

ABSTRACTS (alphabetically by family name)

Cleland Alison

Lawyerz 4 Yoof: Speaking their language?

Linguistic studies have highlighted how the use of complex language can limit young people's understanding of and participation in court proceedings. The UN Convention on the Rights of the Child requires that criminal proceedings provide adequate representation and a fair trial. It is argued that the ability of a young person's lawyer to explain what is happening at every stage, in appropriate language, will be crucial. In New Zealand, young offenders appear in Youth Court. A court appointed youth advocate is provided. Research was conducted in four Youth Court sites, exploring youth advocates' communication with young clients. Questioning focused on how youth advocates explained their roles, how they gauged clients' levels of understanding and how they took instructions. Results indicated communication techniques designed to respond to young clients' intellectual functioning. However, participants identified a need for appropriate training about young clients' cognitive and linguistic development, particularly given the deficits in the young persons' backgrounds.

Connolly Anthony

Intercultural Understanding at Law – the nature and limits of judicial concept acquisition

Often, in pursuing their adjudicative duties over the course of a legal hearing involving issues of a cross-cultural nature, judges are called upon to acquire new concepts. They are required to learn new things and, as a result, conceptualise the world in a way which differs from the way they conceived of things before the hearing commenced. For example, over the course of an indigenous land rights claim or a refugee claim, a judge may need to gain a concept of an unfamiliar kinship relationship or cultural practice in order to determine whether or not evidence of its historic or present day occurrence justifies formal recognition and protection. Where the judge does not possess a concept of such phenomena at the commencement of the hearing in which it becomes an issue, the judge must acquire such a concept over the course of the hearing if she is to adequately perform her adjudicative role. For this to happen over the course of a hearing, the hearing process — its norms, its participants, even its physical architecture — must realise or enable conditions conducive to such acquisition. It must provide an environment which facilitates this mode of judicial reasoning — the largely tacit, micro-reasoning of concept acquisition which occasionally informs the often more conscious macro-reasoning of deciding a case. It is not clear, however, that the conditions under which judges think and act over the course of a hearing are always as conducive to concept acquisition as they could or should be. By virtue of the kind of agent judges typically are and by virtue of the rules and other norms they are subject to and the physical environment they practice within over the course of a hearing, judges may be constrained in effectively acquiring the concepts they need to acquire in adjudicating cross-cultural matters before them. As a result, the quality of the justice they purport to provide those who come before them may be compromised. This paper sets out to consider the nature and limits of intercultural understanding at law by framing the issue in terms of judicial concept acquisition. Drawing on contemporary analytic philosophy of mind and informed by a sound grasp of law and legal process, it sets out to describe the cognitive and practical process by which new concepts are acquired by judges, to identify those aspects of the legal system which bear on the success or failure of that process, and to provide a framework for thinking about the reform of the legal system so as to better facilitate this important mode of judicial reasoning (subject, of course, to the demands of the other ends and values a legal system is also designed to serve).

Gamal Muahmmad

Forensic Linguistics for Barristers 101: what barristers need to know to challenge linguistic evidence?

The sight of an interpreter/translator in court is not uncommon in many parts of the world. Quite often police employ linguists in their investigations to obtain information and to get evidence prepared for court purposes. For impartiality reasons police use independent linguists but do not test or train interpreters /translators in police or legal matters. When the evidence, obtained through the aid of translators/interpreters, is submitted to court, a copy is presented to the defence. Subsequently defence barristers may or may not challenge the evidence and cross-examine the linguist. The literature on challenged linguistic evidence in court, particularly in Arabic, is miniscule. The paper reflects on the cross-examination of linguists in recently concluded trials where Arabic interpreters were challenged. It will examine the line of questioning employed in the cross-examination of the interpreter in drug, people smuggling and terrorism cases. Challenging linguistic evidence requires expert understanding in three principal areas: language, culture and translation. Academic literature and professional practice show that the legal profession tends to tolerate the use of interpreters with little effort towards understanding how evidence is linguistically obtained and presented. Quite often, the legal profession seems disinterested in this area for several reasons serious among which is the lack of experience in language matters. The paper will argue that while defence barristers may have experience in using interpreters for court purposes they may wish to invest more in understanding how the evidence is linguistically prepared.

