that very few courses or programs on cultural awareness for the justice agencies have been subjected to systematic and comprehensive evaluation.
4. The implementation process provided an opportunity where individuals and organisations that had not taken multicultural education on board were sensitised to take the issue seriously. Those who have had only some discussion about this education, saw the need to pursue the task more vigorously; and those at the advanced stage of implementing relevant programs felt encouraged to intensify or improve upon what they were doing.
5. From the Project has emerged a comprehensive database on courses and programs relevant to multicultural justice education. It comprises about 70 course or program entries from at least 50 organisations.

6. The database has been computerised, using an easy search system, and is available on a set of floppy disks along with a Users' Reference Manual. The database has also been installed on the internet and can be accessed from the Homepage of the Department of Justice Studies, Edith Cowan University.
7. Drawing on the existing courses, the Project has produced Education Handbooks for the cultural awareness training of justice agencies personnel on Aboriginal and NESB Migrants issues, and for educating Aboriginal and NESB communities about the mainstream legal system. The Handbooks provides a basis for a wider scheme to not only raise the level of participation of NESB and Aboriginal people in the administration of justice in Australia but also reduce the inherent stress in administering justice in a culturally diverse society.
8. In order to encourage evaluation, the Project has produced a schema designed to demonstrate the need to regularly evaluate multicultural justice education programs and to simplify the process of doing evaluation. The schema instructs on what to evaluate, the models to use, the design of information collection instruments, issues around which evaluation questions may be built, and the presentation of evaluation findings in a manner that enhances their utility.
9. As part of the action plan to widely disseminate the outputs of the Project, Edith Cowan University, through its Department of Justice Studies has installed the database, Handbooks and evaluation schema on the internet. Advice about how to access these materials can be obtained from the Chairperson of the Department on tel: (09) 400 5407; fax: (09) 400 5406; and e-mail: [n.srinivasan@cowan.edu.au](mailto:n.srinivasan@cowan.edu.au) . Arrangements have been made for the hard copies to be sent to all the justice agencies and higher education institutions.
10. All justice agencies and tertiary institutions are strongly encouraged to develop courses and programs to promote effective cultural understanding in the Australian society. Evaluation should be built into such activities to make it relatively easy to monitor appropriateness, efficiency and effectiveness of the activities.
11. Edith Cowan University plans, in due course, to run national 'Train-the-Trainers' workshops for officers vested with the responsibility of leading multicultural education in the justice agencies and other organisations.

# **1 BACKGROUND AND CONTEXT**

## **1.1 Invitation and response**

In 1994 the Commonwealth Department of Employment, Education and Training invited applications for funding from the 1995 National Priority (Reserve) Fund. Edith Cowan University, in the spirit of national service, applied for funding to contribute to one Priority Area, namely: 'Improving links between higher education, industry and other sectors: Education and Training'. The University proposed, through its Department of Justice Studies and Centre for Police Studies, in conjunction with other tertiary providers, justice agencies and non-English speaking background (NESB) and Aboriginal community organisations, to direct a project to:

- identify and evaluate courses for educating and training personnel employed by justice agencies, including the police, courts and correctional services, on multicultural issues;
- identify course content for a program to educate NESB and Aboriginal peoples on various aspects of the Australian justice system; and
- develop training packages for the justice agencies and NESB and Aboriginal communities.

## **1.2 Needs analysis**

The proposal was made against the background of an increasing concern about the well-being of minority groups within the justice system. The Royal Commission into Aboriginal Deaths in Custody, for example, has made a number of recommendations regarding the education and training of personnel employed within the justice system on Aboriginal culture to ensure that Aborigines are no longer the victims of discrimination. That Commission also stressed the importance of educating Aboriginal people on various aspects of the Australian justice system. Similar recommendations have been made in other reports in respect of NESB migrants. For instance, Hazlehurst's policy paper on 'Migrants and the Criminal Justice System' observed that incorporating NESB community issues into training for the justice agencies was necessary. Further, it found 'it vital that immigrants have



a clear idea of what is right and wrong under Australian law and that they have an understanding of what happens to them in court and why’.

Analysis further showed that there is a clear recognition now among people of minority groups on the one hand and, on the other, the justice agencies that understanding the different mores and values inherent in the respective cultures is important for both parties. A greater understanding of the Australian justice system by NESB and Aboriginal people, and a greater understanding of cultural issues by justice personnel would pave the way for a better relationship between these two groups. The University came to the view that one method by which the level of mutual understanding may be enhanced is through education.

### **1.3 University's role**

As an institution of higher education with appropriate structures and expertise, Edith Cowan University believes that it has an important role to play in educating and training justice personnel to be better equipped to deal with issues involving NESB and Aboriginal peoples and to develop special programs for these minority groups on various aspects of the Australian justice system.

At the material time, the University offered and has continued to offer a range of courses which address issues such as personnel development in the justice sector, discrimination experienced by minority groups, and understanding of multiculturalism. These courses include extensive programs through which students can gain a complete degree in Justice Studies, Legal Studies and Aboriginal and Intercultural Studies, and short professional development courses offered at various levels for interested parties.

A preliminary survey had shown that, to a limited extent, the different sectors of the justice system also conduct in-service courses which provide their officers at various levels with knowledge and skills to deal with issues that confront minority groups involved in the justice system. The nature and content of these courses varied from jurisdiction to jurisdiction. However, it was generally recognised that insufficient attention had been given to the issues which formed the core of the University's proposal.

## **2 THE NEED ADDRESSED BY THE PROJECT**

Based on preliminary investigations, a number of issues were identified for the Project to address. They are issues that relate to the justice agencies and Aboriginal and NESB communities having a greater understanding of each other. Specifically, it was found to be imperative that awareness programs:

- incorporate informed views of NESB and Aboriginal people into developing programs for justice agencies;
- improve the level of understanding of the Australian justice system by minority groups;
- encourage the police, courts, prison and probation officers to take understanding of diverse but specific cultural issues seriously;
- encourage better relations between minority groups and mainstream society in justice matters; and
- increase educational opportunities for NESB and Aboriginal people with regard to the Australian law and custom.

## **3 OBJECTIVES OF THE PROJECT**

The implementation of the project was guided by a set of objectives, namely to:

- i compile a central database, accessible through AARNet, which will provide a register of all courses offered by post-secondary institutions and justice agencies on multicultural issues.
- ii develop a curriculum and training package to educate personnel within the Australian justice system about multicultural issues.
- iii develop a curriculum and training package to educate Aboriginal people and NESB people about the Australian justice system.
- iv develop a schema for evaluating the appropriate use of multicultural educational programs dealing with the justice system; and
- v install on AARNet a document summarising the contents of these programs.

## **4 WHAT WAS DONE IN THE PROJECT**

### **4.1 Strategic plan design**

The task of the project was carried out in four stages. In Stage one, the project infrastructure was established: officers were appointed; basic research facilities were acquired; a management structure was set up, comprising representatives of post-secondary institutions, justice agencies and various NESB and Aboriginal communities, to oversee the project; a list of resource persons and sources was developed; documentary search commenced; and a face-to-face national consultation was undertaken.

Stage two was devoted to summarising and data-basing the courses and programs that were provided to the Project, and to designing the computer-search framework for the database. It was planned that the incorporation of the database into a computerised search framework would be experimented, and that work would commence on curriculum development in Stage three. Both were achieved, but delay in receiving some of the vital materials meant that these activities extended into the next stage. During the final Stage, the database was fully computerised and installed on AARNet; the training packages were written and 'road-tested'; and the final report was compiled.

### **4.2 Project management**

During the first Stage of the Project, it was felt that the diversity of interests involved should be reflected in the governing structures for the Project. This principle guided the setting up of the Project Management Committee, General Advisory Committee, and Aboriginal Advisory Committee.

The day to day administration of the project was directed by the Project Officer who supervised research assistants, participated in data collection and prepared the training packages. There was a regular consultation with, and support from, the Head and staff of the Justice Studies Department throughout the lifespan of the project. An Administrative Officer in the Faculty of Health and Human Sciences administered the finances, in liaison the Project Officer as the authorising officer.

As the project progressed, individual consultation was maintained with most members of the Project committees. At critical phases of the project, collective meetings were held with the Project Management and Advisory Committees. These meetings discussed progress reports, examined expenditure, provided feedbacks to the Project Office, and adopted resolutions to guide further progress. Three of such meetings were held in July 1995, February 1996, and June 1996.

Details of the implementation process in each of the four stages earlier outlined, are presented in the remaining part of this Section.

### **4.3 Stage One: January - April 1995**

A Project Officer was appointed who, in consultation with the Head of the Justice Studies Department, designed a preliminary strategic plan. The plan involved a review of timelines, ways of employing a competent research assistant and secretarial support, identifying resource persons in the local community, and constituting management and advisory committees which would provide a broad-based oversight for the Project. A discussion held with Emeritus Professor Laksiri Jayasuriya, one of the distinguished Australian authorities on multiculturalism, helped in further strategic mapping.

With the basic infrastructure established - office space, computers, scanners, telephone, and stationery, a research assistant was appointed. Preliminary search followed in order to identify possible sources of existing training courses and programs. After searching directories of Australian Universities and their Handbooks, an initial compilation of relevant tertiary courses and programs was done. A meeting was held with two WA Police Ethnic Liaison Unit officers, David Thangarajah and Kelly Morgan, at which guidance was sought about the nature of cross cultural training programs existing in the State and other jurisdictions by the Police, Courts, Correctional Services, Immigration, and DEET. The process of obtaining relevant information from the agencies was also discussed.

Within the first quarter of 1995, being the year the Project commenced, a number of contacts were made with other resource persons and organisations in the Project's locality (Appendix 1). Most of these contacts were by telephone. However, in April, the Project Officer undertook extensive face-to-face consultation in five Australian

jurisdictions with post-secondary institutions, justice agencies and other relevant community organisations. This involved, in the main:

- briefing to key officers in these bodies about the Commonwealth Government's commitment in making the justice system relevant to a multicultural society;
- outlining the main thrust of the multicultural justice education project;
- discussion of the national character of the objectives being pursued in this project by Edith Cowan University; and
- soliciting the cooperation of those consulted in providing to the project information about their cross-cultural training program and courses.

The consultation was well received and the project was overwhelmingly endorsed. The proposal to develop and maintain at Edith Cowan University a central data base for multicultural justice training courses struck a very warm chord. Officers in all the jurisdictions affirmed and expressed strong support for the need to develop such a facility. A "snow-ball" strategy was used in the course of the consultation to identify 'interviewees'. This meant that the request for meeting with some officers had to be made on a short notice and, in most cases, via the telephone.

To maximise the resources put towards the nation-wide consultation, the research travel was planned so as to enable the Project Officer to attend the Global Cultural Diversity Conference held in Sydney during 26-28 April 1995. As the report will show later, the Conference proved a valuable source of relevant information and personal contacts. Selected people were briefed about the Project and requested to make a standing commitment to support the project as the need may arise, and they did make such commitment.

Extensive networking of resource persons ensued from the entire consultation process. A summary of interviews that were held, issues that emerged from those interviews, and the material resources generated from the consultation are documented in Section 5 of this Report. (More contact details for these persons interviewed have been compiled in Appendix 2.)

4.4    **Stage Two: May - August 1995**

By the end of Stage one, a mountain of materials, mostly the result of the national consultation, had gathered in the project office. Under the supervision of the Project Officer, the materials were sorted by jurisdictions and organisations at the start of the second quarter. Gaps in the information and project materials were identified and steps were taken to fill them.

Work commenced on summarising the relevant materials. To facilitate this, a schema of variables was designed using a database structure. This approach anticipated what would be required to prepare a user-friendly computerised database in the next phase of the project.

DATABASE VARIABLES
Name of the Organisation
Contact Persons
Name of course or program
Targets or Client
Duration
Mode or Method of Delivery
Aims and Objectives
Content
Evaluation Scheme
General Comments

Alongside the task of summarising, the Project Office maintained an ongoing search and contact with relevant organisations as information came to hand. One of such contacts involved a request to the Office of Multicultural Affairs in Canberra to obtain relevant materials in relation to the Community Relations Strategy projects. These materials include:

- i. Volunteer Centre of South Australia - Handbook for Trainers
- ii. Mobile Cross Cultural Training unit
- iii. Aboriginal Alternative Dispute Resolution - Training Aids and Kit
- iv. Community Relations Study for the Northern Territory Police
- v. Community Education Package - Handbook for Community Workers: "Unlocking the System"

As 1995 first semester break was approaching, the priority shifted to collecting information on cross-cultural courses offered by the various Universities. A preliminary list was drawn up through a search in the *Directory of Higher Education Courses 1995*. The various Universities were then contacted and names of relevant faculty members were sought for further consultation and information. A list of these Universities, along with summaries of their programs and contact persons, is presented in the Database in Part Three of the Report.

Towards the end of this Stage, the Project Officer visited England for a conference and used the opportunity to consult with the Ethnic Minorities Advisory Commission of the British Judicial Studies Board in London. Since 1991, this Commission has developed a concerted campaign of awareness regarding ethnic minority issues in the judicial system of England and Wales. The Commission's Co-ordinator, Ms Judith Julius, was briefed about the multicultural justice education initiatives in Australia. She afterwards made available to us essential materials and Handbooks which they had prepared in pursuit of their aim to 'change people's behaviour...so they no longer consciously or subconsciously say or do things which understandably give offence to people from ethnic minorities or lead to discriminatory treatment' in the justice system.

Stage two was rounded up with the computer consultant for the project, Mr Martin Skeffington, developing a sample of the database computerised framework which was demonstrated at the July meeting of the Management and Advisory Committees. Further, TAFE Colleges around the country were contacted to identify courses of relevance to justice and multiculturalism and were invited to submit any of such courses to be included in the database. A sample of advocates working with all the Community legal Centres in Perth were also briefed about the Project and were encouraged to furnish issues relevant to the interaction of the justice system with Aboriginal and NESB groups.

#### **4.5 Stage Three: August - December 1995**

The task of summarising the course or program outlines that were received was completed. Further, intensive follow-up was embarked upon in order to fill some observed gaps in information. The database was converted into a computer-controlled search program. At this time some improvement had to be made to the approach earlier demonstrated at the meeting in July. Preliminary assessment found that the revised version of the approach would be more manipulable and user-friendly.

The Project Office commenced work on the curriculum development. Different models were examined with a view to deciding which design was appropriate to follow. As indicated in Section 1 (Background and Context), the task was to identify course content for a program to educate NESB and Aboriginal peoples on various aspects of the Australian justice system and to develop training packages for the justice agencies and NESB and Aboriginal communities.

With the guidance of the Management and Advisory Committees, key themes relating to Aboriginal and multicultural issues vis-a-vis the justice system were identified.



## Themes for the justice agencies handbooks

### ***Australia is a Diverse Society***

- *Explores the participants' awareness of Australia's cultural diversity by examining basic demographic data. Looks at the relevance of this diversity in the context of providing quality service in the field of justice administration.*
- *Examines the history of race relations in Australia, putting into historical perspective the European contact with the indigenous peoples and the subsequent handling of non-English migration. The development of government social policies from protection through assimilation, integration, and self-management to the present day multiculturalism forms a major part of this perspective.*
- *Highlights the impact of these policies on Australia's institutional structures and cultures on the one hand and, on the other, their effect on the interaction of the justice system with Aboriginal peoples.*

### ***Aboriginal issues and justice***

- *Identifies the characteristics of the various Aboriginal communities.*
- *Develops an understanding of kinship and family and their continued significance in Aboriginal society.*
- *Examines the different Aboriginal settings e.g, fringe dwelling, urban communities and outstation communities and their implications for justice administration.*
- *Develops an understanding of specific contemporary Aboriginal justice issues such as struggles for land rights and self determination, family violence, youth offending, breakdown of authority structure, over-policing, disproportionate incarceration and deaths in custody.*
- *Examines the role of Aboriginal customary law and its interface with European-derived legal structures.*

### ***Migration and Justice Issues***

- *Highlights the difference between 'migrants' and 'refugees' as migration categories with regard to perceptions and responses to the justice system.*
- *Examines specific justice issues for people from NESB with particular emphasis on cultural differences in approaches to dispute resolution, juvenile justice, women's issues and the dynamics of families in NESB communities.*
- *Reviews language difficulties to foreshadow a more extensive discussion of the problem of culture and communication at a later stage.*

### **Culture and Communication**

- *Defines culture and explores culturally determined behaviour in the justice context.*
- *Defines communication and identifies verbal and non-verbal communication which impact upon justice outcomes.*
- *Explores relevant elements of cross-cultural communication.*
- *Identifies how language, culture, ethnocentrism and evaluative behaviour become barriers to effective cross-cultural communication.*
- *Explores strategies to overcome barriers to cross-cultural communication.*
- *Examines basic skills for good communication.*
- *Explores Aboriginal and Torres Islanders languages and Aboriginal English language in the context of justice process.*

### **Overcoming Prejudice and Discrimination**

- *Identifies prejudice and discrimination as social constructs and as constituting two major blights on society.*
- *Explores stereotyping, ethnocentrism and racism and the problems they pose for justice administration.*
- *Identifies strategies to overcome these problems, canvassing the fundamental role of multicultural education in the process.*

### **Social Justice and Justice Administration**

- *Examines Social Justice and Access and Equity policies of government and its application to the field of justice administration.*
- *Discusses rights and entitlements in the context of disadvantage and inequality or power imbalance.*
- *Explores citizenship and empowerment with regard to standing in the justice system.*
- *Examines issues of compensation and reparation for indigenous peoples and their implication for access to justice*
- *Examines issues arising from the particular difficulties experienced by Aboriginal people in obtaining employment in, and participating in, justice administration agencies.*

## **Themes for the community education handbook**

### ***Understanding the law, structure and process of justice***

- *Criminal law: the law of 'wrongs' in Australia - explores the political and cultural base of defining certain conduct as criminal; types of crime and punishment in Australia*
- *Structures and functions of the justice agencies - identifies the major agencies, the systemic links between them, and their functions.*
- *Understanding police procedures - explains what police do from complaint or suspicion of an offence to the presentation of a charge in courts, the powers which the police use, and the rights of people with whom police deal.*
- *Court people and procedures - demystifies the set-up and appearances of courts/court officers; differentiates between adversarial and inquisitorial systems of justice; and examines the demands upon different 'lay' roles in the court system such as the accused, witness, and juror.*
- *Correctional procedures - examines the responsibility of corrections and the cultural underpinning of the procedures and routines in correctional systems.*

### ***Selected areas of law that affect daily life***

- *Law against violence in the family - explores the nature of violence in families, legal responses to family violence in Australia, and how to seek redress under the law.*
- *Understanding the Family Court - examines the role of the Family Court in various aspects of family*
- *Road traffic and driving laws - explores issues in relation to motor vehicle registration, driving licences, the policing of drink-driving laws, and the prosecution of motoring offences.*
- *Offensive weapons and firearms law - deals with the link between firearms and anti-social behaviours; and the laws dealing with importation, sale, ownership, security and use of firearms.*
- *Drugs and legal responses - discusses the context and uses of drugs, young people's involvement, policing of drug laws, and support services for people dealing with drug-related problems.*

### ***Rights and responsible citizenship***

- *Civil, political, social and economic rights - identifies basic rights and their legal framework in Australia; and emphasises the effects of rights on life chances and capacity to participate in responsible citizenship. The broad areas of rights considered are: constitutional freedoms, equal opportunity and affirmative action, and consumer protection.*
- *Translating and interpreting service - highlights the role of translating and interpreting service (TIS) in the justice context; the national scheme of TIS delivery, the basic 'customer-convenience' characteristics of TIS, and how to access TIS.*

***Where to find help***

- *Why further help is necessary - makes the point that the knowledge derived from this Handbook needs to be supplement by advice from specialised bodies.*
- *Organisations - lists names and addresses of all the law society bodies in Australia, along with telephone numbers for easy contact: by jurisdiction.*
- *Other resources for advice and aid - lists names and addresses of community resources including legal centres, legal aid, welfare rights centres, women's information centres, domestic violence service commercial tribunals, consumer legal services, tenants' advisory councils, and citizen's advice bureaux: by jurisdiction.*

These themes were later used to develop the training handbooks.

#### **4.6 Stage Four: February - June 1996**

During this last phase of the Project, the task of developing training packages was completed. The computerised database was demonstrated again to the Management and Advisory Committees on two occasions. The Project Officer delivered a series of talks about the project to some justice agencies in Western Australia in order to, *inter alia*, generate feedbacks locally. This proved very successful.

Apart from the members of the Project committees, other organisations such as the Legal Aid Commission (the Community legal education Division), the Western Australian Police (the Community Service Command) and a cross-cultural training group (based at the Northern Suburbs Migrant Resource Centre) were invited to comment on the various aspects of the Handbooks.

The feedbacks that were generated in this process have been incorporated into the products included in this Report.

## 5 RESOURCES USED AND THEIR SOURCES

The resources used for this Project came from individuals or groups who are affiliated to the relevant organisations and post-secondary institutions including police departments, courts or ministries of justice, correctional services, non-government bodies, and Universities. Included in these resources are perspectives, documentary materials, and 'leads' to other sources of relevant information on Aboriginal and multicultural issues. Investigations revealed that very few TAFE colleges offer courses or programs dealing with relevant issues.

The bulk of the resources were obtained through the national consultation during the first stage of the project and the contacts with Universities mostly during the second, third and fourth stages. On-line search through Edith Cowan University library catalogues and internet sites yielded some valuable supplementary materials.

In the next sub-sections, sources and resources that emerged from the national consultation and the contacts with Universities are outlined.

### 5.1 Northern Territory (Darwin)

*Norman Fry, Associate Dean, Faculty of Aboriginal Studies, NT University, Darwin:*

The interview with Norman emphasised the need to incorporate cultural values of Aboriginal people into the mainstream curricula. This would lay essential foundation for an effective multicultural justice education in this country. Presently, some States incorporate Aboriginal values into electives, not core curricula. The criteria with which private schools operate do not require them to include cultural sensitivity in their curricula.

In the Northern Territory, Aborigines constitute about one third of the population. There are traces of institutional backlash against attempts to develop multicultural education. With regard to Aborigines' interaction with the justice system, a multicultural justice education must relate the past to the present - to be able to move forward. Mabo exemplifies this. As yet, there is "fire in the belly for those who felt done by and multicultural justice education can contribute to the healing".

*Venkat Rao Pulla, Department of Social Work, NT University, Darwin  
(Currently with the Brisbane Migrant Resource Centre):*

Venkat has been heavily involved in the development of the Network of Intercultural Communications in Australia. He has compiled an extensive bibliography on multiculturalism. The discussion with him helped to point to other key people dealing with multiculturalism and justice in Darwin.

Venkat informed the Project that the State offices of the Office of Multicultural Affairs (OMA) have been disbanded and their work has now been absorbed by the Department of Immigration and Ethnic Affairs. OMA's multicultural research agenda is looked after by the Bureau of Immigration and Population Research. The full implication of this restructuring is yet to crystallise. Venkat provided details that assisted the contacts with Mr Chris Adepayibi of NT Correction Services, who is in charge of organising Annual Training Workshops for their staff and Barbara Etter of the NT Police Service.

*Chris Adepayibi, NT Correctional Services:*

Chris suggested to the Project to seek audience with the Aboriginal Legal Aid Service, NT Department of Law, Office of Aboriginal Development, and the Institute of Aboriginal Development in Alice Springs.

His organisation, the NT Correctional Services, rarely sees people from any other ethnic communities; only the Aborigines are highly represented in the correctional system. The organisation uses the following strategies to address multicultural issues:

- Direct request to Aboriginal Communities to provide input into legal cultural issues relating to inmates.
- Educational services in the prison system, incorporating cultural awareness for staff.
- Locating offices in Aboriginal communities to facilitate interaction
- Programs designed to enhance participation of Aborigines as officers include Aboriginal Community Corrections Officer Program and Community Supervision Program.

- Use of external local training providers.
- 'Community Law Education' Package (Njatma) has been developed. This package, developed in consultation with the community elders, attempts to capture the link between Aboriginal cultural values and the values embodied by the mainstream legal system.

*Margaret Friel, National Aboriginal Youth Law Centre:*

Margaret confirmed that the NT Police has embarked upon cross-cultural training on Aboriginal issues and advised that Superintendent Robin Bullock was Officer in charge of the Aboriginal-Ethnic Liaison Unit. She is aware that Batchelor College is conducting research on Community Justice and would be useful to contact. Other useful contacts suggested by Margaret include: Frank Spry or Jenny Hardy at the National Aboriginal Legal Aid Services (NALAC), 1 Gardener St, City. Tel. 815266; Collin Rosas (tel. 895155), Office of Aboriginal Development; and Lenore Dembski, NT Department of Education, Aboriginal Development Unit (tel. 895782).

Margaret believed that a multicultural justice education in respect of Aboriginal experiences must, among other things, focus on rights to silence, Police attitudes, overview of inter-agency services, language and interpreters programs, family ties, and relationship to land.

*Barbara Etter, Dean of Studies, NT Police and Supt. Robin Bullock:*

Barbara had written a masters degree thesis on cross-cultural training for the Police. She donated a complimentary copy to the Project and advised that contact be made with the National Police Ethnic Advisory Bureau in Melbourne and the National Police Research Unit, 298 Payneham Rd, Payneham (tel 08 3633030) in Adelaide.

Robin advised that a program was being developed in the context of Arnhemland Aboriginal cultures. He emphasised the need for multicultural justice education to go both ways and to go beyond skills to world views. Meanings attached to central legal concepts such as contract differ significantly between Aboriginal communities and the white society.

NT Police have grappled with a case involving damage to a sacred site. In European law, it is criminal damage punishable by 2 yrs. Aboriginal law deals with such damage as heinous, warranting death. Effort must be made to appreciate the world views that inform these divergent outcomes and to accommodate them in the justice system.

NT Police have witnessed fundamental changes in the last 10 years most of which relate to the cultural relevance of the police to the community. A private cross-cultural organisation has been employed to develop for the Police an Aboriginal recruitment strategy. At the Police Academy, Commander Trevor Green (Dean) and Kate Vanderlane (Education Department) gave interviews, outlining the cross-cultural component of their training program for recruits. A copy of the course outline was obtained. Phil Elsgood of the Cross-Cultural Pty Ltd. provides guest lectures and seminars for the recruits at the Academy.

*Stephen Herne, Department of Law:*

The Department was yet to develop a cultural awareness program for staff. Research has been carried by some individual staff on Aboriginal customary law. Stephen could be contacted on tel. 897026.

*Collin Rosas, Office of Aboriginal Development, Enterprise House:*

Collin's office looks after services, especially courses, that government agencies provide for Aboriginal people. Cross-cultural awareness is a priority in the assessment of these services. Collin suggested that contact be made with Ken Laughton - Director, Institute for Aboriginal Development (tel. 522688). The Institute has been running cross-cultural courses since mid 1970s. Collin's organisation has engaged the Aboriginal Resource Development Services (Uniting House, 74 Smith St. Darwin 818444) to teach Aboriginal people about mainstream issues, including the justice system.

*Steward McMillan, Aboriginal Resource Development Services:*

The primary focus of this organisation is education of Aborigines using legal, political and economic structures. Emphasis is on skills training, not on abstract issues, and is guided by a South American model



developed by Friere. The organisation operates through pseudo-structures established by the mainstream society and traditional structures such as Elders Council.

As a secondary focus, the organisation runs cultural awareness and communication programs for professional people in Arnhemland region. Last year, they organised seminars for elected members of Parliament and management bureaucrats. The seminars were conducted using generative words or themes to sensitise participants to issues of cultural diversity.

*Frank Spry, National Aboriginal Legal Aid Service (NALAS)*

NALAS believes strongly in the need to develop a cross-cultural training package for police, courts and correctional services. They have not moved in this direction but have made contacts with individuals and organisations that have considered cross-cultural issues. Frank suggested some people to contact: Richard Trojan (089 873545) has done comparative study on Aboriginal and European law. Theresa Roe with the Department of Employment, Education and Training (DEET) has responsibility for legal education for Aboriginal Communities. NALAS is aware that Batchelor College is investigating community justice education.

*Hinton Lowe, Senior Lecturer, School of Community Studies, Batchelor College:*

Hinton advised that their institution has been requested by the local community to develop community justice education. This will consist of formal and informal programs. Progress was being made in documenting their consultation as background files for reference groups. The focus of the assignment is to strengthen community responses and claim to the criminal justice system. Hinton referred to existing relevant activities in NT including: (1) Translations/Interpreters course - taught by Mike Cook; (2) initiative of HREOC to develop a training program for Aboriginal Legal Aid Services, targeting issues and skills needed by field officers; (3) Para-legal Studies at NTU; and NT Equal Opportunity Commission Education Officer currently developing information strategies to raise

awareness in the community about their work. Cyril Coaby, a lecturer at the College, agreed to send some relevant materials to the Project.

Hinton suggested that the curriculum model to be considered in developing a national training course should be one that avoids a high level of specificity, does not deal with competence-based issues as in accreditation requirements, and is not narrowly focused on skills. Choice has to be made between formal and informal methodologies, and between interest-based (life learning) and needs-based (learner-context response) approaches.

*Janicean Price, Director, NT Office of Ethnic Affairs:*

This Office was established in 1993 to cater for about 18.6% ethnic population in NT. About half of this population comes from non-European backgrounds. Main ethnic groups include: Filipinos, Chinese, and Vietnamese (a fast growing group). Community education is yet to be designed.

## **5.2 South Australia (Adelaide)**

*Fred Schaffer, Social Policy and Community Development Officer, Ethnic Communities Council:*

At present, this organisation has no input into justice agencies training in relation to cultural awareness. It was, however, conceded that there is room for such a role in South Australia.

*Christa Cristaki, Community Education Manager, Ethnic Affairs Commission:*

The Commission has developed one day courses and presented them on demand to a number of government organisations. Recently, they organised some training for the Legal Service Commission. Every year there is a law week and the Commission makes a presentation. Education on Victims of Crime Service for ethnic communities has been provided. In 1995 they organised a workshop on racial vilification

as part of law week. They are building a small-scale resource collection on multiculturalism and training models.

*Margaret Doyle, Attorney-General Department:*

The Department runs neither cross-cultural training for staff nor community education about law. It was suggested that Cheryl Axleby, Administrator of Aboriginal Legal Rights Movement, be contacted. She was not available for consultation.

*John Zingony, Courts Department:*

The Department runs a three-day Aboriginal Cross-Cultural Training course, using an Aboriginal person, Chip Morgan, as consultant. Sessions in the presentation include Aboriginal history, and three pillars of racism (using videos). At the moment there are no training for communities about the judiciary and no training programs for staff about other ethnic groups. John promised to send a copy of the three-day training program to the Project.

*Bernard Meatheringham, Manager Education Unit, Correctional Services:*

The Education Unit runs Aboriginal Cultural Awareness courses and has implemented an affirmative action program for Aboriginal Officers in the last two years. The courses have been running for about 4 years. They are offered, compulsorily, to new recruits as part of induction and also to existing staff as on-going orientation. The Unit presents their courses to other organisations such as the Health Commission and the Aboriginal Affairs Department on request.

For feedback on the courses, the Unit uses direct questioning of participants and supervisors evaluate those who have passed through the courses three months into the system. External evaluation is being planned. All indications so far are that the training program is working and changes in attitudes and behaviours by prison officers are noticeable.

Presentation is done mainly by Aboriginal people in the Service and others from outside. This was seen as a major strength for the program. Later in the year, the first Aboriginal Police Officer in South Australia, along with Mrs Alice Rigney, the Principal of Aboriginal Schools in Kaurna Plains, were expected to address some of the training sessions. Presenters go to stations or regions to meet the participants. Key Issues addressed in the courses include the influence of history on Aboriginal people, differences in communication (e.g forcing eye contact, intimidation from questions such as "Do you understand?", walk along instead of stand in front of Aboriginal people). At present, the three most significant multicultural issues for the Department are diet, translation, and signs around the prison.

The Department of Correctional Services has sponsored a Noongar (Aboriginal) Network in the Services. This Network addresses: cross-cultural training, career prospects, and tertiary studies in Universities for Aboriginal Officers. There are 19 Aboriginal employees (including 2 in the community correction sector). The most obvious gap in the Department's cross-cultural program is that there is no specific program to educate Aboriginal prisoners.

*Desmond Berwick, National Police Research Unit:*

Since it's establishment in 1983, this Unit has provided research on anything police do or use. In 1991, the research was re-focussed to concentrate on Human Resource Management, dealing with psychological aspects of recruitment, alcohol in policing, conflict resolution strategy, community images, organisational commitment and change, environmental scanning, and strategic planning. Research portfolio is determined by the Board of Commissioners of Police. The Unit has not pursued any significant research into multicultural issues. A few projects in the mid 1980s might have touched on such issues.

*Kate Rollison, Acting Director, Aboriginal Program Centre, Adelaide University:*

This Centre has not developed any training program as yet. Ursula McGowan of the Advisory Centre for University Education might have information on any direct cross-cultural training in the University. At the Law School, there is a unit entitled, 'Aborigines and the Law' and

for further details, Rosemary Owen, Professor Hillarys, or John Bradsen could be contacted.

*Wayne Chivell, SA Coroner's Office:*

Wayne has worked as magistrate in Aboriginal communities and has, in the process, come across cross-cultural issues in the administration of justice. The difference between dispute resolution processes in Aboriginal communities and the mainstream society is significant, but this can be overcome by understanding on both sides. Wayne showed willingness to share his experience with the Project and was invited to become a member of the Advisory Committee.

### 5.3 Victoria (Melbourne)

*Warwick Arblaster, Aboriginal Affairs Department (Part of Health and Community Services):*

The Training and Development Section runs a three-day cross-cultural training, focusing on historical and socio-political issues. The Section uses Aboriginal venues such as cooperatives and camps. The contents of the training deal with discrimination, legislation for the management of Aboriginal people, issues from the Royal Commission Inquiry into Aboriginal Deaths in Custody, aspects of urban Aboriginal life, what ATSIC is all about, Aboriginal time, interaction with the law, and racism. Workshop-approach is used often. Request was placed for the relevant materials that this Section had developed.

*Lorraine Coleman, Jenny Payne, and Savas Augoustakis, Ethnic and Aboriginal Liaison Officers, Victoria Police:*

These officers coordinate regular cross-cultural training and Aboriginal cultural awareness programs. Specifically, there is the 'Familiarisation Program' for officers who go on transfer to Aboriginal communities. This program runs for two days in SwanHill, Mildura, Robinvale, etc. and involves people from the communities. Responses from participants of these courses have ranged from embarrassment through indifference, subtle hostility, to open antagonism.

It was observed that the cross-cultural awareness component of the training period for police is inadequate: Aboriginal issues, 3.5 hours for recruits in a 20-week training and 40 minutes for sergeants; NESB migrant issues, 10 hours for recruits. The training officers would like to see the training time increased, the program given strategic place in the overall training program, the mode of delivery diversified to involve more community persons, and the courses made testable to attract more commitment from participants.

The training officers indicated that there are no set programs to educate communities about justice and would like to develop educational kits as necessary tools in such a venture. Following a number of police shootings, the training unit is under pressure to "go back to basics". Ethnic community issues are yet to be given due emphasis in this push for the 'basics'.

The compulsory aspect of the training for recruits includes a visit to the Adult Migrant English Service (AMES). Using part cognitive and part experiential methods, recruits are allowed to go to the centre only in mufti where they are encouraged to interact with the people at very personal levels. (At the sub-Officers level, one session of ethnic education is provided. The Officer level has two sessions). AMES students then reciprocate by going to the Police Academy and interacting with people in uniform.

Evaluation of the cross-cultural training is based on feedbacks from Police District Training Officers completing a questionnaire on the perceived need of their communities. The current move by the Police Department to develop a 'customer-service' approach is expected to give a higher profile to multicultural issues. The trainers also expect to obtain some useful input from a research being developed by the National Police Ethnic Liaison Bureau on the perception of the ethnic communities about the legal system.

The State Police Ethnic Liaison Unit is implementing the Confident Living Project to educate aged people to live with less fear about crime. The same Project is used to sensitise the "gatekeepers" of ethnic communities into knowing their communities and tailoring programs to meet their needs.

*Caitlin Huffer, Senior Equity Consultant, Department of Justice, Corporate Training Unit:*

The Department has recently begun to develop Training and Equity strategies and programs. These programs are still fluid, but the emphasis is on Deaths in Custody and is built around a focus on "What is Justice doing in the community?". The Department has involved the Koori Heritage Trust and has made the training programs compulsory for all Court Officers and Corrections Officers. Traditional Aboriginal law is included in the curriculum.

A new policy, informed by 'managing diversity' philosophy, is being developed. Also a new Interpreter card is being prepared for NESB people. The Department is introducing Performance Training with a small component of cultural awareness. A copy of the cross-cultural awareness course and evaluation instrument was obtained.

*Steven Francis, Research Officer, Ecumenical Migration Centre:*

This Centre is regarded as a clearing-house for multicultural literature in Victoria. Some of the literature were obtained on the spot. Other materials identified as potentially useful to the Project, include:

- Sackville, Ronald, (1975), *Commission of Inquiry into Law and Poverty in Australia*, pp216-244; 262-290.
- Boer, Ber, (1979), *Community Legal Education*, pp127-130; 146-170.
- Bird, G., (1988), *The Legal System in Australia's Multicultural Society*.
- Alan, Hodge, (1987). *Communication Across Cultures: An ABC of Cultural Awareness*, XF21(3).
- Brishin, Richard (1977), *Cross-cultural Encounters*, XF 21(3).
- Pedersen, Paul (1988), *A Handbook for Developing Multicultural Awareness*, XF 21(5).
- Pusch, Margaret (ed. 1979), *Multicultural Education: A cross-cultural Training Approach*, XF 21 (3).

*Ken Wilson (Inspector) and Kathy Knowles (Senior Constable), Training Section, Vic. Police Academy:*

Recruits do 20 weeks training and two years probation under supervision. Some are required to go back to the Academy for refresher course for 4 weeks. The training section adopts a flexible structure for recruits from NESB (using case system) and experiences 88 per cent success rate for these recruits.

The cross-cultural training uses "Blue eyes/brown eyes" method to sensitise recruits to discrimination issues. Exercises on these issues run throughout the training. There are three sessions on Aborigines. In Week 10 of the training, participants go to police stations for field experience. During Week 12, one whole day is devoted to multicultural issues. Multicultural issues are also covered under the theme of domestic violence.

Recruits visit Adult Migrant English Service Centres and, in turn receive visits from people using these Centres. None of these cultural awareness programs had been evaluated at the time of the consultation interview. An evaluation was being planned to take place two months after the interview.

*Ivan Kolarik, Executive Director, National Police Ethnic Liaison Bureau:*

Police in all jurisdictions now have cross-cultural training programs, but the standards vary. The Bureau intends to standardise the programs and is pushing for integrated training approach. In this approach, cross-cultural training should not be an appendix, but an integral part of the police training. General training needs to be supplemented with specialised issues. More important, the training should be assessable. A national multicultural justice education should address issues including: racism, communication, historical perspective, and attitude formation, modification, and interpretation. The education should move away from a didactic to experiential model. Use of videos and other visual aids should be encouraged.

A National Police Education Standard Council is based in Manly under the Chairmanship of Commissioner Mick Palmer and his Deputy, Tim Rohl. The need to make cross-cultural training available at all



levels, ongoing and nationally consistent was being considered by the Council. Ivan reiterated this point in a presentation to the Council earlier in the year and remains enthusiastic about the issue.

'Operation Ethos: Community Education and Information' has been implemented in Victoria. Basically, it sought to explain the role of police in a democratic society (e.g the police are independent and are not oppressive as in totalitarian societies); the process of law-making, possession and use of offensive weapons; and the process of complaints against police officers. The strategies used include ethnic media broadcast and direct approach to ethnic communities. The underlying philosophy was Community or Partnership Policing.

The interview with Ivan emphasised that multicultural justice education must:

- deal with myths in society, status symbol, and cultural traits;
- recognise unwillingness to learn English (literacy in one's language; old age, etc. are a disincentive) and group dynamics (migrants sticking together)
- use cultural simulation and experiential approach; and
- be relevant to the justice establishments (police, courts, corrections, etc.) as professions; and
- be supported with appropriate evaluation model or framework.

Ivan lent to the Project his Report on Policing in a Multicultural Society to be consulted in designing a national training program at a later stage of the Project.

*Peter Sallman, Executive Director, and Anne Wallace, Deputy Executive Director, Australian Institute of Judicial Administration:*

The Institute, in collaboration with the NSW Judicial Commission, has produced a Judicial Orientation Training Package. It contains a five-day course, dealing with skills (nuts and bolts) issues. A module in this package focuses on cross-cultural awareness for the judiciary. The course was offered in 1994 to participants at a venue in Sydney. This was preceded by a 'train the trainers' orientation for the presenters. The impact of the course was being assessed at the time of the interview.

The Institute subscribes to a number international sources of information. The relevant ones, for the purpose of the Project, include: Model of Information Collection and Dissemination: National Association of State Judicial Education; JERITT: Judicial Education Reference, Information and Technical Transfer Project (The JERRITT Project, Michigan State University, 560 Baker Hall, East Lansing, M 8824, 517/3538603); and Curriculum Program, Faculty Development, Managing People Process Project, 1994 Monographs.

*Attempts to interview the following relevant organisations were unsuccessful:*

- Australian Multicultural Foundation (3476622). The Chairperson, Hass Dellal, was heavily engaged with preparations for the Global Cultural Diversity Conference.
- Ethnic Community Council, 270 Highett St Richmond (4271300). There was no response from this organisation. The Chairperson, Vickor Borg and another officer, Hakan Akyol, were highly recommended but could not be contacted.
- Ethnic Affairs Commission was disbanded in 1990 and most of its relevant functions were placed in different Departments. The remnant organisation only serves as adviser to the government.

