Criminal Justice System

Your Name (First M. Last)

School or Institution Name (University at Place or Town, State)

Criminal Justice System

**Abstract**

The criminal justice system of Australia is one of the intricate and diverse structures that makes it one of the most significant and united systems of the world. The criminal justice system of Australia was approved by the British Parliament in the 19 century, dated as 1900, which came into existence in 1901. In this paper, a combination of Britain practices with parliamentary government, the criminal justice system of Australia is discussed, comprising different courts, police departments, corrections, and other relevant departments. This paper infers a detailed account of all departments with respective authorities and functions.

**Introduction**

The criminal justice system is a phrase that is used to express the components of justice such as court, police, facilitation, and corrections. The Australian Justice system is brought into contact with the help of some rules and regulations that play a central role in the regulations of society within Australia. Also, these components make Australia different from the rest of the world excluding the country where the suit is followed. It is asserted that the criminal justice system is inherited from the system of the United Kingdom. The system comprises of the common laws that were inherited from that English Courts, found to be modified slightly and then implemented in the Australian courts. In addition, the decisions made in the English courts are considered to be either equal or sometimes superior to the Australian courts. In general, the Australian Criminal Justice system is perceived to be one of the complex affairs, with two major divisions, the federal system, and the state and the territorial system (Johnston, et al. 2019). In accordance with the Australian criminal justice system, the minimum age of an individual to be accused of committing any kind of crime depends on the territories and the states in which that individual resides. Among all the territories and the states, 7 years is considered as the minimum age for juvenile courts while in the case of adult courts the age limit is said to be 16 years old. Also, if any of the children who are above the minimum age are found accused of homicide then, he will be convicted in the adult courts (Lovell, et al. 2018). The aim of the criminal justice system is to get hold of criminal activities. This paper aims at the in-depth analysis of the Australian criminal justice system

**Discussion**

The analysis of criminal justice system in Australia is said to be traced to the significance and definition of crime. In Australia crime is defined as something that is actually prohibited by the law and which may result in punishment. The criminal justice system is meant to curb the crime rate and ensure that the society is living a peaceful life. The commonwealth of Australia is a federalist system that comprises of national along with six state governments. If the territories are included then there are nine major criminal justice systems in Australia, here six would be state systems and two would be territory system along with one federal system. All these states and territories have the power to enact laws. Criminal justice system also appears to happen to ensure that the offenders doesn’t abscond, also that the accused person does not participate or interfere with the process of justice. Interference refers to the connection or contact with the witnesses and the jurors. It is important to note that there are no independent federal corrective services in the criminal justice system of Australia.

The State or Territory agencies are responsible for providing some corrective services for federal offenders. The government of the Commonwealth is made responsible for the practice of the way. One of the most frequent processed Commonwealth offenses includes the cases that are related to the violation of the social laws and importation of the drugs casting the negative impact of societal affairs (Lovell, et al. 2018).

The states are primarily responsible for the development of criminal laws where Western Australia, Queensland and Tasmania are also called the code states. They have enacted criminal codes in order to define the limits of the criminal laws. The other three states such as New South Wales, South Australia, and Victoria are termed as "common law states”. The states are named so because they have not attempted any kind of codification. It is also important to note that the local governments have the authority to pass legislation. These legislations are also known as bylaws. These bylaws also include social offense along with the rules of parking and traffic. The local bylaws are enforced by the local government officials or the state and the territory police. However, the fines and nonpayment of fines are also the conditions ensuring imprisonment (Findlay, et al. 1999).

**Courts**

There are many different levels of courts and tribunals in Australia. It is asserted that each of the court and tribunal has its own significant function that helps it to deal with distinct matters in both state and federal levels.

**Australian Federal Courts**

The federal courts of Australia are also called the superior courts that have the right to deal with the civil disputes. These courts are governed by the federal laws along with some criminal matters. The federal courts comprise of full courts having three judges. The federal courts don’t have any inherent jurisdiction, the jurisdiction flows down the statute. The court’s original jurisdiction includes the matters that are arising from commonwealth legislation such as matters of the station, native title, trade practices, corporations, bankruptcy, industrial relationships and the issues of immigration. The federal courts also have appellate jurisdiction from the Federal Circuit Court of Australia on different matters (Findlay, et al. 1999). However, there is an exception in terms of family law where the family court of Australia has appellate jurisdiction. There are other platforms as well, where the federal courts and tribunals exercise third appellate jurisdiction such as Australian Human Rights and Equal Opportunities Commissions. There are four different principle federal courts, explained below

1. **High Court of Australia**

It is one of the highest courts and the final court of appeal in Australia. This court is meant for hearing the disputes and issues that are related to the constitution. This court also includes the final appeals in both criminal and civil cases from other different courts in Australia (Parker, et al. 2018).

1. **Federal Courts of Australia**

The federal courts of Australia are responsible for hearing to the matters on different levels such as corporation, industrial relationships, taxation, bankruptcy, race practices was as well as native titles, excluding the family law decisions of the federal circuit courts (Findlay, et al. 1999).