Hale Sandra**'Just interpret the words': the interpreter as defined by judicial officers and tribunal members**

The interpreter's role is to put the non-English speaking witness or defendant in the same position as an English speaking witness or defendant (Commonwealth Attorney General's Department, 1990:90). This great responsibility is generally placed on the interpreter alone, assuming that as long as they are sworn in to interpret 'truly and faithfully' the goal will be achieved. This is regardless of the interpreter's competence, the conditions under which they work or the speech performance of the speakers for whom they interpret. This reductionist attitude is evidenced in the current court practices that do not demand pre-service training for court interpreters and which do not consistently provide any information or materials for them to prepare before the case. This paper will present the results of a recent analysis of Australian judicial officers' and tribunal members' definitions of the interpreter's role. It will also discuss the reasons given for not providing preparation information or materials to ensure accurate interpreting. The study found that, despite great increased awareness of the judiciary about the complexities of interpreting, the attitude that interpreters 'just interpret the words' continues to exist.

Hopkins Anthony and Mutharajah Christina**Controlling Leading Questions in the Cross-Examination of Aboriginal Witnesses:
The Legal Position in Practice in Alice Springs**

The use of leading questions in cross-examination to test a witness's evidence is a central feature of the adversarial system of justice. Yet leading questions asked of a non-bicultural Aboriginal witness can produce answers which bear no relationship to the facts as that witness believes them to be. The tendency of Aboriginal witnesses to agree with suggestions made to them during cross-examination, regardless of their truth, has long been identified by linguists and lawyers. As is made clear in the case of *Stack v State of Western Australia* [2004], cross-examiners do not have an unfettered right to ask leading questions. Ultimately a trial judge or magistrate has the power to control their use. However, a judicial officer who intervenes to restrict the use of leading questions runs the risk of compromising, or being seen to compromise, the right to a fair trial. This paper investigates the scope of the judicial power to regulate the use of leading questions in cross-examination of Aboriginal witnesses. Further, through the presentation of empirical evidence of interviews conducted with criminal defence lawyers who appear in the Northern Territory Magistrates Court in Alice Springs, this paper will make observations of the extent to which judicial control of leading questions takes place in practice.

Ishihara Shunichi**Function Words as Speaker Classification Features**

We often observe individual characteristics in the use of vocabularies. Furthermore, in our day-to-day speech, we tend to use a limited part of our vocabulary repeatedly. This phenomenon can be interpreted as an aspect of each person's own distinctive and individualised version of the language — an idiolect. So forensic linguists ask: how can we use the idiolect concept in speaker classification? Idiolects define speaker-to-speaker variations in the use of the language, and 'speaker-to-speaker variation' is a key concept in speaker classification. The author (2010) demonstrated that Japanese fillers (cf. 'um', 'you know', 'like' in English) carry idiosyncratic information about speakers to the extent that the equal error rate of speaker classification based solely on fillers can be as high as c.a. 85% for male speakers with reasonable strength of evidence (or Likelihood Ratio (LR)). This study investigates 1) how well we can discriminate speakers based on the individual usages of function words, such as particles and coordinators; and 2) what sort of strength of evidence (or LRs) can be obtained from function words, using spontaneous Japanese speech. We focus on function words because some previous studies on English reported speakers' idiosyncrasy in selecting function words (Weber et al., 2002).