#### **5.4 Australian Capital Territory (Canberra)**

*Brendan O'Dwyer, Director, Corporate Communications and Graeme Morgan, Law and Justice and Office of Public Affairs, ATSIC:*

Cross-cultural training programs for the judiciary are expected to be developed by the Attorney-General's office and the following officers can be contacted: John William-Mozley or Anna Lisa, Tel. 2506351.

There were no uniform cultural awareness programs for the justice agencies (each Department has a component). Nor are there programs aimed at educating communities. Legal Aid Commission has a component - an outreach type of program using pamphlets and going to schools. The Annual Reports might contain some information about these activities. The Law and Justice Division fund legal services, each

of which is expected to conduct awareness or legal education in communities.

*Keith Simpson, Attorney-General's Department:*

Keith's section of the Department focuses mainly on Aboriginal cultural awareness, following the Royal Commission of Inquiry into Aboriginal Deaths in Custody Recommendations. The Police have done a fair bit to advance the awareness; the Courts seem to be working in vacuum. A template to guide all relevant agencies will be useful. A Law and Human Rights Division has recently been established with a mission to educate the communities. This Division is connected to Internet. There are also Community Law Reform and Community Safety Committees; the latter has ethnic representations.

On Keith's advise, the Registrars of the Magistrate Courts, Phil Thompson, and the Supreme Court, Alan Towell, were contacted. Their offices informed the Project Officer that there is no awareness program specific to ACT; only the Australian Institute of Judicial Administration organises such programs for the courts.

*Victor Rebikoff, Chairperson, Federation of Ethnic Communities Council of Australia (FECCA):*

Victor suggested that the 'Access to Justice' Report and the 'Civic Expert' Report released recently could be useful sources of information on multicultural education or services in cultural contexts from the school level. It was observed that English as Second Language was not provided uniformly across the country. A multicultural justice education should be founded on a philosophy of social justice that seeks to harness the rich cultural diversity and ensure that everyone has a fair go.

In the 1990s, FECCA cannot depend totally on Government to promote multiculturalism across different facets of social life. FECCA plans to build alliances within ethnic and non-ethnic organisations and to develop leadership that is politically adept. The multicultural justice project can play a significant part in giving a sense of social justice to ethnic communities. Victor expressed total support of FECCA for the Project.

*Annette Douch, Public Affairs, Australian Federal Police (AFP):*

Cultural awareness is receiving strong endorsement in the force. The Public Affairs Division is developing in-house mechanisms to sensitise AFP personnel to issues of Aboriginality and ethnicity. Annette conveyed AFP's strong support for the national framework that the Multicultural Justice Education Project could provide and promised to send relevant materials to the Project.

## 5.5 New South Wales (Sydney)

*Livingstone Armytage, Director of Education Division, Judicial Commission of NSW:*

The Division provides training, tailor-made to the needs of different courts. The aim is to teach judges to be disposed to questioning, not merely to be information encyclopedia, and to challenge stereotyping. Further, the training is designed to encourage judges to develop critically reflective framework within a cultural context that is wider than their own world views.

Courses have been running since 1993. Expected outcome is to build circuit breaks into those judicial philosophies that foster prejudice and discrimination. The main constraint in providing cross-cultural training for the judiciary is the rather limited chance to pass adequate information across in the course of a short training session. For evaluation, the Division has used what is called the "Happy Sheet" containing a set of questions to measure participants' opinion about the training sessions. Livingstone made copies of valuable literature available to the Project.

*Tim Rohl, Executive Director, Australian Institute of Police Management:*

The Institute is a national staff college for police higher education. It focuses mainly on senior management level policy development. While it does not very much address multiculturalism or sensitivity to

Aborigines and NESB communities, cultural overtones of policy form a major part of its educational process.

In line with an emerging perspective, Tim argued that multiculturalism should be seen in terms broader than one's national origin. It should encompass the cultures of other interest groups. This perspective was adopted in a recent course on Police Management Program which provided a seminar segment on cultural groups in Australia and Richard Alabai, a staff of the Institute who was closely associated with the seminar, could be contacted for more details.

The Institute has been preoccupied with developing strategic plans and policy issues of political and legal nature. A fact with relevant policy implications is that Australia is not given towards experiencing other cultures. Tim was, however, confident that Ivan Kolarik's position on integrated cross-cultural training for the police will become a component or part of the core competencies in police training.

In the past 10 years the police in Australia has seen much softening towards society, including Aboriginal and NESB communities. The change of name from 'police force' to 'police service' demonstrates shifting attitudes. An electronic search of the Institute's Library showed that some officers have done projects on policing in a multicultural Australia. Copies of these projects are of restricted access but Margaret Davson, the Research and Information Services Manager, was willing to make other relevant materials available to the Project.

*Mick Dodson, ATSI Social Justice Commission:*

Mick gave interview to the Project Officer in company of three other staff of the Commission. The Commission does not deal with criminal justice or community justice education except where they relate to Human Rights issues. Some of the Commission's specific programs which would be useful to the Project are: the Koori Education Outreach Program (sponsored by Victorian Equal Opportunity Board); Tracking Rights in Queensland, National Community Education, and National Legal Service Program.

A Conference was being organised in Darwin on field legal services. Recent events relating to ATSI people have increased the desire of the Commission to focus on criminal justice system issues but, being a

federal agency, they are constrained because criminal justice belongs predominantly to the States. The officer in charge of the Aboriginal Para-legal services Education Project was later interviewed, and relevant materials were collected from her.

*Ethnic Communities Council of NSW:*

The staff of this Council were involved in the Global Diversity Conference at the time and were unable to be interviewed.

*John Brennan, Director - Policy and Liaison Unit of the Ethnic Affairs Commission:*

John was interviewed at the Global Diversity Conference. He endorsed the Project and promised to send some materials about their functions which have some bearings on the task of the Project.

*NSW Police Department:*

The Department has Aboriginal Liaison Officer, B. Rabaldini and Ethnic Liaison Officer, Lonna Watson, both of whom were unavailable for interview because of their involvement with the Global Diversity Conference. They, however, directed inquiries to the Training Division in Parramatta.

*Peter Clamp, Police Training Division and Brian Garvey  
Goulbourn Branch, NSW Police:*

Peter organised for Brian to come from Goulbourn to be interviewed. Brian outlined the training structure containing five phases: from the time the recruits go into training to the time they qualify as constables.

Multicultural issues are integrated into the training. (Compulsory for all). However, in the Management Development Program at supervisory level, multicultural issues are given less emphasis. Aboriginal cultural awareness program is delivered in the field (at patrol level) for two days. The model used is to have a facilitator-led workshop. Normally an Aboriginal person is used as the facilitator. Day One focuses on theoretical understanding of the development of

Aboriginal culture before white settlement; communication issues; influence of various government agencies; how police are perceived; etc. Day Two focuses on problems in each community. This program has been piloted over 2 years. Brian promised to send a copy to the Project.

*NSW Ombudsman's Office:*

The Office had conducted a community race relations research and promised to send relevant materials to the Project.

## 5.6 Queensland (Brisbane)

*Emmanuel Anthony, Senior Adviser - Cultural Issues, Queensland Police Service:*

Emmanuel is adviser to the Commissioner of Police and a member of the Ethnic Communities Council. He assisted in making contact with relevant people in the Police Academy. He expressed support for the Project and supplied the recruit training program in Queensland.

*Patricia Hovey, Queensland Justice and Attorney-General's Office:*

The Office does not have any ongoing training in cross-cultural communication. Some of the divisions engage outside organisations to train staff, but this is done on an ad hoc basis. Bureau of Ethnic Affairs is one such organisation. An Equal Employment Opportunity management plan has recently been drawn up. An essential feature of the plan is to increase awareness of staff with regard to multicultural issues.

Patricia also informed the Project Office that DEET has developed a core cross cultural training package for the public sector in Queensland. This is to go before Parliament for approval.

## 5.7 Tasmania (Hobart)

*Bill Harvey, Policy Officer, Corrective Services Tasmania:*

Cross-cultural training programmes for personnel, on dealing with NESB communities is not a major issue as Tasmania does not have a major NESB population, compared to mainland Australia. As for cross-cultural awareness training re: Aboriginal communities, the Corrective Services have made an effort to make up for lost time and courses have recently been conducted for all custodial officers. Among other training, cross-cultural awareness is conducted for newly inducted prison officers. But this is in initial stages of development.

His office was not aware if University of Tasmania offers any course addressing cross-cultural issues.

## 5.8 Western Australia (Perth)

*David Thangarajah and Kelly Morgan, WA Police - Ethnic Affairs Liaison Unit:*

David and Kelly coordinated the cultural awareness program in the WA Police. In recent times, emphasis on cross-cultural training has increased. There was still a lot of resistance in the system as most officers could not readily identify the benefit of such training for their jobs.

The course outline currently in use needs review; within the next twelve months, a new one will be introduced. The evaluation of the program has been conducted mainly using a 'happy sheet' at the end of all sessions in a training period.

*Andy Duckworth, Office of Multicultural Interest (OMI)*

OMI does not provide any training in multicultural area. It however maintains current list of agencies that run such training. Andy advised the Project to contact the Adult Migrant Education Services



*Sandra Dodge, Training Manager, DEET, Perth:*

There is an officer who runs an in-house Aboriginal Cross-cultural Awareness course for DEET. The course is a two-day program. Its materials could be made available to the Project, subject to copyright constraints.

*Frank Martin, Strategic Services, and May Chalker, Aboriginal Training Co-ordinator, Ministry of Justice, Perth:*

Frank and May have been involved in developing Aboriginal cultural awareness program for the Ministry of Justice. The materials currently used deal with the history of Aboriginal societies, colonisation, contemporary issues and the justice system. The training runs for two days.

## **5.6 Global Cultural Diversity Conference, Sydney**

The Project Officer participated in the Global Cultural Diversity Conference and collected relevant conference papers for the Project. Some of the presentations which reinforced the key issues that were raised during the consultation interviews are outlined below.

*The Premier Bob Carr, NSW:*

Bob addressed the question whether Australian Multiculturalism means diversity or equity. In any case, he focused on the question: 'how well are we doing?'. He noted that many migrants do not speak English; unemployment for NESB people is 14-33 per cent; cohesion in Australian society has recently been tried by the Gulf war, and some migrants show low rate of taking citizenship.

What else is to be done? Bob emphasised that multiculturalism should be seen as a process; efforts should be made to liberate economic strength of migrants; the nation should pursue the need for a strong narrative history to document European and ethnic contributions to the society; politicians should avoid partisan divide over multicultural issues; and multiculturalism should be pursued as a contract with the nation.

*Jerzy Zubrzycki, Emeritus Professor, Department of Sociology  
Australian National University:*

In his historical overview of multiculturalism in Australia, Jerzy showed that the policy began as a critique of the Australian society in the 1960s. In its public manifestation people began to question the connection between equality and cultural pluralism. The 1975 Walter Lipman's Report emphasised that the role of multiculturalism consists of cultural maintenance, equity, and social cohesion.

He proposed that the concept of 'multiculturalism' has fulfilled its mission and should now be done away with in Australia of the 1990s. In its place, we should adopt 'Many cultures, one Australia' to better capture the prevailing cultural relativism. This proposal was overwhelmingly rejected by participants who argued that multiculturalism is even more relevant today than three decades ago.

*James Gobbo (Sir), Chairman, Australian Multicultural Foundation:*

James addressed criticisms levelled against multiculturalism and observed that there is no lack of debate about multiculturalism in Australia. He instanced a few criticisms: Prof Geoffrey Blainey calls multiculturalism a sham; argues that when Islam reaches 16%, it will come into conflict with secular Australian; and favours return to assimilation; Aborigines have declined to be part of multiculturalism; Prof Andro Cherkabolis argues that multiculturalism does not respect the needs of the working class; and the feminists condemn multiculturalism as gender blind.

The challenge, James maintained, is to identify common shared values. He argued that good things are beginning to happen in his profession (he is a retired judge). Mock trials are being arranged in which Judges are charged and prosecuted in different languages and they had to follow the proceedings with assistance of interpreters. This is designed to enable them appreciate what NESB people experience when they appear before courts conducted predominantly in English. The Project Officer talked to James afterwards, briefing him about the Project. James expressed great delight and willingness to assist the Project in any way possible.

*Mary Kalantzis, James Cook University of Northern Queensland:*

Mary submitted that in the multicultural debate in Australia, we must come to grips with three key issues. We must embark upon cooperative politics, appreciate that equity does not mean sameness, and pursue a democracy that comes to terms with group rights as well as individuals.

Australia is a unique place for multiculturalism to succeed. Present conditions constitute an opportunity: there is still a weak sense of national identity, the country has the second largest immigration program in the world (second only to Israel), it is vulnerable as an exporting economy, it is still slow in dealing with the unfinished business of indigenous people, and it currently has a federal government with a political commitment to social equity. The country should aim to achieve civic pluralism. The relevance of these issues is beyond question.

*Senator Jim Short, Liberal Senator & Shadow Minister for Immigration and Ethnic Affairs:*

Jim argued that in talking about Multiculturalism and Australian Identity, there is a need to suspend conceptual definition and move towards developing experiential definition. He characterised the Australian national identity with egalitarianism, non-discriminatory attitude to one another, fair go, tolerance, dislike of arrogance, belief in liberal democratic traditions, stability in political institutions, and concern for total quality of life.

Contributions to 'The Way Forward' session raised pertinent points; a selection is summarised here:

*Bill Jonas, Principal Australian Institute of Aboriginal and Torres Islander Studies:*

- All people in Australia be treated as ethnic
- Discussion should be on the basis of negotiation, not just consultation.
- Massive education is needed especially about Aboriginal cultures.
- Indigenous people must not become racist themselves.

*The Hon Sheila Finestone (Secretary of State - Multiculturalism, Canada):*

- Find pro-active way of addressing race relations
- Manage key forces in favour of cultural diversity: economic downturn; technological change. Stabilise the economy through education and skills to use technology.
- Ensure employment equity and access.
- Maintain a continuing nation-building activity
- Pursue cultural peace, development and diversity.

*Viktor Rebikoff, Chairperson, Federation of Ethnic Communities' Councils:*

- Establish partnership and cooperative links, bilaterally and internationally.
- Identify common grounds and celebrate cultural diversity.
- Establish a coordinated agenda for multiculturalism within the constitutional framework.
- Locate in the UN a research office dealing with best practice in multiculturalism.

*Hass Delall, Executive Director, Australian Multicultural Foundation:*

- Develop a process to receive feedback on relevant national and international conferences.
- Network widely
- Delegates should take information back to their constituencies for discussion.
- Identify best practice and work within a time frame.

## **5.9 Sources of Courses and Programs**

The organisations that submitted courses and programs to be considered for the Project documentation are listed in the database. Most of the organisations (justice agencies and Universities) responded to a verbal invitation to provide relevant course outlines or programs to the Project. A few asked for written requests and later responded accordingly. Some did not respond.

# **6 OUTCOMES OF THE PROJECT**

As with all schemes that involve a large-scale consultation and documentation, the outcomes of the Multicultural Justice Education Project are varied and widespread. The effect of the Project has started to be felt right across the country in more ways than one.

## **6.1 Sensitisation of individuals and organisations**

During the face-to-face national consultation, the Project Officer observed a variety of situations in relation to cultural awareness programs in the justice system. While some organisations were moving into a well advanced stage of policy development and implementation regarding these programs, most were at a stage of either 'no action' or preliminary discussions about cross-cultural training programs.

As the overwhelming support reported in Section 5 shows, the consultation sensitised those who had not done anything about this area to take the issue seriously. Those at the 'discussion stage' saw the need to pursue the task more vigorously; and those at the advanced stage felt encouraged to intensify or improve upon what they were doing. Dissemination of this Report, along with all the Project outputs, should provide additional momentum to keep this challenge going.

Following a series of talks delivered by the Project Officer to the WA Police Academy, the Academy's Training Officer has made briefings on multicultural justice education a regular feature in their Officers Development Course program.

## 6.2 Computerised database and installation on AARNet

A comprehensive summary of courses and programs presented to the Project as relevant to multicultural justice education has been produced as Database in Part Three of the Report. It comprises about 70 course or program entries from at least 50 organisations. Obviously, the list is not exhaustive as some organisations failed to respond or, perhaps, omitted courses or programs they might have deemed irrelevant which other organisations would have considered to be relevant. However, the overall response was very impressive and provides a reliable measure of the extent to which multicultural education programs are offered in Australian Universities and justice agencies.

The database has been computerised, using an easy search system, and is available on a set of floppy disks. Users will need a 486 IBM PC or Compatible, Windows 3.1 or higher and 4 MB RAM. To install, users should insert the first diskette into the floppy drive and choose RUN from the FILE menu in the Windows Program Manager. They should then type `a:\install` in the Command Line Box. This will activate the installation process which can be followed through by responding to the system prompts. When fully installed the package will occupy 1.5 megabytes of hard disk space.

A User Reference Manual has been prepared to accompany the disks. It explains the main features of the database and presents a 'Tutorial' section which provides some useful ideas on how to search the database effectively.

The database has also been installed on AARNet and can be accessed from the Homepage of the Department of Justice Studies, Edith Cowan University.

## 6.3 Education Handbooks

The following Handbooks were prepared in fulfilment of objectives (ii) and (iii) as outlined in Section 3. They have been included in Part Three of this Report under the following titles:

*Education Handbook for Justice Agencies: Aboriginal Focus;*

*Education Handbook for Justice Agencies: NESB Migrants Focus;*  
*and*

## *Justice Education Handbook for Aboriginal and NESB Communities.*

It is envisaged that these Handbooks will provide a strong incentive and a framework of instructions for members of the justice agencies as well as members of the NESB and Aboriginal communities in matters crucial to a functional legal and cultural understanding among all parties.

The national perspective which informed the preparation of these Handbooks means that users can be confident about the standard of any multicultural training programs fashioned according to framework provided in the Handbooks. Further, they can anticipate their programs to be part of a wider scheme that seeks not only to raise the level of participation of NESB and Aboriginal people in the administration of justice in Australia but also to reduce the inherent stress in administering justice in a culturally diverse society.

### **6.4 Evaluation Schema**

The culture of evaluating social programs in Australia, such as multicultural education programs, is recent and remains very poor. During the implementation of this Project, it was found that very few courses or programs on cultural awareness for the justice agencies have been subjected to systematic and comprehensive evaluation. Responses such as "The program has only just started" or "We just use the 'Happy Sheet' if at all", and there were several of them, demonstrate at least two points. Either there was a general lack of understanding of the need to do evaluation and when to do it, or the people responsible for the evaluation did not have a comprehensive knowledge about evaluation. Both situations need to be addressed to avoid further impoverishment of our judgements about what works in cultural awareness programs.

An evaluation schema has been prepared as part of this Project (See Part Three). It is designed to demonstrate the need to regularly evaluate multicultural justice education programs and to simplify the process of doing evaluation. The schema instructs on what to evaluate, the models to use, the design of information collection instruments, issues around which evaluation questions may be built, and the presentation of evaluation findings in a manner that enhances their utility.

## 7 ACTION WHICH WILL BE TAKEN AS A CONSEQUENCE OF THE PROJECT

An action plan has been designed to ensure maximum publicity and use of the project outputs. The Department of Justice Studies, ECU will:

- i. send copies of the Report to the central libraries of all Universities and to all Training Coordinators in the justice agencies in Australia within three months from the date of submission to DEET.
- ii. translate the outputs of the Project into an undergraduate degree course unit entitled 'Cultural diversity and the Law'. This unit will go on offer from the first semester in 1998 and will be highly recommended to all students;
- iii. adopt the Education Handbooks as the basis for the 'Aboriginal and Migration Issues' components of the curriculum being designed for the training of the Justices of Peace in Western Australia;
- iv. develop a proposal based on the output of the Project, to offer a certificate program on cultural awareness in justice administration. The Module Guide, Readings, and Assignment requirements will be presented through the Internet and access number will be assigned to interested people. The completion of a required number of Modules would provide a strong threshold for entry into the Justice Studies degree at the University;
- v. organise an ongoing maintenance of the database server; this involves a systematic update of the contents of the database as often as funds permit;
- vi. apply for funding to support a program of justice education for Aboriginal and NESB communities, using the relevant materials acquired during the implementation of the Project; and
- vii. seek funding to design and execute a national workshop for potential users of the Education Handbooks (ie Trainers) in various justice agencies and communities. Members of the



Project Management and Advisory Committees discussed the need for a 'Train the Trainers' conference or workshop in furtherance of the overall goal of the Project. The Committees strongly recommended that this particular action be pursued as part of the overall goal to improve the delivery of a culturally sensitive justice in Australia.

## **8 IMPLEMENTATION OF RESULTS WITHIN THE INSTITUTION**

The Department of Justice Studies, ECU has set aside support funds for the actions outlined in Section 7 (i) - (iv). Two staff members of the Department have been assigned to these tasks.

A budget will be developed with regard to the implementation of action (v) in Section 7; this will be submitted to the University administration for consideration and action. Justice Studies Department will arrange for appropriate personnel such as a supervising staff, a research assistant and a computer programmer to execute the task.

With regard to actions (vi) and (vii), the Department of Justice Studies will seek collaboration with other organisations such as Law Societies, Legal Aid Commission, Local Government Councils and the justice agencies in order to secure necessary resources for their implementation.

## **9 USEFULNESS FOR OTHER HIGHER EDUCATION INSTITUTIONS**

The outputs of the Project will become additional resources of significant value to all universities and post-secondary institutions offering education programs for justice personnel and NESB and Aboriginal people:

- the database is a ready source of information about what other organisations are doing with respect to this subject area throughout the country; in a way, it serves to advertise the multicultural education programs that these organisations offer;

- the Education Handbooks provide a flexible framework that can be adapted to local needs; and
- the evaluation schema is also adaptable by other higher institutions to their evaluation needs.

All of this will save higher institutions, along with other, users from having to re-invent the wheel all over.

## **10 DISSEMINATION OF THE RESULTS TO OTHER INSTITUTIONS**

As in Section 7(i). Both hard and computer copies of the Project outputs will be available for dissemination. The higher institutions will be advised about the availability of all the Project outputs on internet Homepage of the Department of Justice Studies, ECU.

## **11 PUBLICATIONS, PRODUCTS AND SERVICES WHICH ARE AN OUTCOME OF THE PROJECT AND WHICH CAN BE MADE AVAILABLE TO OTHER INSTITUTIONS**

The database, all the Handbooks and the evaluation schema have been prepared, ready for distribution. They have also been installed on the internet.

## **PART TWO**

# **SUMMARY OF COURSES & PROGRAMS RELEVANT TO MULTICULTURAL JUSTICE EDUCATION**

## DATABASE ON MULTICULTURAL JUSTICE EDUCATION TRAINING COURSES AND PROGRAMS

### TERTIARY INSTITUTIONS

Name of the organisation: Batchelor College

Contact address/persons: Post Office, BATCHELOR NT 0845

Name of the course/prog: Associate Diploma of Social Science ( Community Work, Alcohol and Drug Studies)

Target/client: Aboriginal Community Workers

Duration: 3 year full time (or part time equivalent)

Mode/method of delivery: Flexible, multiple mode approach.  
Course implementation includes the following types of learning activities : workshops; tutorials; practical projects. Off campus learning will be facilitated by workshops, visits to agencies and institutions for the purpose of networking and information gathering.

Aims and objectives:

Aims:

- to offer an educational environment which will support participants in developing their roles and skills in social action within their communities, in articulating and advancing their terms of reference, and in their invention of responses to the harmful impact of alcohol misuse and other damaging or destructive behaviour.
- to enhance and extend participants' interaction with outsiders, their organisations and institutions including their advocacy, negotiation , accessing information and obtaining other resources; and increasing their participation in decisions of those

organisations and institutions which impact upon their own social domains.

- to extend participants' occupational and socio-cultural mobility, and their opportunities for further tertiary education, including post-graduate study or research.

Objectives:

Graduates of the course will have learned to:

1. Identify, define, enhance and extend competencies in social interaction within their own communities;
2. Identify, define, enhance and extend their own cross-cultural adaptations as competencies in their transactions with outsiders and non-Aboriginal organisations and institutions.
3. Select appropriate and utilize unfamiliar information, skills, practices, technologies etc which are introduced in the course, in ways which are responsive to and adaptive to the specific context of their roles.
4. Anticipate and consider the social impact (both benefits and adverse effects ) of action response options in reaching their decisions to initiate interventions; and conduct searching social audits of consequences, in terms of the value of their own social systems.
5. Facilitate reflection and critical discussion of social issues, research and survey activity; and participate in negotiating and brokering information exchange between communities and other stakeholders

Content:

The course is divided into 3 stages:

Stage 1: Integrative Themes

Stages 2 & 3:

Students will choose among 3 strands to study for the next two years, namely: Community

Work; Alcohol and Drug Abuse; and  
Recreation Studies

Evaluation scheme:

General comments: For full details of the information summarised above, consult the Batchelor College's Accreditation Document For the Associate Diploma of Social Science.

Name of the organisation: Institute For Aboriginal Development

Contact address/persons: Margie Hayes- Hampton  
Co-ordinator, Cross Cultural Program PO Box 2531, 3  
South Terrace, Alice Springs, NT 0871  
Tel: (089) 511311 / 511384

Name of the course/prog: Cross - Cultural Information

Target/client:

- Local business people; Public servants; Government department personnel; Educators/teachers; Managers; Hospitality; and Trade personnel

Duration : To suit the needs of the group

Mode/method of delivery: The Course is offered in various modes: Workshops held in a classroom setting, bush setting, or both.

Aims and objectives: The Language Centre at the Institute for Aboriginal Development offers Cross-Cultural courses to groups/individuals, who want to learn and understand contemporary and traditional Aboriginal lifestyle.

Content: Cross-culture provides an awareness and understanding about the importance of the Family, Kin and Kinship systems, Spirituality Arts/ crafts Survival Skills, Traditional Bush Foods and Hunting, Cultural etiquette, understanding the notion of caring and sharing etc. From a contemporary perspective, an overview of Aboriginal history is given and contemporary issues are discussed.

Evaluation scheme

General comments: Cross-Cultural programme resources include: videos, elders as spokespeople, Artifacts and song and dance routines.

Name of organisation: University of Adelaide

Name of the course/prog: Aborigines and the law

Contact persons: John Bradson  
Faculty of Law, SA 5005

Target /Clients

Duration:

Mode/ Method of delivery:

Aims/ objectives

Content:

Evaluation scheme:

General comments;



Name of the organisation: Australian Catholic University

Contact persons: Ken Ralph, Director  
Yabalinga - Aboriginal Education Support Unit  
179 Albert Rd. Strathfield 2135  
ph: (02) 739 2258 or (02) 739 2259

Name of the course : Bachelor of Teaching

Target/client: Aboriginal students who wish to qualify as teachers in any primary school government or non-government, throughout Australia.

Duration: 5 years part time

Mode/method of delivery: Tutorials, Workshops, Preparation of Research Project, College lectures, Correspondence, Work with tutors in the field.

Aims/objectives:

1. to appreciate and understand the richness and complexity of Aboriginal culture
2. to realize how it has successfully served the needs of Aboriginal communities for thousands of years
3. to investigate how far the cultural heritage is still important in enriching the cultural identity of Aborigines in New South Wales
4. to provide a wider historical context for some of the other Cultural studies units, by dealing with general Australian history since 1788.
5. to enhance students 'contextualization of Aboriginal culture and history and help their understanding of the 'other side' of the acculturation equation.
6. to study the evolution of Aboriginal societies from 1788 to the 1960's.

7. to identify and research a contemporary issue within Aboriginal societies
8. to analyse their research and be able to place the issue that they have researched into a broader or more general context.
9. to correlate and interpolate their research

Content:

The course is made up of to strands:

- Personal strand includes Cultural strand - which explores Aboriginal culture, identity and history; and Personal development strand - which aims to enhance self awareness in students and foster personal skills of communication and expression
- Professional Strand includes Professional Skills, educational skills; and vocational skills
- Cultural Strand has four components:
  - ⇒ Traditional Aboriginal Culture (3 hours per week in Semester 1) examines classical Anthropology, economic life, kinship systems, social structures; Dreamtime, law, its importance in traditional life and roles of men and women, traditional arts, singing, medicine etc
  - ⇒ Contact with Europeans (3 hours per week) examines: reaction to European invasion and settlement, resistance, conciliation; effects of settlement; reserves admissions, communal life, exploitation of labour, agricultural, religion, cultural preservation; “protection”, segregation, dispersal, assimilation; the protest movement, 1920’s - 1960’s; urbanization and the enduring importance of kinship
  - ⇒ Relevant themes (3 hours per week): focus is on why Europeans came and what they brought with them; expansion of the frontier and pastoral

economies; gold and mass immigration; unions, “White Australia” and Federation; war society 1880-1960; boom and depression 1890s -1980s

⇒Aborigines in Contemporary Australian Society (3 hours face to face per week): Aboriginal and non-Aboriginal relations in Australia since 1967; Aboriginal activism; concepts of ‘Sovereignty’, ‘treaty’ and ‘Compact as they relate to land rights; notions of “Self , Determination and Aboriginalization’; how Aboriginal people work within Government structures; attempts at creating change or assimilation by the system; any other specific issues that students may wish to address

Name of the course/prog: Social Justice and Education

Contact: Doug Hewitt

Target/ Client:

Duration: Spring Semester

Mode/method of delivery: Lectures and Tutorials

Aims/ Objectives:

1. Examine concepts related to Social Justice and apply these to selected issues in Australian society
2. Study Justice in the light of biblical teachings guided by church statements on justice.
3. Investigate the role of total-educational experience in helping to create a just society
4. Analyse some structures of life-long education, and evaluate approaches suitable for education of justice.

**Content:** A study of Australian Society leads to an examination of biblical and church statements on justice. An awareness of situations of injustice at local, national and international levels is a pre-requisite for the development of strategies to produce a more just society. True justice then has implications for community relationship, and suggests steps to be taken towards educating for Justice by doing, hence a component of this unit involves field work in an organisation which is involved in working against an aspect of social injustice. A second major component requires research by students into a current topic which involves issues of justice in our society.

**Evaluation Scheme:**

**General comments:** As part of the groundwork undertaken for the development of a University wide Aboriginal Recruitment Strategy, a survey was distributed to all schools to measure the level of culturally inclusive curriculum.

Name of Organisation: University of Canberra

Contact: Dr. Paul Kringas, Faculty of Management  
Kirinari Street, Bruce ACT  
PO Box 1 Belconnen ACT 2616

Name of the course/prog: Social Inequality

Target/clients: Available to students in the second and third level

Duration: Second Semester Unit

Mode/method of delivery: Lectures, Tutorials.

Aims/objectives:

1. To understand Social inequality as an attribute of society.
2. To explore the Theoretical positions on Social Inequality.
3. To develop the understanding of the “5 major inequalities: class, race, ethnicity, gender and globalization.”
4. To develop a theoretical understanding of the relationships between the above mentioned areas .

Content:

- Social Inequality is historically produced . It is the product of complex interactions between ideological, economic, socio- cultural and biological factors. To understand how it got that way a lot of the content of this unit will be ‘ historical sociology’ dealing with Australia and the world.
- A large part of the lecture programme will explore various theoretical contributions to the topic.

- Look at how various policies impact on inequalities, the actual effect of some policies which are intended to reduce inequalities and the ideology of inequality underlying these policies.

Evaluation scheme:

General comments: The University is currently developing a Cultural Heritage Programme; further, Dr. Amar Gala (06 201 2199) has just completed a project on Interactive teaching for Aboriginal and Multicultural Issues and is in the process of writing a report for DEET.

Name of the course/prog : Pluralism in the Classroom

Contact persons Jennifer Hanks, Convenor  
Department/ Faculty: Faculty of Education  
Bachelor of Education (Early childhood and Primary)

Target/client:

Duration: Semester 5

Mode/method of delivery: This unit is organised around a Case Study assignment ie. a student in the class who is "different " from the class in some ways from the majority.

Aims/objectives: This unit is designed to students

1. gain more sensitivity to the diversity of children in Australian classrooms.
2. become more aware of the complexities involved in catering for individual differences and more capable and confident about developing strategies which will reduce inequalities and improve learning outcomes for all students

Content: As the unit is a case study assignment it focuses on:

- Identifying a case
- Developing a profile about the student
- Develop an action plan to support the student's learning; and
- Implement the action plan and assess the student in terms of his or her learning outcomes.

Evaluation scheme:

General comments:

Name of organisation: University of Ballarat

Contact persons: Jean Phillips, Aboriginal Education Officer  
Aboriginal Education Centre  
Gear Avenue, Mount Helen  
PO Box 663, Ballarat Victoria 3353

Name of the course/prog: Aboriginal Societies Today

Target/ Clients:

Duration: 4 hours per week for 14 weeks.

Mode/method of delivery: Lectures, Tutorials

Aims/objectives: This unit is designed to enhance students understanding of Aboriginal Societies today by enabling them to:

1. describe the process of Aboriginal; identification from a government perspective and indigenous perspective from contact to the present;
2. define and compare differences between targeted indigenous communities across Australia;
3. describe and analyse the contemporary structures of contemporary Aboriginal societies;
4. identify and describe the social issues and critically evaluate how these affect indigenous communities today, and identify indigenous peoples contribution to the arts and media

Content: This Unit comprises:

- an examination of community and an analysis of it's underlying structure;
- an exploration of influences effecting Aboriginal communities today, such as fringe- dwelling, urban lifestyles, outstation communities etc.

Evaluation Scheme:

General Comments



Name of Organisation:	University of Central Queensland
Contact persons:	Mark Gibson, Course Coordinator Faculty of Arts Rockhampton Mail Centre QLD 4702
Name of course/prog:	Race, Representation, Nation (Unit Number: 51107)
Target/Clients:	
Duration:	one semester (One hour lecture and a two hour tutorial each week)
Mode/method of delivery:	Lectures, Tutorials
Aims/objectives:	<p>The unit is divided into 3 sections roughly in order of increasing topicality:</p> <ol style="list-style-type: none"><li>1. Orientalism, Colonialism, Nationalism: lays some broad theoretical foundations and introduces some of the major contexts which have led to the formation of national and racial ideologies in the Asia-Pacific.</li><li>2. Post- colonialism and Neocolonialism: examines a number of contemporary cultural phenomena and the ways they can or cannot be understood in terms of classical forms of colonialism, nationalism and racism</li><li>3. Current Conjectures: Focuses more closely on emerging issues such as debates over 'political correctness', the effects of tourism marketing on national and racial imaginings, the emergence of a 'new racism' and arguments about 'postnationalism'</li></ol>
Content:	The unit is an introduction to representations of community and nationhood in Australia and Asia Pacific region. It aims to develop skills needed to 'read' such representations and awareness of their context in the processes of nation building, colonialism

and the construction of racial/ ethnic difference. Some consideration will also be given to recent theories of globalisation and the possible demise of national cultures, providing a base for understanding current changes which are rapidly transforming societies and cultures in the region.

Evaluation scheme:

General comments:

Name of the Course/Prog: Cross Cultural Communication (Unit Number: 51106)

Contact persons: Warwick Mules, Course Coordinator  
Rockhampton Mail Centre, QLD 4702

Target/Client:

Duration: Semester One: One hour tutorial and two hour lecture each week

Mode/method of delivery: Lectures, Tutorials

Aims/ Objectives:

1. To develop a broad idea of culture based on the relativity of cultural values and a pluralistic concept of society
2. To draw attention to the regionalization of cultures and it's effects within localised contexts of everyday life.
3. To identify the ways in which cultural values are 'read' and 'misread' within different cultural frames.
4. To analyse the political, social, economic and ideological consequences of communicative/cultural

readings and misreadings and discuss ways in which improvement might be attained.

Content:

This will explore a range of different cultures and the ways in which understanding and misunderstanding these cultures affects our ability to communicate and construct meaning. Emphasis will be given to texts from the Asia Pacific region. Students will look in detail at globalisation, regionalization, local cultures, media practices and strategies , as well as political, business and administrative cultures.

Evaluation Scheme:

General Comments:

Name of Organisation: Charles Strut University

Contact persons: David Bull  
Faculty of Social Sciences  
Panorama Avenue, Bathurst NSW 2795

Name of course/prog: Race and Ethnicity (Optional unit in the B.A. Social Sciences/ Justice Studies)

Target/ Clients:

Duration:

Mode/method of delivery:

Aims/objectives:

Content:

Evaluation Scheme:

General Comments: Telephone conversation was held with Dr.Gerry McGrath - B.A. Policing, at the Maree Campus. He conducts the program jointly with the NSW policing Academy. Has no cross cultural component. Looking at developing a diploma with the Golbourn Academy has no explicit multicultural component)

Name of Organisation: Curtin University of Technology

Contact Person: Peter O'Brien  
School of Aboriginal Studies  
GPO Box U1987  
Perth 6001

Name of the Course /prog: Aboriginal Community Management and Development

Program Target/Client: Aboriginal people in leadership, management or administrative positions

Duration:

Mode/method of delivery:

Aims/objectives:

1. To further the Aboriginalisation process in aboriginal organisations and communities,
2. To further Aboriginal self -management
3. To help Aboriginal people further their knowledge and assume important roles in the community and other sectors.

Content:

Course design: The courses were developed from looking at what competent managers and community development managers do, the places they do it in and the standards required in their jobs.

The Aboriginal Community Management Program is competency-based. This means that students must demonstrate they can do community management and development work competently.

Advantages of this type of design are: (1) it is culturally appropriate; and (2) it is practical

Evaluation Scheme:

General comments: The Centre conducts other relevant courses for Aboriginal studies. Details from contact persons.

Name of organisation: Deakin University - Burwood Campus

Contact person: Dr. Richard Sealey  
Faculty of Education  
221 Burwood Highway, Burwood Victoria 3125

Name of course /prog: Multicultural Education

Target/clients:

Mode/method of delivery:

Aims /objectives:

1. To create awareness of the multicultural nature of Australian society
2. To provide practical ideas and resources in multicultural education

Content:

- Your attitudes , values and behaviour as a teacher
- Why children and parents react the way they do to your teaching
- Prejudice, discrimination and ethno-centrism
- Culture and Identity. ( Is there an Australian culture/identity)
- Migration and it's impact on Australia
- Development of multiculturalism in Australia
- Multiculturalism: implications for school policy and practise
- Teaching ideas and strategies
- Resources

Evaluation Scheme:

General Comments: 1) The Koorie Institute of the Deakin University is in the process of developing 6 law subjects as they affect Aboriginal Peoples especially the Corporations law as it impacts on Aboriginal communities.

Name of Organisation: Edith Cowan University

Contact Persons: Dr Peggy Brock or Dr Sherry Saggars  
Aboriginal and Intercultural Studies  
Mt Lawley Campus

Name of course/program: Aboriginal and Intercultural Studies

Target/Clients: Students enrolled in undergraduate and postgraduate programs

Duration: Three years full time or equivalent part-time; fourth year honours program; and two years masters degree

Mode/method of delivery: Lectures and tutorials

Aims/Objectives: To provide tertiary qualifications. Individual unit outlines specify the main objectives.

Content: There are at least 16 units in this course. The ones directly relevant to multicultural justice education include: Working in a Multicultural Context; Working with Aboriginal people; Women from Minority Cultures; and Global Issues in Multiculturalism. Details of each of these units can be obtained from the contact persons.

Evaluation scheme: There is a standardised University-wide student survey response form.

General comments:

Name of Organisation: Edith Cowan University

Contact Persons: Dr Paul Omaji, Justice Studies Dept.  
Ms Sonia Walker, Legal Studies Program  
Joondalup Campus WA 6027

Name of the course/program: Discrimination and Rights 1

Target/ Clients:	Second and third years students
Duration:	One semester
Mode/method of delivery:	Internal Mode: lectures, tutorials and projects
Aims/Objectives:	<p>On completion of this unit, students should be able to:</p> <ul style="list-style-type: none"><li>• explain the philosophical foundation of discrimination and rights;</li><li>• demonstrate a critical understanding of the race and gender relations in Australia;</li><li>• discuss the legal response to discrimination and rights in Australia;</li><li>• describe the enforcement procedures in the Australian anti-discrimination legislation;</li><li>• discuss the role of law in structural and attitudinal change within the society; and</li><li>• formulate and execute a systematic or empirical investigation of issues in discrimination and rights.</li></ul>
Content:	<p>This unit examines racial and sex discrimination as defined and regulated by state and Commonwealth legislation. The patterns of social relations that form the backdrop to this legislation are explored. Similarly, the structural mechanisms introduced by governments to address discrimination and the way they have been implemented are discussed. Particular attention is given to the experiences of the indigenous/non-indigenous and gender-related minorities.</p> <p>Specific topics addressed in the Unit include:</p> <ul style="list-style-type: none"><li>• Natural law, utilitarianism and social justice: foundations to discrimination and rights.</li></ul>



- Social construction of race, gender, and discrimination.
- Discrimination and law.
- Prohibition of racial and sex discrimination.
- Enforcement of anti- discrimination law.
- Political expediency of discrimination.
- Discrimination law as an instrument of social change

Evaluation Scheme: There is a standardised University-wide student survey response form.

