Language and the Communicative Process in the Indigenous Koori Court of Victoria: an interdisciplinary approach

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Miscommunication in the courtroom continues to be one of the barriers to justice for an Indigenous (Koori) offender who comes into repeated contact with the law, contributing to the high percentage of Koories currently in Victorian prisons.

This presentation endeavours to step outside the conventional legal process of the courtroom to examine the communicative process between Indigenous speakers and legal professionals in Victorian courts of law through a more detailed linguistic lens. It examines the way language is used in the alternative sentencing Indigenous Koori Court and compares this with the more formal mainstream court.

This interdisciplinary study draws on comparative law and is informed by interactional sociolinguistics and ethnography of communication for an understanding of how people interact in the courtroom in a cross-cultural context. Data is drawn on from three areas – observation of courtroom interaction, interviews conducted with individual courtroom participants, followed by a sociolinguistic micro-analysis of selected audio tapes of interviews and court hearings.

The key question guiding the research is to determine if cross-cultural issues of miscommunication continue to be reflected in the court process, or if an awareness of cultural and language difference in the courtroom enhances communication and addresses some of the concerns of a number of linguists regarding disadvantage experienced by Indigenous Australians.

Bionote

Natalie Stroud is a doctoral student in the Faculty of Law at Monash University. She was an honours graduate in forensic linguistics in the Linguistics Program at Monash, and worked for some years as a research assistant on an ARC linkage project on Victorian Aboriginal languages. Natalie’s research interest lies in the relationship between language and the law in the criminal justice system. Natalie has presented papers at several international Language and Law conferences in Cardiff, Amsterdam, Birmingham, Guangzhou China, Sydney, Canberra and Melbourne, and has published her research in academic journals and on the web.