

Fitzroy Legal Service

Community Workers Forum

Learning Objectives and Reading Guide
2014-15

PROGRAM

9.15 – 9.30am	Registration
9.30 – 9.40am	Introduction and Welcome
9.40 – 10.55am	Session 1: Introduction to the Criminal Justice System
10.55 – 11.15am	Morning Tea
11.15 – 12.30pm	Session 2: Sentencing and Therapeutic Jurisprudence
12.30 – 1.15pm	Lunch
1.15 – 2.30pm	Session 3: Civil Law Matters and Community Workers
2.30 – 2.45pm	Afternoon Tea
2.45 – 4.00pm	Session 4: Confidentiality and Duty of Care

Session One

Introduction to the Criminal Justice System

Learning Objectives

- Gain knowledge of police powers during the search, investigation, arrest and interview of an individual.
- Distinguish between the types of charges – summons/ bail/ remand.
- Gain an understanding of the bail process.
- Demonstrate knowledge of the criminal justice process and appropriate referral pathways.

Further Reading

Fitzroy Legal Service, "The Australian Legal System", in *The Law Handbook 2015: Your Practical Guide to the Law in Victoria*, (Fitzroy: Fitzroy Legal Service, 2015), 1-26.

Web: http://www.lawhandbook.org.au/fact_sheets/ch01.php

Fitzroy Legal Service, "Assistance with Legal Problems", in *The Law Handbook 2015: Your Practical Guide to the Law in Victoria*, (Fitzroy: Fitzroy Legal Service, 2015), 27-72.

Web: http://www.lawhandbook.org.au/fact_sheets/ch02.php

Fitzroy Legal Service, "Arrest, Bail and Court", in *The Law Handbook 2015: Your Practical Guide to the Law in Victoria*, (Fitzroy: Fitzroy Legal Service, 2015), 73-136.

Web: http://www.lawhandbook.org.au/fact_sheets/ch03.php.

Victoria Law Foundation, "Victoria's Legal System: An Introduction to the Legal System in Victoria",

http://www.victorialawfoundation.org.au/sites/default/files/resources/Victoria%27s_legal_system.pdf.

Law Institute of Victoria, "Victorian Legal System", <http://www.liv.asn.au/For-the-Community/Victorian-Legal-System>.

Victoria Legal Aid, "Australia's Legal System", <http://www.legalaid.vic.gov.au/find-legal-answers/videos-about-the-law/australias-legal-system> (VIDEO)

Victoria Legal Aid, "Courts and the Legal System", <http://www.legalaid.vic.gov.au/find-legal-answers/courts-and-legal-system>.

Victoria Law Foundation, "The Legal System", *Everyday-Law*, <http://www.everyday-law.org.au/legal-system>.

Session Two

Sentencing and Therapeutic Jurisprudence

Learning Objectives

- Develop an understanding of therapeutic jurisprudence notions and uses.
- Obtain knowledge of the Victorian sentencing process.
- Identify and demonstrate the operation of particular sentencing options.
- Gain knowledge of lawyer/community worker collaboration.

Further Reading

Everyday-Law, "Sentencing", <http://www.everyday-law.org.au/sentencing>.

Freckelton, Ian, "Therapeutic jurisprudence misunderstood and misrepresented: the price and risks of Influence ", *Thomas Jefferson Law Review*, Volume 30, Issue 2 (Spring 2008), pp. 575

Fitzroy Legal Service, "Sentencing in the Magistrates' Court", in *The Law Handbook 2015: Your Practical Guide to the Law in Victoria*", (Fitzroy: Fitzroy Legal Service, 2015), 124-132.

Fitzroy Legal Service, "Sentencing Orders", in *The Law Handbook Online*, Fitzroy Legal Service. <http://www.lawhandbook.org.au/handbook/ch03s05s02.php>.

King, Michael S., "Restorative Justice, Therapeutic Jurisprudence and the Rise of Emotionally Intelligent Justice," *Melbourne University Law Review*, 1096- 1126, 2009. http://www.law.unimelb.edu.au/files/dmfile/32_3_10.pdf.