General Comments:

Name of Organisation: Edith Cowan University

Contact Persons: Dr Paul Omaji, Justice Studies Dept.  
Ms Sonia Walker, Legal Studies Program  
Joondalup Campus WA 6027

Name of the course/prog: Discrimination and Rights 2

Target/ Clients: Second and third years students

Duration: One semester

Mode/method of delivery: Internal Mode: lectures, tutorials and projects

Aims/Objectives: On completion of this unit, students should be able to:

1. analyse key concepts including group rights, indigenous peoples, minorities and self-determination;
2. discuss life problems such as euthanasia, abortion, privacy and sustainable development in the context of local and international laws;
3. critique the law and practice of anti-racial discrimination, affirmative action, and legal equality in a human rights context; and
4. demonstrate a comparative perspective on the law of liberty and security for individuals in relation to such issues as arbitrary arrest or detention, and freedom of expression, opinion, assembly and association.

**Content:**

This unit includes the study of rights of indigenous peoples and minority groups; right to life and to sustainable environment; freedom of expression of individuals; privacy issues, including telephone tapping and other police and security agency information gathering techniques; battle for equality; protection against arbitrary arrest, search, seizure and torture. International perspective is adopted.

Specific topics addressed in the Unit include:

- Status and law of indigenous peoples
- State's interests and the right to minority lifestyle
- Annexation, resistance and national sovereignty argument
- Mercy killing(euthanasia) and the right to life
- Privacy, abortion and the life of a child

- Environment and sustainable development
- Race, sex and reverse or positive discrimination
- Threshold for invasion of liberty
- Freedoms of expression, opinion, assembly and association
- Torture and inhuman treatment: international protective standards

Evaluation: There is a standardised University-wide student survey response form.

General comment:

Name of Organisation: Edith Cowan University

Contact Persons: Aboriginal University Orientation Course  
Mount Lawley Campus, 2 Bradford street, Mount Lawley 6050

Name of the course/prog: Aboriginal Cultural studies

Target/ Clients:

Duration: One semester

Mode/method of delivery: Internal and External Mode

Aims/Objectives: This unit provides you with an overview of Aboriginal societies, cultures and issues. On completion, students should be able to:

1. Discuss the main aspects of Aboriginal cultural life as it existed prior to European occupation
2. Describe the process of cultural change and how this the case with cultural contact of Australian Aborigines and the colonists.

3. Distinguish the various characteristics of the variety of Aboriginal communities.
4. Discuss several current issues that concern Aborigines.
5. Describe issues in contemporary Australian society such as attitude formation, cultural differences and beliefs and values.

Content: The main topics covered will be Aboriginal life prior to European occupation, that is Aboriginal pre-history; Aboriginal history; the impact of European contact upon Aboriginal cultures; and contemporary issues such as health and education. We will also take a brief look at Aboriginal art and literature and Aboriginal identity.

Evaluation Scheme:

General Comments:

Name of the organisation: Edith Cowan University

Contact Persons: Aboriginal University Orientation Course  
Mount Lawley Campus, 2 Bradford street, Mount Lawley 6050

Name of course/prog: Interpersonal and Cultural awareness

Duration: One semester

Mode/Method: Internal and External Mode

Aims/Objectives: On completion of this unit students should be able to:

1. demonstrate communication skills which identify and describe their own self concepts and their relationships with others, both within their own culture and across cultures within and outside the university environment;

2. discuss and practise strategies of stress management, conflict resolution and other interpersonal skills as the need for such skills is evidenced in the student and other environments.
3. analyse Aboriginal ways and styles of non-verbal and verbal interactions in communicating in various social settings;
4. demonstrate competency in interpersonal skills by interacting in workshop activities and by recording in written form an analysis of their own experiences, feeling and attainment in given situations;
5. exhibit an awareness of the rules of the particular academic institution in which they work and explain the relevance of the Equal Opportunity Act (for the State in which they reside) for themselves and their colleagues.
6. display and awareness of cultural bias as found in media, lectures and literature and discuss and frame appropriate responses to such expressions.

Name of Organisation: Edith Cowan University

Contact persons: Ann Ingamells  
Health and Human Sciences  
Joondalup Campus

Name of Course/prog: Family and Culture

Target/Clients:

Duration: First semester

Mode/method of delivery: Case study of an Ethnic Group is a major assignment

Aims/Objectives: On completion of this unit students should be able to:

1. describe factors affecting the lives of Indigenous and ethnic minorities living in Australia.

2. delineate cultural differences in family patterns and child rearing practices;
3. identify the points of tension for family members between the norms and traditions of their culture of origin and those of Australian society;
4. critically analyse Australian policies and institutional practices relating to the family with regard to cultural biases;
5. critically examine their own assumptions and social constructs so as to approach working with families in a non-ethnocentric way.

Content:

- Theoretical perspectives on culture and the family, including definitional issues.
- Historical overview - immigration and race relations in Australia.
- Traditional and religious values underlying sex roles, marriage, child rearing, divorce, ageing, and death in families of various cultures.
- Contrasting values implicit in Australian policies and practices.
- Values clarification and self awareness
- Crisis and trauma in migrant and refugee families.
- Integrating theory and practice in cross cultural work with families.

Evaluation scheme

General Comments:

Name of Organisation: Flinders University of South Australia

Contact persons: Jenny Burley  
School of Cultural Studies  
Legal Studies Discipline  
GPO Box 2100, Adelaide 5001

Name of the course/prog: Debates in Multiculturalism LEGL 2005

Target/Clients: Second or Third Year Legal Studies

Duration: 2 lectures and 1 tutorial per week

Mode/ method of delivery: Lectures, tutorials

Aims/ objectives:

Content: This course examines the history of multiculturalism as a public policy and analyses the cultural assumptions which are contained within it. Issues to be canvassed will include the quality of justice available to minority ethnic groups in a legal system dominated by Anglo-celtic values and various strategies for reform. Case studies of migrant experience in workers' compensation, family, contract and criminal law will be used to demonstrate the differential outcomes for migrants in a legal system which is underpinned by a philosophy of equality for all citizens before the law.

Evaluation Scheme:

General Comments : The course will be available in Semester 2 -1996

Name of Organisation: Flinders University of South Australia

Name of course/prog: Indigenous Australians and the Law

Contact Persons: Irene Wanton  
GPO Box 2001, Adelaide 5001

Target/Clients:

Duration:

Mode/ method of delivery:

Aims / Objectives:

Content:

Evaluation scheme:

General Comments: Details, not received.



Name of Organisation:	Griffith University Mt Gravatt Campus, Messines Ridge Road Mt. Gravatt Brisbane
Contact Persons :	Kerry Winhurst, School of Justice Administration
Name of Course/ Prog:	Social Justice and Human Services
Target/ Clients:	Bachelor of Arts in Justice Administration
Duration:	1 hour lecture and 2 hour tutorial each week
Mode/method of delivery:	Lectures, Tutorials
Aims/objectives:	The aim of this subject is to help develop: <ol style="list-style-type: none"><li>1. an understanding of social justice models, their evolution and application</li><li>2. an understanding of how these models relate to the fields of justice administration</li><li>3. an understanding of essential human service agencies for referral, liaison and integration.</li></ol>
Content:	The subject <ul style="list-style-type: none"><li>• examines the important interface between the professions in the criminal justice administration and the range of human service agencies and organisations existing in Australia;</li><li>• helps students to understand how human services can help promote the objectives of the criminal justice system in humane and socially just ways; and</li><li>• explores the ways in which criminal justice and human service agencies interact in socially positive ways and the implications of these for interactions for social control.</li></ul>
Evaluation Scheme:	
General Comments:	MA in Criminal Justice will be developed next year which will focus on Indigenous People and the Criminal Justice system.

Name of Organisation: La Trobe University

Contact persons: Mr. Mark Harris and Ms Andrea Rhodes  
Bundoora, Victoria 3083  
Department/ Faculty: Faculty Of Social Sciences  
School of Law and Legal Studies

Name of the course/prog: Discrimination and the Law

Target/clients:

Duration: Half Unit , First Semester  
One 1-hour lecture and one 2-hour seminar per week

Mode/method of delivery: Lectures, seminars

Aims/objectives: The unit examines discrimination and it's connection with the law

Content:

The focus is upon stereotyping based on colour, gender, national origin, sexuality and gender. The historical aspects of Australian immigration policy are examined in the light of the racist attitudes that have developed towards migrants, and are contrasted with the policy of multiculturalism. The efficacy of the legislative attempts to proscribe certain discriminatory practices are considered. The role of law in addressing prejudices is studied with reference to the issue of reverse discrimination and the current controversies surrounding racial vilification and violence based on identities of race, sex and sexuality.

Evaluation scheme:

General Comments:

Name of Course/ Prog:	Aborigines and the Law in Australia
Contact persons:	Mark Harris School of Law and Legal Studies Bundoora, Victoria 3083
Target/ Client:	
Duration:	Half unit second semester. One 1-hour lecture and one 2-hour seminar per week
Mode/Method:	Lectures, seminars
Aims/Objectives:	To examine the relationships of Aborigines and the law in a historical perspective.
Content:	<p>This subject examines the relationships between Aborigines and the law in Australian society, beginning with an historical overview of the manner in which the law was used to justify dispossession of Aborigines from their land and the failure of the legal system to accord Aborigines equal rights or protection. Disparities in treatment of Aboriginal offenders before the courts is also considered with special reference to the issues of over-policing and Aboriginal women and the law. A brief outline of the issues related to Aboriginal land rights culminates in a detailed examination of the landmark Mabo decision and the legislation enacted to recognise native title rights. The subject concludes with the debate concerning the recognition of Aboriginal customary law by the Australian legal system and the struggle for the acknowledgment of the rights to self- government, self-determination and recognition of sovereignty by Aboriginal peoples.</p>
Evaluation Scheme:	
General Comments:	

Name of Organisation: Macquarie University

Contact: Sam Altman  
Wara Wara Aboriginal and Torres Strait Islander  
Programs Unit, Sydney NSW 2108

Name of course/prog: Diploma in Community Management

Target group/Clients: Aboriginal and Torres Strait Islanders

Duration:

Mode/method of delivery: Lectures, special interest studies etc.

Aims/objectives:

- The Aboriginal Studies Strand of this program (Aboriginal Culture and History DCM9110) aims to provide a factual background for the understanding of Aboriginal society today. An examination of Aboriginal prehistory and society prior to European settlement includes aspects of social organisation, land occupancy and utilization, art forms and languages. Aboriginal post-settlement history examines Aboriginal strategies and creative responses to colonization and its aftermath, up to the present. Special attention is paid to New South Wales, although examples may be drawn from other parts of Australia. The history and development of Aboriginal Affairs policy is a theme throughout this unit.
- It also (through Aboriginal Community Development DCM 9211 unit) aims to promote awareness and appreciation of the diversity of Aboriginal communities and community needs throughout Australia. Topics include pastoralism and station life, outstations, enterprise and economic sufficiency, and the relationship between remote communities and urban centres. Students will undertake special interest study in which they will

analyse one policy area of particular concern to their local area and /or employment.

- The Organisation and Policy Strand contains two units. The Policy and Law unit DCM 9120 looks at the politics of Aboriginal identity. It examines the place of Aborigines in the political system and focuses on the emergence of an Aboriginal politics. In particular, it assess the merits of politics and law as strategies or avenues for Aborigines and it raises the need for an alternative politico- legal options.
- The Policy and Administration DCM 9222 unit examines the history of government and mission Aboriginal policies and their implementation from the mid-19th century to the present. Attention centres on the nature of the administrative structures and on why the sometimes high ideals of policy became so oppressive in practise. The unit also attempts to frame new concepts of administration geared to Aboriginal autonomy in key areas.

Content: As above

Evaluation scheme:

General Comments:

Name of Organisation: Melbourne University

Contact Person: Maureen Tehan  
Law School

Name of the course/ prog: Law and Society in Indigenous Australia

Target/Client Group: Subject is usually taken by fourth and final year students of the undergraduate law programme

Duration: One Semester Subject

Mode/method of delivery:

Aims/objectives:

Aims:

The course aims to encourage students to critically analyse the Anglo-Australian legal system in the light of its impact on the indigenous Australians, drawing on and further developing the range of perspectives introduced to students during History and Philosophy of Law.

The course focuses on aspects of Indigenous Australian societies and laws before and after colonization, the interaction of those societies with the Anglo-Australian legal system, the process through which the Anglo-Australian system has colonized Indigenous Australians and constructed their identities and the consequences of this process for Indigenous Australians. Students are also encouraged to consider the manner in which the Anglo-Australian legal system has been used by and for Indigenous Australians and the ways in which it may be used to advance the aspirations of Indigenous Australians.

The course encourages students to develop their understanding and analysis of legal and cultural issues arising in a cross-cultural environment and to consider whether the ways in which the Anglo-Australian legal

system might adapt to accommodate the needs and aspirations of Indigenous Australians.

Students will be required to focus in detail on a particular area of study through the research to focus in detail on a particular of study through the research essay.

Objectives:

Students completing this subject should:

- have an understanding of a range of critical and theoretical analyses of the Anglo-Australian legal system and their implications for the relationship between the system and Indigenous Australians;
- have an understanding and awareness of the spiritual and cultural traditions of Indigenous Australians including the contemporary social, political and historical forces that affect the lives of Indigenous Australians;
- understand the centrality of land for Indigenous Australians and the common law and legislative regimes that regulate land tenure, use and management, including resources development, of Indigenous Australians;
- understand the relationship between land issues and other legal issues for Indigenous Australians;
- understand the major claims to sovereignty by Indigenous Australians and implications both domestically and at international law;
- understanding of the claims to self-determination and self-management and the ways in which they may be implemented within the Anglo-Australian legal and constitutional system.
- understand the impact of the criminal justice system on the lives of Indigenous Australians and the specific ways in which the criminal justice system deals with Indigenous Australians;
- understand the ways in which the Anglo-Australian legal system and the law of Indigenous Australians intersect and conflict and in particular the issues surrounding recognition of indigenous customary

laws within and beyond the Anglo-Australian legal system;

- have gained some understanding of the ways in which people in other common law countries are relevant to and may inform legal and political debate on issues relating to Indigenous Australians.

Content:

1. Introduction: Analytical Framework (the context for learning and critique; the construction of race and identity; and Anglo-Australian legal responses)
2. Indigenous life, laws and cultures: Past and Present
3. Colonization
4. Sovereignty, self-determination and International Law
5. Municipal Government: self determination and self government
6. Human Rights and Anti-Discrimination
7. Land
8. Criminal Justice system
9. Recognition of customary law
10. Treaty, implementation, constitutional entrenchment, issues in other jurisdictions, reconciliation

General Comments:

The University has a Koorie Studies Support Unit to support Aboriginal students and is in the process of developing a Cross-cultural education policy. The idea was taken from the policy developed by Curtin University. A Multicultural Working Party has developed a draft policy document.



Name of Organisation: Monash University

Contact persons: Koorie Research Centre  
Clayton, Melbourne VIC 3168

Name of course/prog: Koorie Studies

Target/ Client: Students can do a minor or major in Koorie studies at 2nd year level and 3rd year level and students can do a Minor or Major in Koorie studies as part of an arts degree or do one semester in Koorie studies for eight points. Students can also take Koorie studies as part of a Master of Environmental Studies or electives for Master and Bachelor of Education.

#### Duration

Mode/method of delivery: Lectures, Tutorials Free public lectures are held every Thursday during semester in Rotunda 6 of the Clayton Campus.

#### Aims/Objectives:

In the 1st year, one of the following subjects must be taken as prerequisite to a minor or a major in Koorie Studies: History (with an Australian focus), Linguistics, Geography, Anthropology, Politics, Sociology, Aboriginal Studies (Open Learning) Other students may undertake Koorie studies in their second year.

From the 2nd year onwards, course units relevant to justice education are offered in Koorie Studies. In the first unit (Koorie Studies 1), students will be presented with an overview of Australia's geographic environment and the Koorie economy prior to the Pleistocene. Particular examination will be made of Koorie religion, lifestyle, and kinship system as they applied prior to the arrival of the British. The post-colonial period effects on the Koorie economy and changes occasioned by the cultural contact will be

examined as a background to Koorie Studies II. This second unit focuses on government policies and ad hoc policies as they apply to Koorie and Koorie organisations. It examines the situation of Koories in contemporary Australia.

In the 3rd year two units are offered: Semester 1 - Koories and Social Justice; Semester 2 - Racism and Prejudice. A study of the application of the British law, Koorie perspectives and their reaction to is the focus of studies in Semester 1, plus an examination of service provision particularly in the areas of legal education, health and housing. Students will be expected to research current policies in these areas as well as address the question of social justice as it applies to Koorie Australians at both macro and micro levels.

In Semester 2, students are required to address the issues of race, ethnicity, prejudice and racism. Particular emphasis is placed on studies of language use in a multicultural context, the representation of Koories in the media and other forms of popular culture. Research by student may include attitudes and behaviour towards Koories in contemporary Australian situations.

**General Comments:**

The Centre houses the Elizabeth Eggleston Resource Centre. The late Dr. Elizabeth Eggleston a former Director of the Centre was acknowledged to be the foremost expert on Aborigines and the Law. The nucleus of the library is Dr. Eggleston's collection of books, pamphlets, papers and other materials which she donated to the Centre. This library to date holds approximately 3000 monographs, journals and audio visual materials. this library is the only one of it's kind in Victoria and one of two Australia wide.

Name of Organisation: Murdoch University

Contact persons: School of Law  
Murdoch WA 6150

Name of course/prog: Aboriginal Legal Rights

Target group/Client: Students registered for law degree

Duration:

Mode/method of delivery:

Aims/Objectives: There are two general categories of objectives of this course:  
1. to develop your skills and knowledge in the area;  
2. to find, develop, and pursue an area of your interest.

The first category of objectives includes those held throughout the law school curriculum .

The second category of objectives is an aim of elective classes in general. In addition to learning about an area of law and getting further opportunities to hone your legal skills, it provides an opportunity to find something that interests you to pursue it, with more flexibility than you are likely to have in a required course.

Content: This course will address problems faced by Aboriginal peoples, the current law, and what the law should provide , both international and domestic. It will begin by considering general factual and legal issues relating to Aboriginal peoples and then focus on specific aspects of Australian law.

The factual examination will include the history and situation of indigenous peoples worldwide, using examples from different countries and a comparison

with Aboriginal peoples in Australia. The legal issues examined will include the progression of the law of sovereignty, territorial acquisition, and Aboriginal peoples' rights, both in international and domestic law. Specific topics of international law will include the human right instruments that are relevant to the protection of indigenous peoples' rights, both as peoples and as individuals, and methods of their enforcement. Specific topics of Australian and WA laws will be primarily those in the areas of land rights, heritage protection and criminal justice.

Evaluation Scheme:

General Comments: The University also offers Aboriginal and Islanders Studies and details can be obtained from Mudrooroo Noongah, Aboriginal Studies Unit

Name of organisation: Murdoch University

Name of Course: Law Justice and Social Policy

Contact Persons: Dr.Gary D Meyers, Senior Lecturer in Law  
Course Co-ordinator

Target/Clients: LLB students

Duration: First semester

Mode/method of delivery: Lectures, tutorials

Aims/Objectives: The LJSP course is designed to introduce students to the role of law and the legal system in promoting justice and in creating and implementing social policy. It is also intended to examine the influence of social policy on the structure and conduct of legal institutions. As a part 1 elective , the course is also intended to introduce students to research, analysis, and writing skills.

Content:	The first part of the course provides a general introduction to the topic of study, that is law, justice and social policy. This section of the course is intended to provide students with a broad familiarization with general topics that crosscut a number of issues in contemporary Australian society. The second section of the course examines specific topical issues to which students will be asked to apply those general principles in the first portion of the course. This part of the course includes sections on law and the environment, justice for Aboriginal peoples, the criminal justice system, industrial relations and labour relations, international law and institutions, the family and domestic relations and the Australian Constitution.
Evaluation Scheme:	
General Comments:	The Video Production Academic Services Unit has a list of video productions which deal with issues of working with Aboriginal and ethnic communities.
Name of Organisation:	Murdoch University
Contact Persons:	Professional and Continuing Education Centre Kathryn Trees - Seminar Co-ordinator Murdoch University Murdoch WA 6150
Name of the course/prog:	Aboriginal Culture Law and Change
Target/Clients:	Supreme Court Judges, District Court Judges, Magistrates (At different times)
Duration:	2 days
Mode/Method of delivery:	Workshop
Aims/Objectives:	The two-day workshop brings together Aboriginal people and Supreme Court judges to communicate and share information , needs and opinions. Specifically, it

1. enables participants to share their knowledge of Aboriginal cultures, customs, and traditions
2. facilitates more positive relations between the Judiciary and Aboriginal people as a result of sharing this knowledge; and
3. enables participants to develop and apply strategies for communicating more effectively with Aboriginal people.

Content:

Day one:

- Aboriginal world view
- The past and present
- Identity and diversity

Day two:

- Customary law
- Policy and planning
- Aboriginal self determination - Working together

Evaluation scheme:

Verbal evaluation at the conclusion of the workshop

General Comments:

The program is a direct result of the recommendations of RCAIDC

Name of Organisation: University of Newcastle

Contact persons: Inta Alligritti  
Department of Sociology and Anthropology  
NSW 2308

Name of the Course: Ethnicity and Migration Studies.

Target/Client:

Duration: Semester 2

Mode/method of delivery: Lectures / Tutorials

Aims/ Objectives:

1. To develop students understanding relating to culture, ethnicity, gender, class and racism.
2. To develop students' critical sociological understanding of the social To develop the students' critical approach to sociological analysis of issues construction of ethnicity cultural identity in their context of a contemporary and historical perspective.
3. To develop students' critical understanding of methods of social research.
4. To enhance students' scholarly skills. these relate to the critical understanding of a range of literature.

Content:

This course examines Australian society , Australian culture and the identity of the Australian nation from a framework of migration studies. it looks at contemporary Australia as primarily a multicultural society; one which reflects wide ethnic diversity and differentiation. Today , one in four Australians was born overseas and migration to this country has taken place from 140 countries around the world.

The history of migration to Australia will be explored through the sociological concepts of ethnicity, class,

race, and gender. Gender will be examined in greater detail with a focus on the Filipino-Australian marriage situation.

Lecture topics include the following

- Early Australian Immigration
- Post World War II Immigration
- The Migration Experience in the Lucky country
- Explaining Ethnic Diversity
- Does Gender make a Difference
- Race, Racism and Migration
- Managing Ethnic Diversity
- Assimilation and Integration
- The Policy of Multiculturalism
- Monocultural Resistance to change
- Female Filipino Migration to Australia
- Serial sponsorship in Australia
- Ethnicity and Migration : some projections for the Year 2001

The social policies of assimilation, integration and multi-culturalism will be critically analysed, particularly as these initiatives relate to the hegemony of monoculture.

Evaluation Scheme:

General Comments:

Name of Organisation      University of Newcastle

Contact persons:      Inta Alligritti / Ken Lee  
Department of Sociology and Anthropology  
NSW 2308

Name of the Course      Discourses on Racism, Resistance and Identity

Target/Client:

Duration:      Semester 1



Mode/method of delivery: Lectures / Tutorials - Internal mode

Aims/ Objectives:

The objectives of this subject are:

1. To critically analyse and examine the complex and often contradictory relationships and discourses that occur between culture, ethnicity, identity, resistance and racism
2. To critically examine a range of theories about the origin, and historical development of racism.
3. To provide a range of empirical data, through a variety of learning modes, which will reinforce and illustrate the theoretical and conceptual analysis undertaken.
4. To provide experience of discourses of racism, resistance and identity through presentations by Visiting Lecturers working in the area.

Content:

This subject attempts to explain what 'racism' is, and how and why and where it occurs, and the effects it can have both on its perpetrators and on its victims, and how it relates to constructions of cultural identity and tactics of resistance. the subject explores the theoretical and conceptual underpinnings of 'racism', resistance and cultural identity through the languages of racism and representations of racial boundaries. The subject also examines the practises of racism, particularly dominating discourses expressed... or sometimes concealed ... through State policies.

Some of the lecture topics which focus on the issue of Multiculturalism are:

- The Policy of Multiculturalism
- Multiculturalism and the Politics of Identity
- Contested Identity
- Does Gender make a Difference in the Migration Experience
- Culture as a Discourse
- Culturalism

Evaluation Scheme:

General Comments:

Name of Organisation: University of Newcastle

Contact persons: Peter Khoury  
Department of Sociology and Anthropology  
NSW 2308

Name of the Course/prog: Aborigines and the Welfare State

Target/Client:

Duration: Semester 1

Mode/method of delivery: A number of guest speakers will be invited from key Aboriginal organisations.

Aims/ Objectives:

This subject aims to provide a critical analysis and overview of Aborigines and the Welfare State in Australia. Where possible reference will be made to welfare issues affecting other Indigenous populations, for example in places such as North America and New Zealand. Central themes throughout this subject include: Welfare as social control, The Concept of Welfare Colonialism, Feminist and Anti-racist Critiques of Social Policy and Aboriginal Resistance.

Social policy operates at a number of levels, as government policy, as rhetoric and ideology, and mostly as Aboriginal lived and experienced reality. One of the central concerns of this subject is to give priority to the Aboriginal viewpoint on welfare issues and be aware of how Aboriginal perceptions, experiences and understanding may differ from the official viewpoint.

A critical analysis and assessment of Government policies enables us to explore the numerous racist discourses in operation throughout Australian society

and history. Welfare regimes and interventions have positioned Aborigines in particular ways and have been significant in the construction of Aborigines as 'problem populations'

Other aims of this subject include:

1. To appreciate the significance of land Rights and claims for the Welfare of Aboriginal people
2. To provide a critique of individualistic explanations of poverty, disadvantage and other social inequalities.
3. To understand how various interventions in the areas of alcohol issues, child welfare, criminal justice, etc are experienced by Aborigines
4. To critically evaluate the benefits (or otherwise) of various government policies.
5. To be informed and aware of what Aboriginal groups and organisations have to say about welfare and the solutions they themselves seek to Aboriginal self-determination.
6. To understand and appreciate the significance of power and gender relationships for Aboriginal communities and within the wider society.
7. To identify and be aware of racist discourses in service delivery and policy formation

Content:

- The Ideology of Assimilation Policies
- Aboriginal Women, Contemporary Struggles and the Welfare State
- Aborigines, Colonialism and Inequality
- Indigenous Populations and Nation States
- The Politics of Alcohol
- Policies of Self-Management and Self-Determination
- Land Rights and Social Justice

Evaluation Scheme:

General Comments:

Name of the Organisation: University of New England

Contact Person: Ann Eckerman

Name of the course: Aboriginal and Multicultural studies

Target/Client:

Duration:

Mode/method of delivery:

Aims/ Objectives:

Content:

Evaluation Scheme:

General Comments

Name of Organisation: University of New South Wales

Contact: Prof Garth Nettheim  
Faculty of Law

Name of the course/prog: Aborigines and the Law (LAWS 6920)

Target group/cients:

Duration: Session 2 (1994- 14 weeks)

Mode/method of delivery: Lectures, Seminars, Video Screenings.

Aims/Objectives:

1. To consider specific issues arising from the relationship between Australia's Aboriginal peoples and the legal system, to develop a coherent perspective on the place of Aboriginal people in Australian society, and to acquire new perspectives on the Australian legal system itself;
2. To sensitize students to the many problems experienced by Aboriginal peoples in relation to the legal system;
3. To consider legal changes that may be appropriate to assist in improving the position of Aboriginal peoples in Australian society and in achieving Reconciliation;
4. To provide a professional foundation for those who as graduates, may go on to work in firms or organisations involved with Aboriginal peoples.

Content:

The subject is not concerned with new field of law. What is new is the application of established principles and procedures of the Anglo-Australian legal system to Aboriginal peoples. Thus we revisit aspects of Constitutional Law, Criminal Law and Procedure, Civil Law, Property Law, Administrative law etc. But the particular focus for the application of these

principles and procedures - the Aboriginal peoples of Australia - raises fundamental questions about the juridical basis of the Australian state, notions of justice and equity, the use and misuse of legal history, the acceptability of legal pluralism, and other fascinating issues. The subject also offers opportunities for useful exercises in comparative law to the extent that we gain insights into very different systems of law observed by Aboriginal peoples. The subject also offers a ringside seat on the contemporary evolution in international law.

Evaluation Scheme

General Comments:

Name of Organisation: University of Queensland

Contact person: Penny Tripconny

Name of course/prog: Aboriginal and Torres Strait Islander Studies (Major)

Target/Client:

Duration:

Mode/method of delivery:

Aims/objectives:

Content:

Evaluation Scheme:

General Comments: Penny Tripconny the Director of the Unit along with AIJA has been involved in putting together a course on Cross-cultural issues for members of the Judiciary. This is the first of its' kind in Queensland.

Name of Organisation:	University of South Australia
Contact person:	Bruce Underwood Adelaide Coordinator Aboriginal Studies and Teacher Education Centre Holbrooks Road, Underdale South Australia 5032
Name of the course/prog:	AnAnGu Teacher Education Program (AnTEP)
Target/clients:	This program caters for Aboriginal adults for the most part (but not exclusively) living in traditionally oriented communities, who wish to undertake professional responsibilities in teaching and school management in Anangu/ Aboriginal schools.
Duration:	Certificate in Anangu Education, 2 years to complete; Associate diploma in Education (Anangu Education), 1 to 2 years; Diploma of Teaching (Anangu Education), 1 to 2 years
Mode/method of delivery:	The program is delivered on-site in communities throughout South Australia and in Central Australia.
Aims/Objectives:	The course aims to prepare its students to become independent classroom teachers with the skills needed to present bicultural programs in the school.
Content:	The subjects taught include: Teaching Studies, Curriculum Studies, Cultural studies, Community and Environment Studies, Academic Skills.
Evaluation scheme:	
General Comments:	The uniqueness of the program is due to the fact that most teaching happens on site, the knowledge and expertise of traditional Aboriginal community members is used, the course is a collaborative affair between the University and the communities concerned.



Name of organisation: University of South Australia

Contact persons: Mr. David Roberts

Name of course/prog: Bachelor of Arts - Aboriginal Studies

Target/client:

Duration:

Mode/method of delivery:

Aims/objectives: Aboriginal studies involves the study of history, cultures, languages and life-styles of Aboriginal and Torres Strait Islander peoples, both prior to and following European colonisation. this study focuses on understanding the issues central to Aboriginal and Torres Strait Islander contemporary societies and their relevance to the Australian community. Aboriginal Studies also encompasses the descriptions , insights and explanations of human experience derived from non-Aboriginal sources.

Content:

The Aboriginal Culture and History 06920 (Level 1) unit aims to introduce students to

- the critiques of the knowledge and disciplines mainly responsible for the construction of Aboriginal Studies;
- the diversity of Aboriginal 'cultures';
- the ways in which Aboriginal people have responded to the invasion; Aboriginal/non-Aboriginal relations in Australia;
- the effects of changing social, political and economic circumstances on aboriginal people; and
- the impact of the Australian State on Aboriginal people and their responses.

Contemporary Aboriginal Issues 06840 (Level 1) examines the diversity of social situations in which Aboriginal and Torres Strait Islanders people live within an analytical framework of 'race', class and gender. Aspects of current issues with particular reference to employment, health, housing, land rights, self-determination and reconciliation will be examined. The subject will also introduce students to Aboriginal perspectives on these issues.

Racism in Contemporary Australia 06924 (Level 3) aims to familiarise students with contemporary forms and patterns of racism in Australia. It will enable students to recognise and analyse case studies of racism, especially their ideological and institutional forms. This subject will introduce students to politics, legislation and mechanisms designed to eliminate racial discrimination and to combat racism.

Aboriginal Childhood and History UAB 309 examines the education and the socialization of children in traditional Aboriginal societies, and traces changes in the experiences of Aboriginal children over the period of European contact, before examining patterns of childhood in contemporary Aboriginal communities. The nature and effects of western educational interventions are examined and recent developments in Aboriginal education will be considered.

Evaluation Scheme:

General Comments:

Name of Organisation:	RMIT (Coburg Campus)
Contact Persons:	Prof Desmond Cahill Intercultural and Language Studies Unit PO Box 179, Coburg Victoria 3058
Name of course/prog:	Bachelor of Arts -Multicultural Studies
Target /Client:	The Bachelor of Arts(Multicultural Studies) provides for the intellectual and personal development of the student as a member of Australia's multicultural society. It caters for individuals from a variety of ethnic, professional and educational background, who wish to take up employment in teaching, community service delivery or public administration focussing on intercultural activities and groups.
Duration:	Three years full-time, six years part-time, or a combination of the two
Mode of delivery:	Lectures , tutorials
Aims/Objectives:	The course aims to: <ol style="list-style-type: none"><li>1. respond to different starting points of students in their language proficiency and to their different career aspirations.</li><li>2. provide an understanding of the historical and social context in which ethnic communities in Australia operate.</li><li>3. equip students with a conceptual basis from which to intercultural and interlingual situations.</li><li>4. provide a focus of professional education from which students may move into employment or towards further education and employment in a variety of fields such as teaching, ethnic liaison, community or public administration in ethnic affairs.</li></ol>
Content:	Subject details( only those subjects with an obvious multicultural focus have been stated; for further information please consult the University)

- Ethnic and Intercultural relations 1: To understand the basic concepts of ethnicity and inter ethnic relations, appreciate Australia's history as a multi-ethnic nation, understand the process of immigrant and refugee adaptation and ethnic group formation , and understand development and changes in Australian immigration policy.
- Ethnic and Intercultural relations 2: To evaluate interethnic and migration policies outside Australia in the perspective of underlying economic and political factors, familiarise students with sociological theories and practices of international relations, identify major migratory and interracial trends in the post -World War II period, and develop a knowledge of ethnic minority groups in a specific geographical area
- Cross- Cultural Communication 1: To understand the concepts of culture and enculturation, to develop a framework to assess the relationship between values and behaviour, to develop a knowledge of verbal and non-verbal factors in cross-cultural communication, to understand the factors for successful interpreting and be able to work with an interpreter.
- Cross-Cultural Research Design: To assist students to understand and sociological research data, as well as to understand and be able to implement different approaches to research and evaluation , especially in intercultural contexts in Australia.
- Multicultural Policies and Practices 1: To analyse , in the light of principles of human rights , social justice, access and equity, government and welfare industry and programs relating to individuals and groups of non-English-speaking background, and to ensure that students are familiar with appropriate program/policy evaluation techniques.

- Multicultural Policies and Practices 2: To assess the nature and extent of institutional response in Australia to the Aboriginal and ethnic presence, to focus on current issues (particularly in the education sector), and to consider selected topics in the human services and business sector.
- Intercultural Studies 3: To enable students to put into practise in the workplace the theoretical insights gained in other parts of the course, and to enhance professional expertise in ways which will enhance employment.

Evaluation Scheme:

General Comments:

Prof. Desmond Cahill was a consultant on the Law Reform Commission's Multiculturalism and the Law document.

Name of Organisation:	Southern Cross University
Contact Persons:	Noel Blomely Lecturer Faculty of Education, Work and Training PO Box 157 Lismore NSW 2480
Name of the course/prog:	Indigenous Australians in Education
Target/Client:	Students - Bachelor of Education
Duration:	150 student learning hours made up of written materials, directed text and journal reading and workplace related assignments
Mode/method of delivery:	Internal Mode
Aims/Objectives:	The unit aims to provide: <ol style="list-style-type: none"><li>1. an introduction to the Indigenous Australian societies prior to white colonization 1788</li><li>2. an understanding of the impact of the processes of genocide, assimilation and marginalisation on Aboriginal peoples.</li><li>3. an understanding of the social determinants that impact on the Indigenous Australian students academic performance.</li><li>4. appreciation of the diverse experiences and needs of both rural and urban Australians.</li></ol>
Content:	For graduates to be actively involved with the process of Reconciliation they will require an introduction to Australia's historical context, the government policies that have attempted to assimilate Indigenous Australian peoples, Indigenous Australian styles of learning in urban and remote areas, teaching strategies that will empower indigenous Australian peoples, effective communication skills with adult members of the Indigenous Australian communities and ways of challenging the dominant discourse
Evaluation Scheme:	
General Comments:	

Name of Organisation: Southern Cross University

Name of the course/prog: Schooling of Indigenous Australians

Contact person: Noel Lecturer

Target Client: Bachelor of Education -students

Duration: 150 student learning hours made up of written materials, directed text and journal reading and workplace related assignments.

Mode/method of delivery: Internal

Aims/Objectives:

By the end of this unit students will have:

1. accurate information on contemporary and historical Indigenous Australian culture and affairs.
2. access to resource materials which present this information, together with instruction in the techniques of resource evaluation.
3. studied the psychology of racism and ethnocentrism and their effects.
4. skills for developing curriculum with emphasis on procedures and techniques for involving local Indigenous Australians in Indigenous Australian studies programs.
5. developed effective teaching strategies for dealing with the special needs of Indigenous Australian children.

Content: In depth studies of Indigenous Australian culture and learning and the skills needed or positive and effective interaction with other culturally different people.

Evaluation Scheme:

General Comments: Gungil Jindibah Centre aims to increase the awareness of the culture in the wider community.

Name of Organisation:	Southern Cross University
Contact Persons:	
Name of course/prog:	Aboriginals, Islanders and Contemporary Legal Issues Centre for Law and Criminal Justice and Gingil Jindibah Centre
Target/Clients:	Aboriginal and Torres Strait Islanders
Aims/Objectives:	<p>At the completion of this course students will:</p> <ol style="list-style-type: none"><li>1. have an overview of the impact of English Law on Aboriginal and Islander people</li><li>2. have an understanding of Aboriginal customary law.</li><li>3. have a good understanding of land rights and its central role in self determination</li><li>4. have a n understanding of International obligations on countries towards Indigenous people</li><li>5. have the skills needed to be able to run legal education workshops for communities</li><li>6. have an understanding of the processes involved in the development of a treaty and reconciliation.</li></ol>
Content:	<p>This Unit looks briefly at the history of the application of English law to Aboriginal and Islander societies over the last 200 years. It then looks at how this legal system can be used by Aboriginal and Islander people for the push for self-determination. Students are made aware of the various legislation affecting Aboriginal and Islander people today and how they can be used. Students also gain an understanding of international human rights issues.</p>
Evaluation Scheme:	
General Comments:	



Name of Organisation:	Southern Cross University
Name of course/prog:	Aboriginal Islanders and the Criminal Justice System
Target/Clients:	Aboriginal and Torres Strait Islanders
Duration:	Semester 3
Objectives:	<p>At the conclusion of this unit student will:</p> <ol style="list-style-type: none"><li>1. have a knowledge of the criminal justice system in relation to Aboriginal and Islander people</li><li>2. be aware of the special difficulties faced by Aborigines and Torres Strait Islanders in the criminal justice system</li><li>3. have a good understanding of the findings and recommendations of the Royal Commission into Aboriginal Deaths in custody</li><li>4. have a good understanding of the role of customary law today.</li></ol>
Content:	<p>This Unit looks at the history of the Australian Criminal Justice system in relation to Aboriginal and Islander people focussing on the National report on The Royal Commission Into Aboriginal Deaths in Custody. It covers processes in the criminal justice system and introduces concepts in dispute resolution as well as the use of customary law in dealing with offenders.</p>
Evaluation Scheme:	
General comments:	

Name of Organisation: Southern Cross University

Contact Persons: Faculty of Arts, PO Box 157 Lismore NSW 2480  
Australia

Name of the course/prog: Multicultural Australia

Target/Client:

Duration: Offered in Autumn Semester 1996

Mode/method of delivery: Internal mode

Aims/ Objectives: By the end of this unit, students will:

- be able to recognise the major theory of multi-culturalism and ethnic diversity and discuss their relevance to Contemporary Australia
- be familiar with the broad trends in multicultural analysis in comparable countries (for example, Canada and the United States)
- be able to describe and analyse the experiences and contributions of major ethnic groups in Contemporary Australia.
- be familiar with and able to analyse the depiction of the aspects of multi-culturalism in Australia in a variety of media and cultural forms.

Content:

- Theories of multi-culturalism
- An ethnically diverse society: Australia today
- Other immigrant societies: Canada, Britain and the United states
- Australia's major ethnic groups
- Depiction of multi-culturalism
- The experiences of ethnic minorities : case studies from the Chinese, Indian, Italian, Vietnamese and Yugoslavian communities
- Multi-culturalism and the Australian economy

- The politics of multi-culturalism
- The Arts in an ethnically diverse society.

Evaluation Scheme:

General Comments:

Name of Organisation: University of Tasmania

Contact Persons: Dr. Adrian Franklin, Dr. Nerida Cook  
GPO Box 252C, Hobart, Tasmania 7001

Name of course/prog

Target/Clients:

Duration: 2 Semesters

Mode/method of delivery: Internal

Aims/Objectives:

Content:

Three main areas will be covered. The first looks at the origins of the human species and it's physical diversity; the second section surveys human cultures firstly in terms of their social and political structure. the third section investigates how other cultures have been theorized by anthropologists. The six tutorials are designed to provide additional teaching in the key areas of anthropological theory.

Evaluation Scheme:

General Comments:

Name of Organisation: University of Tasmania

Contact persons

Name of course/prog Australian Society and Immigration

Target/Client:

Duration:

Mode/Method of delivery: internal

Aims/Objectives:

Unit Objectives:

1. To familiarize students with the sociological literature on immigration and ethnic relations, with particular reference to Australian society.
2. To critically examine the contemporary immigration debate and enable students to develop a view informed by sociological perspectives and research findings.
3. To provide students with a core set of concepts that will enable them to analyse the process of immigrant adaptation in contemporary Australian society.
4. To provide students with an opportunity to apply sociological concepts to substantive issues in the field of immigration, ethnic relations and migrant studies
5. To assist students to develop their analytic and conceptual skills.

