

The purpose of australias modern criminal justice system assignment

[Law](#)



Why do we need a criminal justice system in Australia? To answer this question, We firstly need to look a couple of things to allow you a thorough understanding of what exactly the criminal justice system is, questions like, what is role that this system has to play in today's modern ; somewhat debauched society, also what are the key concepts and components of each part of the criminal justice system.

It is my attention through the aid of this essay to not only explain the differing parts of the criminal justice system, but also answer the topic in question; by the time we are through you will have a thorough understanding of the Australian criminal justice system and why it is needed. What exactly is the technical meaning of " the criminal justice system"? An excellent answer to this question maybe found by looking at the Australian Bureau of Statistics ([www. bs. gov. au/ausstats](http://www.bs.gov.au/ausstats) 1997 paragraph 2), to quote this definition directly, the Australian Bureau of Statistics defines this as " The criminal justice system is a system of laws and rulings which protect community members and their property². It determines which events causing injury or offence to community members, are criminal. Criminal offenders may be punished through the law by fines, imprisonment and/or community service".

Ok we now have a clear definition of what the criminal justice system is we can break down this definition into key elements, and then look at the working of each element in relation to the criminal justice system as a whole. Is there only one criminal justice system in Australia or are there more? Well let's look at the next paragraph. How many criminal justice systems are there in Australia one only or several? According to the book criminal justice, <https://assignbuster.com/the-purpose-of-australias-modern-criminal-justice-system-assignment/>

issues in society (Healey 2006 p. 18) there are nine criminal justice systems currently in operation in Australia at present.

This nine comprises of one commonwealth or federal criminal justice system, which is controlled and policed by the Australian federal police. However it can be said that the federal system is not complete due to the fact the federal system corrective service department, therefore punishment for federal crimes that involves incarceration or some form of rehabilitation are facilitated by the relevant corrective service department of the appropriate state or territory. The other eight criminal justice systems are enacted by each state or territory.

Each state system is very similar in the way crime and punishments are dealt with, within each state system the makeup includes the same key components. Each state criminal justice system comprises of three key elements the relevant state police force, the court system (which comprise of, local, district and supreme courts) and corrections including jails, juvenile detention centres mental health facilities as well as other rehabilitation programs. Firstly let's look at the frontline of any criminal justice system, which is the relevant federal state or territory police force.

What role do police in the criminal justice system? According to (White and Perrone 2010 p. 287-293) police are not only one of the most powerful means of social control in society but are also the most visible, police have quite a large amount of power in which they are able to use their own judgement or discretion. It is through police that offenders are first entered into the criminal justice system, or if offence is minor diverted away from

<https://assignbuster.com/the-purpose-of-australias-modern-criminal-justice-system-assignment/>

criminal justice system, to quote (White ; Perrone 2010 p. 87) directly “ police are often described as the gate keepers of the criminal justice system”. It can be argued that by creation of laws and implementation of these laws that a person is being stripped of a small portion of one’s civil rights and social freedoms; however it is of general acceptance that the vast majority of society accepts this so called loss of rights and freedoms, to allow general level of peace and order, a system without laws and some form of social restrictions and civil freedoms would certainly lead to social anarchy.

Not only is it the role of police to arrest and apprehend criminals but it also their role perform other essential community duties such as law & order, conflict resolution and maintenance of such resolution, police may often do this without the arrest of individuals (White & Perrone 2010 p. 287-293).

Strategic planning for the prevention of crime is also just important as the apprehension of individuals by stopping the crime before it occurs. Other duties performed by today’s police force include emergency response and services e. . car accident response, traffic control and community service and many other tasks. Community service involve such mundane acts as rescuing a cat from a tree to appearing at schools educating the young. Over all it can be seen the need for policing as a vital link in the criminal justice system. In the next paragraph we will take a brief look at the various court systems. There are four main court systems in Australia three of which are state and the other federal. The courts are (www. lawlink. nsw. gov. u 2011) the local court, which deals with such matters as Family law involves issues such as domestic violence orders, power of attorney and also enduring guardianship etc. Also the local court deals with Monetary issues such as

<https://assignbuster.com/the-purpose-of-australias-modern-criminal-justice-system-assignment/>

small claims arising from motor vehicle accidents etc. monies owed that are payable such as overdue fines etc. Local courts also deal with minor criminal offences including such things as drink driving, minor assaults, break and enter and breaches of AVOs etc. and also minor traffic incidents. The district court for want of a better term is the "middle" court.

The district court is a trial court dealing with both criminal and civil matters and also can preside over certain tribunals. The district court is headed by a chief judge. The Supreme Court is the highest of the state courts. The Supreme Court has unlimited civil jurisdiction and handles the most serious of criminal offences. The last court which is the highest court in Australia is the federal court or High Court of Australia which deals with all matters that are to do with the Commonwealth of Australia.

We now have a brief understanding of the four main court systems of Australia so now let's take a look at the last element of the criminal justice system that is that of corrective services. According to (www.correctiveservices.nsw.gov.au accessed 30/5/2010) the role of Corrective Services is to provide not only custodial sentencing but also non-custodial supervised punishments such as community service, in home detention and parole. Corrective services also provide pre-release reports on offenders to determine the risk of Recidivism or for the want of a better word re-offend.

Now we have had a look at the key facets of the criminal justice system and how each interlocks with the next i. e. the police (first line of contact for the criminal justice system, arrest or caution offenders, if police arrest the offender then moves on to the relevant court system depend on relevant

<https://assignbuster.com/the-purpose-of-australias-modern-criminal-justice-system-assignment/>

type and severity of crime, which in turn makes a judgement, on whether the person in question is a risk to society. If the courts come to the decision that the offender is of danger to the public they are incarcerated, or if offence is not so serious the judgement can be made to see other parts of corrections to allow for rehabilitation etc. of person in question. I hope I have helped you the reader to clearly see and understand why it is vital that any socialised society requires a criminal justice system to not only keep order in society but to also provide protection and justice for each and every individuals personal and social rights and well being. References Australian Bureau of Statistics 4102. 0 - Australian Social Trends, 19/06/1997 (accessed 30/6/2010) [www. bs. gov. au/ausstats/\[email protected\]nsf/2f762f95845417aeca25706c00834efa/a4d719473be50fdfca2570ec001b2c95! OpenDocument](http://www.bs.gov.au/ausstats/nsf/2f762f95845417aeca25706c00834efa/a4d719473be50fdfca2570ec001b2c95! OpenDocument) Healy, J. (2006). Criminal Justice, issues in society volume 32. NSW Australia: spinney press White, R. , & Perrone, S (2010) Crime, Criminality & Criminal Justice Melbourne Australia: Oxford University Press New South Wales Government Corrective Services NSW Statement of Purpose (Accessed 28/6/2010) [www. correctiveservices. nsw. gov. au/about-us/statement-of-purpose](http://www.correctiveservices.nsw.gov.au/about-us/statement-of-purpose)