Sentencing Advisory Council, "About Sentencing", <http://www.sentencingcouncil.vic.gov.au/about-sentencing>.

Victoria Legal Aid, "Possible Outcomes for Criminal Offences", <http://www.legalaid.vic.gov.au/find-legal-answers/going-to-court-for-criminal-charge/possible-outcomes-for-criminal-offences>.

Session Three

Civil Law Matters and Community Workers

Learning Objectives

- Demonstrate an understanding of the infringements system, identify options available for dealing with an infringement; distinguish between the stages of an infringement – issuing agency/sheriff/warrant hearing.
- Demonstrate an understanding of Victims of Crime Tribunal processes, options and services available for clients.
- Understanding of family violence Intervention Orders, pathways and processes for applicants and respondents.

Further Reading

Everyday-Law, "Fines", <http://www.everyday-law.org.au/fines>.

Fitzroy Legal Service, "4.4 Infringements and Fines, in *The Law Handbook 2015: Your Practical Guide to the Law in Victoria*", (Fitzroy: Fitzroy Legal Service, 2015), 185-208. http://www.lawhandbook.org.au/fact_sheets/ch05.php

Fitzroy Legal Service, "5.4 Family Violence", in *The Law Handbook 2015: Your Practical Guide to the Law in Victoria*, (Fitzroy: Fitzroy Legal Service, 2015), 269-277.

Fitzroy Legal Service, "Assistance for Victims of Crime", in *The Lawhandbook Online*, http://www.lawhandbook.org.au/fact_sheets/ch06.php.

Fitzroy Legal Service, "Family violence intervention orders", <http://www.lawhandbook.org.au/handbook/ch05s04s02.php>.

Magistrates' Court of Victoria, *Responding to an intervention order*," <http://www.magistratescourt.vic.gov.au/jurisdictions/intervention-orders/family-violence-court-programs/responding-intervention-order>.

Victims of Crime Tribunal, *Information Sheets*, <https://www.vocat.vic.gov.au/node/401>.

Victoria Law Foundation, "Parking, the Law, and You", <http://www.victorialawfoundation.org.au/publication/parking-law-and-you>.

Victoria Legal Aid, "Family violence intervention orders," <http://www.legalaid.vic.gov.au/find-legal-answers/family-violence-intervention-orders>.

Victoria Legal Aid, "Financial assistance and compensation," <http://www.legalaid.vic.gov.au/find-legal-answers/victims-of-crime/financial-assistance-and-compensation>.

Victoria Legal Aid, "Fines and Infringements", <http://www.legalaid.vic.gov.au/find-legal-answers/fines-and-infringements>.

Women's Legal Service Victoria, "Victims of Crime", <http://www.womenslegal.org.au/useful-information/victims-of-crime.html>.

Youthlaw, "Fines", <http://youthlaw.asn.au/resources/factsheets-2/fines/>.

Session Four

Duty of Care and Confidentiality

Learning Objectives

- Define notions of 'duty of care', 'reasonable care' and 'foreseeable risk'.
- Identify the legal and ethical requirements of client confidentiality.
- Gain insight into criteria for breach of confidentiality and duty of care.
- Demonstrate knowledge of available remedies when a breach of confidentiality has occurred.

Further Reading

Fitzroy Legal Service, "Duty of Care", in *The Law Handbook Online*, <http://www.lawhandbook.org.au/handbook/ch06s03s02.php>.

Fitzroy Legal Service, "Negligence and Duty of Care", in *The Law Handbook Online*, <http://www.lawhandbook.org.au/handbook/ch16s05s04.php>.

Fitzroy Legal Service, "Section 7: Worker Responsibilities", in *Between a Rock and a Hard Place: A Resource Guide for Community Sector Workers Assisting Clients with Legal Issues* (Fitzroy: Fitzroy Legal Service, 2009), 109-118. http://www.fitzroy-legal.org.au/cb_pages/files/Between-a-rock-and-a-hard-place-Full%20Edition.pdf

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