Content:

Some of the Lecture topics covered are as follows:

- Introduction
- Migrants and Ethnicity
- Modernization and Immigration
- Immigrants in Australia
- The Process of Immigrant Adaption

Tutorial topics:

- Race and Ethnicity
- Immigration and Ethnic Relations
- Immigrant Experiences
- Migrant Communities
- Multiculturalism and Cultural Identity

Evaluation Scheme:

General Comments:

Name of Organisation : University of Tasmania

Name of course/prog Social Justice and Policy

Target/Client:

Duration: Semester 2

Mode/method of delivery:

Aims/Objectives:

Content: Far reaching local and international social transformations engendered by globalization have heightened the need to reexamine social justice, marginality and difference in the broader social context. Competing sociological perspectives on social justice are reviewed exploring in particular, whether social justice is a right or a privilege in contemporary society. Social justice as an integral aim of policy, planning and development ( eg. in schools, in work, or in terms of unemployment and poverty alleviation) is critically examined. The unit moves on to explore the social processes that have lead to the (social and cultural) marginalisation of various groups (eg. Indigenous Australians, tribal Asians, poor immigrant women). Finally, consideration is given to the concept of “difference” as a form of cultural resistance to marginalization and oppression. Cross-national comparisons, especially between Australia and Asia , provide examples for lectures and tutorial discussion. Overall, the unit aims to enhance students’ understanding of competing local and international perspectives and approaches to social justice, marginality and difference.

Evaluation Scheme:

General Comments A bridging course has been introduced for Aboriginal students wishing to undertake higher studies.

Name of Organisation: University of Western Sydney (Macarthur)

Contact person: Associate Prof. Jayaram  
PO Box 555, Campbell, NSW 2560 Australia

Name of the Course/prog: Sociology of Ethnic Relations

Target/ Client:

Duration: Autumn Semester

Mode/Method: Lectures and Tutorials

Aims/ objectives: Participation in this subject will enable students:

1. To critically understand major theoretical perspectives on ethnic conflict and co-operation.
2. To comprehend the linkages between ethnic identity construction and wider social and economic forces in society.
3. To develop an in-depth understanding of an ethnic group in a multi-ethnic society.
4. To develop understanding of and appreciation for issues and problems in conducting sociological research in the area.

Content:

- An introduction to the concepts of ethnic group, ethnic identity, ethnicity and ethnic conflict and cooperation.
- Critical analysis of major sociological perspectives on ethnic relations
- Critical assessment of historical, social and economic forces including ethnic groups and ethnic relations in Australia and overseas.
- Ethnic groups and relations in Australia.
- Issues and problems in conducting sociological research in ethnic relations field.

Evaluation Scheme:

General Comments:

Name of Organisation: University of Wollongong

Contact Persons: Luke McNamara  
Faculty of Law  
Northfields Avenue, Wollongong NSW 2522

Name of the course/prog: Indigenous people and the Law

Target/Clients:

Duration:

Mode/method of delivery: Lectures with a stress on discussions in class.

Aims/Objectives:

Aims: The primary aim of this subject is to introduce students to aspects of the relationships between Indigenous and non-Indigenous laws and legal systems, and to provide a forum for the discussion and analysis of some of the specific legal issues of current relevance to Indigenous peoples.

Objectives: Upon completion of this unit students will be able to:

- identify aspects of the system of social organisation and regulation which operate as part of the cultures of Indigenous peoples;
- demonstrate an appreciation of the relationship which many Indigenous peoples share with land , including attitudes towards the use and exploitation of land and other natural resources;
- analyse areas of conflict between Indigenous legal systems and legal concepts, and those of the dominant Anglo-Australian legal culture;
- demonstrate an understanding of the implications for Indigenous nations of the era of European settlement/ invasion , particularly in terms of the impact on Indigenous legal systems and Indigenous sovereignty;
- identify and discuss the international dimension of Indigenous legal issues, including the similarities



and differences between the legal issues facing Indigenous sovereignty;

- identify and discuss the international dimension of Indigenous legal issues, including the similarities and differences between the legal issues facing Indigenous peoples in Australia and the Indigenous peoples of other countries such as Canada, New Zealand and the USA.
- assess the forms of systemic discrimination which operate within non-Indigenous legal systems to the disadvantage of Indigenous peoples; and
- write a critical evaluation of a major judicial decision which directly affects Indigenous peoples in Australia.
- present oral and written arguments on the relationships between legal issues and the political aspirations of Indigenous peoples.

**Content:**

The subject's emphasis will be on exploring various aspects of the relationship between Indigenous peoples and their legal systems, and the non-Indigenous legal regime, with particular attention to the areas of land, justice and government. A central theme of the subject will be the issue of Indigenous self-determination, including the legal system's responsibility for facilitating and accommodating Indigenous autonomy in areas such as control and management of land and natural resources, and justice administration.

**Evaluation Criteria:**

**General comments:**

The Centre for Multicultural Studies - University of Wollongong undertakes consultancy and research work for a number of Government and non-Government bodies. Some of these bodies include: Bureau of Immigration and Population Research; Office of Multicultural Affairs; Department of Health, Housing and community Services; Office of Local Government-Community Relations Strategy evaluation; Office of Government Information Advertising.

Name of Organisation: SA Department of Employment and Technical and Further Education

Contact Persons:

Name of the course/prog: Aboriginal Legal History and Contemporary Issues

Target/Client:

Duration:

Mode/Method of Delivery:

Aims/Objectives:

1. To examine the main features of the relationship between Aboriginal culture and laws and the Anglo-Australian legal system since 1788
2. To examine current issues concerning Aboriginal people and the legal system.
3. To develop awareness of Aboriginal culture

Objectives:

On successful completion of this subject the student should be able to:

- identify and briefly describe the main features of Aboriginal people, society and culture ranging from traditional to urban lifestyles;
- explain the primary concepts of Aboriginal customary law;
- list and describe the key events demonstrating the legal status and civil rights of Aboriginal people since 1788;
- briefly describe the reasons for major Government policies in Aboriginal affairs since 1788 and the effect these have on two current Aboriginal issues;
- briefly identify the scope of mining law in so far as it concerns Aboriginal communities;
- explain the aims and key concepts of South Australian Aboriginal heritage legislation and provide a short overview of Aboriginal Heritage Law in Australia;

- explain the essential legal rights and responsibilities of Aboriginal people with respect to the environment with particular emphasis on hunting and food gathering rights;
- present concise arguments pertaining to the proposed treaty between the Australian Government and the Aboriginal people;
- discuss two aspects of the comparative treatment of Indigenous peoples in two other former British colonies;
- describe the principal recommendations of the Royal Commission into the recognition of customary law and of the present state of such recognition;
- briefly describe the main causes for racism in Australia and outline three methods for dealing with racist violence;
- identify the major issues relating to Aboriginal people in custody and transcribe into their own words the principal recommendations of the Royal commission;
- identify Equal Opportunity Law and typical cases of discrimination;
- provide rudimentary advice and assistance on matters pertaining to Equal Opportunity Law;
- describe the basic structure, role and powers of the Aboriginal and Torres Strait Islanders Commission;
- explain the key elements of the history, structure and purpose of the Aboriginal Legal Rights Movement, the national Aboriginal Islander Legal Services Secretariat and other relevant Aboriginal organisations;

Content:

- Traditional Law and Culture
- Government policies and Aboriginal History
- Society and culture today
- Land Rights
- Mining
- Heritage
- Environment Law

- International Comparison
- Treaty
- Recognition of Customary Laws
- Racist Violence
- Deaths in custody
- Equal Opportunities
- ALRM
- ATSIC

Evaluation scheme:

General Comments:

Name of Organisation: Rollins College - Sydney

Contact Persons: Jennifer Newman

Target/Client:

Duration: 14 weeks

Mode/method of delivery:

Aims/Objectives:

Aboriginal Studies aims to give you an overview of Aboriginality in Australia. During the course of this semester we will look at Aboriginal society, culture, history and identity. The diverse nature of Aboriginality dictates the interdisciplinary nature of this course, and reflects the diversity of interests that may be found within the class group.

As a very broad outcome, Aboriginal Studies looks towards developing an appreciation of contemporary indigenous communities generally, and present-day Aboriginality specifically.

Content:

- Introduction and Overview - Creating the People
- Life cycles and spirit cycles - Relating to the Land
- Expressing country and self - Economies for survival
- Aliens, visitors and invaders - On a mission from God
- Social structures realigned - Reshaping the country, reshaping the people
- Protectionism and protection - The Stolen Generation
- Profiling Community issues: health, legal status, education, welfare and civil rights
- Finding a community voice - Strengthening communities
- Reviewing the story so far

- The Sixties: world civil rights movements
- Land Rites and Land Rights - celebrating Aboriginality today
- Profiling the present - Expressing the future
- Bringing it all together

Evaluation scheme:

General Comments:

- Name of the organisation: Aboriginal Resource and Development Services Inc. (ARDS) (Consultancy for: NT Office of Aboriginal Development)
- Contact address/persons: Richard Trojan  
Enterprise House 28-30 Knuckey Street, Darwin  
NT0800 ph: (089) 818444
- Name of the course/prog: Cross- Cultural Awareness Education for Aboriginal People
- Target/client: Selected communities were as follows- Galiwin'ku, having the largest population base in North East Arnhemland and Ramingining, a smaller community. Other communities include the Milingimbi and Yirrkala.
- Duration: The duration of this project was from 1st Sept '93 to the end of May '94. It has been stressed in the project report that " the methodology is a developing one, there is no set formula which can be written, read, and applied, except the community development principle as explained and the use of the people's language. The process cannot be carried out over a short period of time.
- Mode/method of delivery: With regards to this project a Freirean methodology is used, whereby there is a need to look at both world views to investigate contractions and arrive at a new reality.
- use of generative words and themes from peoples' own language.
  - understand the traditional education process
  - education at two levels - demystification and skilling
  - community education ie. re-education

Objectives:

1. To explain the state of ‘intellectual marginalization’ which Aboriginal people find themselves in and to discuss a developing educational methodology which when applied can alter this situation.
2. To show the changes in the ‘levels of awareness’ of the people through the life of the project.
3. To explore ways in which the project can be expanded and the potential for expansion.

Content:

The terms of the consultancy required that the Consultants:

1. Report on the results of the research conducted into the traditional legal and economic structure within North East Arnhemland
2. Report on the current situation in the two selected communities in the terms of this project.
3. Provide an outline of the model of the education program.
4. Provide an analysis of the new understanding of the people who become involved in the process.
5. Propose indicators against which the performance of the process may be assessed both in the short and long terms.
6. Make recommendations for the expansion of the program to other areas.

Evaluation scheme:

General comments:



JUSTICE AGENCIES

AUSTRALIAN CAPITAL TERRITORY

Name of Organisation:	Australian Federal Police
Contact Persons:	
Name of the course/prog:	Cultural Awareness Training Issues for Police Officers
Target/clients:	Trainers, existing members/staff members, recruits.
Duration:	2 days for trainers. TBA for existing members and recruits.
Mode/method of delivery:	
Aims/Objectives:	To establish awareness and enhance knowledge and skills in the area of cultural diversity.
Content:	Trainers Seminar: Consultants from the Canberra Institute of Technology attended and addressed issues incorporating: stages of cultural awareness, cultural values and their influence on behaviour, attitudes and communication, best practice in the management of diversity, prejudice, conscious and unconscious discrimination.  In-Service and Recruit modules to cover issues from issues from trainers seminar, together with liaison, racism, access and equity and relevant matters.
[Another group]	
Target/clients:	Members seconded to UN missions and for other overseas peacekeeping duties (eg Cyprus, Cambodia, Mozambique, Haiti).

Duration:  $\frac{1}{2}$  - 1 day  
5 days in Cyprus - local procedures course.

Content: All overseas contingents have briefings conducted by DFAT Desk Officers ("Country briefings concerning culture and politics") on the country in question. These briefings are supplemented by guest appearances from indigenous persons who give a comparison between the way of life (living standards, culture and customs) "over there" to that experienced in Australia. Human rights and refugee issues are covered by speakers from Amnesty International and UNHCR. If time constraints permit, some language training may occur.

In-Service & Recruit modules to cover issues from trainers seminar, together with liaison, racism, access and equity and relevant matters.

Evaluation scheme:

General Comments: The AFP ACT Region is responsible for community policing functions in Canberra. Community Liaison is situated in the Services portfolio and is responsible amongst other things for developing, implementing and maintaining strategies designed to improve relations between Police and Members of NESB communities.

Currently the AFP is undertaking a wide range of multicultural training in conjunction with the Canberra Institute of Technology, with all AFP trainers being instructed in a relevant Train the Trainers program. Multicultural training is now being taught in the following AFP courses.

- Investigations
- Management
- Recruit Training

Second language training is also being offered to members.

The AFP has 28 officers serving in 13 countries, and in the recent past has dispatched peacekeeping contingents to Haiti, Mozambique and Cambodia. An ongoing contingent of 20 officers is deployed in Cyprus.

Officers have recently delivered training in the following countries:

- Micronesia - Drugs
- Philippines - Sex Offences/Domestic Violence
- Fiji - Sex Offences/Domestic Violence, Drugs
- Sri Lanka - Intelligence (Colombo Plan)
- Vanuatu - Intelligence, Drugs, Investigators
- Solomon Isles - Intelligence, Drugs, Investigators
- PNG - Drugs, Intelligence

In addition, police officers from a number of Asia Pacific countries have attended the AFP Training College for Management of Serious Crime training.

## NEW SOUTH WALES

Name of Organisation : New South Wales Police Service

Contact Persons:

Name of the course/prog: Police Recruit Education and Constable Development Programme

Target/ Clients: Police Recruits /Constables

Duration:

Police Recruits: The programme is divided into 5 phases each with a specific aim. Each phase is of varying duration.

Constables Development Program:  
12 weeks

Mode/Method of delivery:

Police Recruits:  
Lectures, Observations, investigations,

Constable Development:  
Distance learning mode in conjunction with the Charles Sturt University

Aims/Objectives: The aim of the police recruit education and constable Development programs is not only to convey information concerning ethnic and Aboriginal people but to also weave appropriate perspectives throughout the entirety of both courses.

Content:

Police Recruits:

Phase 1: Deals with social inequality. Students are asked to identify disadvantaged groups within the society. The circumstances of Aboriginal and ethnic

groups are discussed at this stage. This is followed up by the rights of individuals in a democratic society. 16 hours devoted to these issues

Phase 2: Police officers are attached to police stations. Asked to reflect on what they see. They are also asked to complete a profile of the patrol including an outline of the social groups of which it is comprised.

Phase 3: Student Police Officers involved in a rigorous investigation of a wide range of issues relevant to Aboriginal people and people of NESB. Students are introduced to the notions of cultural diversity. Approximately 16 hours are devoted to this.

Phase 4: Probationary constables are no longer observers and are required by the Academy to submit various pieces of work which indicate a reflective attitude towards their own practise as police officers.

Phase 5: Final assessment

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### Constable Development Program

The program is provided by the Academy in conjunction with the Charles Sturt University through the distance learning mode, guidance and assessment of the required submitted work being the responsibility of the Academy.

One subject unit titled 'Police in Society', is included in the program and is conducted over a twelve week learning period. The subject is further divided into five modules.

Module 1: A brief study of police culture in the light of broad theories of culture and organisation. How culture can affect police attitudes eg stereotyping.

Module 2: Brief historical view of the policies of assimilation and multiculturalism and the rationale for

the change to multiculturalism. The history of Immigration in Australia is outlined from the time of colonialism, with emphasis on the immigration since the Second World War.

Module 3: Studies the issue of ethnocentrism and its relationship to an individual's formation of cultural identity. How culture is developed within the individual and the larger community is then explored as well as the dynamic nature of culture.

Module 4: Examines crime rates as they apply to the people of NESB and compares those rates with the rest of the population. In particular this Module explores multiculturalism and how that relates to providing justice in a multicultural society. This module further examines racial discrimination legislation and the NSW Police Service Ethnic Affairs Policy Statement.

Module 5 : How interpreters assist police is discussed at some length, focussing upon the need of the people of NESB to communicate effectively in order to obtain justice. Police, and other sections of the Criminal Justice System, may not be aware of a person's need for an interpreter and, therefore, the person may be disadvantaged. The module concludes with an examination of some of the core areas of difference between characteristics of cultures and the need to recognise and respect the differences.

Evaluation scheme:

General Comments:

Name of the organisation: Judicial Commission of NSW

Contact persons: Australian Institute of Judicial Administration &  
Judicial Commission of NSW

Name of the course /prog: Judicial Disposition: Equality before the Law II Race  
and Cultural Awareness -(This is one component of the  
Judicial Orientation Course)

Target/ Clients: Magistrates

Duration: Half a day

Mode/method of delivery: Workshop

Aims/ Objectives:

The purpose of judicial orientation is to assist new appointees make a smooth transition to judicial office. Specifically, judicial orientation aims to meet the learning needs of appointees through the provision of education and training.

Within the system of judicial appointment based on merit , it is reasonable to assume that appointees are experienced in law and court practise. It follows that judicial orientation should focus on the particular knowledge, skills and attitudes required for judging.

The goals of this programme of post-appointment judicial orientation are based on existing levels of experience. They are, however, designed to:

1. develop judicial perspective through promoting knowledge and understanding of the role of judicial officers in the administration of justice;
2. consolidate and develop the skills of judging, and techniques of problem solving;
3. promote a judicial disposition relating to the attitudes, values, ethics and conduct appropriate to judicial office;

4. encourage and provide an opportunity for participants to review and critically reflect on their judicial experience; and
5. provide a framework for collegial interaction and the exchange of experience

Content:

Workshop Outline:

Cultural Diversity: Defining the Challenge of Attaining Equality before the law

Question and Discussion

Aborigines before the Law

Using Interpreters Effectively

Cultural Stereotypes

Is there Equality in your Courtroom

Evaluation scheme:

General Comments:

A number of handouts are used to support the delivery of the course:

“From the Other Side: Diversity and Equality in the Courtroom”. Paper to be delivered by Mr. Ross Tzanes, Commissioner Ethnic Affairs Commission of NSW

The Administration of Justice in a Multicultural Society: The Honorable Justice Brooke High Court of England

Ethnic Minorities : Seven Points to remember: Mr. Justice Brooke

Communication Breakdown : The Importance of cultural and language awareness in court (Len Roberts-Smith

Names and Naming Systems: produced by the Ethnic



Name of the Organisation: Australian Institute of Judicial Administration & Judicial Commission of NSW

Contact Persons: Prof. Peter Sallman

Name of course/prog: Problems in Evidence : Judicial Orientation Program

Target/ Client: Judges

Duration: One session

Mode/method of delivery:

Aims/Objectives:

This session will consider the ways in which a civil trial, in practical terms, may be managed fairly and efficiently, in the application of the rules of evidence. The content of those rules will not, as such, be addressed. Knowledge of the law of evidence will be assumed. Rather the session will address the practical problems in applying the rules of evidence which can arise in civil trials and how the trial may best be managed in this regard. The special position of the application of the law of evidence in a criminal trial will not be dealt with here.

One of the problem areas frequently encountered has been identified as Swearing or affirming the witness. Cultural differences pose challenge to the legal system.

Content: Relevant content:

Judicial Studies Board : Papers on Ethnic Minority Issues

Occasional Paper 1: Oaths and Oath - Taking

Evaluation Scheme:

General Comments:

## NORTHERN TERRITORY

Name of the organisation: Northern Territory Police Service

Contact address/persons: Cross Cultural Consultants  
PO Box 1766, Darwin, NT 0801

Name of the course/prog: Working at the Interface

Target/client: Police recruits, a program contracted by the Police Department for cross cultural training

Duration: 2 Days at Recruit level

Mode/method of delivery: Workshop

Aims and objectives:

- to become aware of the advantages of modifying communication styles and approaches in interacting with Aboriginal clients;
- to become aware of some of the barriers and how to overcome these barriers;
- to highlight the difference in communication styles between Aboriginal and non-Aboriginal peoples.

Content:

7 Sessions -

- Session 1: Why Cross Cultural training - to give a positive rationale for providing a culturally appropriate policing service for Aboriginal people
- Session 2: What is Cross-Cultural Awareness - to introduce the concept of “cultural boundedness”, which describes how in each culture people acquire very different ways of thinking and perceiving, relating to others and behaving in various settings.
- Session 3: Individualism and Collectivism - to get a global understanding of how Aboriginal cultures

differ from mainstream cultures in terms of their relationships with the group.

- Session 4: Breaking Cultural Stereotypes
- Session 5: Working with Aboriginal clients - Understanding Aboriginal 'Communicative Conduct'
- Session 6: The Role of Aboriginal People in Policing
- Session 7: Action-Planning and Course Evaluation

Evaluation scheme:

General comments:

The above cross-cultural training provisions are in relation to Aboriginal and Torres Strait Islanders only. The course is currently under review. Further training in cross-cultural awareness is also conducted at regional centres and on an ad hoc basis.

Name of Organisation: Department of Correctional Services

Contact Persons: Blair Mcfairland and  
Chris Adepoyibi

Name of the course/prog: Yuendumu Law

Target/clients: Senior Aboriginal Law People

Duration:

Mode/method of delivery: Community consultations and the use of painting as a means of communication

Aims/Objectives:

1. to develop a coordinated local justice approach
2. to develop a consultation process that involves the community elders.
3. other aspects of the programme were the setting up of an appropriate CSO project and the training of the Aboriginal Community Corrections Officer.

Content:

The use of pictures to communicate concepts and structures to the participants of the Yeundumu court scheme are a means of providing an integrated approach to all organisations involved in the community that may have contact with the justice system.

The process as described by the paintings is as follows

- Grog Circle a series of events in the life of a drinker, who starts off drinking with his friends and ends up in gaol - goes back to his family and starts the same story again. If at this stage he takes the trouble to go for treatment he breaks the grog cycle.
- A drawing of a young petrol sniffer - the hallucinatory effect of sniffing
- Thinking about young people - this painting describes the Tjukurpa or the Aboriginal culture on the left side, the different communities thinking about the future of the old -ways. In the middle it talks about the trouble of the young people caught

up in the whirlwind of destruction. Sitting around looking at the trouble are the people from the different communities.

- Getting ready for Court - tribal council men met to discuss the cases and to make recommendations
- Discussion about the two ways - the Kardiya Law and the Yappa Law, and the problems young people have when caught between the two.
- The six offences involving motor cars, against property, against people, against Yappa law, involving alcohol, \* against "the book", breach of parole etc.
- What are you going to do when you get out.

It is important that the offender understands what is happening at all stages of the court process. There should be a translation of the significant points and concepts into the offenders language : the meaning of the court process must be made clear to the offender; not just a bare explanation of the procedures.

Evaluation scheme

General Comments:

Name of the organisation: Department of Correctional Services

Contact address/persons: Katherine Regional Community Corrections Office ,  
PO Box 203, Katherine, NT 0851

Name of the course/prog: Aboriginal Community Corrections Officers'  
Workshop

Target/client: Aboriginal Community Corrections Officers

Duration: 2 days

Mode/method of delivery: Training Workshop

Aims and objectives: This Training package is designed to give the ACC.  
recruits a basic working knowledge of the Correctional  
Services in the Northern Territory.

Content:

- Departmental Overview
- Background
- Probation
- Community services order
- Community Detention/ Home Detention
- Juvenile Justice
- What to do if a person is not reporting
- What to do if a person is not doing their community  
service order properly
- CSO sign up procedures

Evaluation scheme

General comments

## QUEENSLAND

Name of Organisation:	Queensland Police Service
Name of course/prog:	Police Recruit Operational Vocational Education Program.
Contact Persons:	S D R Melville Superintendent, Initial Service Programs Queensland Police and Emergency Services Academy.
Target/Client:	Police Recruits
Duration:	103 days of instruction
Mode/method of delivery:	PBL (Residential Course)
Aims/Objectives:	<i>Module 1 - Strand 2:</i>

To focus on Australian society in terms of socioeconomic, ethnicity, educational attainment, demographics, gender and employment. Students will examine their perceptions of these issues and identify implications for policing. These Australians contemporary issues will be examined within a global context.

*Module 1 - Strand 6:*

This strand provides an overview of how special perceptions (including cross-cultural) and group processes impact on policing. The issues underlying deviance; the processes by which people are labelled deviant; the distinction between deviance and criminal behaviour and between different forms of crime are examined. The strand includes interpreting statistics, the link between crime statistics and levels of crime and the need for police to maintain statistics. The nature of evidence and the manner of obtaining evidence from an offender are explored.

*Module 5:*

This module will provide the recruit with a basic understanding of offences committed against the person. Activities will concentrate on an understanding of the Domestic Violence Act, Assaults, Children's Services Act, Offences Against Police and Execution of Warrants and Serious Offences Against the Person. The module will explore legal definitions, Police powers and the application of the act, interpersonal skills, societal (including ethnic) conditions and operational procedures.

## Content:

*Module 1 - Strand 2:*

- Structure of Australian society based on personal experience;
- Contemporary Australian and Global Issues;
- Varying opportunities people have in society based on one's own experience;
- Implications of stereotyping groups in society;
- Effects of forms of advantage/disadvantage non equality;
- Education and employment opportunities as found in research materials.
- Influence of family, environment, race ethnicity, class, age and gender on education and employment opportunities;
- Influence of labour market opportunities, leisure activities, where a person lives, etc on potential involvement in crime;
- Interpersonal policing skills for individuals backgrounds, and opportunities;
- Implications of dealing with groups of people with whom there has been no previous contact;
- Understanding the relevance of contemporary society to the role of a police officer;
- Strategies for policing at a preventative level within a local area;
- Membership of minority and powerful groups in Australia.



*Module 1 - Strand 6:*

- Personal vies and social perceptions from a given scenario;
- Effect of social behaviour on personal behaviour.
- Personal bias and perceptions about people from a given scenario;
- Problems inherent in witness perceptions of events;
- Factors which influence an individual's behaviour within the group;
- Factors generating violent behaviour.

*Module 5*

- Societal conditions that accompany acts of Domestic Violence as found in research materials;
- Provisions of the Domestic Violence Act relating to definitions. Police powers and application of the Act without reference to resource material
- Procedures used to investigate and resolve complaints of Domestic Violence as addressed in research materials;
- Identification of offences of assault, common assault, aggravated assault and bodily harm from a given scenario. Classification offences and the power of arrest as found in the student reference material.

Evaluation Scheme: Ongoing internal/external evaluation

General Comments: Police Recruits receive extensive training on Cross-Cultural and Ethnic Issues. The curriculum does not contain a specific learning unit, but rather these are integrated into the above-mentioned modules. In particular it should be noted that outside exerts present a one hour lecture in conjunction with Supt MELVILLE and a two hour tutorial on contemporary cross-cultural matters to each group of Recruits.

## SOUTH AUSTRALIA

Name of Organisation: South Australia Police

Contact Persons: Supt. Paul White, O/C Professional Development and  
C/Supt. Owen Bevan

Name of the course/prog: Cultural Awareness Input

Target/clients: Police Trainees

Duration: The subject is presented in a number of training sessions throughout the academic phases of the 38 week program.

Mode/method of delivery: Lectures, printed handouts material and audiovisual presentations.

Aims/Objectives:

The cross cultural awareness input is an important and integral component of police training. The SA Police have realised that although the general public really have no say in whether they have a state police service or not, the way that the public perceive the organisation is important.

Overall objectives will be to provide cadets with:

1. knowledge of Aboriginal behaviours, values, social conditions and world view;
2. knowledge of the structure and function of services and resources for Aboriginal groups and communities;
3. skills for communicating with and interacting with Aboriginal people;
4. skills and information for communicating with NES background people.

Content:

- terms like racism, prejudice, culture, stereotype, ethnocentrism are discussed in relation to the cadets own life experience;

- definition of Aboriginal as referred to by the Royal Commission into Aboriginal Deaths in custody;
- historical aspects of Anglo-Australian/Aboriginal interaction since colonisation, with regard to the imbalance of power;
- the impact of government policies relating to the Aboriginal population regarding: protectionism, assimilation, integration, self-determination;
- the terms multiculturalism, refugee, discuss the effects of government Immigration policies both past and present and requiring assimilation into the Australian population;
- cultural aspects of The Dreaming, Kinship as practised by Aboriginal communities in South Australia. Problems encountered by police serving the Aboriginal communities as a result of difference of culture and language;
- Alcohol related programmes for Aboriginal people;
- the use of interpreters as per G.O. 3460;
- presentation of oral assignment of work done in pairs;
- support services available for people of non-English speaking background;
- knowledge of current relevant law and policy relating to Aboriginal people. Identify the following Aboriginal assistance organisation and programme: Aboriginal Legal Rights Movement, Aboriginal Visitors Scheme;
- list of organisations which could be of assistance to people from non-English speaking background;
- a visit to a NESB organisation
- some common problems encountered by police serving ethnic communities;
- police strategies which may assist in improving the relations between ethnic communities and police;
- the role of Aboriginal police aides;
- the relationships between police and Aboriginal people, the police strategies which may assist in the interaction between Aboriginal people and police;

- the role of the media in relation to negative stereotyping of minority groups, suggest positive ways that police can influence such reporting;
- the various social and economic problems affecting Aboriginal and non-English speaking background people, realise how this may impact on policing styles;
- custody issues which may impact on custody matters;
- various strategies which may be utilised to ensure fairness by police when dealing with both Aboriginal people and people of N.E.S.B.;
- cross-cultural debrief.

Evaluation scheme:

General Comments:

Name of Organisation: Courts Administration Authority

Contact Persons: John Zingini  
Justice Administration  
GPO Box 1068, Adelaide SA 5001

Name of the course/prog: Cross-Cultural Awareness Training Programme

Target/clients:

Duration: 3 Days

Mode/method of delivery:

Aims/objectives:

Content:

- Introduction
- Early Aboriginal Culture
- Colonisation/ Dispossession
- Aboriginals in the 90's
- Aboriginal Culture Today
- Stereotypes and prejudices
- How stereotypes affect Aboriginal people
- Brainstorming ideas for Antiracist Training

Evaluation scheme:

General Comments:

## VICTORIA

Name of organisation: Victoria Police.

Contact Persons :

Name of course/prog: Cross-Cultural Training

Target/client: Recruits, Constables, Sergeants, Inspectors.

Duration:

Mode/method of delivery:

Aims/Objectives:

Aims: To ensure members possess appropriate cross-cultural communication skills, understanding, awareness and sensitivity to the needs and cultures of ethnic communities and the issues relevant to policing in a culturally diverse society.

Objectives:

1. Supplement formal in-service training by providing cross-cultural awareness seminars in police districts with large populations of ethnic communities;
2. Conduct culture familiarisation seminars for police stations located in areas with concentrations of particular ethnic and cultural groups;
3. Provide cross-cultural awareness sessions at in-service training courses such as Community Policing Squads' Course or District training Officers Course;
4. Familiarise teaching staff at the Police Academy and the Police College on multicultural issues and develop teaching skills for a culturally diverse class;

General Comment

Recruits do 20 weeks training and two years probation under supervision Some are required to go back to the

Academy for refresher course for 4 weeks. The training section adopts a flexible structure for recruits from NESB (using case system) and experiences 88 per cent success rate for these recruits.

The cross-cultural training uses "Blue eyes/brown eyes" method to sensitise recruits to discrimination issues. Exercises on these issues run throughout the training. There are three sessions on Aborigines. In Week 10 of the training, participants go to police stations for field experience. During Week 12, one whole day is devoted to multicultural issues. Multicultural issues are also covered under the theme of domestic violence.

Recruits visit Adult Migrant Centres and, in turn receive visits from people using these Centres. A special program on 'Dealing with Disadvantaged Kids' runs for three days. It is also called the High Challenge.

None of these cultural awareness programs had been evaluated at the time of the consultation interview. An evaluation was being planned to take place two months after the interview. (Check with Ken when the time comes about the evaluation.)

Name of Organisation:	Department of Justice
Contact Persons:	Sandra Menara - Smeaton Corporate Training and Equity Unit Level 3, 235 Queen Street, Melbourne, Vic 3000
Name of the course/prog:	Aboriginal Culture Awareness Program
Target/Clients:	Course has been designed for Government and local agency staff members who are providing a service to Aboriginal people.
Duration:	One Day

Mode/method of delivery: Workshop/ Training

Prior to the program participants are handed a sheet on which they are asked to write down 3 things they know about Aboriginals.

Aims/Objectives:

Aims:

To gain an awareness of Aboriginal culture and values.

Objectives:

1. to develop skills in cross-cultural interactions
2. to put aside stereotyping views and recognise the qualities of Aboriginal people

Content:

Quiz, Historical Background, Self Awareness Exercise, Employment Strategy & Services for Kooris, Royal Commission into Aboriginal Deaths in Custody, Community Justice and Discrimination Exercise.

Evaluation scheme:

General Comments:



## WESTERN AUSTRALIA:

Name of Organisation: Western Australia Police Service

Contact persons: Senior Constable Kelly Morgan  
Mr. David Thangarajah  
Ethnic Affairs Unit

Name of the course/prog: Policing in a Culturally Diverse Society

Target/Clients: Officer Development Course

Duration: Half Day

Mode/method of delivery: In-house lecture

Aims/Objectives:

The goal of cross cultural training is to ensure members possess appropriate cross cultural communication skills, understanding, tolerance, awareness and sensitivity to the needs and culture of ethnic communities;

The acquisition of such skills coupled with relevant fieldwork knowledge, promotes a better equipped and informed police service capable of policing in a culturally diverse society.

Content:

Some of the topics covered during this presentation include

- Cross Cultural Awareness Training
- The ethnic affairs Unit mission and it's relationship to policing a culturally diverse society
- Regionalization of services to ethnic communities in WA
- A historical background on multiculturalism in WA
- Ethnicity and demographic statistics
- Access & Equity
- Stereotyping - personal perceptions
- Racism

- Policing in a culturally diverse society

Evaluation scheme: Currently the lectures are concluded by the lecturer asking a series of questions (verbally) in order to evaluate the effectiveness of the session.

A comment and rating questionnaire is currently being developed to evaluate future lectures. This should be in place in [in due course].

General Comments: Recently, another training package has been prepared to update the issues addressed in the one summarised above. The new package, entitled *Policing in a Culturally Diverse Society*, examines issues such as general and police culture, dealing with culturally diverse clients, police structure, migration profile, multiculturalism, social justice, interpreters ethics, racism, and ethnic youth/police relations.

Name of Organisation:	Department of Corrective Services
Contact Persons:	May Chaulker & Frank Martin, Ministry of Justice
Name of the Course/prog:	Aboriginal Cross Cultural Training
Target/Clients:	Non-Aboriginal Staff within the Department of Corrective Services
Duration:	3 days Two days together and a one day follow-up after a month .
Mode/method of delivery:	Workshop /Training
Aims/Objectives:	<p>The program trains participants on how to:</p> <ol style="list-style-type: none"><li>1. identify the areas of difficulty in working with Aboriginal people</li><li>2. analyse these situations; and</li><li>3. develop the skills of non-Aboriginals and an awareness of how to adapt them to present behaviour.</li></ol>
Content:	<p>The following modules form the course</p> <ul style="list-style-type: none"><li>• Past and Present - what has happened and what is happening now</li><li>• Identity and every day ways of life - who are we and what are we like</li><li>• Communicating - how do we communicate with each other</li><li>• Relating - how do we relate</li><li>• Working in my local community - what do I need to know to work in my local community</li><li>• Working together - how do we work together</li></ul>
Evaluation scheme:	
General Comments:	The course is an accredited course.

TASMANIA

Name of Organisation:	Tasmania Police
Contact Persons:	Supt. R. E. Belbin, Recruitment and Training
Name of the Course/prog:	Cross Cultural Awareness Training
Target/Clients:	Police Recruits, In-service course attendees and Police Management Program/Police Promotional Course participants.
Duration:	Police Recruits attend a half day seminar. Whilst other course programs vary, a minimum of three periods is allocated for cross cultural awareness training.
Mode/method of delivery:	
Aim:	To provide information to recruits and operational police which will enable them to enhance their ability to effectively communicate with persons from a non English speaking background.
Content:	<p>Currently cross cultural training is provided under two headings:</p> <ul style="list-style-type: none"><li>(i) Aboriginal cross cultural communications, and</li><li>(ii) Multi-cultural Awareness.</li></ul> <p>Aboriginal Cross-Cultural Communication provided at both In-Service and Recruit levels is facilitated by the Aboriginal Community. Koori Consultants provide half-day sessions and deal with Aboriginal identity at Recruit and In-Service levels. Presenters from Australia for Reconciliation provide three half day sessions and address:</p> <div><p>Role of the Law</p><p>Property</p><p>Major Beliefs</p><p>Family</p></div>

## Land and Aboriginal Identity

The latter sessions are provided to Recruits only.

The Migrant Services Division of the Department of Immigration facilitate Multi-Cultural Awareness in half-day seminars to In-Service and Recruits.

They address:

- Immigration Policy
- Migrant Origination
- Cultural/Political/Socio-economic conditions of originating countries
- Overall problems faced by migrants, particularly non-English speaking
- Interpreter Services

Both programs include practical exercises and workshops as well as class-room facilitation.

Evaluation scheme:

General comment:

Our cultural programmes are supplemented to a large extent by our communications and negotiation training, providing, we believe, a sound working knowledge for police officers.

## **PART THREE**

# **EDUCATION HANDBOOKS & EVALUATION SCHEMA**

# Education Handbook for Justice Agencies: Aboriginal Focus

## *MISSION STATEMENT*

*This Handbook has been prepared with a view to encouraging all justice agencies in Australia to take cross-cultural training seriously. Australia is one of the most culturally diverse societies on earth. In the circumstances, cultural ignorance or misunderstanding exposes our country to a very high risk of causing offence and injustice to many. We can minimise or even eliminate this if we all take the practical steps that training provides to increase cultural awareness in our individual agencies. The strategy that promises to help us succeed enviably in this regard is an integrated approach. This means that a great premium is placed on cultural issues throughout all the facets of our organisational operations, cultural education becomes a core assessable aspect in our in-service and recruit training programs, and our service competency is judged, among other things, by the level of cultural sensitivity in our agencies. Anything less runs the risk of being tokenistic, which is not good enough for our modern Australia.*

**Paul Omaji,  
Nara Srinivasan**

**Department of Justice Studies,  
Edith Cowan University,  
Joondalup WA 6027  
1996**

**Sponsor: DEETYA**

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## BACKGROUND

*Far from providing Aboriginal Australians with a just and respected means of social control and protection, appropriate to their needs, the Australian criminal justice system remains alien and discriminatory instrument of oppression, through which Aborigines are harassed, subjected to unfair legal procedures, needlessly jailed, and all too often die whilst in legal custody (McRae, Nettheim and Beacroft 1991, p238).*

*In my view we ought to be taking whatever steps are practicable to enable every [justice agency] feel confident when handling cases involving [Aboriginal people] that they are not causing offence through ignorance, that they are not causing injustice through [cultural] misunderstandings (Adapted from England's Lord Chancellor's speech 1993).*

### Rationale

Society depends upon justice agencies to implement the law correctly and fairly. However, what is correct or fair is almost always dictated to or imposed on the agencies by the dominant culture which underpins the law. Yet, no society (including its justice agencies) can take pride in a culture that creates experiences which the above excerpt from McRae et al associates with Aboriginal Australians in the justice system. Most officers of the justice agencies in Australia would find it distressing that their organisations discriminate or are perceived to be discriminating against any segment of the society. These officers should know that such discrimination would occur, even if perpetrated unconsciously, when there is a lack of cultural understanding among the justice agencies. In that situation, the ensuing justice system would cause harm, harassment or oppression.

Justice is a cultural artifact embodying and deriving its meaning from the dominant cultural system. Significantly, therefore, this very nature of justice means that those who operate it are promoting a cultural agenda. In a homogeneous cultural context, this will be an easy task and a praiseworthy thing to do for at least two reasons. First, the agencies would have been brought up in the culture and be able to predict effortlessly and accurately the experiences of the people with whom they deal. Second, everyone, including those who may have cause to deviate, would readily identify with the culture being promoted and appreciate the need for the officers to discharge their responsibility. In these circumstances, stress for the justice personnel and a perception of unfairness by the citizenry would be minimal.

Where the society comprises multicultural groups, a lack of basic understanding by the justice agencies of the various cultures in the society means that mistake could be made or certain actions deliberately taken which in turn might lead to grave injustice. People from the minority cultures are the most likely recipients of such an outcome. Aboriginal Australians constitute a minority group and have their own cultural heritage, the presence of which means diversity in the Australian cultural system. It is of great benefit to Australia that the justice agencies understand this cultural diversity and its implication for the Australian law and justice. Such understanding would enable them to operate in a climate that is less stressful and in which all people, irrespective of their colour or culture, would perceive our system of justice as fair.

The starting point is an acceptance of the fact that Australia is a multi-racial and multi-cultural society. The pre-1788 Aboriginal Australia was multicultural. The white settlement since the 18th century and the 'great leap of faith' with which government policies in the post World War II spread the immigration net beyond the 'motherland', have further significantly diversified this society. Modern Australia has nearly 18 million people in which one in four is of non-English speaking background, with Aboriginal Australians constituting the most distinct group in this respect. 'After Israel, Australia is the most cosmopolitan society on earth'. In such a context, all social institutions including the justice system must confront plurality and diversity.

Further, it should be understood that the justice system at the States, Territories, and the federal levels in Australia, has remained largely mono-cultural - Anglo-celtic - in structure and process. Evidence suggests that Aboriginal people come in contact with this system from a position of great disadvantage. Correspondingly, there has been an increasing national concern about the well-being of Aboriginal people within the system.