Laster Kathy**Legal Education as Second Language Acquisition**

If we accept that law is a culture (Laster, 2001) then legal education can be conceived of as a form of second language acquisition (SLA) by novices seeking entry into the complex professional culture of law. Learning to 'think like a lawyer' is the accepted objective of legal education. This ill-defined pedagogical goal can, however, be viewed as the acquisition of a sophisticated level of language proficiency in the language of law including its vocabulary, pragmatics, grammar and logic. The law school experience, especially the stresses of first year (L1), can thus be reconceptualised as a demanding language immersion experience associated with culture (language) shock (Furnham & Bochner, 1986). This approach both helps to explain hitherto under-theorised aspects of learning and teaching in law such as the problem of essentialising apparent differences in the learning experiences between male and female students and equity groups (Mertz, 1998) as well as the mixed evaluations of the Socratic classroom as a teaching method. In particular, applied SLA research regarding the optimal ways of teaching a second language to mixed groups of adult learners with a variety of motivations and skill levels can inform the development of more sophisticated theoretical and applied legal pedagogy. Moreover, instilling into novice lawyers a reflexive awareness about the process of enculturation and language acquisition has the potential to become a powerful tool in transformative pedagogy and legal professional ethics.

Community of Practice and Politeness strategies: Structural and lexical markers of 'in group' status

Pervasive in sociolinguistics research is the view that members of a speech community will signal 'in group' membership through specific linguistic choices, and thereby articulate how they identify with the practices associated with that group. In this paper we discuss a number of stylistic choices made in email traffic between paedophiles and how these choices can trigger more than one interpretation, depending on the audience/email respondent. We also show that either interpretation can be used positively by 'in group' members of this community. The body of email data used for this research is taken from a recent paedophile case in the UK. The stylistic signals considered include topic and lexical choices, together with a measure of the risk taken by 'spauthors' regarding what information is offered about the activities they engage in. Through these choices, members can not only quickly detect non-members, but can focus on those factors that are central to their community. As such these stylistic choices reveal identifying aspects of this (illegal) community. NOTE: 'spauthor' is the term we have devised to refer to email senders that combines the standard roles of speaker and author, without committing to either; instead we choose both.

Martin Jim, Zappavigna, Michele & Dwyer Paul

Angry boys: casting identity in NSW Youth Justice Conferencing

In this colloquium, we report on our research into Youth Justice Conferencing, a model of restorative justice introduced into the NSW juvenile justice system in 1997 (with parallels to models adopted in other states and territories around the same time). The session will be organised around three presentations of 30 minutes, each including time for discussion. To begin, we will introduce the research project, contextualizing YJCs within the broader restorative justice movement and contrasting the idealised descriptions of the genre that appear in the literature with the generic structure of actual conferences documented in fieldwork. Attention will also be given to the ways in which participants realize interpersonal meanings through the spatial semiotics of conferencing. We will then apply a systemic functional model of body language to Youth Justice conferences. Three kinds of body language will be examined: linguistic (in sync with the rhythm, or in tune with the intonation of language), protolinguistic (a development from infant protolanguage) and epilinguistic (realising semantics). This paper will show how body language couples with discourse semantic systems (specifically INVOLVEMENT and APPRAISAL), to contribute to an emergent multimodal conferencing macrogenre. Finally, we will focus on the way in which these spatial and gestural resources combine with language to position participants in conferences. This work involves a close reading of evaluative language drawing on appraisal theory, in relation to the identity of young offenders and their support persons. The complementary ways in which young offenders are positioned by conference convenors and by police liaison officers in different stages of conferencing will be considered, along with the roles taken up by support persons. The ways in which multimodal resources pattern in relation to identity will be modelled topologically in terms of Maton's Legitimation Code Theory, adapting his concept of specialisation in particular.

Nakane Ikuko

The impact of interpreter mediation on questioning in police interviews

Power asymmetry between the professional and the lay person in legal discourse is often reflected and reproduced through turn-taking organisation, where the professional has a control over talk (Drew and Heritage 1992; Eades 2008). In police interviews, police officers 'question and manage the interaction' while interviewees respond, and for interviewees there is 'little opportunity to alter the topic or ask questions' (Holt and Johnson 2010: 24). However, suspects have also been found to resist the power of the investigating officer (e.g. Newbury and Johnson 2006), which suggests that the interviewees are not always powerless in police interviews. Through an analysis of turn-taking in interpreter-mediated police questioning, this paper aims to demonstrate how power struggles in police interviews are affected by the participation of an interpreter. In interpreter-mediated interviews, each of the question turn and the response turn has to be followed by the interpreter's rendition turn, as a default pattern of turn-taking. However, in reality the turns of the interpreter and the police officer overlap at times, the interviewee may interrupt the interpreters' rendition, or the interviewee may initiate a repair to clarify the meaning of interpreted questions. Analysis of these types of deviations from the default turn-taking pattern and consequences of such deviations suggest that the power of the interviewer may be reduced due to interpreter mediation. It is also argued that the interactional power of police interpreters deserves further research as the impact of interpreter mediation may have legal consequences.