1. **Family Court of Australia**

The family court of Australia is one of the Australian specialist courts. This court deals in family disputes along with listening to the appeals from decisions in the context of family law matters of the Family Circuit Courts. These courts are present in almost all the states and territories except for Western Australia because in Western Australia the family matters brought to court are heard by the Family Court of Western Australia and the state courts.

1. **Family circuit courts of Australia**

In 2013, the Federal Magistrates Court was termed as the Federal Circuit Court of Australia, taking into account the title of Chief Federal Magistrate and Federal Magistrate that was changed to the Judge and Chief Judge respectively (Lovell, et al. 2018). The Federal Circuit courts have less complex disputes as compared to the other courts, as it deals in the family laws disputes matters such as administrative laws, child support, copyright cases, industrial law, migration, admiralty law, and privacy and trade laws (Findlay, et al. 1999).

**State Courts**

State courts refer to the courts that are located within the state and these courts are meant to address the affairs of the state. It is highlighted that these courts are classified and divided as per the type of cases so that there should be a homogenous approach to the affairs of society. There are different types of state courts, discussed as follows

1. **Local and magistrate Courts**

The local and the magistrate courts hear serious matters and such matters are heard by Magistrate. It is highlighted that the role of Local or the Magistrate courts in the criminal matters varies with respective Territory and State. It is highlighted that about 90% of the criminal matters will be dealt with the help of local courts because local court has all the relevant information that can connect them to the respective magistrate courts. As per the courts' legislation and the information from the sanitation, the Magistrate courts or the trails and criminal courts work with an aim to decide whether the accused should be sent to the higher courts for trial or not (Wilson, et al. 1972).

1. **District or Country Courts**

These courts are positioned at the level that is best for the Local or the Magistrate Courts. The matters in these courts are heard by the judges. The courts are also designed to conduct the appeals from the Local as well as the Magistrate Courts. Also, these courts are responsible for conducting the criminal trails where the juries for the inductile offense are the decision-makers (Wilson, et al. 1972).

1. **Supreme Courts**

It is one of the highest state courts. This court comprises two divisions the trial division and the court of appeal. The Coot of Appeal deals with the cases that are held in the lower courts as well as the cases that are heard by five or three judges. It is asserted that the Trial division deals in the civil cases that cost $250,000 as well as the criminal offenses such as manslaughter, serious types of drug offense and murders. This division has a jury of the ordinary citizens who are designed and determined to highlight whether an individual is guilty or not (Johnston, et al. 2019).

1. **Children and the juvenile courts**

Each of the state and territory has its own children or the juvenile court. The children's courts are invariably closed to the public because the public is the major proportion comprising of the juveniles as well as youth who may commit a crime. The children's courts are responsible for protecting the anonymity of the accused child or juvenile. The high court of Australia has about 7 judges. By the time of the creation of courts in 1901, there were about 37 appointments to the High Court so that they can deal with the juvenile cases. It is important to note that this appointment comprises of both males and females. In 1901, 7 judges were males while only 1 was females although this proportion for women is much less it is enough to meet the need of hour other than to leave the case of female juveniles in the hands of male judges. However, the number of appointments is also dependent on the population of the state, the number of crime recorded as well as the people who report the cases. There are jurisdictions in which, laypersons are appointed as the justice of the peace. This power has been largely removed in the last years where all the members who are appointed in the high courts are referred as to the distinguished members of the legal profession. There is a significant minority of the people who have political experience as well or who have been a part of the jurisdiction in the Supreme Court or the federal court (Johnston, et al. 2019).

**Police**

Australia has a single police force for all the six states along with the Northern and Capital territory. There is an agency known as Australian Federal Police that is responsible for providing police services for the Australian Capital Territory. This agency is meant for detecting, investigation, and prevention of crimes such as fraud, money laundering drug offenses and the crimes. Police is a hierarchical organization having a chief officer with the proceeding ranks as Chief Superintendents, superintendents, Chief inspectors, and the inspector officers. It is highlighted that the police commanders in the Australian Police are accountable to the Minister (Wilson, et al. 1972). The police officers in Australia are required to get a higher school Certificate that can ensure their skills and knowledge in the context of the criminal justice system. The willing people are required to undergo some medical as well as psychological training so that they can be analyzed and treated on the set standards of the police department.

The police officers have a variety of tasks to do ranging from keeping a check and balance on the activities of the people and check if there are any misconducts or there are people violating the laws. Also, police officers are allowed to use appropriate force when they are encountering violent persons. Appropriate force has its set limits and the levels of force that are required to overcome as well as punishing the person or the groups of people who are the reason of misconduct on the society. The place are required to carry handcuffs and handguns with them where in rare cases and few of the police officers can carry batons (Wilson, et al. 1972). As per legislature, law enforcement officials are allowed to arrest people without any particular warrant, only if the person is assumed or found to have committed an offense. As soon as an individual is arrested, the police officer is required to get a criminal action that is “informed of their rights”. Magistrate and judges are responsible for issuing such vagrant so that police officer can enter the require realms and seize any action going on in that place. It is also added that the weapons and other illegal drugs can be seized without the issuance of any particular warrant (Wilson, et al. 1972).