Needless to say, the status quo is no longer sustainable. Education must be used to impart to the personnel of the justice agencies such information about the cultures, social background and experiences of Aboriginal communities as is appropriate and necessary to help them perform their solemn duty of dispensing justice with sensitivity, understanding, and fairness. Irene Moss underlines the importance of education in justice administration when she says:

While I'm the first to applaud the recognition of cultural difference and the formal reference to it in legislation, I'm afraid it doesn't get you very far if you don't know much about other cultures. Clearly the answer is education; and I mean a comprehensive amount of [education] time...with practical examples of cross-cultural or communications difficulties.

While most of the justice agencies now run cross-cultural training courses in one form or another, multicultural justice education is yet to come of age. Practically all the existing programs are limited in a number of significant aspects including scope, duration, frequency, and assessment status. As these programs continue to adopt a largely ad hoc approach, an ongoing and nationally consistent training program is yet to emerge.

In recognition of this situation, the Department of Employment, Education and Training (DEET), under the National Priority Reserve Fund scheme, sponsored Edith Cowan University in 1995 to undertake a Multicultural Justice Education Project. The project aimed to compile into a database, courses offered by post-secondary institutions and justice agencies on multicultural issues; to develop a computer-based search program with this database; and to develop training packages about multicultural issues for the justice system personnel and about the mainstream legal system for Aboriginal and ethnic communities. Lastly, the project aimed to design an evaluation model for multicultural training in the justice agencies.

This Handbook has been prepared as a major outcome of that project. Together with the other outcomes, the Handbook provides the first national framework of Aboriginal-related issues for education to meet the multicultural training needs of the justice agencies. The themes that are set out in this Handbook have been developed from an extensive consultation with key stakeholders in all jurisdictions in Australia and from the existing disparate training materials which Edith Cowan University has now collated into a relatively comprehensive database.

### **Themes covered in the Handbook**

The research which forms the basis of this Handbook has identified critical themes that should form the core of a comprehensive and effective multicultural justice education with an Aboriginal focus. While it is impossible to develop an exhaustive list of such themes, this Handbook brings together issues which have now acquired sufficient commonality and significance to command the attention of justice agencies in their cultural training. The following themes encompass these issues.

#### **1. Australia is a Diverse Society**

Explores the participants' awareness of Australia's cultural diversity by examining basic demographic data. Looks at the relevance of this diversity

in the context of providing quality service in the field of justice administration.

Examines the history of race relations in Australia, putting into historical perspective the European contact with the indigenous peoples and the subsequent handling of non-English migration. The development of government social policies from protection through assimilation, integration, and self-managment to the present day multiculturalism forms a major part of this perspective.

Highlights the impact of these policies on Australia's institutional structures and cultures on the one hand and, on the other, their effect on the interaction of the justice system with Aboriginal peoples.

## **2. Aboriginal issues and justice**

Identifies the characteristics of the various Aboriginal communities.

Develops an understanding of kinship and family and their continued significance in Aboriginal society.

Examines the different Aboriginal settings e.g, fringe dwelling, urban communities and outstation communities and their implications for justice administration.

Develops an understanding of specific contemporary Aboriginal justice issues such as struggles for land rights and self determination, family violence, youth offending, breakdown of authority structure, over-policing, disproportionate incarceration and deaths in custody.

Examines the role of Aboriginal customary law and its interface with European-derived legal structures.

## **3. Culture and Communication**

Defines culture and explores culturally determined behaviour in the justice context.

Defines communication and identifies verbal and non-verbal communication which impact upon justice outcomes.

Explores relevant elements of cross-cultural communication.

Identifies how language, culture, ethnocentrism and evaluative behaviour become barriers to effective cross-cultural communication.

Explores strategies to overcome barriers to cross-cultural communication.

Examines basic skills for good communication.

Explores Aboriginal and Torres Islanders languages and Aboriginal English language in the context of justice process.

#### **4. Overcoming Prejudice and Discrimination**

Identifies prejudice and discrimination as social constructs and as constituting two major blights on society.

Explores stereotyping, ethnocentrism and racism and the problems they pose for justice administration.

Identifies strategies to overcome these problems, canvassing the fundamental role of multicultural education in the process.

#### **5. Social Justice and Justice Administration**

Examines Social Justice and Access and Equity policies of government and its application to the field of justice administration.

Discusses rights and entitlements in the context of disadvantage and inequality or power imbalance.

Explores citizenship and empowerment with regard to standing in the justice system.

Examines issues of compensation and reparation for indigenous peoples and their implication for access to justice

Examines issues arising from the particular difficulties experienced by Aboriginal people in obtaining employment in, and participating in, justice administration agencies.

## **Broad training objectives**

The approach adopted in this Handbook seeks to encourage participants to acquire competency and general knowledge or awareness in issues which are fundamental to justice education with an Aboriginal focus in this country. There would be a constant challenge to our values and attitudes throughout each theme. At the very least, it is expected that the relevant knowledge and skills would bring about behavioural changes that uphold the cause of a non-discriminatory justice. This, we know, forms the basis of an equitable, harmonious and cohesive society. In pursuit of this broad goal, the Handbook has been designed to:

1. deepen appreciation of Australia as a multicultural society;
2. create an awareness of the forces that shape the place of different communities within the multicultural society and the way individuals within these communities present themselves to the justice process;
3. ensure justice agencies possess appropriate cross-cultural skills, sensitivity, understanding and acceptance necessary for upholding the banner of justice for all; and
4. make justice administration in a culturally diverse Australia a stress-free enterprise for all participants.

## Training strategy

A truly effective education program requires systematic approaches to training which have

legitimacy and support from all levels of an organisation, including the executive,

have a well developed

structure and strategy for implementation

which is

supplied with adequate human and financial resources,

is

provided to all levels of an organisation

and is

integrated with other organisation training and management process

*Source: Scully, M. and Bennell, D. (1993).*

## **Structure of the Handbook**

The Handbook comprises five major themes. Each theme, divided into sessions, is developed and designed in a manner which could be presented separately or as a part of the whole training course.

The outline comprises a uniform structure with the following elements:

- Issue for the session
- Approximate duration or time frame
- Purpose
- Objectives
- Content summary
- Guide on planning and presenting each session
- Group exercises (where necessary)
- Resources required, such as videos, other learning materials, and appropriate persons.

A sample of reference materials is provided at the end of Handbook.

## **Using the Handbook**

The Handbook can be used as required by each agency to address the multicultural training needs of its staff at all levels. Its preparation was guided by the consideration that a training handbook of this nature has to be generic, supplying a framework of issues which can be adapted to local circumstances. Middle level staff would find the content and mode of presentation just right. For staff at either the lower or upper end, these aspects might need to be adjusted in order to make them more accessible or stimulating.

The Handbook can complement an existing program, in which case some sessions are incorporated into the home-grown program. But it can also be used as a complete substitute conducted with necessary adaptation to local circumstances. Each session in this Handbook is distinctive enough to stand alone even though all



the sessions inter-relate with each other, having one underlying logic and can be cross-referred wherever necessary. Whichever option of 'use' best guarantees a reasonable success in developing multicultural skills and knowledge, should be determined in light of each agency's local environment.

The handbook is flexible enough to allow:

- all the training sessions to be conducted as a program over a set period of time; or
- a selection of themes or sessions to be used separately to meet the agency's particular needs.

Two to three hours have been recommended for most of the sessions. However, the training requirement and the pace most comfortable to the participants, including the facilitators, should inform how much time the agency gives to each theme or session. For example, a training group may opt to give more time to develop inter-cultural communication skills and less time to the historical context, depending on the knowledge and skills already acquired by the participants.

A minimum of 22 hours is needed to run the entire training effectively. These hours can be compressed into one week or spread over two to three weeks, or more. Any period chosen should be such that knowledge/skills attrition or forgetfulness is minimised.

### **Methodological approach**

Presentation should follow the principles of adult learning. This means that at least four cardinal rules must be observed at all times when the training is undertaken:

First, participants must have demonstrated to them why they should train in multicultural issues. As adults, they would normally expend considerable time and energy exploring what the benefits would be of their learning something and what the costs would be of their not learning it. Facilitators must explore with participants the difference that acquiring further competencies or knowledge in multiculturalism can make to excellent performance of their jobs.

Second, as adults, participants would have developed a deep need to be self-directing. That is to say they have achieved a self-concept of being in charge of their own lives, of being responsible for making their own

decisions and living with the consequences. The training should not treat them as children, ignorant and dependent. Their self-directedness should be harnessed for maximum effect. Get every one involved as equal adults!

Third, the great reservoir of experience which participants would bring to the training means that the facilitator should emphasise experiential learning techniques such as discussion methods, problem-solving exercises, simulation or role-playing, reflection, contract learning, multimedia modules, and sensitivity training. Participants would not only see their experience respected, but also feel valued as persons.

Lastly, the training should not just broaden participants' responsibilities; it should equally empower them to feel at ease when dealing with people from different cultural backgrounds. The desire for job advancement which satisfies the needs of the justice agency must be matched by life enrichment for the staff upon whom the task of justice for all Australians rests.

### **Trainers or facilitators**

Throughout the course, the training arrangements must bring together Aboriginal people and the justice agencies to communicate and share information, needs and opinions. The prime consideration should be to:

- enhance experiential learning for both parties,
- demystify the 'other',
- reduce stereotype and prejudice, and
- sensitise the justice system to the humanity of those with different cultures.

This means that organisers should involve Aboriginal people as trainers or facilitators in the delivery of the sessions, along side officers who have developed sufficient sensitivity to cross-cultural issues within the agency.

## **START ON THE RIGHT FOOT**

### **Session 1: How to keep your participants!**

**Duration: 1 - 2 hours**

#### **Purpose**

This is the most important session in the entire training course. Surprise? The evidence about the significance of introductory sessions in a training context is overwhelming. This is the stage at which presenters can make or mar the course. It is essential that, at the outset, a climate be set which is conducive for learning in a training situation. This session is to do precisely that.

#### **Objectives**

At the completion of this session, participants should be able to

1. create, together with the facilitator(s), climatic conditions that are mutually respectful, collaborative, supportive, joyful, and humane;
2. identify their expectations and concerns regarding multicultural training program;
3. gain an overview of the whole training course;
4. identify the relevance of the course to their jobs; and
5. develop a learning agreement or groundrules for a smooth learning program.

#### **Presentation Guide**

Ensuring a safe, non-threatening and comfortable learning environment for participants is important for the success of the program. They should know what the course content is, why it is relevant to them and how they are going to gain skills and knowledge.

To achieve this the trainer should spend time in making participants know each other and the trainer, define their expectations and needs and help them develop ground rules for the duration of the training.

- 1 Welcome participants and introduce self. Discuss housekeeping, eg., where toilets are, etc. Get them to pair up with persons they don't know very well and introduce themselves to each other.
- 2 After a reasonable period, get them to pair up with another person, introduce themselves and discuss why they came to the training.
- 3 Once more ask participants to change partners and explain that this time, they will later introduce their partners to the whole group. Ask them to tell partners previous self introductions and add something unique/special or something most people do not know about them.
- 4 After a given time ask the participants to go back to the group and each introduce one's partner.
- 5 Get the group expectations and ask what two things they would like to bring/share to the training, e.g., enthusiasm, curiosity, laughter, etc.
- 6 Introduce the course outline. Distribute relevant handouts. Discuss the training objectives and course outline.
- 7 Introduce two or three basic ground rules and let participants draw up a list on the butcher's paper. Post the list on the wall Explain that they may add more to the list as they see fit during the training.

### **Group Exercises**

1. Commence with appropriate ice breakers and introductory exercises which can break through the barriers to communication, loosen up participants so they feel at ease, and prepare participants for the message of the training.
2. Draw up expectations and ground rules, using 'Hopes and Fears' exercise. Give each one a blank piece of paper and let them write "I Hope" heading on one side and " I Fear " heading on the other side. Tell them not to write their names on it as this is anonymous. Ask them to write what they hope to get from the training on appropriate heading and things they are anxious

about on the other side. Ask them to put their papers in the box provided and let each one draw a paper and read it aloud for the group. No one should identify who wrote what. List all the hopes on butcher's paper and do the same for fears on another paper. Go through the lists, linking hopes with the course contents and allaying fears. Keep Hope list for evaluation.

### **Resources Needed**

1. Butcher's paper
2. White board and markers
3. Enough room to allow group discussion

## **THEME 1: AUSTRALIA IS A DIVERSE SOCIETY**

### **Session 2: Justice in a culturally diverse society**

**Duration: 2 - 3 Hours**

#### **Purpose**

This session will explore the diversity of Australian society as a structural reality and a social ideal. Participants will be encouraged to discuss the implication of both issues for the administration of justice, thus laying the foundation for their understanding and appreciation of the delicate nature of their jobs in a multicultural society.

#### **Objectives**

At the completion of this session, participants should be able to:

- 1 demonstrate how they have experienced the diversity of Australian society;
- 2 discuss with clarity how Australia became a multicultural society; and
- 3 critically analyse implications of this history for the process of justice.

#### **Content summary**

- the presence of a viable indigenous society in Australia pre-1788;
- the multicultural composition of the first fleet;
- impact of Aboriginal contributions: social, cultural, economic and political;
- the proportion of modern Australian population born overseas, with at least one parent born overseas;
- the varied nature of the source countries of settler arrivals to Australia;
- impact of migrant contributions: social, cultural, economic and political
- the dominance of the common law (British) approach to justice and the effect on people from non-common law backgrounds.

## Presentation Guide

The facilitator will determine the techniques that will best convey the message of the session, bearing in mind the over-arching approach of adult learning. Among many techniques, the following is a good starter:

1. A person from Aboriginal background is invited to introduce the session **in his or her own language!** The objective is to create the 'Tower of Babel' experience and to capture participants' attention from the start. Let them have a 'feel' of what the session is all about: living in a culturally diverse society.
2. Facilitator debriefs participants and introduces the session outline in the language that all can understand.
3. Facilitator introduces Cultural Map exercise and debrief. The exercise would show on the world map where participants can locate their own family origin.
4. Facilitator introduces Demographic exercise and debrief. The exercise tells how much factual knowledge participants have. Questions and answers should be based on the most recent immigration statistics.

## Group Exercises

Suggested exercises include:

1. Cultural Map: Put up a world map on the wall/pin board. Hand out colored pins to participants. Ask them to stick on the map the country where their grand parents came from. With a different colored pin, ask them to stick on the map the country where their parents were born.
2. Demographic Exercise: This quiz-type exercise could be done individually or in groups. The facilitator hands out quiz questions to individuals or groups and asks participants to tell their answers and tally them on the board.

## Resources Needed

1. World map
2. Quiz sheets

### **Session 3: Injustice on the road to multiculturalism**

**Duration: 2 - 3 hours**

#### **Purpose**

The process through which multiculturalism has emerged as an official policy in the last two decades is a convoluted one. In its trail, this country has witnessed different kinds of justice. For instance, the frontier justice in the 19th century involved due legal process being set aside and punishment disproportionate to crime being imposed on Aboriginal people. Further, the racially biased justice in the early 20th century continued to disadvantage Aboriginal people by limiting their capacity to give witness or the strength of their evidence.

This session will challenge participants to review their behaviours towards descendants of those who experienced these kinds of justice and who may have been drawn into the modern justice system as a result of this historical disadvantage.

#### **Objectives**

At the completion of this session, the participants should be able to:

- 1 appreciate a sufficient measure of the history of colonisation and dispossession of Aboriginal people and their impact on present day Aboriginal issues.
- 2 analyse official response to diversity through the policies of protectionism, assimilation, integration and multiculturalism;
- 3 discuss the impact of these policies on the life chances of people who were targeted; and
- 4 share their actual or anticipated encounters with such people in the justice arena.



## Content summary

- European contact with Aboriginal people
- reaction to the 'yellow peril' and experience of non-whites in the justice system;
- White Australia policy, 1890s - 1970s;
- overview of Australian immigration practice;
- attempts to develop a single unified Australian culture (assimilation and integration);
- multiculturalism: policy and debates;
- political reaction to Aboriginal nationalism;
- the quality of justice available to ethnic minority groups in a legal system dominated by Anglo-celtic values

## Presentation Guide

The facilitator will determine the techniques that will best convey the message of the session, bearing in mind the over-arching approach of adult learning.

## Group Exercises

1. Dramatise or 'sculpture' significant historical incidents on Australia's way to multiculturalism.
2. Enact scenes which depict lack of cultural awareness in policing, judicial process, or correctional containment in relation to the historical experiences of NESB people.

## Resources Needed

Appropriate videos

A lot of room for drama/sculpture, debating exercises

Butcher's paper

White board and markers

## **THEME 2: ABORIGINAL ISSUES AND JUSTICE**

### **Session 4: Aboriginal communities, kinship and family**

**Duration: 2 - 3 hours**

#### **Purpose**

After more than 200 years of white settlement in Australia, the indigenous population has continued to maintain its own social organisation and cultures in a number of communities. While a lot seems to have been lost by those living in non-traditional settings, many Aboriginal people who come in contact with the mainstream justice system today, do so with a residue of this socio-cultural identity. To ignore this reality means that the agencies of the system will continue to deliver wrong justice to this important segment of Australian society.

This session provides an forum where participants review their understanding of the nature of Aboriginal communities. An intense focus will be on the kinship system and family structures and the various ways in which they affect the interaction between the indigenous people and the justice system.

#### **Objectives**

At the completion of this session, the participants should be able to:

- 1    assess their knowledge about the key characteristics of various Aboriginal communities;
- 2    discuss systems of kinship and family in Aboriginal society; and
- 3    map specific interconnections between such systems and participants' own performance as justice personnel.

#### **Content summary**

- the richness and complexity of Aboriginal cultures and languages
- the importance of the family, kin and kinship systems,
- spirituality/dreamtime law in arts/crafts and survival skills,
- traditional economic life (e.g land occupancy and utilization)
- cultural etiquette and justice,
- the notion of caring and sharing
- the importance of cultural heritage in enriching the cultural identity

- the roles of men, women, and different age groups
- implications for justice administration

### **Presentation Guide:**

The facilitator will determine the techniques that will best convey the message of the session, bearing in mind the over-arching approach of adult learning.

Aboriginal persons or groups should play a leading role in this session. Those who have had a prior experience of the justice system would be most resourceful. They can draw upon their experience and the effect of their socio-cultural upbringing on that experience.

### **Group Exercises:**

After the session is introduced, participants should break into groups to draw up a list of their current understanding of Aboriginal society. Where pitfalls and/or successful interactions have occurred, they should be highlighted. The emerging issues should then be presented by a representative from each group to the entire session.

In another group session, participants should workshop with invited Aboriginal people to come up with a refined understanding of the important characteristics of Aboriginal social organisation and cultural signposts. The opportunity should be used to double check on appropriate ways to deliver justice.

### **Resources Needed:**

Appropriate videos  
Aboriginal people with good knowledge of their society  
Butcher's paper  
White board and markers  
Enough room to allow group discussion

## **Session 5: Contemporary Aboriginal society**

**Duration 2 - 3 hours**

### **Purpose**

This session is an extension of session four. Although traditional ways of living have survived among the Aboriginal people, those who have moved into fringe dwelling, urban areas, or outstations have had to make adjustments which have significant implications for the justice system. They are, as it were, caught between two or, in some cases, multiple cultures. Their 'justice-needs' may vary in notable respects from those living in more traditional settings.

This session will present to participants a comprehensive picture of this contemporary reality of many Aboriginal people. The aim is to develop or refine the sensitivity required for effective handling of justice issues involving Aboriginal fringe, urban and outstation dwellers.

### **Objectives**

At the end of this session participants should be able to:

- 1 describe organisational and socio-cultural set up of Aboriginal fringe dwellers, Aboriginal communities in the urban areas, and in outstation communities;
- 2 identify differences in these Aboriginal settings as they relate among themselves, and between these settings and the mainstream society; and
- 3 draw up a strategy for effective justice administration in relation to people from these settings.

### **Content summary**

- the nature of diversity in contemporary Aboriginal communities
- community needs in fringe dwellings, outstations, and urban centres (e.g. housing problems)
- the politics of Aboriginal identity and status in non-traditional settings
- the experience of being 'outcasts in white Australia', living in 'Welfare Board stations', etc

- the development of dependent personality
- authority structures and general social relations
- policing non-traditional Aboriginal communities
- successful Aboriginal people in the mainstream institutions such as arts, sport, business, and the professions.

## **Presentation Guide**

The facilitator will determine the techniques that will best convey the message of the session, bearing in mind the over-arching approach of adult learning.

Case study approach can be used to outline community profiles of the three different Aboriginal community settings.

Use Aboriginal guest lecturers/resource persons

Use relevant videos

## **Group Activities**

Discussion in small groups should analyse the issues that emerge from case study presentations or guest talks by Aboriginal persons

## **Resources Needed**

Appropriate videos

Aboriginal people with good knowledge of their society

Butcher's paper

White board and markers

Enough room to allow group discussion

## Session 6: Facets of Aboriginal struggles

**Duration 2 - 3 hours**

### Purpose

Aboriginal communities, traditional and non-traditional alike, share a common experience in many major aspects of their lives and in their interaction with the mainstream social institutions. This experience consists, *inter alia*, of struggles to live in harmony with their land, people, and cultures, and has involved the desire for self-determination, application of their tribal law, land rights, control over their young ones, and functional family structures.

This session will explore the nature of these struggles and the enormous implications they carry for the mainstream justice system. In addition to gaining knowledge, participants will examine ways to address with sufficient sensitivity, justice-related problems emanating from these struggles.

### Objectives

At the completion of the session the participants should be able to:

1. analyse Aboriginal people's struggles for land rights, self determination, and the recognition of their tribal law
2. explain the link between these struggles and 'Aboriginal criminality'
3. devise plans to involve Aboriginal people in the job of dealing with adult crime, juvenile offending, family violence and other similar social problems in Aboriginal communities.

### Content summary

- self determination and Aboriginalization
- the history, process and prospect of treaty or compact
- the politics, practice and law of land rights
- underlying causes and character of adult and juvenile crime
- over-representation in incarceration
- Aboriginal deaths in Custody
- alcoholism and family violence
- recognition of Aboriginal customary law

## **Presentation Guide**

The facilitator will determine the techniques that will best convey the message of the session, bearing in mind the over-arching approach of adult learning.

Among other things, guest speakers of Aboriginal origin or with notable knowledge about Aboriginal struggles should be asked to clearly articulate the issues.

## **Group Exercises**

Participants should form groups and outline areas of their jobs in which they have come across these issues. They should discuss the strategies they have used in the past to deal with these issues and list what they would do differently and how, based on the perspective provided by this session.

All the groups come together to present and corporately devise an effective strategy to address Aboriginal justice issues in a non-alienating or non-offensive manner.

## **Resources Needed**

Appropriate videos  
Aboriginal people with good knowledge of their society  
Butcher's paper  
White board and markers  
Enough room to allow group discussion

## **THEME 3: CULTURE and COMMUNICATION**

### **Session 6: Culture and forms of communication**

**Duration 2 - 3 hours**

#### **Purpose**

The risk of the justice agencies doing injustice, of getting things badly wrong, through ignorance of things important about people's cultures, body language, or other communication breakdowns is intensified in a multicultural society. The distinctive nature of the cultures of Australia's indigenous means that this risk has a higher likelihood of occurring on a wider scale here than in other countries such as Britain.

In this session, participants will cultivate a deeper understanding of how breakdown in communication in the legal context due to cultural ignorance, do lead to injustice.

#### **Objectives**

At the completion of the session, participants should be able to:

1. define culture and explain culturally determined behaviour;
2. define communication and experiment the process of communication in a multicultural work situation;
3. discuss verbal and non-verbal communication and how they interact; and
4. demonstrate the relevance of cross-cultural communication for justice work in Australia.

#### **Content summary**

- the notion of culture and its role in adaptation and integration
- visible/physical and non-visible aspects of culture including basic assumptions, values or ideology and artifacts



- the Australian national culture and justice institutional cultures vis-a-vis Aboriginal cultures
- the notion of communication and relationship as its context.
- communication stages and processes
- interpretation and effective communication in a multicultural context
- impact of previous experience on verbal, mental and emotional communication.
- cultural variations in verbal and non-verbal communication
- communication breakdown in a legal context

## Presentation Guide

The facilitator will determine the techniques that will best convey the message of the session, bearing in mind the over-arching approach of adult learning.

The video entitled "Cross-cultural Encounters" is a useful material with which to introduce the session. Debrief: Ask how participants felt, etc after watching such a video.

Discussion: "Chalk-talk". Ask participants to define culture. List down key words, eg. language, songs, costumes/dress, religion, values, beliefs, etc.

Small group discussion: make a list of visible and non-visible aspects of culture

Introduce communication with trigger questions such as: what is communication? Why is it important? Why does communication break down?

Use Venn Diagram to explain shared meaning

To reinforce the role of relationship in communication, let someone say to another, "I hope you are fine today", as a friend, then to another participant as an enemy, and to another person as a boss. Discuss any changes in the meaning of that statement as the roles change.

Play "Chinese Whispers" to reinforce the concept of interpretation.

## **Group Exercises**

"Chinese Whisper" is a game which shows how interpretations of the same story varies from one individual to another depending on 'what rings a bell' to an individual based on one's preconceived knowledge, beliefs, prejudice, etc.

Role-play interaction between Aboriginal people and the justice agencies on legal matters, with emphasis on 'communicating'.

## **Resources Needed**

1. Overheads
2. Chinese Whisper story
3. Butcher's papers
4. White board and markers
5. Relevant video material

## **Session 7: Overcoming barriers to cross-cultural communication**

**Duration 2 - 3 hours**

### **Purpose**

When the culturally determined meaning of the sender's message is comfortably received and understood by the receiver, effective cross-cultural communication has taken place. This minimises frustration, demoralisation, or marginalisation, and brings a win-win situation at the level of exchanging meanings, for both parties.

In this session, participants will learn strategies for overcoming barriers to the win-win outcome and apply them to their work as justice personnel.

### **Objectives**

At the completion of the session, participants should be able to:

1. explain how factors such as language, culture, ethnocentrism, stereotypes, organisational constraints and evaluative or judgemental behaviours influence cross-cultural communication;
2. detect when they have 'lost their listener'
3. determine the impact of the structures and nuances of languages other than mainstream English
4. develop strategies to overcome barriers to cross-cultural communication
5. demonstrate proper use of Translating and Interpreting Services.

### **Content summary**

- conceptualising culture
- communicating between cultures
- culture as a highly selective screen - a demarcator and an encoder of messages
- intercultural communication as a transactional and symbolic process

- unconscious linguistic skills: features and functions of para-language
- avoiding and repairing miscommunication: mapping solutions when communication is failing
- how to work with comprehensible English, a translator or interpreter

## **Presentation Guide**

The facilitator will determine the techniques that will best convey the message of the session, bearing in mind the over-arching approach of adult learning.

Introduce the session with a 'Monolang' exercise to allow participants experience language barriers.

Emphasise the Iceberg Theory of culture and communication, showing that what is underneath the tips may be more fundamental to a successful exchange of meanings.

Involve persons from Translating and Interpreting Services to conduct small group discussions and the formulation of effective strategies.

## **Group Activities**

Monolang Exercise can be done in small groups using role playing

Empathy Blocker exercise

## **Resources Needed**

1. Overheads
2. Resource persons
3. Butcher's papers
4. White board and markers
5. Relevant video material

## **THEME 4: PREJUDICE AND DISCRIMINATION**

### **Session 8: Prejudice and discrimination in the justice system**

**Duration 2 - 3 hours**

#### **Purpose**

Prejudice and discrimination constitute a major blight on any society. When they infest the justice system, that society is heading for anarchy. But since prejudice and discrimination are socially constructed, they can be deconstructed to avert such an outcome. In this session, participants will analyse the process through which this twin evil is born, discuss how it manifests in the justice system and examine the impact it has on the society as a whole.

#### **Objectives**

At the completion of the session, participants should be able to:

- 1      differentiate between prejudice and discrimination, and other forms of exclusionary or unfair treatment of people that are different, such as stereotyping, ethnocentrism and racism;
- 2      discuss the process and effects of prejudice and discrimination on justice administration; and
- 3      identify, in general terms, incidents of prejudice and discrimination in their workplaces.

#### **Content summary**

- the social construction of the 'other': stereotyping based on colour or national origin
- 'demonising' differences
- inferiority-superiority equation as justification for discrimination
- the blindfolded justice: equal treatment of unequals, perpetuating inequality
- racism and the law: biased justice and over-representation of certain groups in the judicial process

## **Presentation Guide**

The facilitator will determine the techniques that will best convey the message of the session, bearing in mind the over-arching approach of adult learning.

Use exercises that let the participants explore stereotypes and gain insight on how stereotypes develop and impact on justice administration.

The presentation should allow participants to recognise their own stereotyping attitudes towards certain groups of people.

## **Group Exercises**

Zone Game. This consists of a four category schema (negative, ignorance, ambiguous and positive) which participants use to score their feelings or attitudes about certain names, groups, or practices.

The game will be confidential; participants' individual answers will not be divulged to others but results of the game done by the whole group will be discussed to provide a general picture.

## **Resources Needed**

1. Overheads
2. Resource persons
3. Butcher's papers
4. White board and markers
5. Relevant video material
6. Zone Game sheets

## **Session 9: Strategies for overcoming prejudice and discrimination**

**Duration 2 - 3 hours**

### **Purpose**

While prejudice and discrimination may serve the vested interest of some sections of the society, it is in the interest of all to denounce them and to make their continued existence untenable especially in a multicultural society. The last two decades have witnessed such a response in the Australian society. Participants in this session will examine this response and outline strategies most congenial to the justice system for dealing with the problem.

### **Objectives**

At the completion of the session, participants should be able to:

- 1 demystify human differences and the rationalisation for unlawful discriminatory treatment of 'different' people who come in contact with the justice system;
- 2 analyse legislative and institutional response to discrimination in Australia; and
- 3 demonstrate skills to devise strategies to deal with specific experiences of prejudice and discrimination in justice administration.

### **Content summary**

- cultural sensitivity in Australian justice system
- the 'us' and 'them' mentality or approach to dealing with socio-legal problems
- malicious racism, ignorance-based racism and the justice system
- individual and systemic discrimination
- federal and state anti-discrimination legislation and institutions
- mechanisms for equitable access to justice
- cultural awareness monitoring in training for justice work
- involving indigenous in the business of justice delivery

## **Presentation Guide**

The facilitator will determine the techniques that will best convey the message of the session, bearing in mind the over-arching approach of adult learning.

It will be helpful to start with a guest talk which outlines the issues in a 'provocative' way.

Participants can then break into small groups to discuss the issues and workshop appropriate strategies to deal with the problem.

## **Group Exercises**

Workshop

Strategic planning session

## **Resources Needed**

1. Overheads
2. Resource persons
3. Butcher's papers
4. White board and markers
5. Relevant video material



## **THEME 5: SOCIAL JUSTICE AND JUSTICE ADMINISTRATION**

### **Session 10: Empowerment for responsible citizenship**

**Duration 3 - 4 hours**

#### **Purpose**

Responsible citizenship is the over-arching goal of every enlightened society. Its development calls for a sustained program of empowerment of all inhabitants in which the justice system has a critical role to play. In a multicultural society, this role takes on greater complexities and presents challenges to the personnel of the system. To the extent that this role is played effectively, the job of justice administration will be a pleasure to perform and societal cohesion will be enhanced.

This session will expose participants to the principles of the empowerment program in Australia. In particular it will seek to facilitate participants' understanding of the implications of government policies on Social Justice and Access & Equity schemes. Participants will also be sensitised to their own role in these schemes.

#### **Objectives**

At the completion of the session, participants should be able to:

- 1 discuss principles of social justice, access and equity;
- 2 describe the practical application of Social Justice and Access and Equity policies in justice administration; and
- 3 outline a course of action by which their agency addresses social justice and access and equity issues.

#### **Content summary**

- the need to develop a fairer, more prosperous and just society for all Australians
- history and requirements of Access and Equity.

- Access and Equity as a strategy to overcome barriers of language, culture and prejudice.
- analysis of the difficulties experienced in obtaining employment in, and participating in, justice administration agencies;
- equality of opportunity and outcome for consumers of the justice services, taking into account the diversity of Australian society.

## Presentation Guide

The facilitator will determine the techniques that will best convey the message of the session, bearing in mind the over-arching approach of adult learning.

Use "Power Game". All of us are aware of how society and individuals hold in-built assumptions and discrimination; the game tells us that 'equality' is a myth. As we grow up, we internalise beliefs about our power and behave accordingly; internalised lack of power is what has happened to disadvantaged groups which can make it very difficult for them to do things which we think are easy. The aim of this exercise is to demonstrate how cultural background, social standing, gender and age influence the amount of power people have, or feel they have, in society.

Guest talks by persons who administer social justice and access & equity policies should raise key issues for discussion in small groups.

## Group Exercises

### Power Game

#### Instructions:

1. Stand everyone up. Make appropriate space, etc.
2. Explain to the group that they are in a shop and you are the shopkeeper. You have just discovered some money is missing and have closed the shop doors until the money is found.
3. Ask everyone to arrange themselves on a horizontal line according to their expectations of being accused of taking the money, ranging from 'confident they won't be accused' to 'assume they will be accused'.
4. Hand out occupation card and ask participants to change their position on the line if they think their occupation changes how they feel about being accused.
5. Hand out ethnicity, gender and age cards one at a time, allowing them to move after each one.

- 6. Ask each person why they are standing where they are.
- 7. Ask people why they moved, how they will get out of the shop.  
What do those inclined to make a lawful exit find empowering?

**Resources Needed**

- 1. Overheads
- 2. Resource persons
- 3. Butcher's papers
- 4. White board and markers
- 5. Relevant video material
- 6. Power Game materials: 20 squares of 4cm x 6cm cards in four different colors , ie., 20 cards each color.
  - > Write 'MALE' on ten white cards and 'FEMALE' on the other ten.
  - > Write one occupation on each blue card from the following list:

High school student	Unemployed
Cleaner	Tradesperson
Doctor	Middle Manager
Factory Worker	Shop assistant
Bricklayer	Teacher
Nurse	Council worker
Bank teller	Bank manager
Apprentice boilermaker	Uni student
Apprentice hairdresser	Mechanic
Company director	Office Secretary
  - > Use each ethnicity twice on the 20 yellow cards

Anglosaxon	Aboriginal
Chinese	German
Greek	Lebanese
Maori	Filipino
Vietnamese	Nigerian
  - > Write a range of ages from 16 to 60 on the 20 green cards.

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# Education Handbook for Justice Agencies: NESB Migrants Focus

## MISSION STATEMENT

*This Handbook has been prepared with a view to encouraging all justice agencies in Australia to take cross-cultural training seriously. Australia is one of the most culturally diverse societies on earth. In the circumstances, cultural ignorance or misunderstanding exposes our country to a very high risk of causing offence and injustice to many. We can minimise or even eliminate this if we all take the practical steps that training provides to increase cultural awareness in our individual agencies. The strategy that promises to help us succeed enviably in this regard is an integrated approach. This means that a great premium is placed on cultural issues throughout all the facets of our organisational operations, cultural education becomes a core assessable aspect in our in-service and recruit training programs, and our service competency is judged, among other things, by the level of cultural sensitivity in our agencies. Anything less runs the risk of being tokenistic, which is not good enough for our modern Australia.*

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1996**

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## BACKGROUND

*While I'm the first to applaud the recognition of cultural difference and the formal reference to it in legislation, I'm afraid it doesn't get you very far if you don't know much about other cultures. Clearly the answer is education; and I mean a comprehensive amount of [education] time...with practical examples of cross-cultural or communications difficulties (Irene Moss 1995)*

### Rationale

Where the society comprises multicultural groups, a lack of basic understanding by the justice agencies of the various cultures or ways of life in the society means that mistake could be made which in turn might lead to grave injustice. People from the minority cultures are the most likely recipients of such an outcome. Migrants of non-English speaking background (NESB) in Australia generally constitute ethnic minority groups and have their cultural heritage, the presence of which means diversity in the Australian cultural system. It is of great benefit to all Australians that the justice agencies understand this cultural diversity and its implication for the Australian law and justice. Such understanding would enable them to operate in a climate that is less stressful and in which all people, irrespective of their colour or culture, would perceive our system of justice as fair.

The starting point is an acceptance of the fact that Australia is a multi-racial and multi-cultural society. The pre-1788 Aboriginal Australia was multicultural. The white settlement since the 18th century and the 'great leap of faith' with which government policies in the post World War II spread the immigration net beyond the 'motherland', have further significantly diversified this society. Modern Australia has nearly 18 million people in which one in four is of non-English speaking background and four in 10 are either migrants or the children of migrants.

If more than a decade ago it was observed that 'Australia consists of an amalgam of at least 140 different ethnic groups, speaking 100 languages, and practising 40 religions' and that after Israel, 'Australia is the most cosmopolitan society on earth', today the demographics are more complex. In such a context, all social institutions including the justice system must confront plurality and diversity.

However, the justice system at the States, Territories, and the federal levels in Australia, has remained largely mono-cultural in structure and process. Evidence suggests that people other than those from the Anglo-celtic culture come in contact with this system from a position of great disadvantage. Correspondingly, there has been an increasing national concern about the well-being of NESB people within the system.

Needless to say, the status quo is no longer sustainable. Education must be used to impart to the personnel of the justice agencies such information about the cultures, social background and experiences of NESB communities as is appropriate and necessary to help them perform their solemn duty of dispensing justice with sensitivity, understanding, and fairness. While most of the justice agencies now run cross-cultural training courses in one form or another, multicultural justice education is yet to come of age. Practically all the existing programs are limited in a number of significant aspects including scope, duration, frequency, and assessment status. As these programs continue to adopt a largely ad hoc approach, an ongoing and nationally consistent training program is yet to emerge.

In recognition of this situation, the Department of Employment, Education and Training (DEET), under the National Priority Reserve Fund scheme, sponsored Edith Cowan University in 1995 to undertake a Multicultural Justice Education Project. The project aimed to compile into a database, courses offered by post-secondary institutions and justice agencies on multicultural issues; to develop a computer-based search program with this database; and to develop training packages about multicultural issues for the justice system personnel and about the mainstream legal system for Aboriginal and ethnic communities. Lastly, the project aimed to design an evaluation model for multicultural training in the justice agencies.

This Handbook has been prepared as a major outcome of that project. Together with the other outcomes, the Handbook provides the first national framework of issues for education to meet the multicultural training needs of the justice agencies. The themes that are set out in this Handbook have been developed from an extensive consultation with key stakeholders in all jurisdictions in Australia and from the existing disparate training materials which Edith Cowan University has now collated into a relatively comprehensive database.

## **Themes covered in the Handbook**

The research which forms the basis of this Handbook has identified critical themes that should form the core of a comprehensive and effective multicultural justice education. While it is impossible to develop an exhaustive list of such themes, this handbook brings together issues which have now acquired sufficient commonality and significance to command the attention of justice agencies in their cultural training. The following themes encompass these issues.

### **1. Australia is a Diverse Society**

Explores the participants' awareness of Australia's cultural diversity by examining basic demographic data. Looks at the relevance of this diversity in the context of providing quality service in the field of justice administration.

Examines the history of race relations in Australia, putting into historical perspective the handling of non-English migration. The development of government social policies such as assimilation, integration, and the present day multiculturalism forms a major part of this perspective.

Highlights the impact of these policies on Australia's institutional structures and cultures on the one hand and, on the other, their effect on the interaction of the justice system with NESB people.

### **2. Migration and Justice Issues**

Highlights the difference between 'migrants' and 'refugees' as migration categories with regard to perceptions and responses to the justice system.

Examines specific justice issues for people from NESB with particular emphasis on cultural differences in approaches to dispute resolution, juvenile justice, women's issues and the dynamics of families in NESB communities.

Reviews language difficulties to foreshadow a more extensive discussion of the problem of culture and communication at a later stage.

### **3. Culture and Communication**

Defines culture and explores culturally determined behaviour in the justice context.

Defines communication and identifies verbal and non-verbal communication which impact upon justice outcomes.

Explores relevant elements of cross-cultural communication.

Identifies how language, culture, ethnocentrism and evaluative behaviour become barriers to effective cross-cultural communication.

Explores strategies to overcome barriers to cross-cultural communication.

Examines basic skills for good communication.

Explores NESB languages and their interaction with the context of justice process.

### **4. Overcoming Prejudice and Discrimination**

Identifies prejudice and discrimination as social constructs and as constituting two major blights on society.

Explores stereotyping, ethnocentrism and racism and the problems they pose for justice administration.

Identifies strategies to overcome these problems, canvassing the fundamental role of multicultural education in the process.

### **5. Social Justice and Justice Administration**

Examines Social Justice and Access and Equity policies of government and its application to the field of justice administration.

Discusses rights and entitlements in the context of disadvantage and inequality or power imbalance.

Explores citizenship and empowerment with regard to standing in the justice system.

Examines issues of compensation and reparation for indigenous peoples and their implication for access to justice

Examines issues arising from the particular difficulties experienced by NESB people in obtaining employment in, and participating in, justice administration agencies.

### **Broad training objectives**

The approach adopted in this Handbook seeks to encourage participants to acquire competency and general knowledge or awareness in issues which are fundamental to multicultural justice education in this country. There would be a constant challenge to our values and attitudes throughout each theme. At the very least, it is expected that the relevant knowledge and skills would bring about behavioural changes that uphold the cause of a non-discriminatory justice. This, we know, forms the basis of an equitable, harmonious and cohesive society. In pursuit of this broad goal, the Handbook has been designed to:

1. deepen appreciation of Australia as a well and truly multicultural society;
2. create an awareness of the forces that shape the place of different communities within the multicultural society and the way individuals within these communities present themselves to the justice process;
3. ensure justice agencies possess appropriate cross-cultural skills, sensitivity, understanding and acceptance necessary for upholding the banner of justice for all; and
4. make justice administration in a culturally diverse Australia a stress-free enterprise for all participants.

