

INTERVIEWING OF ABORIGINAL PEOPLE

questions even if they do not understand them,

- most Aboriginal people are not socialised into the question-and-answer discursive style,
- swift questioning does not allow the interviewee or interviewer time to collect his/her thoughts, and as a consequence, does not lend itself to elaborate retrieval.

The elicitation of a comprehensive narrative is a skill that many Anglo-Australians do not acquire easily because from an early age Anglo-Australians are socialised into the question-and-answer style of conversation. An abundance of research indicates that their ability to elicit a free-narrative from an interviewee usually requires specialised training with practice and critical feedback. Unfortunately relatively little training is offered to police and lawyers in this skill, particularly in the early stages of career development when habitual interviewing styles are being formed. Without adequate training by professionals who have the appropriate knowledge and techniques needed to facilitate the development of this skill, it is unlikely that marked improvements

will be made to the quality of evidence that is generally obtained from Aboriginal people.

End Note:

This is a synopsis of a paper entitled "*Guidelines for conducting investigative interviews with Aboriginal people*" which was sponsored by the Law Society Public Purposes Trust. The paper includes practical suggestions for interviewing Aboriginal witnesses, victims or offenders. To offer feedback about this article or to request a copy of the full paper, write to Dr M. Powell, School of Psychology, Deakin University, 221 Burwood Hwy, Burwood, VIC. 3186, Australia. Ph: (03) 9244 6106, FAX: (03) 9244 6858, email: mbpowell@deakin.edu.au or contact the Society.

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Professional standards

The mission statement of the Law Society nominates self-regulation and raising standards of the legal profession as an integral part of its role in the Northern Territory community.

At a strategic planning conference in January this year the Council resolved to provide statistical information to the profession and the public concerning complaints.

This resolution brings the Law Society into line with other regulatory bodies around the nation, who provide annual reports on complaints procedures and results. The level of detail of information distributed in relation to specific complaints varies from jurisdiction to jurisdiction.

The Council has resolved to make public statistics without detail or identification until the confidentiality provisions contained in Section 47 (c) of the Legal Practitioners Act are amended.

In 1999, 98 complaints were investigated by the Law Society. This compares with 42 complaints in 1998, 173 in 1997 and 147 in 1996.

The most common complaints centred around delay and costs.

Of the 98 complaints, 31 were dismissed after no prima facie case was found by the Chairman of the Ethics Committee, a further 27 were successfully resolved through mediation or conciliation and 17 were withdrawn. Four complaints were referred to other regulatory bodies and six remain outstanding.

Of a more serious nature, the Chairman of the Ethics Committee found there was a prima facie case to answer in nine complaints.

In each of these cases an Ethics Committee was convened to hear the complaint and recommendations were made to the Council of the Law Society.

Of those nine complaints three legal practitioners were fined, three were admonished, one was dismissed and two decisions have been reserved.

Following a complaint in relation to trust accounts in 1999, one practising certificate was suspended.

In 1999 three charges of professional misconduct were laid against legal practitioners before the Legal Practitioners Complaints Committee and the Law Society successfully applied to have one legal practitioners struck off.

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