Taking into account the departmentalization of Australian Police, the Australian Federal Police agency was brought into existence in 1979 under the Australian Federal Police Act. It is highlighted that set of the findings and results from the Royal Commission in later 1970 and early 1980, the platform of an organized approach to criminal justice was brought into practice. The Commonwealth Government in July, 1984 was established by the support of the National Crime Authority. This legislation was passed in all the six states so that NCA can be supported in the jurisdiction. There are cases in which military forces are required to provide assistance to the place such as a natural disaster. These disasters include bush fire and floods in which the military is asked to support his police and the other civilian authorities (Wilson, et al. 1972).

**Corrections**

As per the criminal justice system, the prisons are responsible for the states and territories, with no local jails and federal penalties. There are about 80 prisons in Australia because there are several large instructions that are subdivided into differ independent units. Although there are some prisons that are designated with either high or medium-security facilities, the poisoners are kept in security realms. According to the report issued by the Australian Bureau of Statistics as of June, 2018 the aboriginal adults represent 1.6% of the total number of the adult population of the 14 times non-indigenous people of the incarceration (Lovell, et al. 2018). The major offenses for which people were punished were break and entry, fraud, robbery, and drug offenses. The male prisoners who were sentenced for violent offenses of homicide robbery and other crimes were accounted for almost half of all the selected male poisoners in 2000 (Findlay, et al. 1999). However, the males who are the one-third of prisoners were incarcerated for violent offenses. The total time periods for the training of the prison officers are only 3 to 12 months and it is the combination of both on-job training as well as classroom study. “Truth in sentencing” is an approach that has brought considerable changes to the ideology of corrections and the training for the prisoner (Lovell, et al. 2018). This change is responsible for causing a significant increase in the number of an inmate who is in prisons in the territory of New South Wales. In many of the cases, the total number of people, serving parole is approximately two-thirds of the persons who are imprisoned. In addition to it, for every person who is imprisoned, there is a lot for persons who are saving them from non-custodial sentences such as community service or probation (Lovell, et al. 2018). In nutshell, all the prisons have a provision for work, raiding, education and then restriction and support as well.

**Victims**

Victim are one of the major elements of the criminal justice system taking into account that in Australia the victims do not appear to report crimes to the police. One of the reasons is, the victim are not having the knowledge for reporting or that they have considered any kind of offense to be trivial, or, they believe that the police either could not or would not do anything about the crime report. As per a report, there is a considerable ratio of men victims as compared to women, more ratio of young people as compared to the old people and a greater number of unemployed and less-educated men as compared to the other educated and well-employed populations who are engaged in criminal activities (Parker, et al. 2018). The most common crime recorded in Australia, and the greater number of victims are reported to be of adults (7%), theft (7%) and consumer fraud (9%). Among the population of 5, one in them has reported being a victim of personal crime. It is also found that the victim ratio comprises Aboriginal people as compared to the non-indigenous people. About 45% of the Aboriginal men between 20 and 30 are arrested at some time in their life because of a crime that they are or they don’t have committed (Parker, et al. 2018).

**Conclusion**

In a nutshell, the criminal justice system is a collection of different departments that are working in synchronization or in contribution to each other so that the situation of law and order can be maintained in the society. The courts, corrections, police and other law-making agencies are organizing in a hierarchal manner so that the crime rate can be lower and injustice can be limited. However, it is important to note that the criminal justice system of Australia had some loopholes to be addressed and examined in the context of Aboriginal people and how these gaps are indirectly influenced and used in criminal justice cases. Overall, the Criminal justice system of Australia is one of the most complex and intricate system that has all the department required to address criminal cases and situations in the society. The underlying aim of the formation of this system is to protect human rights along with long terms efforts that can mitigate the influence of crime on people, belonging to different areas of world but they are settled in Australia for managing affairs of life.

**References**

Findlay, M., Odgers, S., & Yeo, S. M. H. (1999). *Australian criminal justice*. South Melbourne, VIC: Oxford University Press.

Johnston, I., Williams, M., Butler, T., & Kinner, S. A. (2019). Justice targets in Closing the Gap: let's get them right. *Australian and New Zealand journal of public health*, *43*(3), 201-203.

Lovell, M., Guthrie, J., Simpson, P., & Butler, T. (2018). Navigating the political landscape of Australian criminal justice reform: Senior policy-makers on alternatives to incarceration. *Current Issues in Criminal Justice*, *29*(3), 227-241.

Parker, J., Kilroy, D., & Hirst, J. (2018). Women, health and prisons in Australia. In *Women prisoners and health justice* (pp. 45-54). CRC Press

Wilson, P. R. (1972). *The Australian criminal justice system*. Sydney: Butterworths.

.