## Training strategy

A truly effective education program requires systematic approaches to training which have

legitimacy and support from all levels of an organisation, including the executive,

have a well developed

structure and strategy for implementation

which is

supplied with adequate human and financial resources,

is

provided to all levels of an organisation

and is

integrated with other organisation training and management process

*Source: Scully, M. and Bennell, D. (1993).*



## **Structure of the Handbook**

The Handbook comprises five major themes. Each theme, divided into sessions, is developed and designed in a manner which could be presented separately or as a part of the whole training course.

The outline comprises a uniform structure with the following elements:

- Issue for the session
- Approximate duration or time frame
- Purpose
- Objectives
- Content summary
- Guide on planning and presenting each session
- Group exercises (where necessary)
- Resources required, such as videos, other learning materials, and appropriate persons.

A sample of reference materials is provided at the end of handbook.

## **Using the Handbook**

The Handbook can be used as required by each agency to address the multicultural training needs of its staff at all levels. Its preparation was guided by the consideration that a training handbook of this nature has to be generic, supplying a framework of issues which can be adapted to local circumstances. Middle level staff would find the content and mode of presentation just right. For staff at either the lower or upper end, these aspects might need to be adjusted in order to make them more accessible or stimulating.

The Handbook can complement an existing program, in which case some sessions are incorporated into the home-grown program. But it can also be used as a complete substitute conducted with necessary adaptation to local circumstances. Each session in this Handbook is distinctive enough to stand alone even though all

the sessions inter-relate with each other, having one underlying logic and can be cross-referred wherever necessary. Whichever option of 'use' best guarantees a reasonable success in developing multicultural skills and knowledge, should be determined in light of each agency's local environment.

The handbook is flexible enough to allow:

- all the training sessions to be conducted as a program over a set period of time; or
- a selection of themes or sessions to be used separately to meet the agency's particular needs.

Two to three hours have been recommended for most of the sessions. However, the training requirement and the pace most comfortable to the participants, including the facilitators, should inform how much time the agency gives to each theme or session. For example, a training group may opt to give more time to develop inter-cultural communication skills and less time to the historical context, depending on the knowledge and skills already acquired by the participants.

A minimum of 20 hours is needed to run the entire training effectively. These hours can be compressed into one week or spread over two to three weeks, or more. Any period chosen should be such that knowledge/skills attrition or forgetfulness is minimised.

### **Methodological approach**

Presentation should follow the principles of adult learning. This means that at least four cardinal rules must be observed at all times when the training is undertaken:

First, participants must have demonstrated to them why they should train in multicultural issues. As adults, they would normally expend considerable time and energy exploring what the benefits would be of their learning something and what the costs would be of their not learning it. Facilitators must explore with participants the difference that acquiring further competencies or knowledge in multiculturalism can make to excellent performance of their jobs.

Second, as adults, participants would have developed a deep need to be self-directing. That is to say they have achieved a self-concept of being in charge of their own lives, of being responsible for making their own

decisions and living with the consequences. The training should not treat them as children, ignorant and dependent. Their self-directedness should be harnessed for maximum effect. Get every one involved as equal adults!

Third, the great reservoir of experience which participants would bring to the training means that the facilitator should emphasise experiential learning techniques such as discussion methods, problem-solving exercises, simulation or role-playing, reflection, contract learning, multimedia modules, and sensitivity training. Participants would not only see their experience respected, but also feel valued as persons.

Lastly, the training should not just broaden participants' responsibilities; it should equally empower them to feel at ease when dealing with people from different cultural backgrounds. The desire for job advancement which satisfies the needs of the justice agency must be matched by life enrichment for the staff upon whom the task of justice for all Australians rests.

### **Trainers or facilitators**

Throughout the course, the training arrangements must bring together NESB people and the justice agencies to communicate and share information, needs and opinions. The prime consideration should be to:

- enhance experiential learning for both parties,
- demystify the 'other',
- reduce stereotype and prejudice, and
- sensitise the justice system to the humanity of those with different cultures.

This means that organisers should involve NESB people as trainers or facilitators in the delivery of the sessions, along side officers who have developed sufficient sensitivity to cross-cultural issues within the agency.

## **START ON THE RIGHT FOOT**

### **Session 1: How to keep your participants!**

**Duration: 1 - 2 hours**

#### **Purpose**

This is the most important session in the entire training course. Surprise? The evidence about the significance of introductory sessions in a training context is overwhelming. This is the stage at which presenters can make or mar the course. It is essential that, at the outset, a climate be set which is conducive for learning in a training situation. This session is to do precisely that.

#### **Objectives**

At the completion of this session, participants should be able to

1. create, together with the facilitator(s), climatic conditions that are mutually respectful, collaborative, supportive, joyful, and humane;
2. identify their expectations and concerns regarding multicultural training program;
3. gain an overview of the whole training course;
4. identify the relevance of the course to their jobs; and
5. develop a learning agreement or groundrules for a smooth learning program.

#### **Presentation Guide**

Ensuring a safe, non-threatening and comfortable learning environment for participants is important for the success of the program. They should know what the course content is, why it is relevant to them and how they are going to gain skills and knowledge.

To achieve this the trainer should spend time in making participants know each other and the trainer, define their expectations and needs and help them develop ground rules for the duration of the training.

- 1 Welcome participants and introduce self. Discuss housekeeping, eg., where toilets are, etc. Get them to pair up with persons they don't know very well and introduce themselves to each other.
- 2 After a reasonable period, get them to pair up with another person, introduce themselves and discuss why they came to the training.
- 3 Once more ask participants to change partners and explain that this time, they will later introduce their partners to the whole group. Ask them to tell partners previous self introductions and add something unique/special or something most people do not know about them.
- 4 After a given time ask the participants to go back to the group and each introduce one's partner.
- 5 Get the group expectations and ask what two things they would like to bring/share to the training, e.g., enthusiasm, curiosity, laughter, etc.
- 6 Introduce the course outline. Distribute relevant handouts. Discuss the training objectives and course outline.
- 7 Introduce two or three basic ground rules and let participants draw up a list on the butcher's paper. Post the list on the wall Explain that they may add more to the list as they see fit during the training.

## **Group Exercises**

1. Commence with appropriate ice breakers and introductory exercises which can break through the barriers to communication, loosen up participants so they feel at ease, and prepare participants for the message of the training.
2. Draw up expectations and ground rules, using 'Hopes and Fears' exercise. Give each one a blank piece of paper and let them write "I Hope" heading on one side and " I Fear " heading on the other side. Tell them not to write their names on it as this is anonymous. Ask them to write what they hope to get from the training on appropriate heading and things they are anxious

about on the other side. Ask them to put their papers in the box provided and let each one draw a paper and read it aloud for the group. No one should identify who wrote what. List all the hopes on butcher's paper and do the same for fears on another paper. Go through the lists, linking hopes with the course contents and allaying fears. Keep Hope list for evaluation.

### **Resources Needed**

1. Butcher's paper
2. White board and markers
3. Enough room to allow group discussion

## **THEME 1: AUSTRALIA IS A DIVERSE SOCIETY**

### **Session 2: Justice in a culturally diverse society**

**Duration: 2 - 3 Hours**

#### **Purpose**

This session will explore the diversity of Australian society as a structural reality and a social ideal. Participants will be encouraged to discuss the implication of both issues for the administration of justice, thus laying the foundation for their understanding and appreciation of the delicate nature of their jobs in a multicultural society.

#### **Objectives**

At the completion of this session, participants should be able to:

- 1 demonstrate how they have experienced the diversity of Australian society;
- 2 discuss with clarity how Australia became a multicultural society; and
- 3 critically analyse implications of this history for the process of justice.

#### **Content summary**

- the presence of a viable multicultural society in Australia pre-1788;
- the multicultural composition of the first fleet;
- the proportion of modern Australian population born overseas, with at least one parent born overseas;
- the varied nature of the source countries of settler arrivals to Australia;
- impact of migrant contributions: social, cultural, economic and political
- the dominance of the common law (British) approach to justice and the effect on people from non-common law backgrounds.

## Presentation Guide

The facilitator will determine the techniques that will best convey the message of the session, bearing in mind the over-arching approach of adult learning. Among many techniques, the following is a good starter:

1. A person from a non-English speaking background is invited to introduce the session **in his or her own language!** The objective is to create the 'Tower of Babel' experience and to capture participants' attention from the start. Let them have a 'feel' of what the session is all about: living in a culturally diverse society.
2. Facilitator debriefs participants and introduces the session outline in the language that all can understand.
3. Facilitator introduces Cultural Map exercise and debrief. The exercise would show on the world map where participants can locate their own family origin.
4. Facilitator introduces Demographic exercise and debrief. The exercise tells how much factual knowledge participants have. Questions and answers should be based on the most recent immigration statistics.

## Group Exercises

Suggested exercises include:

1. Cultural Map: Put up a world map on the wall/pin board. Hand out colored pins to participants. Ask them to stick on the map the country where their grand parents came from. With a different colored pin, ask them to stick on the map the country where their parents were born.
2. Demographic Exercise: This quiz-type exercise could be done individually or in groups. The facilitator hands out quiz questions to individuals or groups and asks participants to tell their answers and tally them on the board.

## Resources Needed

1. World map
2. Quiz sheets



### **Session 3: Injustice on the road to multiculturalism**

**Duration: 2 - 3 hours**

#### **Purpose**

The process through which multiculturalism has emerged as an official policy in the last two decades is a convoluted one. In its trail, this country has witnessed different kinds of justice. For instance, the frontier justice in the 19th century involved due legal process being set aside and punishment disproportionate to crime being imposed on ethnic minorities. Further, the racially-based justice in the early 20th century disadvantaged NESB people by limiting their capacity to give witness or the strength of their evidence.

This session will challenge participants to review their behaviours towards descendants of those who experienced these kinds of justice and who may have been drawn into the modern justice system as a result of this historical disadvantage.

#### **Objectives**

At the completion of this session, the participants should be able to:

- 1 appreciate a sufficient measure of the history of immigration restriction and discrimination against NESB people and their impact on the present day migrants and justice issues.
- 2 analyse official response to diversity through the policies of assimilation, integration and multiculturalism;
- 3 discuss the impact of these policies on the life chances of people who were targeted; and
- 4 share their actual or anticipated encounters with such people in the justice arena.

## Content summary

- reaction to the 'yellow peril' and experience of non-whites in the justice system;
- White Australia policy, 1890s - 1970s;
- overview of Australian immigration practice;
- attempts to develop a single unified Australian culture (assimilation and integration).
- multiculturalism: policy and debates;
- the quality of justice available to ethnic minority groups in a legal system dominated by Anglo-celtic values

## Presentation Guide

The facilitator will determine the techniques that will best convey the message of the session, bearing in mind the over-arching approach of adult learning.

## Group Exercises

1. Dramatise or 'sculpture' significant historical incidents on Australia's way to multiculturalism.
2. Enact scenes which depict lack of cultural awareness in policing, judicial process, or correctional containment in relation to the historical experiences of NESB people.

## Resources Needed

Appropriate videos

A lot of room for drama/sculpture, debating exercises

Butcher's paper

White board and markers

## THEME 2: MIGRATION ISSUES AND JUSTICE

### Session 4: Forms of migration and attitudes to justice

**Duration 2- 3 hours**

#### **Purpose**

Migration is a key factor in the development of Australia's multicultural society. It is, however, wrong to understand migration as a homogeneous phenomenon. Worse still, the mainstream justice system would fail to deal fairly and justly with migrants if it neglects the fact that some came voluntarily and others involuntarily and that each of these experiences disposes migrants to the Australian justice administration in different ways.

This session will explore the impact of being a voluntary migrant or a refugee on NESB people's understanding of, and attitudes to, the agencies of the justice system. It will also challenge the attitudes of these agencies to the two categories of migration.

#### **Objectives**

At the end of the session, participants should be able to:

- 1 'spot the differences' between migration categories;
- 2 develop a cross-sectional understanding of attitudes to justice agencies with which migrants have come to Australia; and
- 3 make an inventory of the views held in their agency about voluntary and 'refugee' migrants with a view to reconciling them with a proper understanding.

#### **Content summary**

- forms of migration
- reasons for migration
- the concept of justice from the country of origin
- bias in law enforcement and judicial process towards different categories of migration.

## **Presentation Guide**

The facilitator will determine the techniques that will best convey the message of the session, bearing in mind the over-arching approach of adult learning.

Involve voluntary migrants and refugees of varying length of living in Australia. They should speak to participants in small groups about their experience, feelings and attitudes about the justice system before and after arriving in Australia.

## **Group Exercises**

Each group should outline new insights, based on what the guest speakers have said, and present to the plenary session issues that need resolution.

## **Resources Needed**

Appropriate videos  
Migrant resource persons  
Butcher's paper  
White board and markers  
Enough room to allow group discussion

## **Session 5: Migrant social relations and justice**

**Duration 2 - 3 hours**

### **Purpose**

Justice agencies cannot go wrong in their interaction with migrants by taking time to understand the development of post-arrival social relations in migrant communities. The process of immigrant and refugee adaptation and ethnic group formation, usually marked by crisis and trauma, holds an important key to unlock the complexities that sometimes afflict migrants' interaction with the justice system.

In this session, participants will inform themselves afresh or in a renewed manner, the common problem-generating experiences of migrant and refugee persons which compound their contact with the law; they will also plan effective response.

### **Objectives**

At the completion of the session, participants should be able to:

- 1 discuss common problems about migrants adapting to their new environment and forming group identities;
- 2 delineate cultural differences in family patterns and child rearing practices among migrants;
- 3 plan strategies to address these problems and experiences in a justice context to make their jobs less stressful.

### **Content summary**

- settlement of immigrants in Australia: policies, programs and practices
- transition from persecution to peace for refugees and displaced persons
- impact of the UN International Refugee Organisation, High Commissioner for Refugees, European Community Intergovernmental Committee for Migration, etc
- areas of conflict with domestic law (e.g juvenile crime, marriage failures, domestic violence, use of offensive weapons, and drugs)
- equality before the law
- cultural and language disadvantage at law for NESB Australians.

## **Presentation Guide**

The facilitator will determine the techniques that will best convey the message of the session, bearing in mind the over-arching approach of adult learning.

Arrangements should be made with grant-in-aid workers and others who perform counselling roles for NESB people to come and articulate the issues for participants, and these should then be discussed in small groups.

Story telling by immigrants and refugees which reflect actual experiences with the justice system will be a powerful tool in this session.

## **Group Exercises**

As deemed appropriate

### **Resources Needed**

Appropriate videos

Grant-in-Aid workers

Migrant resource persons

Butcher's paper

White board and markers

Enough room to allow group discussion

## **THEME 3: CULTURE and COMMUNICATION**

### **Session 6: Culture and forms of communication**

**Duration 2 - 3 hours**

#### **Purpose**

The risk of the justice agencies doing injustice, of getting things badly wrong, through ignorance of things important about people's cultures, body language, or other communication breakdowns is intensified in a multicultural society. The high proportion of NESB people in Australia means that this risk has a higher likelihood of occurring on a wider scale here than in other countries such as Britain.

In this session, participants will cultivate a deeper understanding of how breakdown in communication in the legal context due to cultural ignorance, do lead to injustice.

#### **Objectives**

At the completion of the session, participants should be able to:

1. define culture and explain culturally determined behaviour;
2. define communication and experiment the process of communication in a multicultural work situation;
3. discuss verbal and non-verbal communication and how they interact; and
4. demonstrate the relevance of cross-cultural communication for justice work in Australia.

#### **Content summary**

- the notion of culture and its role in adaptation and integration
- visible/physical and non-visible aspects of culture including basic assumptions, values or ideology and artifacts
- the Australian national culture and justice institutional cultures vis-a-vis NESB cultures

- the notion of communication and relationship as its context.
- communication stages and processes
- interpretation and effective communication in a multicultural context
- impact of previous experience on verbal, mental and emotional communication.
- cultural variations in verbal and non-verbal communication
- communication breakdown in a legal context

## **Presentation Guide**

The facilitator will determine the techniques that will best convey the message of the session, bearing in mind the over-arching approach of adult learning.

The video entitled "Cross-cultural Encounters" is a useful material with which to introduce the session. Debrief: Ask how participants felt, etc after watching such a video.

Discussion: "Chalk-talk". Ask participants to define culture. List down key words, eg. language, songs, costumes/dress, religion, values, beliefs, etc.

Small group discussion: make a list of visible and non-visible aspects of culture

Introduce communication with trigger questions such as: what is communication? Why is it important? Why does communication break down?

Use Venn Diagram to explain shared meaning

To reinforce the role of relationship in communication, let someone say to another, "I hope you are fine today", as a friend, then to another participant as an enemy, and to another person as a boss. Discuss any changes in the meaning of that statement as the roles change.

Play "Chinese Whispers" to reinforce the concept of interpretation.



## **Group Exercises**

"Chinese Whisper" is a game which shows how interpretations of the same story varies from one individual to another depending on 'what rings a bell' to an individual based on one's preconceived knowledge, beliefs, prejudice, etc.

Role-play interaction between NESB migrants and the justice agencies on legal matters, with emphasis on 'communicating'.

## **Resources Needed**

1. Overheads
2. Chinese Whisper story
3. Butcher's papers
4. White board and markers
5. Relevant video material

## **Session 7: Overcoming barriers to cross-cultural communication**

**Duration 2 - 3 hours**

### **Purpose**

When the culturally determined meaning of the sender's message is comfortably received and understood by the receiver, effective cross-cultural communication has taken place. This minimises frustration, demoralisation, or marginalisation, and brings a win-win situation at the level of exchanging meanings, for both parties.

In this session, participants will learn strategies for overcoming barriers to the win-win outcome and apply them to their work as justice personnel.

### **Objectives**

At the completion of the session, participants should be able to:

1. explain how factors such as language, culture, ethnocentrism, stereotypes, organisational constraints and evaluative or judgemental behaviours influence cross-cultural communication;
2. detect when they have 'lost their listener'
3. determine the impact of the structures and nuances of languages other than mainstream English
4. develop strategies to overcome barriers to cross-cultural communication
5. demonstrate proper use of Translating and Interpreting Services.

### **Content summary**

- conceptualising culture
- communicating between cultures
- culture as a highly selective screen - a demarcator and an encoder of messages
- intercultural communication as a transactional and symbolic process

- unconscious linguistic skills: features and functions of para-language
- avoiding and repairing miscommunication: mapping solutions when communication is failing
- how to work with comprehensible English, a translator or interpreter

## **Presentation Guide**

The facilitator will determine the techniques that will best convey the message of the session, bearing in mind the over-arching approach of adult learning.

Introduce the session with a 'Monolang' exercise to allow participants experience language barriers.

Emphasise the Iceberg Theory of culture and communication, showing that what is underneath the tips may be more fundamental to a successful exchange of meanings.

Involve persons from Translating and Interpreting Services to conduct small group discussions and the formulation of effective strategies.

## **Group Activities**

Monolang Exercise can be done in small groups using role playing

Empathy Blocker exercise

## **Resources Needed**

1. Overheads
2. Resource persons
3. Butcher's papers
4. White board and markers
5. Relevant video material

## **THEME 4: PREJUDICE AND DISCRIMINATION**

### **Session 8: Prejudice and discrimination in the justice system**

**Duration 2 - 3 hours**

#### **Purpose**

Prejudice and discrimination constitute a major blight on any society. When they infest the justice system, that society is heading for anarchy. But since prejudice and discrimination are socially constructed, they can be deconstructed to avert such an outcome. In this session, participants will analyse the process through which this twin evil is born, discuss how it manifests in the justice system and examine the impact it has on the society as a whole.

#### **Objectives**

At the completion of the session, participants should be able to:

- 1 differentiate between prejudice and discrimination, and other forms of exclusionary or unfair treatment of people that are different, such as stereotyping, ethnocentrism and racism;
- 2 discuss the process and effects of prejudice and discrimination on justice administration; and
- 3 identify, in general terms, incidents of prejudice and discrimination in their workplaces.

#### **Content summary**

- the social construction of the 'other': stereotyping based on colour or national origin
- 'demonising' differences
- inferiority-superiority equation as justification for discrimination
- the blindfolded justice: equal treatment of unequals, perpetuating inequality
- racism and the law: biased justice and over-representation of certain groups in the judicial process

## **Presentation Guide**

The facilitator will determine the techniques that will best convey the message of the session, bearing in mind the over-arching approach of adult learning.

Use exercises that let the participants explore stereotypes and gain insight on how stereotypes develop and impact on justice administration.

The presentation should allow participants to recognise their own stereotyping attitudes towards certain groups of people.

## **Group Exercises**

**Zone Game.** This consists of a four category schema (negative, ignorance, ambiguous and positive) which participants use to score their feelings or attitudes about certain names, groups, or practices.

The game will be confidential; participants' individual answers will not be divulged to others but results of the game done by the whole group will be discussed to provide a general picture.

## **Resources Needed**

1. Overheads
2. Resource persons
3. Butcher's papers
4. White board and markers
5. Relevant video material
6. Zone Game sheets

## **Session 9: Strategies for overcoming prejudice and discrimination**

**Duration 2 - 3 hours**

### **Purpose**

While prejudice and discrimination may serve the vested interest of some sections of the society, it is in the interest of all to denounce them and to make their continued existence untenable especially in a multicultural society. The last two decades have witnessed such a response in the Australian society. Participants in this session will examine this response and outline strategies most congenial to the justice system for dealing with the problem.

### **Objectives**

At the completion of the session, participants should be able to:

- 1 demystify human differences and the rationalisation for unlawful discriminatory treatment of 'different' people who come in contact with the justice system;
- 2 analyse legislative and institutional response to discrimination in Australia; and
- 3 demonstrate skills to devise strategies to deal with specific experiences of prejudice and discrimination in justice administration.

### **Content summary**

- cultural sensitivity in Australian justice system
- the 'us' and 'them' mentality or approach to dealing with socio-legal problems
- malicious racism, ignorance-based racism and the justice system
- individual and systemic discrimination
- federal and state anti-discrimination legislation and institutions
- mechanisms for equitable access to justice
- cultural awareness monitoring in training for justice work
- involving NESB people in the business of justice delivery

## **Presentation Guide**

The facilitator will determine the techniques that will best convey the message of the session, bearing in mind the over-arching approach of adult learning.

It will be helpful to start with a guest talk which outline the issues in a 'provocative' way.

Participants can then break into small groups to discuss the issues and workshop appropriate strategies to deal with the problem.

## **Group Exercises**

Workshop

Strategic planning session

## **Resources Needed**

1. Overheads
2. Resource persons
3. Butcher's papers
4. White board and markers
5. Relevant video material

## **THEME 5: SOCIAL JUSTICE AND JUSTICE ADMINISTRATION**

### **Session 10: Empowerment for responsible citizenship**

**Duration 3 - 4 hours**

#### **Purpose**

Responsible citizenship is the over-arching goal of every enlightened society. Its development calls for a sustained program of empowerment of all inhabitants in which the justice system has a critical role to play. In a multicultural society, this role takes on greater complexities and presents challenges to the personnel of the system. To the extent that this role is played effectively, the job of justice administration will be a pleasure to perform and societal cohesion will be enhanced.

This session will expose participants to the principles of the empowerment program in Australia. In particular it will seek to facilitate participants' understanding of the implications of government policies on Social Justice and Access & Equity schemes. Participants will also be sensitised to their own role in these schemes.

#### **Objectives**

At the completion of the session, participants should be able to:

- 1 discuss principles of social justice, access and equity;
- 2 describe the practical application of Social Justice and Access and Equity policies in justice administration; and
- 3 outline a course of action by which their agency addresses social justice and access and equity issues.

#### **Content summary**

- the need to develop a fairer, more prosperous and just society for all Australians
- history and requirements of Access and Equity.



- Access and Equity as a strategy to overcome barriers of language, culture and prejudice.
- analysis of the difficulties experienced in obtaining employment in, and participating in, justice administration agencies;
- equality of opportunity and outcome for consumers of the justice services, taking into account the diversity of Australian society.

## Presentation Guide

The facilitator will determine the techniques that will best convey the message of the session, bearing in mind the over-arching approach of adult learning.

Use "Power Game". All of us are aware of how society and individuals hold in-built assumptions and discrimination; the game tells us that 'equality' is a myth. As we grow up, we internalise beliefs about our power and behave accordingly; internalised lack of power is what has happened to disadvantaged groups which can make it very difficult for them to do things which we think are easy. The aim of this exercise is to demonstrate how cultural background, social standing, gender and age influence the amount of power people have, or feel they have, in society.

Guest talks by persons who administer social justice and access & equity policies should raise key issues for discussion in small groups.

## Group Exercises

### Power Game

#### Instructions:

1. Stand everyone up. Make appropriate space, etc.
2. Explain to the group that they are in a shop and you are the shopkeeper. You have just discovered some money is missing and have closed the shop doors until the money is found.
3. Ask everyone to arrange themselves on a horizontal line according to their expectations of being accused of taking the money, ranging from 'confident they won't be accused' to 'assume they will be accused'.

4. Hand out occupation card and ask participants to change their position on the line if they think their occupation changes how they feel about being accused.
5. Hand out ethnicity, gender and age cards one at a time, allowing them to move after each one.
6. Ask each person why they are standing where they are.
7. Ask people why they moved, how they will get out of the shop. What do those inclined to make a lawful exit find empowering?

### Resources Needed

1. Overheads
2. Resource persons
3. Butcher's papers
4. White board and markers
5. Relevant video material
6. Power Game materials: 20 squares of 4cm x 6cm cards in four different colors, ie., 20 cards each color.
  - Write 'MALE' on ten white cards and 'FEMALE' on the other ten.
  - Write one occupation on each blue card from the following list:
 

High school student	Unemployed
Cleaner	Tradesperson
Doctor	Middle Manager
Factory Worker	Shop assistant
Bricklayer	Teacher
Nurse	Council worker
Bank teller	Bank manager
Apprentice boilermaker	Uni student
Apprentice hairdresser	Mechanic
Company director	Office Secretary
  - Use each ethnicity twice on the 20 yellow cards
 

Anglosaxon	Aboriginal
Chinese	German
Greek	Lebanese
Maori	Filipino
Vietnamese	Nigerian
  - Write a range of ages from 16 to 60 on the 20 green cards.

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# **Justice Education Handbook for Aboriginal and NESB Communities**

## **Mission Statement**

Governments at all levels will find their work a lot easier and less stressful when members of their constituencies become functionally aware of, and accepting towards, conducts upon which Australian law has prescribed enforceable standards. In this respect, 'justice literacy' for all Australians, in particular Aboriginal and non-English speaking background people, is a task that must be done. Regular community education about law and justice is the most promising tool for this task, and it is for this cause that this Handbook has been prepared. Let it stimulate commitment from all of us towards nation building through justice education.

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**Sponsor: DEETYA**

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## BACKGROUND

### Rationale

*What does it feel like for a person of non-English speaking background to appear in an Australian court for the very first time? Imagine travelling overseas to Spain or China or Egypt and receiving tickets to the theatre. Having no idea of the appropriate dress code, you wear your everyday clothes and turn up to the theatre. Not being able to read the ticket details or the signs at the theatre, you somehow manage to find your way to your seat with the rest of the audience.*

*The play begins in a language you cannot understand. Soon an usher approaches you and leads you onto the stage. You quickly realise that you have been cast in the role of one of the leading actors in this play which appears to centre around you...All the other actors appear to know the script, leaving you to improvise under unintelligible instructions as you go along...It is hardly surprising that stage fright sets in, you muff your lines, you look totally bewildered and stumble when asked to tell your story.*

(“From the Other Side”, Ross Tzannes 1994)

Many people of Aboriginal and non-English speaking backgrounds who have become involved with the justice system in Australia would readily identify with the experiences of the imaginary visitor to the theatre in the above story. Whether or not they now speak English, the language of the justice system remains largely unintelligible to them. To many, being involved with the system more than once does not necessarily lessen the bewilderment arising from dealing with a system, the workings of which are complex and beyond their present understanding. Under interrogation or cross-examination, which can be forensic or ferocious at times, they stumble, feel victimised and disempowered even in recounting the things that have become part of their lived experiences.

Experiences of ‘looking like a fool’, of victimisation, and of disempowerment can lead to disrespect or, worse still, bitterness towards the temple of justice and the “priests” who embody, or work in, it (i.e the police, courts, and correctional services). One result is that people who encounter such experiences become diminished in their capacity and/or willingness to participate in society as responsible citizens. This is a social psychological state of affairs which no society can afford. Yet, a culturally diverse society runs a very high risk of having people come in contact with a confusing and harrowing justice environment that turn such people into a disoriented citizenry.



It is now a generally accepted fact that Australia is a multi-racial and multi-cultural society. The pre-1788 Aboriginal Australia was multicultural. The white settlement since the 18th century and the 'great leap of faith' with which government policies in the post World War II spread the immigration net beyond the 'motherland', have further significantly diversified this society. Modern Australia has nearly 18 million people in which one in four is of non-English speaking background and four in 10 are either migrants or the children of migrants.

As was observed more than a decade ago, 'Australia consists of an amalgam of at least 140 different ethnic groups, speaking 100 languages, and practising 40 religions. After Israel, Australia is the most cosmopolitan society on earth'. However, while all social institutions including the justice system must confront plurality and diversity in such a context, the justice system at the States, Territories, and the federal levels in Australia, does so largely as a mono-cultural structure and process which are wholly Anglo-celtic. Evidently, people from other cultural backgrounds will come in contact with this system from a position of great disadvantage.

Education must be used to impart to these people information about the justice system in a manner that improves their general understanding of the Australian legal structures, processes, and cultures, on the one hand and, on the other hand, enables them to respect the system and participate effectively in responsible citizenship. Achievement of both objects carries at least two major benefits. First, the task of justice administration will be less traumatic for all those involved, in that Aboriginal and NESB people who may present cases to the justice system personnel would be functionally literate about the entire process of the system and be able to conduct their affairs within the system with minimum friction. Second, a sense of legal fairness would pervade the social psyche of the nation as these people are able to appreciate not only what is happening to them in the justice system but also why such things happen.

In recognition of this situation, the Department of Employment, Education and Training (DEET), under the National Priority Reserve Fund scheme, sponsored Edith Cowan University in 1995 to undertake a Multicultural Justice Education Project. The project aimed to compile into a database, courses offered by post-secondary institutions and justice agencies on multicultural issues; to develop a computer-based search program with this database; and to develop training packages about multicultural issues for the justice system personnel and about the mainstream legal system for Aboriginal and ethnic communities. Lastly, the project aimed to design an evaluation model for multicultural training in the justice agencies.

This Handbook has been prepared as a major outcome of that project. Together with the other outcomes, the Handbook provides the first national framework of issues for education to meet the knowledge needs of Aboriginal and NESB

communities about the justice system. The themes that are set out in this Handbook have been developed from an extensive consultation with people from various Aboriginal and NESB communities in all jurisdictions in Australia.

## **Themes covered in the Handbook**

Law affects every facet of the social life of peoples and their communities on an ongoing basis. However, some areas of law and their accompanying institutions touch and/or impact on people more than others. For both reasons, this Handbook has canvassed widely on issues that would constitute a broad and yet 'commonplace' educational experience for Aboriginal and NESB communities in relation to the justice system. The significant themes and the issues they encompass are:

### **1 Understanding the law, structure and process of justice**

Criminal law: explores the political and cultural base of defining certain conduct as criminal; types of crime and punishment in Australia

Structures and functions of the justice agencies - identifies the major agencies, the systemic links between them, and their functions in terms of the division of labour, broadly, between law enforcement, law interpretation, and legal correction.

Understanding police procedures - explains what police do from complaint or suspicion of an offence to the presentation of a charge in courts, the powers which the police use, and the rights of people with whom police deal.

Court people and procedures - demystifies the setup and appearances of courts/court officers; differentiates between adversarial and inquisitorial systems of justice; and examines the demands upon different 'lay' roles in the court system such as the accused, witness, and juror.

Correctional procedures - examines the responsibility of corrections and the cultural underpinning of the procedures and routines in correctional systems.

### **2 Selected areas of law that affect daily life**

Law against violence in the family - explores the nature of violence in families, legal responses to family violence in Australia, and how to seek redress under the law.

Understanding the Family Court - examines the role of the Family Court in various aspects of family (e.g marriage, divorce, maintenance, custody and access)

Road traffic and driving laws - explores issues in relation to motor vehicle registration, driving licences, the policing of drink-driving laws, and the prosecution of motoring offences.

Offensive weapons and firearms law - deals with the link between firearms and anti-social behaviours; and the laws dealing with importation, sale, ownership, security and use of firearms.

Drugs and legal responses - discusses the context and uses of drugs, young people's involvement, policing of drug laws, and support services for people dealing with drug-related problems.

### **3 Rights and responsible citizenship**

Civil, political, social and economic rights - identifies basic rights and their legal framework in Australia; and emphasises the effects of rights on life chances and capacity to participate in responsible citizenship. The broad areas of rights considered are: constitutional freedoms, equal opportunity and affirmative action, and consumer protection.

Translating and interpreting service - highlights the role of translating and interpreting service (TIS) in the justice context; the national scheme of TIS delivery, the basic 'customer-convenience' characteristics of TIS, and how to access TIS.

### **4 Where to find help**

Why further help is necessary - makes the point that the knowledge derived from this Handbook needs to be supplemented by advice from specialised bodies.

Organisations - lists names and addresses of all the law society bodies in Australia, along with telephone numbers for easy contact: by jurisdiction.

Other resources for advice and aid - lists names and addresses of community resources including legal centres, legal aid, welfare rights centres, women's information centres, domestic violence service commercial tribunals, consumer legal services, tenants' advisory councils, and citizen's advice bureaux: by jurisdiction.

## **Basic education objectives**

Aboriginal and NESB communities are entitled to be functionally aware about conducts upon which Australian law has prescribed enforceable standards. They should also be familiar with the role of the justice agencies in enforcing this law and their own rights vis-a-vis the agencies under the law. To achieve this sort of awareness, both communities have a responsibility to inform themselves about the relevant issues; but to do so effectively, they need to have available to them an educational framework which neatly packages the issues and suggests structures within which the issues can be addressed with maximum beneficial effect. Broadly, the task is to facilitate 'justice literacy' among Aboriginal and NESB communities. Pursuant to this task, therefore, this Handbook has been designed to:

1. isolate issues that should form the core of an effective justice education for Aboriginal and NESB communities;
2. arrange the relevant issues in clearly defined themes or modules for easy presentation and learning;
3. provide foundation information about the various issues in justice education upon which the communities can continuously build;
4. highlight the need for members of the communities to be aware of their rights as they come in contact with the justice system;
5. ensure that the link between knowledge, rights and responsible citizenship is clearly understood; and
6. document various sources of help for members of the communities who need specialised information/knowledge about law and justice in Australia.

## **Structure of the Handbook**

The handbook comprises four major themes of differing sizes. The first three themes are divided into sessions which are developed and designed in a manner that could be presented separately or as a part of the whole education course. The last theme deals with organisational resources which can provide specialised assistance in relation to the workings of the justice system. It can be presented simultaneously with the sessions in the other themes. For each of the four themes, the Handbook provides a basic bibliography from which aspects of the foundation information were derived.

The outline of each session follows a uniform structure, comprising the following elements:

- Topic for the session
- Approximate duration or time frame
- Purpose
- Objectives
- Basic content
- Guide on planning and presenting each session
- Resources required, such as videos, other learning materials, and appropriate equipment.

### **Using the Handbook**

The Handbook can be used as required by each body to address the justice education needs of its community. It can complement an existing program, in which case some sessions are incorporated into the home-grown program. It can also be used as a complete substitute conducted with necessary adaptation to local circumstances. Each session in this Handbook is distinctive enough to stand alone even though all the sessions inter-relate with each other, having one underlying logic and can be cross-referred wherever necessary. Whichever option of 'use' best guarantees a reasonable success in developing 'justice literacy' should be determined in light of each community's need.

The Handbook is flexible enough to allow:

- all the education sessions to be conducted as a program over a set period of time; or
- a selection of themes or sessions to be used separately to meet a community's particular needs.

Two or three hours have been recommended for most of the sessions. However, the training requirement and the pace most comfortable to the participants, including the facilitators, should inform how much time is given to each session. For example, an education group may opt to give more time to the teaching of civil and economic rights and less time to correctional procedures, depending on the knowledge already acquired by the participants and the perceived need of the community.

The entire education Handbook can be presented effectively in 26 hours. These hours can be compressed into one week or spread over two to three weeks, or more. The guiding principle should be the convenience of the participants. In any case, participants can selectively attend the sessions in line with their needs and convenience.

## **Methodological hints**

It is vital that education sessions are held on a regular basis for the communities. Organisers should ensure that all members of their respective communities are given the opportunity to attend as many sessions as possible, if not all sessions. At all times, appropriate systems of invitation, choice of venues and modes of delivery should be used to ensure that maximum participation and achievement of knowledge take place.

In sessions with a high proportion of mature participants, presentation should include techniques of adult learning. For instance, presenters:

- must explore with participants the difference that acquiring further competencies or knowledge in justice education can make to the participants' social well-being;
- should not treat participants as children, ignorant and dependent; they should harness participants' self-directedness for maximum benefit for the sessions;
- should emphasise experiential learning techniques such as discussion methods, problem-solving exercises, simulation or role-playing, reflection, contract learning, multimedia modules, and sensitivity training;
- should empower participants to feel at ease when dealing with people from different class or cultural backgrounds.

The converse holds true for sessions with young people. Presenters should exercise maximum sensitivity to their needs, views and mode of learning.

At the outset of every session, presenters should work with participants to create a climate which is conducive to learning in a situation involving people with different life experiences. The climate should be mutually respectful, collaborative, supportive, joyful, and humane. The process of building such a climate should involve efforts to identify participants' expectations and concerns regarding community legal education, and to develop a learning agreement or groundrules for a smooth learning program.

Presenters should spend time allowing participants to know each other and use appropriate ice breakers or exercises which can reduce barriers to communication, loosen up participants so they feel at ease, and prepare participants for the message of the training.

## THEME 1: UNDERSTANDING THE LAW, STRUCTURE, AND PROCESS OF JUSTICE

### Basic bibliography

Bates, N.; Bates, M.; and Walker, C. (1975), *Legal Studies for Victoria*, (vol 2), Melbourne, Australia, Butterworths.

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## **Session 1: Criminal law in Australia**

**Duration: 2 hours**

### **Purpose**

All human societies have systems of rules to secure social order. To go against these rules is to commit crime for which a specialised agency is empowered to respond with sanctions. Yet, the idea of crime or wrong is not always universal. An act that makes someone a saint in one society can confer on someone the title of a demon in another society. In a culturally diverse society, the risk of people, who believe themselves to be doing the right thing, finding themselves being demonised, criminalised or simply positioned on the wrong side of the law is quite high.

The purpose of this session is to make Aboriginal and NESB people aware of what behaviour is considered criminal in Australia, and the role the criminal justice system plays in controlling crime. The general overview presented in this context seeks to impress upon Aboriginal and NESB communities that they have a responsibility to inform themselves about the law of 'crime' and also about their rights or obligations under such law.

### **Objectives**

At the completion of this session, the participants should be able to:

1. appreciate the process by which certain behaviours are defined as 'crime' in Australia;
2. describe the major types of crime; and
3. understand different types of punishment.

### **Basic content**

#### **Political process and the definition of crime**

Participants need to consider what it takes to have a peaceful and harmonious co-existence of people from diverse backgrounds. The role of criminal law and how that law develops in the process of maintaining social order should be emphasised.

Participants should note, for instance, that the responsibility for maintaining order in the society lies with the state which uses elements of the justice system to this end. Further it is essential to emphasise that



what constitutes a crime is generally a matter of how the state uses its power to define crime, although there are some acts or omissions that attract condemnation from a broader moral consensus. Usually, the state would define such acts or omissions as crime.

*Usury (i.e charging interest on a loan) can be crime in some societies, while in other societies the law can require banks to charge higher interest rates as an instrument of monetary policy to reduce inflation. But murder, assault, rape, robbery, theft, fraud, and the like are regarded as crimes by citizens everywhere.*

## Types of crime

Four basic types of criminal offences can be identified in Australia:

- offences against the person;
- offences against property;
- offences against public morality; and
- offences against the state and public order.

The definitions of these offences vary from place to place. Thus the following should be considered as statements of the basic idea in each offence. For the full details of the elements of any of the offences, presenters should refer to the relevant legislation and/or discuss with practising lawyers or law enforcement officers.

### *Offences against the Person:*

*Homicide* - intentional killing of a human being by another sane human being with no lawful justification such as self-defence, defence of another person.

*Manslaughter* - voluntary killing of another without malice, express or implied; excessive self defence

*Death by reckless driving* - killing someone by driving dangerously.

*Infanticide* - killing of a child under 12 months by a mother. As provided in some criminal codes, this may be due to the effects of birth or lactation.

*Child destruction* - killing of an unborn child wilfully. (Be aware of the debates raging about abortion these days)

*Rape/Sexual Assault* - engaging in sexual intercourse without consent.

*Incest* - engaging in sexual intercourse with family relations.

*Abduction* - taking away of a child or a young person against the parent's or guardian's instruction.

*Assault and Battery* - threatening with force, and actually using unlawful force on people.

### ***Offences Against Property***

*Theft* - removing property belonging to someone else with the intention to keep it permanently.

*Robbery* - using force against someone with the intention to steal.

*Burglary* - entering a building with the intention to steal. A similar act is called "break in and enter" in some jurisdictions.

*Arson* - setting fire to property deliberately.

*Criminal damage* - intentionally damaging someone's property.

*Fraud* - obtaining money or property by deceit.

### ***Offences Against Public Morality***

*Indecent behaviour* - behaviour considered offensive by a reasonable person. For example going nude at the beach is considered to be an offence in some places.

*Obscene publication* - writing materials which have a tendency to deprave and corrupt people who are likely to read them.

### ***Offences Against the State and Public Order***

*Treason* - breaching allegiance to the Crown (one's country or ruler), committed when a person:

- kills or harms, or tries to kill or harm the Queen, her heir apparent or consort;
- goes to war against Australia, or any Commonwealth country; assists an enemy at war with Australia, or any Commonwealth country; and

- incites a foreign power to make an armed invasion of Australia, or any Commonwealth country.

*Sedition* - inciting dissatisfaction against the government.

*Drug offences* - importing, possessing, using, manufacturing or supplying prohibited drugs.

*Unlawful assembly* - coming together of two or three people in a public or private place to arrange for, or to commit a crime of violence.

*Riot* - unlawful assembly to carry out an illegal purpose, using force, or intending to use force.

*Offences in public places* - behaving in the public in a way that is likely to offend reasonable people. For example, being drunk in the public. [Note: some jurisdictions have decriminalised drunkenness]

*Immigrants have their cultural baggage. It is immoral, impractical and contrary to Human Rights Declarations to expect all minority groups to forget their cultural heritage and conform to Australian cultural norms, whatever these might be, as soon as they arrive here, but it is expected that minority groups arriving in Australia conform to the law.*

## Types of punishment

Generally the courts have a wide range of penalties to choose from. The penalties can be used singly or in some combination, subject to the prevailing sentencing principles or guidelines such as consistency, proportionality, and culpability. The presenter should concentrate on making participants aware of the various penalties and the circumstances under which the courts are likely to apply them.

- *fin*es - amount of money the court orders the offender to pay to the state;
- *reparation* (restitution or compensation) - a requirement that the offender returns the victims, as much as possible, to their original position;
- *community-based orders* - completing certain number of hours of unpaid work to the community;

- *probation* - offender is allowed after conviction to remain free and live in society subject to supervision or reporting conditions.
- *good behaviour bonds* - agreement entered into by the offender for a specified amount of money to be of good behaviour for a stated period;
- *imprisonment or preventive detention* - confinement of the offender for a specified period.
- *suspended sentence* - postponing implementation of sentence

### Presentation Guide

1. Start by making participants draw up a list of rules and regulations that exist in their families including punishment for violating those rules.
2. Discuss with participants what will happen if there were no rules at all or if there were rules but not obeyed.
3. Introduce the subject of crime by comparing and contrasting the different context and the use of force to ensure compliance with the law by the state.
4. Describe a scenario where no law exists and everybody did what seemed right in his or her own eyes and make participants write rules to control the situation.
5. Participants should list and discuss differences between the criminal laws of their traditional societies or home countries and the Australian law.

### Resources Needed

Appropriate legislation  
White board paper  
Overhead

## **Session 2: Structures and functions of the justice agencies**

**Duration: 3 Hours**

### **Purpose**

Justice agencies exist to investigate allegations of crime, punish convicted persons, and address any wrongs done in the process. They are part of the armoury of the state for maintaining law and order.

This session will provide an overview of the structure of the justice agencies. Essentially, participants will be encouraged to discuss the implication of the structure and functions in upholding justice and fairness in a multicultural society. This will lay the foundation for an effective understanding and appreciation of the delicate nature of the issues involved and minimise the fear of the unknown during participants' contact with the justice system.

### **Objectives**

At the completion of this session, participants should be able to:

1. identify the three major justice agencies - police, courts and correctional services and their organisational setup;
2. gain an overview of the separate and related functions of these agencies; and
3. identify the relevance of the agencies in maintaining law and order in the community.

### **Basic content**

#### **Structure of the justice agencies**

The federal government has a significant responsibility for the administration of justice in Australia, but the States and Territories have their own criminal laws, police services, courts and correctional services. It will be necessary to use organisational charts to visually communicate the complex nature of each agency and the systemic links between these agencies in each jurisdiction.

It is also necessary to emphasise the fact that in Australia, the justice agencies are independent of each other. Some migrants might have come from countries where an 'unholy' alliance between, say the police and courts, frustrates the cause of justice. Such migrants would carry their suspicion with them and this might affect the way they interact with the

justice agencies in Australia. Discuss the basis of the independence of the agencies in Australia using the constitutional notion of the separation of powers.

### Functions of the police

Consider the responsibility of the police which includes:

- dealing with behaviours that infringe laws through arrest and other forms of responses;
- maintaining order by taking steps to prevent and control situations that disturb or threaten to disturb the peace;
- gathering information through various methods for policy and operational purposes;
- responding to emergency calls relating to accidents, fire, injured or sick persons, notification of deaths;
- controlling traffic;
- protecting dignitaries;
- organising police youth clubs; and
- visiting schools and hospitals.

In all of this, the police are bound to come in contact with Aboriginal and NESB people. Participants should be made aware that the police ought to discharge these responsibilities according to democratic laws.

*The police do not have power to decide whether a person suspected of breaking the law is guilty or what type of punishment he or she deserves. The courts do that.*

### The Functions of the Courts:

When a charge is laid, a suspect becomes an accused to be tried by courts. Basically, the courts decide:

- whether there is sufficient evidence or proof to secure prosecution and conviction (declare a person guilty); and
- what type of punishment (sentencing) the convicted offender deserves.

The types of cases the courts can decide and the punishment they can apply depend largely on the laws governing the crime and the position of the courts in a hierarchy. Some laws that create offences do specify whether such offences can be tried in the courts of summary jurisdiction (e.g Courts of Petty Sessions, Magistrates' Courts, Children's Courts), intermediate courts (e.g District or County Courts), Supreme Courts or

the High Court of Australia. A diagrammatic presentation of these jurisdictions and their roles in justice administration will be very useful.

### Functions of the correctional services

Correctional services in Australia consist of prisons, juvenile institutions, and community-based corrections. In carrying out the sentences that courts pass, correctional services ensure that:

- offenders are kept away from the public to stop them from reoffending;
- prisoners develop the skills and knowledge to become constructive members of the community after their release; and
- offenders are managed in such a manner as to reduce the likelihood of them re-offending.

*Systemic division of labour: the police arrest and charge, the courts decide what to do with the accused and the corrections provide safe, secure and/or rehabilitative handling of convicted offenders. Is the division always as neat as suggested here?*

### Presentation Guide

1. Ask participants to volunteer information on the role of the justice agencies as perceived from their backgrounds. The objective is to demonstrate how their perceived role of the justice system in their traditional societies or home countries affect their understanding of the Australian justice system.
2. Show a video on the role of the justice agencies in Australia (e.g. *Making Sense of the Law*, by the NSW Legal Aid Commission).
3. Ask the participants to discuss the possible implications of having one element of the justice system missing. For example, a police officer arrests a suspect but there are no courts to try the person or the suspect is tried and found guilty, but there are no correctional services to effect the judgement.
4. Sculpture the link between the three justice agencies.

### Resources Needed

Video, Overhead, Butcher's paper

### Session 3: Understanding Police Procedures

**Duration:** 2 hours

#### **Purpose**

Police will swing into action upon a complaint or suspicion of an offence being committed. In this criminal justice area, police are concerned to discover whether or not persons should be charged and, if so, to bring them before the court as expeditiously as possible.

The aim of this session is to provide a general knowledge about police power and procedures to enforce the law, including the power to question, search, seize and arrest those suspected of breaking the law. The session should also emphasise that in protecting justice and liberty of citizens in the community, police procedures should not trample upon the rights of the suspect.

#### **Objectives:**

At the completion of this session, the participants should be able to:

1. identify the powers of police to detain and question suspects;
2. understand the process of search, seizure, detention or arrest by the police; and
3. describe the rights of the suspected person.

#### **Basic content**

##### **The powers of the police**

The power of police to detain and interrogate, search and seize, use listening devices, and arrest and physically examine crime suspects are generally legally defined. The power varies from state to state in Australia; it is, however, to be exercised fairly and within the bounds of law.

*Once a police officer has reasonable grounds to suspect that a person has committed an offence for which a charge is to be laid, the police officer should caution the person being interrogated: "You are not obliged to say anything unless you wish to do so but what you say may be put into writing and given as evidence". Avoid self-incrimination !!!*



The following basic concepts should be discussed with the participants, with proper emphasis on the procedural aspects of the police activities.

### *Search and seizure*

Usually a police officer should not enter premises to search or seize property without the consent of the occupier or a warrant issued by a judge or magistrate. Even after the consent has been granted the very moment it is withdrawn the officer then becomes a trespasser. Where the police officer has warrant, the warrant should state clearly the premises to be searched and the type of evidence sought.

A warrant is not necessary where:

- there is a general power of search authorised by legislation;
- a situation of urgency exists; or
- a search occurs at the time an arrest is made.

### *Questioning suspects*

The police may question a suspect but the suspect has the right to remain silent. Where a statement is made under stress, duress, or in other unfair circumstances, it may not be admissible in court.

### *Arrest*

Police can arrest with or without a warrant. A warrant is not necessary where police witness or have reasonable cause to suspect that crime has been or is about to be committed. Photographing or fingerprinting of an accused person may be carried out after an arrest has been made.

### **Rights of the accused**

Situations may vary from jurisdiction to jurisdiction, but generally,

- police may not detain a person against his or her will unless the person has been formally arrested;
- an arrested person has a right to make a phone call to a legal adviser, friend or relative;
- an arrested person is generally entitled to bail; if denied this right he or she can seek appearance before a magistrate to prove that bail ought to be granted. The granting of bail is often subject to conditions such as the surrender of a passport, the promise not to associate with

certain persons, or to report regularly to the local police station. Bail can be revoked if the accused fails to comply;

- an arrested person remains innocent until he or she has been proved guilty and should be treated as such by the police.

### **Presentation Guide**

1. Introduce the session by asking participants to compare the role of the Australian police to the one in their traditional societies or original home countries. Similarities and differences should be listed and discussed.
2. Invite a police officer to come and address the group on the role of the police and the procedure of their operations. Give the participants time to ask any questions.
3. An overhead on the rights of individuals and limitations on the powers of the police would be a useful summary which participants can obtain in hard copies.

### **Resources needed**

Appropriate videos

Overheads

Butcher's paper

## **Session 4: Court people and procedures**

**Duration: 2 hours**

### **Purpose**

The process through which courts decide the guilt or innocence of the accused and apply penalties can be a nightmare for many Aboriginal and NESB people who must have their 'day in court'. In many instances, the setup and appearances of court officers add to the intimidation which these people confront.

This session should demystify the court people and procedures for the participants. It should enhance a functional knowledge and understanding which not only engender respect for the system but also guarantee a basic degree of confidence in participants' ability to seek a fair trial.

### **Objectives**

At the completion of this session participants should be able to:

1. identify different officers of the court system;
2. differentiate between the adversarial and inquisitorial systems of court trial; and
3. understand what is demanded of different roles such as the accused, a witness and a juror.

### **Basic content summary**

#### **Officers of the court**

Discuss the role of:

- prosecutors (police or crown law officer),
- defence (solicitors and barristers);
- judiciary (justices of the peace, magistrates, and judges); and
- court officials (clerks, judge's associates, and orderly).

#### **Adversarial and inquisitorial systems of criminal trial**

In the adversarial system, there are two sides which oppose each other. Each side is responsible for putting forward the best argument it can and

the judge decides whose case is stronger. A criminal trial proceeds by the accused challenging the claim of the state that he or she has committed a crime. The accused may or may not be represented by a lawyer. He or she nevertheless stands opposed to the might of the state as embodied in the police prosecutor or a crown law officer.

*Parties carry on a contest with each other before the watchful eye of the judge, inviting him or her to hold in their favour, somewhat in the manner of an umpire who is appealed to for a decision. The judge does not descend into the arena with the combatants.*

The inquisitorial system requires the judge to be involved in taking a complaint, inquiring into it, finding witnesses, interrogating them and presenting his or her findings to the court in writing. The work of the Coroners in Australia are essentially inquisitorial.

*When our European litigant comes to court, he might very well expect that the judge is fully familiar with his case. Indeed, in criminal cases in the Continental (inquisitorial) system, the judge would have in effect conducted the investigation. The litigant would expect that the judge would find out the real facts for himself.*

Aboriginal people and some NESB people who come from places other than Europe, are more familiar with the inquisitorial system than with the adversarial system.

To all, this session should emphasise the fact that the adversarial system predominates in Australia. Parties are expected to handle the entire planning and conduct of their trials and so, they should be fully prepared before appearing before the judge.

### **Trial process**

An accused gets to court either by way of arrest or summons/information. The nature of the offence will largely determine which method is used. Once in court, a number of processes take place. Participants should now be taken through details of the major stages:

*Hearing:* a description of the charge(s) must be given and the accused must be invited to enter a plea of guilty or not guilty. The judge may accept or reject a plea of guilty. On a plea of not guilty, a simple offence can be tried by a magistrate only. In other cases, a jury will need to be empanelled to decide on the facts while the judge determines the question of law.

*Examination:* In examination the counsel leads his or her client to put the evidence for their side of the case to the court. Cross-examination follows, some of which can be very ferocious if only to raise doubts in the minds of the judge and/or jury about the veracity of the opponent's evidence. A judge will prevent an unfair cross-examination.

*Closing speeches:* The prosecutor sums up the case against the accused and the defence counsel sums up defects of the prosecution case along with the strong points for the defence. The judge then outlines the evidence for both parties, calls attention to problem areas if any and directs the jury as to the relevant law governing the case.

*Verdict:* The following findings can be made - not guilty of the offence; not guilty of that offence but guilty of another offence; not guilty by reason of insanity (or some other incapacities); or guilty of the offences as charged.

*Sentencing:* The judge determines the consequence the convicted offender should suffer for committing the offence, considering all relevant information. This could occur immediately after the verdict or on a different day to be appointed by the judge; the judge would also hear from counsel about sentence.

## Presentation Guide

By way of introduction,

1. ask participants to write on pieces of paper aspects of the trial system with which they were familiar in their traditional societies or home countries and drop the pieces of paper in a box;
2. allow the participants to pick the papers at random and read them aloud;
3. ask participants to describe any encounters they have had with the court system in Australia, noting any differences with their previous experiences;

Use the information as a background or launch pad for the entire session. For an 'insider' information, court registrars or other court officials could be invited as guest speakers at this session.

## Resources Needed

Overhead

White board

Paper box.

## **Session 5: Correctional procedures**

**Duration: 2 hours**

### **Purpose**

Some cases of breach of conditions, escapades, violence (riot, hostage, interpersonal harm, self mutilation, etc) and deaths in the correctional system are related to the experience of culture shock for some of the convicted offenders from Aboriginal and NESB communities. The process of admission into community-based or institutional corrections and the subsequent daily routines can be traumatic especially for persons or families of persons not set on a criminal path.

This session is designed to provide information to Aboriginal and NESB communities on the workings of the correctional systems.

### **Objectives**

At the completion of this session, participants should be able to:

1. understand the fundamental responsibility of corrections;
2. explain the procedures for admission into corrections;
3. identify daily routines in corrections; and
4. understand the cultural aspects of the procedures and routines in Australian corrections.

### **Basic content**

Like every organisation, corrections have culturally determined procedures, routines and laws which they follow in order to discharge their responsibility for custody, security, control and re-education. Presenters should outline these issues and, at every point, emphasise the cultural basis of the practices of corrections.

There will be differences from state to state as to how convicted offenders are admitted into corrections and the regime of daily activities. Generally, the procedures and routines, especially for custodial sentences would include:

- journey to the holding area
- reception ceremony (including fingerprints)

- assessment for medicals
- changing into correctional uniforms
- observation and referral to levels of security
- general and skill-related work
- musters and counts
- searching methods (including body search, strip search, cell search)
- visits and visitor identification

### **Presentation guide**

1. Be aware that some participants might find the session distressing either because of personal experience or experience of relatives. Appropriate sensitivity should be observed in order to keep everybody 'in the party' and happy throughout the session.
2. If it can be properly arranged, a correctional officer and/or a willing offender of an Aboriginal or NESB origin in the correctional system should be invited to address the session.
3. Questions and answers should be encouraged from the participants.

### **Resources needed**

Appropriate videos

Butcher's paper

Samples of reception cards and visitors' information forms

## THEME 2: SELECTED AREAS OF LAW THAT AFFECT DAILY LIFE

### Basic bibliography

Bates, N. (1980), *Introduction to Legal Studies* (3rd ed.), Australia, Butterworths.

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Twyford, J. (1981), *The Layman and the Law in Australia*, New South Wales, Australia, Griffin Press.

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**Session 6: Law against violence in the family****Duration: 2 hours****Purpose**

Australian law deals with such matters as protection from forced marriages, domestic violence, child abuse, the distribution of marital property, and other violence-related consequences of marital breakdowns. As with other areas of law, the cultural underpinning may differ from those with which Aboriginal and NESB people are familiar. The purpose of this session is to provide information on what Australian law prescribes for these matters and the process of seeking redress under the law.

**Objectives**

At the completion of this session, participants should be able to:

1. appreciate what is considered to be 'violence' in the family in Australia;
2. understand the legal response to family violence in Australia;
3. use appropriate 'know-how' or channels to seek redress under the Australian law

**Basic content****What is violence in the family?**

Generally, any act of violence inflicted on a family member by another family member would be frowned at in Australian law. Such act may involve attempts to control the victim and can manifest in physical, sexual or psychological damage, forced social isolation, forced sexual access, economic deprivation, destruction of property, or neglect.

*Cross-cultural analysis of family violence found that its meaning and derivation varied in different societies. Some beliefs and cultures are conducive to this violence...Family violence cannot be tolerated..., it is a criminal offence...the family law system has an important role to play in its prevention in Australia.*

## Legal response

Laws in all states and territories in Australia now acknowledge that manifestations of violence in the family carry a criminal undertone. Some manifestations can readily be described as:

*Assault* : pushing, shoving, hitting, verballing, spitting, and other threatening actions such as raised fist (not including bodily harm).

*Grievous bodily harm*: bodily injury of a serious and more permanent nature.

*Unlawful wounding*: cutting with a knife or screwdriver or any similar instrument. Some Criminal Codes provide that the cutting must penetrate three layers of skin.

*Criminal damage*: damage to property whether it is jointly owned or not. Includes damage by fire.

*Disorderly conduct*: harassment in a public place is an example.

Changes to family law and marital rape laws in recent times have widened the definition of violence, police powers of entry, special powers of detention or arrest, and sentencing. In addition there are now specific family violence legislation aimed at providing protection for victims. Presenters should go through this legislation with the participants.

*Legislation has been adopted throughout Australia to protect individuals within a family unit from physical or emotional abuse. Generally, such legislation provides a legal process for the offending member to be restrained from continuing such abuse towards other family members. Although this process is effective to some degree, it only provides curative measures and does not address preventive measures.*

## What to do when violence occurs

Where family violence occurs either towards the spouse or the children, protection orders can be taken against the perpetrator. If the order is breached, police can bring a criminal charge against the offending party.

A spouse who is concerned that the other spouse may cause injury to them or their children may apply to the Family Courts for an injunction to restrain the other spouse from approaching them. Persons in de facto relationship can also apply for similar orders or take action under specific legislation such as the *De Facto Relationship Act 1984* (NSW).

Both the Family Court (Commonwealth) and the Departments of Family and Community Services in States and Territories provide free counselling services to people having family problems.

When the violence is against children, the children may be removed from the offending spouse or from that particular family environment.

### **Presentation Guide:**

Family violence may be an emotional issue to some participants who may have experienced it in their relationships. The presenter should be aware of this and, *ipso facto*, lead the session in a very sensitive manner.

1. Show a very informative video on family violence
2. Prepare an overhead of various legal responses in your State or Territory; refer to corresponding responses in other places to emphasise, *inter alia*, the official concern for this problem.
3. Ask if participants are willing to discuss some issues they saw from the video or from personal experience and how they went about solving the problem of violence.
4. Invite guest speakers from the family court and/or domestic refuge homes to explain to the participants how domestic violence is handled and the services available to help families overcome family violence.

### **Resources Needed**

Video

Butcher's paper

Appropriate legislation

## **Session 7: Understanding the Family Court**

**Duration: 2 hours**

### **Purpose**

The Family Court now looms large in the affairs of many families in Australia. Aboriginal and NESB people come under its jurisdiction like other groups in the society; they are, however, prone in their contact with the Court to experience cultural assumptions that are significantly different from the ones with which they are familiar.

A prior knowledge of these assumptions is a major factor in reducing tension during contact. The purpose of this session is to enhance such knowledge.

### **Objectives**

At the completion of this session, participants should be able to:

1. explain the role of the Family Court in relation to such issues as marriage, divorce, maintenance, custody and access; and
2. understand the assumptions, principles and procedures that influence the Family Court's decision-making.

### **Basic content**

The ideals of a family institution should be obvious to the participants. The presenter can briefly refresh their understanding by outlining a few of these ideals. For example, the family is to:

- provide a relationship of mutual care and companionship between a man and a woman or within other combinations;
- provide a supportive environment for children to be brought up;
- act as chief socialiser of children into the values of society; and
- provide stability within society.

## **The role of the Family Court**

In real life, these ideals do not always prevail. As a result, matters arise which require official intervention and it is in this regard that the Family Court has acquired much significance in Australia. The last two decades have witnessed major changes in the family court system. However, its role remains essentially the same. In broad terms, it includes to:

- preserve and protect the institution of marriage as a union of a man and woman to the exclusion of all others voluntarily entered into for life;
- give the widest possible protection and assistance to the family as the natural and fundamental group unit of society; and
- protect the rights of children and promote their welfare.

In the event of an irretrievable marriage breakdown, the Court can be called upon to dissolve the union and deal with ancillary matters such as maintenance, custody and access. Irretrievable breakdown of the marriage means that the marriage cannot be saved; the couple have stayed separate from each other (apart or in the same house but no consortium) for a specified statutory period (e.g twelve months); and one partner agrees to a divorce.

The basic steps for dissolution include the following:

1. a spouse can approach the court personally or through a lawyer to commence divorce proceedings;
2. the court recommends counselling to try to save the marriage;
3. if counselling fails, the parties (called applicant and respondent) have their case listed before the court;
4. the parties must establish grounds for divorce. If they do so, the judge must grant them a divorce. She or he can refuse if there are children involved and there is no adequate provision made for their well being.
5. if the judge accepts the application, s/he grants a decree nisi (partial) which becomes decree absolute one month after it was granted. Parties are not formally divorced and

cannot remarry until after the decree become absolute. At that point, the marriage no longer exists at law.

*Maintenance:* granted to the spouse who cannot support herself or himself. Usually, the man pays maintenance to the woman for the child's upbringing until the child turns eighteen, completes education or gets married, whichever occurs first.

*Custody:* granted to the party who is best able to look to the welfare of the child. Factors such as age of the children, who they are currently living with, the home environment of the parties, and the wishes of children themselves are all considered.

*Access:* granted to the party who does not receive custody of the children, unless it is shown that this is not in the best interest of the children (for example, if the party has a record of child abuse). Access means the children get to visit or stay with the party for the periods determined by the court.

In relation to the welfare of children generally, the Court oversees the duty of parents or custodians who are to:

- maintain and ensure the well-being of their children, physically and emotionally;
- ensure that the child is adequately clothed, fed, sheltered and that their health is maintained. (In cases where the parents cannot provide for the child, the child might be removed from the parents);
- ensure that children of school age are sent to school until the age of fifteen or educated at home provided the standard of education satisfies the requirement of the Education Departments or Ministries.

## **Presentation Guide**

The presenter can adopt any method of presentation that best addresses the issues in question. The following suggestions may be of assistance.

1. Start by asking participants to discuss in groups their understanding of the role of the family in our society and the place of law in this role.
2. List any differences between what the participants understand and what the Australian family law system commands.
3. Use overheads or other multi-media methods to present the way the Family Court intervene to preserve dissolve the family unit, and the responsibilities of parents or custodians for the welfare of children.
4. Invite guest speakers from the relevant Departments and the Family Court to discuss specific policy and practical issues, pointing out cultural implications.

## **Resources Needed**

Appropriate video on role of the family court

Overhead projector

Butcher's paper

## **Session 8: Road Traffic and Driving Laws**

**Duration:** 2 hours

### **Purpose**

Public awareness of the road traffic laws generally seems to be low. The awareness of the Aboriginal and NESB people would arguably seem much lower. The potential for conflict between those with lower awareness and those who enforce these laws is very high.

This session will provide broad information on road traffic and driving laws mainly in relation to motor vehicle registration, licensing, road use, and drink driving.

### **Objectives**

At the completion of the session, participants should be able to:

1. demonstrate increased awareness of the motor registration and licensing laws;
2. outline the dangers of general driving offences and, in particular, drink-driving;
3. understand the role of traffic police, including those using patrol cars or motorcycles; and
4. understand their rights and obligations in the prosecution of motoring offences.

### **Basic content**

The use of public spaces such as motorways requires that the instrument of transport be properly registered and its users be legally licensed. Most Aboriginal and NESB people would be familiar with this general rule. Problems arise in circumstances which produce a disjunction between what these people had known and accepted in their traditional societies or home countries and what this general rule now requires of them in the mainstream Australia.

#### **Registration and licensing**

Presenters should discuss in step by step fashion, the process of getting a vehicle registered and obtaining drivers licence. Other issues that should be discussed include expiration and renewal of registration and licences,



private versus business registration of vehicles, categories of driving licences, and insurance.

### General driving offences

The session should also focus on the need to:

- observe speed limits
- avoid entering intersections against the red light
- obey the 'give way to the vehicle on the right' rule;
- not cross double lines.

*Speeding over short distances between the slower vehicles is tempting, but very rarely effective in making journeys significantly quicker. This is combined with greater danger...It should be made clear how little there is to be gained by the extra speed attempted by many drivers.*

### Drink driving

Driving under the influence or above allowable limits is dangerous to one's self or fellow citizens and is an offence punishable in all jurisdictions in Australia. There are fines and cancellation of drivers licence, among other penalties.

*The same substances that provoke merriment, pleasure, or exalted states of consciousness also tended to have some serious negative consequences. Most drugs, including alcohol, are poisons and can result directly in death...they can lead to injuries resulting from accidents.*

As the cost of drink-associated motor accidents to the community and to the individuals has increased in recent times (use statistics to demonstrate this very vividly), the Parliament of each State or Territory of Australia has moved to make the control provisions more stringent. Examples should be drawn from the relevant laws to illustrate this point.

Participants need to understand that these laws also allow random breath tests and the taking and analysis of a motorist's blood sample. Generally, the consent of the motorist is not necessary for the enforcement officer to carry out this procedure. In fact refusal by the motorist to cooperate might be an offence.

## **Prosecuting motoring offences**

Police have the power to question motorists suspected of violating road traffic laws on the spot. Motorists who are involved in a motoring offence when the police are not present are required to report the matter to the police as soon as possible.

Other than giving their names, addresses and occupations, motorists are not obliged to answer further questions. However, a cooperative approach could lead to a satisfactory resolution for both sides.

In the event that charges will be laid, participants need to know the method by which their cases will be brought before the court (e.g by information or summons) and what legal advice they may need. In the court, the procedures and the rights of the defendant discussed in Session 4 of this Handbook will generally apply. The presenter should give an overview of these procedures for the sake of those who might not have attended that earlier session.

## **Presentation guide**

Presenters should make this session as visual as possible. Many aids can be employed, including posters, road signs, and videos on road uses, means of transport, drink-driving, etc. In addition, presenters should

1. use samples of vehicle registration, driving licence, and renewal forms for illustration;
2. draw up a brief and simple questions with yes or no answers, regarding various aspects of road traffic laws and drink-driving, to test understanding; and
3. invite vehicle registration and traffic control/patrol officers to contribute to the session. They should lead participants through all the necessary processes in a step by step fashion.

## **Resource needed**

Video player

Overhead projector

Stickers

Butchers papers or White boards

Rooms for group discussion.

## Session 9: Offensive weapons and firearms laws

**Duration:** 2 hours

### Purpose

Every thing is capable of being misused, but offensive weapons and firearms stand in a class of their own. Their misuse is, in effect, potentially the most lethal, instant and fearful. To possess them, therefore, puts an enormous social and legal responsibility on the possessor and those whose job it is to protect the community.

This session will highlight the uses and misuses, management and control, and official punitive responses in respect of offensive weapons and firearms.

### Objectives

At the completion of this session, participants should be able to:

1. understand the link between firearms and anti-social behaviours;
2. understand the laws dealing with importation, sale, ownership and use of firearms; and
3. appreciate firearm offences and penalties attached to them.

### Basic content

Firearms can be owned and used legitimately in such things as hunting, vermin control, and target shooting. They are equally capable of being misused, in the process wreaking havoc on society.

<i>Just one firearm in the wrong hands can cause a disaster.</i>
--

"Firearms kill 650 to 700 Australians each year". Their involvement in non-fatal robberies, aggravated burglaries, assaults, and other violence-threatening behaviours is more widespread. Both in their homicidal and non-homicidal effects, they compromise the rights and safety of members of the community in a far more fearful way than any other instrument of crime.

*The large number of sales of military semi-automatic centre-fire assault rifles over the past decade, and their use in four massacres in four years in Australia has forced us to carefully consider the availability of firearms in this country. We surely did not need eminent overseas criminologists to tell us that the bloody American society is a vision of our future to be avoided.*

## Legal control

With the exception of importation, firearms issues are mainly handled by the States. Most States have different licensing conditions for the ownership or use of firearms in private and commercial contexts.

Generally, the following groups may own or use firearms:

- Dealers in firearms (manufacturers, repairers).
- Farmers who have the need to destroy vermin (foxes, rabbits).
- Members of a registered firearm club.
- Prison authorities, police, security persons.
- Abattoir workers.

The laws that allow these groups to own or use firearms usually prescribe strict security conditions. For instance, in a home environment, firearms must be kept in a lockable container in a safe place. Most state laws require guns to be secured in locked receptacles, and ammunition to be secured in separate containers.

## Firearm Offences

Behaviours or conducts which violate firearm laws in Australia are outlined in those laws. Most of these laws provide for such issues as cooling-off period, testing and instruction, minimum age, registration, restriction on semi-automatic weapons, storage, and the use of firearms in family violence and other offences.

Participants should be made to be well aware that the approach of the law is toward strict control. For instance, pointing of a firearm at another person, loaded or unloaded, is an offence; so also is unlawful possession of firearm, whether or not it has been used.

## **Punishment for firearm offences**

The penalty for pointing a loaded firearm at another person can be far more severe than that of pointing an unloaded firearm, but the effect on the victim will be a factor to be considered.

If there is a complaint that a person is in possession of firearm unlawfully, the claim would be investigated and, if confirmed, the person could be charged. The firearm could be destroyed and the person made to pay fines.

The penalties vary from state to state. The presenters should contact their local Police firearm section for appropriate information about this aspect.

## **Presentation guide**

1. Get the participants to
  - list different types of firearms with which they are familiar
  - outline their uses;
  - demonstrate techniques of safe weapon handling; and
  - identify forms in which misuse can occur.
2. Discuss differences between ownership, sale and use of firearms
3. Invite officers from the Firearm Registry to speak to, and answer questions from, the participants

## **Resources needed**

Video player  
Overhead projector  
Stickers  
Butchers papers or White boards  
Rooms for group discussion.

## **Session 10: Drugs and legal responses**

**Duration:** 2 hours

### **Purpose**

Drugs such as opium, heroin cocaine and cannabis are increasingly having a significant impact on the society. The nature of this impact depends on the context and the 'how' of their uses. By and large families, communities, and the state have become quite concerned with the deleterious effects of the misuse of these drugs. The damage which the misuse is exacting on young people in particular means that the future of the entire society can be badly compromised unless appropriate action is taken now. This session will sensitise participants to the effects of drug use or misuse and the responsibility outlined by law in response to these effects.

### **Objectives**

At the completion of this session, participants should be able to:

1. distinguish between the views of drug use as leisure and as pathology;
2. understand legal responses to drug abuse in Australia;
3. understand critical issues in the policing of drug laws; and
4. identify support services for people dealing with drug-related problems.

### **Basic content**

The dividing lines between socially accepted, medically prescribed, and deviant uses of drugs can be very shifty indeed or, at best, contestable. However, opinions are unanimous on the need to be concerned about harmful uses of drugs. Presenters should spend reasonable time on the various uses of drugs and their effects. The link between drugs and young people's trouble with their families and the justice system should be investigated thoroughly.

In one sense, drug-related misbehaviours are seen to fall in the category of "victimless crime" that is, only the persons misusing drugs are affected by them. Compare this view, for instance, with the argument that alcohol can make the drunk have accidents which more often than not affect other road users. Query: is there really a victimless crime?

## Drug laws

In any case, participants should examine how drug laws in Australia make importation, sale, possession, and use of particular drugs such as opium and cocaine or cannabis an offence which attracts harsh penalties.

*To reduce the incidence and cost of drug-induced harm, most societies have developed various forms of control. These range from mild social disapproval to execution for drug trafficking. The problem is that not only do these controls frequently not achieve their intended ends, they often create new problems.*

Broadly, it is an offence for a person to:

- possess drugs on board any ship or aircraft;
- import, export or attempt to import or export any prohibited drugs;
- possess any illegally imported drugs or drugs in quantities reasonably suspected of having been illegally imported;
- possess for sale, grow, make or sell drugs;
- traffic in drugs; or
- conspire to do any of the above.

The type of drugs to which these offences relate include: marijuana, amphetamines, barbiturates, cocaine or crack, hallucinogens, heroin, inhalants and ecstasy or designer drugs.

Penalties are tailored to quantities and categories of the drugs in question. For instance, a less than 'trafficable quantity' of marijuana (cannabis, Indian hemp or grass) attracts a fine of a lower amount and/or smaller length of imprisonment than the 'trafficable quantity'.

*By the end of the nineteenth century a whole host of new drug laws were passed to control and even outlaw alcohol, opiates, cocaine and other drugs. These laws began to target not simply excess and intoxication but any use or possession...Whatever the impetus, legal intervention moved back along the chain of use. Intoxication was prevented by preventing use of the drug (except medically) and use was prevented by preventing possession. In turn possession was to be prevented by preventing sale, which also meant preventing trafficking and finally preventing production.*

While defences such as a mistake about the nature of the substance or having been forced to import such substances might be provided for in

various relevant laws, it is infinitely more advisable to be vigilant and not get involved in the first place.

The police are empowered to arrest and prosecute people suspected of violating drug laws. In most states in Australia, special squads have been created and special techniques devised to apprehend traffickers, sellers or users. Presenters should discuss the processes and techniques of arrest or prosecution under relevant laws and institutions in the context of their own State or Territory.

Specific legislation in Australia includes the *Customs Act 1901* (Cth); *Crimes (Traffic in Narcotic Drugs and Psychotropic Substances) Act 1990* (Cth); *Proceeds of Crime Act 1987* (Cth); *Drugs, Poisons and Controlled Substances Act 1981* (Vic); *Drugs Misuse Act 1986* (Qld); *Misuse of Drugs Act 1981* (WA); and *Misuse of Drugs Act 1990* (NT).

### **Presentation guide**

It would be useful to canvass from the outset, the views about drugs and their uses with which the participants have come to the session. Attempts can be made to categorise these views into two broad perspectives and to use them to commence discussion.

1. Ask participants to debate these perspectives with a view, mainly, to demonstrating differences in attitudes and emotions that are usually brought to bear upon discussions about drug use and offences.
2. Outline the main provisions in the relevant laws and ask participants to express opinions about acceptability, adequacy, and enforceability of these provisions.
3. Show video clips on involvement of illicit drug users (generally or with specific focus on the youth) and the intervention of law enforcement agencies.
4. Invite relevant agencies to address the session, highlighting those aspects of technical information with which participants may not be readily familiar.

### **Resources needed**

Relevant legislation

Video player

Overhead projector

Stickers

Butchers papers or White boards

Rooms for group discussion.



### THEME 3: RIGHTS AND RESPONSIBLE CITIZENSHIP

#### Basic bibliography

Bailey, P. (1990), *Human Rights: Australia in an International Context* Sydney: Butterworths.

Henkins, L. (1981), *The International Bill of Rights: The Covenant on Civil and Political Rights* Quorum Verlag.

Hocking, B. (1988) *International Human Rights and Aboriginal Human Rights*. North Ryde, NSW: Law Book Company.

O'Neill, N. and Handley, R. (1994), *Retreat from Injustice: Human Rights in Australian Law*, New South Wales, The Federation Press.

Ronalds, C. (1979), *Anti-discrimination Legislation in Australia*, Australia, Butterworths.

## Session 11: Civil, political, social and economic rights

**Duration:** 3 hours

### **Purpose:**

Being an Aboriginal or NESB person can mean being disproportionately exposed to a significant social and economic disadvantage. In some cases, this situation results from being denied rights that other members of the society enjoy as a matter of course. In other cases, the person is simply unaware of his or her rights and, therefore, unable to exercise those rights to enhance his or her well-being. Whether it is through denial or lack of awareness, the person affected will be disempowered and his or her capacity to contribute to responsible citizenship significantly diminished.

The purpose of this session is to get Aboriginal and NESB people to examine the structure of rights in Australia and the process of exercising those rights which properly belong to them as they discharge their responsible citizenship role in the society.

### **Objectives**

At the completion of this session, participants should be able to:

1. identify basic rights and their legal framework in Australia
2. understand when and how to exercise these rights; and
3. analyse the effect of rights on life chances and on contribution to responsible citizenship.

### **Basic content**

There are basically civil, political, social and economic rights, most of which have been expressly prescribed in national and international laws. In Australia, these rights can be found in laws including the Commonwealth *Constitution*, judge-made laws, electoral laws, and equal opportunity laws.

Presenters should discuss, *inter alia*, such rights as in 'civil wrongs', the freedom of movement, expression, religion, and assembly. The literature on these rights is now huge. Among other things, the essence of these freedoms should be emphasised. Principally, the rights allow people to be who they are and do whatever they want or go wherever they want so long as they do not cause discomfort or harm to other people. The

limitation of rights ending where "other people's noses begin" is one among many others that can be imposed by law.

The following sections simply provide general description of selected rights. Presenters should locate relevant laws and use them during the session to address specific legal provisions regarding these rights.

### **Civil wrongs**

People need to be aware of the fact that the law provides a right to compensation, and also the power to prevent activity which causes harm or annoyance to others. For example, if a neighbour causes excessive noise, smell, or dust, a person may go to a court and seek an order preventing the neighbour from continuing with the activity and seek damages for any loss or harm suffered.

Areas of civil wrong include:

- road or workplace accidents;
- professional negligence (doctors, lawyers, insurers, company directors, etc);
- trespass;
- assault;
- defamation;
- wrongful imprisonment; and
- occupiers liability

Facilitators should address the common law and statutory avenues of recovery or compensation for these civil wrongs. This session should make it abundantly clear to the participants that the presence of these avenues means that they do not need to take laws into their own hands when they suffer harm from other people.

### **Freedom of movement**

- citizens and visitors are allowed to visit any public place, with the obvious exception of areas of military activity;
- citizens wishing to travel abroad would need to apply to the Minister for Immigration for a passport and other travel documents. The Minister has the power to grant or refuse to issue a passport without explanation;
- control of entry of immigrants or foreign visitors is the responsibility of the Department of Immigration. This

Department issues permits or visas to allow people move to and fro Australia;

- criminals, the sick, and those who may be considered to undermine the security of the State are generally not granted entry documents;
- persons who enter illegally or are holding an expired or cancelled permit may be deported;
- persons can be extradited to stand trial in another country. However, the Government may grant asylum to political prisoners or people escaping from political persecution.

### **Freedom of Expression**

Participants should be encouraged to discuss the right to express their opinions and to view such expression as a democratic virtue. This freedom includes the right to say or write anything, even though it may be critical of Government or institutions of State. They should, however, be informed about some limitations on this right. For example,

- people are not allowed under law to defame another by slander (temporary defamation like oral statement) or libel (permanent defamation by writing in a newspaper, etc). [Examine the laws of slander and libel in your jurisdiction];
- some court proceedings involving crucial national security matters or children may be removed from the province of free expression;
- publications likely to be harmful to readers may be suppressed;

### **Freedom of Religion**

Section 116 of the federal Constitution states:

the Commonwealth shall not make any law for establishing any religion, or for imposing any religious observance, or for prohibiting the free exercise of any religion, and no religious test shall be required as a qualification for any office or public trust under the Commonwealth.

In public schools where religious teaching takes place, only those children whose parents allow them to attend may do so.

### **Freedom of Assembly**

In most states of Australia, people are allowed to hold a public assembly so long as they do not:

- obstruct a footpath or roadway
- assemble riotously and tumultuously or disturb public peace.

Criminal charges can be laid against any person(s) found or suspected of going against these limitations. Usually, the charges would be for offences falling into the misdemeanour category.

### **Equal opportunity in economy and other areas**

Opportunity is fundamental to the enjoyment of other rights in the society and to the sense of fulfilment as a responsible citizen. Lack of opportunity is potentially more devastating to a dispossessed Aboriginal person or a newly arrived NESB person than it is to the general populace.

Presenters should lead discussion on what equal opportunity means in the Australian context, the legal framework of this policy, and how participants can avail themselves of the policy.

Lack of equal opportunity can arise from discrimination which some people suffer on the grounds of their sex, marital status (married, single or de facto), disability, private life (religious or political beliefs), racial, national or ethnic backgrounds. The grounds of discrimination vary or are differently expressed from state to state.

Most of the equal opportunity laws seek to enforce equality in access to the following areas: employment, education, provision of goods and services, and accommodation.

If individuals experience discrimination in any of these areas on any of the prescribed grounds, they can seek redress through the Federal and State anti-discrimination or equal opportunity bodies.

At the Federal level, there is the Human Rights and Equal Opportunity Commission; the States and Territories have Anti-Discrimination or Equal Opportunity Boards and Tribunals.

Presenters should go through the procedures for seeking redress from these bodies, in a step-by-step fashion. The discussion should focus, *inter alia*, on the lodgement of complaints, hearing and appeal procedures, and the decisions that are open to these bodies, including remedies and compensation.

### **Affirmative Action**

It is a recognised fact that while equal opportunity and anti-discrimination laws may exist, some people are structurally deprived of a competitive starting position. For such people, these laws are virtually meaningless unless something is done to enhance their chances. One of the most promising strategies is to embark upon a positive action which increases their access to employment, education and other life opportunities. Affirmative action law embodies this strategy.

The essence of this law is to remove institutional barriers that women, Aboriginal and NESB people or other minority groups encounter. In the employment sector, the law seeks:

- commitment by senior management to increase the chances of such disadvantaged people;
- review of all personnel policies and terms or conditions of employment with a view to removing their negative impact on disadvantaged groups; and
- the design of new personnel policies to overcome the effects of past discrimination.

Both public and private sectors are expected to adhere to the policies of affirmative action.

### **Consumer's Rights**

The relationship between the seller and buyer of goods can turn sour especially where the buyer is not satisfied with the performance of the product. Given differences that do exist in the way products are described or packaged in different societies, Aboriginal and NESB people can be very vulnerable to misapprehension about the quality of the goods they buy.

All the States have adopted the *Sale of Goods Act* and this law specifies the rights of the consumer. Basically, a consumer is entitled to a refund of his or her money where a product has a fault whether from the design

or workmanship. The consumer can also get a refund if, after buying goods, he or she is forced to return them because the seller did not own the goods.

Trade practices or fair trading legislation provide additional framework for consumer protection. In each State and the Australian Capital Territory, the government has set up an organisation to receive consumer complaints. The organisation is referred to as a Consumer Affairs Bureau except in South Australia, where the functions are performed by the Commissioner for Prices and Consumer Affairs.

The responsibilities of the Bureaux are to receive, investigate, advice and research into consumer problems and consumer education. Presenters should discuss the process of lodging complaints with these bodies.

### **Presentation guide**

Presenters can adopt any method(s) that they consider most appropriate to deliver the topics in this session. Clearly, the issues are diverse, but there is a unifying context, namely: the region of freedom within which people can organise their own lives as they deem fit and the opportunities they can legitimately expect from the state as they seek to participate in responsible citizenship.

1. Presenters should ensure that appropriate legal and policy documents are available for consultation at the session.
2. Appropriate videos can be used to demonstrate abuses of rights and ways of seeking redress.
3. Experts should be invited to speak on their areas of expertise. Officers from Crown Law Departments, Equal Opportunity Commissions or Tribunals and Consumer Affairs would be most appropriate.

### **Resources needed:**

Relevant legislation

Video player

Overhead projector

Stickers

Butchers papers or White boards

Rooms for group discussion.

## Session 12: Translating and interpreting service

### Basic bibliography

Laster, K. and Taylor, V. (1994), *Interpreters and the Legal System*, New South Wales, The Federation Press.

*Translating and Interpreting Service*, Western Australia.

**Duration: 2 hour**

### Purpose

The cultural and linguistic diversity of the Australian society and the emerging need to vigorously deliver access and equity, means, among other things, that the use of translating and interpreting service (TIS) has become a necessity. Nowhere is this necessity felt as in the area of justice administration. The purpose of this session is to bring to the attention of the Aboriginal and NESB people the existence of TIS and the manner in which TIS can be accessed generally and, specifically, in the justice context.

### Objectives

At the completion of this session, participants should be able to:

1. understand the functions of TIS; and
2. describe how to use the service.

### Basic content

TIS operates 24 hours a day, every day and provides:

- immediate help in up to 100 languages to enable Aboriginal and NESB people communicate with other people in the society.
- interpreting in various situations (for example, medical and legal), using people who are familiar with the subject area.
- quick interpreting help over the telephone
- arrangement for an interpreter to go to users' location



## How to use the Service

Participants should know that they can call TIS from an ordinary telephone any time, including during emergency situations, and can link up with TIS from anywhere in Australia on the **National Number 131 450**. Although this service is available 24 hours a day, 7 days a week, users access it for the cost of a local call.

## TIS Customer Charges

There are other TIS charges which vary from state to state depending on the type of services provided. *For further information on individual State Translating and Interpreting Services, participants should be advised to contact their local Department for Immigration and Ethnic Affairs (DIEA).*

## Presentation Guide

1. Introduce the session by showing a video and also brainstorm the experience participants might have had with TIS in the past.
2. Show some translated materials in other languages.
3. Identify the languages participants speak and the translation and interpreting services that may be available in some of those languages.
4. Role play a person arrested by the police, arraigned before a court, or admitted into a custodial correction and use an interpreter to facilitate meaningful communication.
5. Discuss possible problems in using TIS. If TIS workers are present, they should be invited to respond to such problems

## Resources needed

Appropriate video  
Translated materials

## **THEME 4: WHERE TO FIND HELP**

### **Basic bibliography**

Bowen, J. (1994), *The Macquarie Easy Guide to Australian Law* (2nd ed), New South Wales, The Macquarie Library Pty Ltd.

Chisholm, R. and Garth, N. (1992), *Understanding Law: An Introduction to Australia's Legal System*, Sydney, Butterworths.

*Pamphlets* by relevant organisations.

Wallis, B. (1979), *You and the Law in Australia*, Australia, Rigby Ltd.

Victim Support Service, *Assisting Victims of Crime*

### **Why further help is necessary**

The education sessions in this Handbook deal quite extensively with legal and justice issues that Aboriginal and NESB people are most likely to encounter. All the sessions taken together will nonetheless come short of providing exhaustive knowledge of the law and the process of justice delivery in Australia. In that regard, it is important that participants be pointed to other community resources upon which they can draw according to their needs. Most of the bodies suggested below would refer members of the public to solicitors who speak other languages, practise in a particular locality and/or are more familiar with a required area of law.

### **Organisations**

The Law Society of New South Wales  
170 Phillip Street  
Sydney NSW 2000  
(02) 220 0333  
Community Assistance Department  
(02) 373 7300

Law Institute of Victoria  
470 Bourke Street  
Melbourne VIC 300  
(03) 607 9311

There is a special (telephone only) taped information and referral service: Phone (03) 602 5000

Queensland Law Society Inc.  
Law Society House  
179 Ann Street  
Brisbane QLD 4000  
(07) 233 5888

Law Society of South Australia Inc.  
124 Waymouth Street  
Adelaide SA 5000  
(08) 231 9972

Law Society of Western Australia  
6th Floor  
33 Barrack Street  
Perth WA 6000  
(09) 221 3222

Law Society of Tasmania  
28 Murray Street  
Hobart TAS 7000  
(002) 344133

Law Society of the Australian Capital Territory  
Law Society Building  
11 London Circuit  
Canberra City ACT 2601  
(06) 247 5809

Law Society of the Northern Territory  
18 Knuckey Street  
Darwin NT 0800  
(089) 81 5104  
(06) 247 5809

## **Other Resources for Advice and Aid**

People who cannot afford legal advice should contact the legal aid body in their state. There is a head office in each capital city and various local offices listed in the telephone directory. Community legal centres may also give help and advice to people in their district; hence the following list.

National Association of Community Legal Centres  
60 Berwick Street  
Fortitude Valley QLD 4006  
(07) 852 2356

New South Wales  
Legal Aid Commission of NSW  
Daking House  
11-12 Rawson Place  
Sydney NSW 2000  
(02) 219 5000

Community Legal Centres  
Redfern Legal Centre  
73 Pitt Street  
Redfern NSW 2016  
(02) 698 7277

Women's Legal Resources Centre  
9 Carroll Street  
Licombe NSW 2141  
(02) 699 9277

Aboriginal Legal Service Ltd  
201 Cleveland Street  
Redfern NSW 2016  
(02) 8311066

South Coast Aboriginal Legal Service  
64 Worrigea Street  
Nowra NSW 2541  
(044) 21 4966  
After hours: Field Officer (044) 22 1517  
Juvenile: (044) 23 4562

Welfare Rights Centre  
414 Elizabeth Street  
Surry Hills NSW 2010  
(02) 211 5300

Women's Information and Referral Service  
Level 11,  
100 William Street  
Sydney NSW 2000  
(02) 334 1005  
008 817 227  
TTy 008 673 304

Tenant's Union of NSW  
68 Bettington Street  
Millers Point NSW 2000  
(02) 251 6590 (Hotline)

Commercial Tribunal  
Level 8  
175 Castlereagh Street  
Sydney NSW 2000  
(02) 283 2888

## **Victoria**

Legal Aid Commission of Victoria  
179 Queen Street  
Melbourne Vic 300  
(03) 607 0234

Federation of Community Legal Centres  
Suite 1  
250 Gore Street  
Fitzroy Vic 3065  
(03) 419 2752

Women's Legal Resource Group  
1st Floor  
165 Gertrude Street  
Fitzroy Vic 3065  
(03) 416 0294, (03) 416 0272  
008 133 302

Women's Information  
Referral Exchange (WIRE)  
1st Floor, Ross House  
247 Flinders Lane  
Melbourne Vic 3000  
(03) 654 6844  
008 136 570  
TTY 654 5124

Tenant's Advice Service (Also: Tenant's Union of Vic)  
35 Smith Street  
Fitzroy Vic 3065  
(03) 416 2577

Consumer Credit Legal Service  
1st Floor  
11-19 Bank Place  
Melbourne Vic 3000  
(03) 670 5088

Office of Fair Trading and Business Affairs  
3rd Floor  
500 Bourke Street  
Melbourne Vic 3000  
(03) 602 8140  
008 136 716

Credit Tribunal  
10th Floor  
601 Bourke Street  
Melbourne Vic 3000  
(03) 623 9192

Citizen's Advice Bureau  
176 Wellington Parade  
East Melbourne Vic 3002  
(03) 419 9866

Victorian Court Information and Welfare Network  
1st Floor  
565 Lonsdale Street  
Melbourne Vic 3000  
(03) 603 7420

Aboriginal Legal Service  
6 Alexander Parade  
Fitzroy Vic 3065  
(03) 419 3888

## **Queensland**

Legal Aid Office (QLD)  
44 Herschel Street  
Brisbane QLD 4000  
(07) 238 3444

Queensland Association of Independent Legal Services (QAILS)  
Level 3  
53 Ferry Road  
West End (QLD)  
(07) 844 1635

Community Legal Centres  
Arts Law Centre (QLD)  
4th Floor, Metro Arts Building  
109 Edward Street  
Brisbane QLD 4000  
(07) 241 1310

Caxton Legal Centre  
28 Heal Street  
New Farm QLD 4005  
(07) 254 1811

Women's Legal Service  
30 Thomas Street  
West End QLD 4101  
(07) 846 2066

Aboriginal and Torres Strait Islanders Corporation for Legal Services  
30 Herschel Street  
Brisbane Street  
Brisbane QLD 4000  
(07) 221 1448

Tenant's Union of Queensland  
109 Commercial Road  
Teneriffe QLD 4005  
(07) 257 1108  
008 177 761

Youth Advocacy Centre  
217 Lutwyche Road  
Windsor QLD 4030  
(07) 857 1155

## **South Australia**

Legal Services Commission  
82 Wakefield Street  
Adelaide Street  
(08) 205 0155 Telephone advice only.  
008 188 126  
(08) 205 0111 For appointments

Community Legal Centres  
Bowden-Brompton Community Legal Service  
19 Green Street  
Brompton SA 5007  
(08) 346 9394

Noarlunga Communtiy Legal Service  
40 Beach Road  
Christies Beach SA 5168  
(08) 384 5222

Norwood Community Legal Service  
11o The Parade  
Norwood SA 5067  
(08) 362 1199

Aboriginal Legal Rights Movement  
321-325 King William Street  
Adelaide SA 5000  
(08) 211 8824

Women's Information Switchboard  
122 Kintore Avenue  
Adelaide SA 5000  
(08) 223 1244  
008 188 158

Domestic Violence Service  
1st Floor, City Centre,  
11 Hindmarsh Square  
Adelaide SA 5000  
(08) 226 7065

Commercial Tribunal  
50 Grenfell Street  
Adelaide SA 5000  
(08) 226 8211



## **Western Australia**

Legal Aid Commission of WA  
55 St George's Terrace  
Perth WA 6000  
(09)261 6222  
008 809 616

Federation of Community Legal Centres (WA)  
96 Parry Street  
East Perth WA 6000  
(09) 227 6550

Community Legal Centres (WA)  
Gosnells District Information Centre  
2240 Albany Highway  
Gosnells WA 6110  
(09) 398 1455

Communtiy Legal & Advocacy Centres  
Birmingham Centre  
Parry Street  
Fremantle WA 6160  
(09) 430 2290

Migrant Resource Centre  
66 Angove Street  
North Perth WA 6000  
(09) 328 5890

Youth Legal Service  
57 Short Street  
Perth WA 6000  
(09) 227 4140

Citizen's Advice Bureau of WA  
33 Barrack Street  
Perth WA 6000  
(09) 221 5711

Commercial Tribunal  
6th Floor  
19 Pierce Street  
Perth WA 6000  
(09) 222 0660

Aboriginal Legal Service  
Piccadilly Square Commercial Village  
Suite 44  
10 Nash Street  
Perth WA 6000  
(09) 265 6666

Women's Information Referral Exchange  
6th Floor  
32 St Georges Terrace  
Perth WA 6000  
(09) 222 0444

### **Tasmania**

Australian Legal aid Office  
123 Collins Street  
Hobart TAS 7000  
(002) 30 0900  
Also at: Launceston and Burnie.

Hobart Community Legal Service  
'Nangaree'  
278 Elizabeth Street  
Hobart TAS 7000  
(002) 34 5988

Derwent Community Legal Centre  
Shop 4, Cove Hill Fair Shopping Centre  
East Derwent Highway  
Bridgewater TAS 7030  
(002) 63 5554

Devonport Community Legal Centre  
75 Best Street  
Devonport TAS 7310  
(004) 24 8720

Northern Community Legal & Welfare Rights  
2 George Street  
Launceston TAS 7250  
(003) 34 1577

Aboriginal Legal Aid  
198 Elizabeth Street  
Hobart TAS 7000  
(002) 34 3955

Office of the Status of Women  
Public Building, Franklin Square  
Macquarie Street  
Hobart TAS 7000

Office of the Status of Women  
Public Building, Franklin Square  
Macquarie Street Hobart, Franklin Square  
Macquarie Street  
Hobart TAS 7000

### **Northern Territory**

Northern Territory Legal Aid Commission  
6th Floor, National Mutual Building  
9-11 Cavenagh Street  
Darwin NT 0800  
(089) 81 4799

Northern Territory Legal Aid Commission  
Cnr Leichhardt Terrace and Gregory Terrace  
Alice Springs NT 0870  
(089) 52 1133

Women's Information Centre  
Ground Floor, Casuarina Plaza Building  
Trower Road  
Casuarina NT 0810  
(089) 50 3644

Women's Information Centre  
Department of Health and Community Services  
Ground Floor, Helm House  
Cnr Bath Street and Gregory Terrace  
Alice Springs NT 0870  
(089) 51 5880

## **Australian Capital Territory**

Legal Aid Commission (ACT)  
North Building  
London Circuit  
Canberra City ACT 2601  
(06) 243 3411

Welfare Rights and Legal Centre (ACT)  
Griffith Centre  
Bunda Street  
Canberra City ACT 2601  
(06) 247 2177

Legal Advice Bureau  
Law Society  
23 London Circuit  
Canberra City ACT 2601  
(06) 247 5700

Women's Information and Referral Centre  
Ground Floor  
North Building  
London Circuit  
Canberra City ACT 2601  
(06) 205 1075

Credit Tribunal  
2nd Floor, AMP Building  
Hobart Place  
Canberra City ACT 2601  
(06) 267 2715

# **Evaluation Schema for Multicultural Justice Education**

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1996**

**Sponsor: DEETYA**

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## INTRODUCTION

### **Multicultural justice education and evaluation**

Multicultural justice education is a social program which is expected to produce specific benefits to the society. An analysis of the existing relevant courses in Australia shows that such a program has the potential to encourage awareness, understanding, and respect for diverse cultures in legal matters thus supporting justice and social harmony. Experience suggests the program must address two audiences in order to be effective, namely the justice agencies and the communities most vulnerable to the experience of injustice because of their cultural backgrounds.

The education program directed at the justice agencies must aim to:

1. deepen appreciation of Australia as a multicultural society;
2. create an awareness of the forces that shape the place of different communities within the multicultural society and the way individuals within these communities present themselves to the justice process;
3. ensure justice agencies possess appropriate cross-cultural skills, sensitivity, understanding and acceptance necessary for upholding the banner of justice for all; and
4. make justice administration in a culturally diverse Australia a stress-free enterprise for all participants.

To the relevant communities, such a program must aim to:

1. provide foundation information about the various issues in justice education upon which the communities can continuously build;
2. highlight the need for members of the communities to be aware of their rights as they come in contact with the justice system;
3. ensure that the link between knowledge, rights and responsible citizenship is clearly understood; and
4. document various sources of help for members of the communities who need specialised information or knowledge about law and justice in Australia.

## **Why evaluation is necessary**

To determine the value of these education programs, it is necessary to review them at certain critical points, ranging from planning to assessment of outcomes. The aim of such a review should be to inform individuals, justice agencies, and communities about the appropriateness, effectiveness, or efficiency of the programs. An education program would be considered:

- appropriate, if it is the correct instrument, or its design and implementation are suitable for the objectives or needs to be met;
- effective, if it achieves or realises the set objectives;
- efficient, if the resources expended to meet the set objectives are just right or produce maximum effect.

Where there is a scheme to systematically measure these attributes, the program can avoid allegations that it is being driven by 'the pressures of strong interest groups, the whims of politicians, and the guesses of well-intentioned but unenlightened bureaucrats'.

## **Relevant models of evaluation**

Although the history of evaluation, especially in the area of social programs, is relatively recent, much practice has accumulated. The elements of this practice and their underlying principles have been grouped into different models, the most common ones being known broadly as:

- participatory model
- process model
- goal-oriented model; and
- cost-analysis model.

Process and participatory models of evaluation are suitable to measuring appropriateness of an education program. Both models enable the administrator to keep track of how the program looks in practice and to generate reactions from the users with which to judge whether or not the program being used is correct vis-a-vis the set objectives.

For effectiveness of education programs, goal-oriented model is the most suitable framework. The model is sometimes loosely called impact assessment. They are, however, not quite the same in meaning or expected outcomes. Unlike impact assessment, goal-oriented evaluation focuses on whether the set objectives have been or are being achieved. The latter model would not be concerned with determining rigid causal relationship between the education program and observed



changes. It suffices that some association can be shown between what the program proposes to achieve and what changes occur after the implementation of the program.

Efficiency is the most complex attribute but perhaps the less accessible in assessing the worth of an education program. The most useful tool in determining efficiency is the cost-analysis model which takes two basic forms. In one form, the cost of running the program is compared with the extent to which the program objectives have been achieved. The more objectives achieved, the more efficient the program is considered to be in terms of unit cost and this is called 'cost-effectiveness'. The second form compares costs to benefits, hence the name 'cost-benefit' analysis. While the cost side of the equation can be easily calculated, the benefit side poses a major difficulty.

As with other social programs, some of the benefits of education cannot be quantified or determined in dollar terms. For instance, a multicultural education can lead to a shift in police or court attitudes which reflects a better understanding and respect for minority cultures. This shift will result in less stress for the personnel in these justice agencies and a high sense of fairness and respect for the justice system among the minorities. More often than not, social harmony ensues and some conflicts with the law are avoided. Any analysis of the value or benefits of the program to the community will be incomplete if it does not include the justice agencies' sense of achievement, the minorities' increased self-esteem or sense of belonging, and the public's enhanced sense of security. Yet these are the aspects that are not easily quantifiable.

## DOING EVALUATION

EVALUATION PROCESS CHART	
A Determine the purpose of evaluation	<ul style="list-style-type: none"> <li>☞ A requirement</li> <li>☞ Improve programs</li> <li>☞ Justify programs</li> <li>☞ Increase benefits</li> <li>☞ Value for money</li> </ul>
B Target specific aspects of the program	<ul style="list-style-type: none"> <li>☞ Program planning</li> <li>☞ Resources</li> <li>☞ Delivery</li> <li>☞ Outputs</li> <li>☞ Outcomes</li> </ul>
C Construct a framework of evaluation	<ul style="list-style-type: none"> <li>☞ Determine evaluation rationale</li> <li>☞ Specify program attribute (appropriateness? effectiveness? efficiency?)</li> <li>☞ Select program aspect(s) as in 'B'</li> <li>☞ Choose suitable evaluation models</li> </ul>
D Prepare to obtain information	<ul style="list-style-type: none"> <li>☞ Questionnaires</li> <li>☞ Interviews</li> <li>☞ Tests</li> <li>☞ Observation</li> <li>☞ Critical incidents</li> <li>☞ Feedback</li> </ul>
E Present information for use	<ul style="list-style-type: none"> <li>☞ Data analysis</li> <li>☞ Interpretation</li> <li>☞ Production</li> <li>☞ Utilisation</li> </ul>

*Adapted from Vlahov and Straton (1992, p3)*

## Evaluation for what?

The purpose of the evaluation should be clarified from the outset. This will help to determine what issues should be focused upon and what kind of resources are needed. For instance, a review undertaken as a requirement of, or to justify, a program may overlook issues relevant to an analysis needed to improve a program or increase the benefits of that program to the stakeholders. Similarly, resources may be allocated insufficiently or misdirected if the rationale of the evaluation remains unclear.

## What to evaluate

After clarifying the purpose, a decision should be made as to the attribute of the program for which information or assessment is required. As indicated earlier on, this could relate to appropriateness, effectiveness or efficiency, each of which calls for different strategies. The attribute selected can be tested with regard to various aspects of the program such as program planning, resources, delivery, outputs, and outcomes.

A focus on planning and resources means that the evaluation aims to:

assess, *inter alia*, the needs analysis, the relevance of the education objectives; the appropriateness of the overall program design, and the resources available to support the program.

Where emphasis is on 'delivery', the evaluation will address:

how well the objectives are defined in terms of competencies such as knowledge and skills. The evaluation will also deal with the quality of the instructional strategies, including personnel, materials, and motivation.

For outputs, what need to be tested are:

reactions of the participants and the level of actual learning (knowledge of concepts and facts) that has taken place. It is critical at this level of evaluation to match participants' subjective experience of the program with the competencies acquired from the training.

Lastly, an 'outcomes-based' evaluation will:

focus on behavioural changes among the participants and the overall impact of the education program on individual organisations and the society. The latter aspect represents a measure of the return on the investment, popularly referred to as 'value for money'.

## **Frameworks for evaluation**

In the section on relevant evaluation models, three broad models were identified along with the program attributes to which they are most suited. Now is the point at which to decide on the right model to use. A clear understanding of the evaluation rationale, the attribute of the program to be analysed, and the aspect of the program to be focused upon will make the deciding much easier. Together, the three parts constitute the evaluation framework for the review of the program. Further comment on the phases is necessary.

An evaluation aimed at determining the needs of the education program and the amount of planning required in order to make an effective delivery is usually called 'formative evaluation'. Needless to say, it takes place mainly before delivery of the program as a whole or each element commences. The information gathered in the process can assist in deciding whether to proceed with, modify, suspend or abandon the delivery of the program.

If the program has been delivered, the review would focus on assessing immediate achievement in terms of reactions of the participants and the learning that has occurred. For this, a results-oriented approach is adopted within the context of what is called 'summative evaluation'.

Whether or not the learning gives rise to more fundamental results (outcomes) such as change of perception, philosophy, behaviours or attitudes, is a question for another kind of evaluation framework. Here, 'diagnostic evaluation' is called for - mainly to determine pre- and post- intervention characteristics of the participants (including their on-the-job performance) and their organisations. Before the education program is delivered, relevant information is collected about both parties. After the program, the same variables are tested again in order to assess what change has taken place and the extent to which the change has occurred. How long after the program before the test is carried out depends on a judgement as to when outcomes are expected to become noticeable enough to be measurable. The information which this framework generates is essential in determining the overall value or worth of the program; for this, cost-benefit analysis is essential.

## **Steps and levels of evaluation**

The step and the level of completeness at which the review of education programs is pitched will determine the type and amount of information that need to be generated. At least four steps and levels have been identified from the practice of evaluation. These are outlined in the following.

**Steps:**

- 1. Reaction  
*Participants' subject experience - 'customer satisfaction'*
- 2. Learning  
*Knowledge and skills gained; attitudes challenged or reshaped*
- 3. Behaviour  
*Application of learning derived from education program*
- 4. Results  
*Definite changes in, or overall impact on, the organisation and its surrounding community.*

**Levels:**

1	2	3	4
Reaction	Reaction Learning	Reaction Learning Behaviour	Reaction Learning Behaviour Results

Obtaining information tends to be more difficult as one moves from level 1 to 4. Unlike evaluation in terms of reaction, evaluation in terms of learning requires more difficult procedures such as a before-and-after review so that any learning can be related to the education program. Where evaluation additionally measures behaviour (Level 3) and results (Level 4), procedures need to be more rigorous and systematic. They would also involve comparing control groups with experimental groups and a statistical analysis to determine outcomes in terms of correlation of factors associated with the education.

**Sample of issues for evaluation questions at different levels**

- Reaction:*     *Participants to rate the whole program or individual sessions on 'points' scale applied to:*
- *the extent that new information is provided (content)*
  - *the perception of the relevance of the program to jobs in justice administration (benefits)*
  - *the amount of competence and skills learnt*
  - *the appropriateness of time and facilities provided to the sessions*

- Learning:* Participants to demonstrate knowledge and skills that were learnt and the attitudes challenged:
- amount of correct true/false answers to fact-based questions (use recall and recognition questions)
  - degree of success and speed in problem-solving questions
  - pattern of agree/disagree responses to judgemental or value-laden questions
- Behaviour:* Participants to show whether and how they would use the competencies gained (for on-course evaluation, use role plays or simulation exercises):
- what they would do in circumstances that depart from the status quo (desire to change)
  - recognising and respecting other people's cultures
  - commitment to a changed (more culturally sensitive) cause of action
- (Among other measures, the ratings of 'always', 'usually', 'sometimes' and 'never' can be used to test the depth of the behaviour.)
- Results:* Agencies to assess impact of education on participants' performance and organisational ethos
- extent to which the program has improved participants' working relationship with people from other cultural backgrounds in the justice system
  - degree of mutual understanding or effective two-way communication between staff and NESB 'clients' in the justice system
  - reduction of grievances about culturally-based discrimination or injustice
  - improvement of the morale of justice personnel (less stress) in dealing with people from other cultural backgrounds.

In designing the instruments with which to obtain information regarding these issues, it is helpful to use formats that make analysis of the information easy. One method is to use pre-coded answers for most of the questions except where the range of alternative answers is not discernible.

## Obtaining information

Methods of obtaining information are many and have different requirements and capacities in generating relevant evaluation data. A major concern at this stage is to use instruments that facilitate the collection of information that is credible -

valid, reliable and believable. Experience shows that the following instruments are useful for the evaluation of education programs:

- Feedback (e.g through reactionnaires)
- Questionnaires
- Interviews
- Tests
- Observation
- Critical incidents analysis.

In evaluating 'during sessions' experiences or the post-delivery effect, some methods have been found to be more appropriate than others for generating information regarding participants' interests, knowledge, skills, behavioural changes or attitudinal shifts:

Evaluation subject	Principal instruments
Participants' subjective assessment or interest	<ul style="list-style-type: none"><li>• Feedback through 'reactionnaires' or 'happy sheet'</li><li>• Questionnaires</li><li>• Interviews</li></ul>
Knowledge and skills	<ul style="list-style-type: none"><li>• Questionnaires</li><li>• Interviews</li><li>• Tests (written and practical)</li></ul>
Behavioural changes or attitudinal shifts	<ul style="list-style-type: none"><li>• Questionnaires</li><li>• Interviews</li><li>• Tests</li><li>• Observation</li><li>• Critical incidents analysis</li></ul>

As this table shows, more than one instrument is considered necessary in dealing with any subject in education program evaluation. In using the instruments, some basic characteristics should be understood.

**Reactionnaires or happy sheets**

This is a tool for gathering on-course feedback about participants' subjective experience of the programs or its individual sessions. The focus is on the working of the learning methods, educators' performance skills, the match between objectives and expectations. It is quick to construct, cheap to use and capable of providing quick check on any significant problems that

participants experience or on the amount of acceptability of the program by the participants.

Sometimes presented in questionnaire or interview schedule format, reactionnaires comprise questions or rating scales that invite participants to comment on the content and delivery of an education program.

Example:

<i>How would you rate the following? (please tick the appropriate box)</i>	<i>Excellent</i>	<i>Very go</i>	<i>Good</i>	<i>Fair</i>	<i>Poor</i>
<i>content of the sessions</i>					
<i>sequence of the sessions</i>					
<i>session leaders</i>					
<i>facilities at the venue</i>					

*Newby (1992) provides, in chapter 11 of his work, a good discussion on reactionnaires.*

This type of rating can be made against different aspects of the content and delivery of the sessions.

**Questionnaires and interviews**

These two instruments are widely used in evaluation. The cardinal question that guides their drafting is "What do I really want to know?". Both instruments need to be kept short and linguistically simple in order to produce maximum response. Closed response questions, supported by a few open response questions, is the most fruitful design for questionnaires. The reverse holds true for interview schedules. Rule of thumb: use open questions when the range of possible alternative answers is not known.

The questions should be carefully ordered or arranged to avoid 'off-putting' of respondents at the outset of the exercise. A widely shared view is that it is better to move from more general to more specific questions. In any case, the questions should be absolutely clear and unambiguous, especially in the questionnaire method. It is better NOT to use the following as principal questions:



- negative questions (Don't you think the session was excellent? - be direct)
- loaded questions (Which session did you find most beneficial? - assumes all the sessions are beneficial)
- double-barrelled questions (Did you find the session or trainer well organised? - respondents may have a different answer for each referent).

Strengths of Questionnaire and Interview

Questionnaire	Interview
<ul style="list-style-type: none"><li>• comparatively low unit cost</li><li>• allows response to be gathered from large samples</li><li>• more straightforward coding of data</li><li>• greater anonymity is possible</li><li>• may avoid interviewer bias</li><li>• most suitable where closed question are needed</li></ul>	<ul style="list-style-type: none"><li>• better response levels can be achieved</li><li>• allows unanticipated lines of inquiry to be pursued</li><li>• allows some probing and follow-up questions</li><li>• questions can be explained and understanding checked</li><li>• most suitable where open question are needed</li></ul>

*Adapted from Newby (1992, p79).*

Tests (written and practical)

Generally, results from tests are taken to be a certificate of competence or lack of it. This perception should be de-emphasised in measuring learning gained in a multicultural justice education program. What matters most should be the degree of understanding which produces in participants respect for other cultures and fairness in justice administration.

To avoid tests being resisted by participants, efforts should be made to create a favourable climate. For instance, tests can be presented as a method of helping participants to assess how their own knowledge and skills are developing or given to participants to administer in a non-threatening way.

Tests should consist of a balanced combination of 'recall item' questions and 'recognition item' questions. The former assesses participants' memory of, and the latter checks their ability to identify, concepts, facts and skill-based techniques which the education program has presented to them. Constructing tests is an art which should seek to:

- ☞ reliably assess competence with regard to clearly defined objectives of the program (ie match questions to the knowledge being tested);
- ☞ make the instrument to be representative of the topic(s) covered;
- ☞ determine participants' ability to apply the knowledge they have gained (eg procedural or analytical problem-solving);
- ☞ be less time consuming.

### Observation and Critical incidents analysis

Purposeful looking at workplace behaviour situations which have special significance for the people concerned (critical to them) is one of the most important instruments for evaluating 'behaviour-changing' programs, especially in the post-delivery period. For a credible observation to take place, the following steps are necessary:

- ☞ identify behaviour to be observed
- ☞ prepare an observation schedule to record data
- ☞ determine frequency of observations
- ☞ select and train observers
- ☞ obtain cooperation of people concerned.

*(Vlahov and Straton 1992, p47)*

The behaviour observed is actual not hypothetical. Participants may be able to notice the critical incidents during which their own behaviours manifest some change. In that case, the observer can use interviews or group discussion with participants to probe for details of the critical incident behaviours.

#### Examples of probing questions

1. What was the specific behaviour?
2. When did the behaviour occur?
3. What were the circumstances in which the behaviour occurred?
4. What outcomes followed the behaviour?
5. What made this behaviour noticeable?
6. How did the education program contribute to this behaviour?
7. How often is this kind of behaviour encountered in the workplace?
8. What changes did this behaviour imply for the organisation?

*(Adapted from Newby 1992, pp122-3)*

Handling information for use

There is no point collecting information if it cannot or will not be presented in a manner that is accessible, meaningful and useable. Put differently, evaluation is not complete until whatever data the inquiries yield have been processed, analysed and interpreted in forms that can be utilised.

The handling of the information should be guided by the purpose or rationale of evaluation which would have been determined at the beginning of the entire exercise. It should also be guided by the needs and level of understanding of the audiences of the evaluation information. Each audience has its own dominant interest in evaluation information:

Audience type	Underlying interests
Primary audiences (managers, supervisors)	<ul style="list-style-type: none"><li>• concerned about politics,</li><li>• whether the results are positive or negative;</li><li>• whether there are policy and resource implications.</li></ul>
Secondary audiences (educators, participants)	<ul style="list-style-type: none"><li>• concerned about how their instructional effort was judged;</li><li>• participants are anxious to know whether they have attained;</li><li>• whether participants are performing at the required competency and skill levels.</li></ul>
Tertiary audiences (government agencies, public)	<ul style="list-style-type: none"><li>• anything to learn;</li><li>• value for their money as taxpayers</li></ul>

*Adapted from Vlahov and Straton (1992, p63)*

Analysis procedures

The approach to be used in making sense of the data depends on the nature of the data: quantitative or qualitative. While both types of data can be manually analysed, computer-assisted analysis has become increasingly popular. The procedure is quicker and more reliable.

For quantitative data, a computer-based statistical process can be used to determine frequencies, modes, means, median and other measures such as dispersion and co-variance of the various units of analysis. Qualitative data, on the other hand, require different techniques such as 'content analysis and aggregation techniques involving categorisation of comments into themes, issues and concerns' (Vlahov and Straton 1992, p57). These techniques are generally not amenable to computer manipulation. However, where the data have been wordprocessed, the Nudist computer software can be used to sift recurring themes and issues.

### **Data presentation**

Evaluation information should be presented as visually as possible. To get this effect, it is helpful to use tables, figures and graphs. These instruments assist in presenting data in a clear and concise format. Because there is only so much that tables, graphs, etc can accommodate before they become unintelligible, care should be taken not to overload them with details of the findings. They should be used to present only the highlights or noteworthy patterns emerging from the data.

The information presented in summary may require some interpreting in order to expose their meaning. The presenter may also need to infer some conclusions from the data. Interpretation and inference not only clarify but also increased the useability of the evaluation results.

<p>The basic requirement of data collection, analysis and presentation is to produce a report which is objective, valid, credible and acceptable to the extent that it will be acted upon. An evaluation process that satisfies this measure will commend itself to those whose duty it is to justify, improve, or maximise the benefit of multicultural education programs.</p>
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## REFERENCES

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- Kirkpatrick, D. (1987) 'Evaluation', in Craig, R. (ed) *Training and Development Handbook: A Guide to Human Resource Development*. New York: McGraw-Hill Book Company. Pp301-319.
- Newby, T. (1992) *Training Evaluation Handbook*. Aldershot: Gower Publishing Co.
- Omaji, P. and Omaji, A. (1995) *Research and Evaluation in Justice Studies: Guide*. Perth: Edith Cowan University.
- Vlahov, L. and Straton, R. (1992) *Evaluating Training: A manual for trainers and managers*. Perth: Public Service of WA.

# APPENDICES: CONTACTS

## **APPENDIX 1: Individuals and organisations contacted locally.**

**(Details as at 30 August 1995)**

1. Office of Multicultural Affairs (George Vassiley, phone 261-222)
2. Office of Multicultural Interest (OMI). (Andy Duckworth, phone 426-8888).
3. National Institute of Cross Cultural Communication (NICC)
4. "Cross/Intercultural Trainers" group. (Malcolm Fialho, phone 261-2258)
5. DEET, Western Australian Office
6. Abdalla Magar - Head of the Muslim Community and Head of Muslim Schools in Perth. (Phone 330-6422)
7. Department of Immigration and Ethnic Affairs DIA. (Jamie McCormack at Settlement and Ethnic Affairs - phone 261-2250).
8. Chung Wah Association (Theresa Kwok: phone 328-2283).
9. John Hsu (of Hong Kong origin)
10. Rasa Subranarium (Malaysian and JP). (phone 332-7036)
11. Enzo Sirna (Italo Welfare Association, Bagot Road, SUBIACO WA 6008)
12. Grant in Aid Workers
13. Multi Cultural Services Council - Gerard Searle (Chairperson); (Phone 221-1767: Catholic Migrant Centre).
14. Khai Bvi, Vietnamese lawyer.
15. Tuan Nicholls, Social Worker at the Department of Geriatrics.
16. Hai Pham, in charge of the Vietnamese School. (328-8914 or 342-7611)

17. Phat Van Nguyen, President of the Vietnamese community (WA) and a Justice of the Peace. (phone 018 952 075 or 342-5489)
18. Millie Penny, Nyoongar Alcohol and Substance Abuse Service (NASAS) 221-1411
19. Kim Collard, Centre for Aboriginal Studies, Curtin University 351-1709
20. Pam Thornley, Aboriginal Affairs Department 235-8000
21. Elizabeth Hayden, Aboriginal Legal Service 265-6666
22. Jim Morrison, Noongar Alcohol and Substance Abuse Service 221-1411
23. Maude Walsh, Law Society 221-3222



## **APPENDIX 2: Nation-wide consultation contact details**

**(Details as at 30 August 1995)**

### **Darwin**

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Associate Dean, Faculty of Aboriginal Studies  
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Barbara Etter  
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&  
Robin Bullock  
Superintendent Northern Territory Police  
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Winnellie NT 0821

Stephen Herne  
Department of Law.  
NT Government  
Darwin

Collin Rosas  
Office of Aboriginal Development  
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Steward McMillan  
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Frank Spry  
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Hinton Lowe: 089 397260  
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Batchelor College  
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Ms Janicean Price  
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Darwin

## **Adelaide**

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Margaret Doyle  
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Adelaide

John Zingony  
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Correctional Services  
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Desmond Berwick  
National Police Research Unit  
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Aboriginal Program Centre, Adelaide University  
Adelaide

Wayne Chivell  
SA Coroner's Office  
Adelaide

### **Melbourne**

Hass Dellal, (Chairperson)  
Australian Multicultural Foundation (3476622).  
Melbourne

Vickor Borg, (Chairperson)  
Ethnic Community Council,  
270 Highett St Richmond (4271300).

Warwick Arblaster  
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Lorraine Coleman (486 6718)  
Jenny Payne (486 2513)  
Savas Augoustakis(481 7615)  
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Caitlin Huffer  
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Inspector Ken Wilson  
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Peter Sallman  
Executive Director  
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Anne Wallace  
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Australian Institute of Judicial Administration.  
103-104 Barry Street  
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## **Canberra**

Brendan O'Dwyer  
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&  
Graeme Morgan  
Law and Justice - Legal Aid and Indigenous Rights.  
ATSIC - Office of Public Affairs  
Canberra

John William-Mozley/Anna Lisa,  
Attorney-General's office  
Cross- cultural training programs for the judiciary.  
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John Williams- Mozley  
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A-G Department  
Robert Garran Offices  
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Policy section, Kim Pearson (tel. 2567565)  
Multicultural Liaison Officer, Annette Douch (tel. 275 7715)  
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Phil Thompson, Registrar, Magistrate Courts, Tel. 267 2734  
Supreme Court, Alan Towell Tel. 267 2700).  
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Andrew Gagalowitz, Corrections Tel. 207 0888  
Craig Hancock or Ian Fitzgerald Tel. 207 0854  
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Victor Rebikoff  
Chairperson, FECCA  
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## **Sydney**

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Ethnic Communities Council of NSW.  
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NSW Police Department  
B.Rabaldini (3395266), Aboriginal Liaison Officer  
&  
Lonna Watson (3395132), Ethnic Liaison Officer  
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Peter Clamp  
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## **Brisbane**

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Patricia Hovey  
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## **Hobart**

Bill Harvey  
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## **Perth**

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Kelly Morgan,  
WA Police Ethnic Affairs Liaison Unit  
Perth

Andy Duckworth  
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Perth

Sandra Dodge  
Training Manager, DEET,  
Perth

Frank Martin, Strategic Services, and  
May Chalker, Aboriginal Training Co-ordinator  
Ministry of Justice,  
Perth:

**Global Cultural Diversity Conference  
Sydney Exhibition Centre:**

The Premier Bob Carr  
Sydney, NSW

Emeritus Professor Jerzy Zubryzcki,  
Department of Sociology ANU  
Canberra

Sir James Gobbo  
Chairman, Australian Multicultural Foundation  
Melbourne

Professor Mary Kalantzis  
James Cook University of Northern Queensland

Senator Jim Short  
(then) Liberal Senator & Shadow Minister for  
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