Napier Jemina

Interpreters and the law: Research on signed language interpreting in NSW courts

Placing the study of signed language interpreting within the wider context of interpreting as an applied linguistic activity, this presentation will provide an overview of three related research projects conducted at Macquarie University in Sydney, Australia, between 2006–2010, on interpreters and the law. Drawing on applied linguistics research in language testing,

jury comprehension, courtroom discourse, courtroom interpreting and video conference interpreting, these projects sought to investigate linguistic issues faced by signed language interpreters and deaf people in the provision of signed language interpreting in courts in the state of New South Wales (NSW). The first two experimental projects focused on the viability of deaf people serving as jurors if they are reliant on interpreters and their ability to comprehend the courtroom discourse through the administration of a comprehension test of a judge's summation. The third quasi-experimental qualitative project evaluated the feasibility and pragmatics of signed language interpreting being provided in NSW courts via audiovisual link (video conference), through the analysis of 5 case studies of sign language interpreters and deaf people interacting via audiovisual link across different scenarios with participants in different locations. The presentation will give a summary of the research methodologies and key findings, and the implications for interpreting provision in court in multicultural Australia, regardless of the languages involved. These projects epitomize how applied linguistic enquiry can be directly applied into policy and practice in relation to interpreting provision.

Nixon Deborah

Practicing Language and Law

In 2011 the Academic Language and Learning lecturers at UTS adopted a different approach to assisting students develop their language skills in discipline areas by working more collaboratively with discipline lecturers. This has required discipline lecturers to articulate the discourse knowledge required of students. My paper presents an analysis of the practical aspects of the work I conducted with the Faculty of Law through workshops in two subjects and one workshop for international students. The purpose of the workshops was to induct students into the 'discourse community' of the discipline by first working with lecturers to identify perceived areas of need and then with students to apply or translate the targeted law specific language into practical written communication. Some lecturers expect students to produce texts using the language of law and persuasion and assume language skills and an understanding of rhetoric that students may not have. A text based approach to the analysis of written law texts, from peer reviewed journal articles to past student papers was used and in turn applied to the students' own writing. Law texts were used to analyse structure, staging language, tone, register, levels of formality and to identify the finer protocols of the various forms of address used when referring to judges and other court officials. The lecturers I collaborated with could identify what they required in student writing but were unable to teach these skills in their content focused classes. This close collaboration between discipline staff has greatly enhanced my delivery of academic language support to the Law faculty.

Otaki Yoko

Forensic Voice Comparison with Japanese Female Voices: A Likelihood Ratio-Based Analysis Using F-Pattern

This paper will investigate the female Japanese voice to find a pattern of scientific evidence with which to discriminate individuals. I will compare individual female voices and analyse their differences/similarities to ascertain their voice characteristics; how likely two voice samples are from the same speaker or are from two different speakers. The Likelihood Ratio (LR) is used in courts to measure the strength of recorded evidence. LR-based forensic voice comparison is a new paradigm; it has centred on English speech samples and almost exclusively on male speakers. Thus, the purpose of this current study is to investigate: (1) How well can voices be discriminated? and (2) What degree of LRs can be obtained from the female voice? The database for this study was compiled by the National Research Institute of Police Science (NRIPS), Japan. The samples are taken from subjects and recorded on to a mobile channel by extracting the first three formant frequencies from the five Japanese vowels (/i, e, a, o, u/) appearing in nine different locations, each in some sentences, uttered by 28 female speakers at two different sessions. Based on the formant frequencies, speaker classification tests will be conducted using the multivariate kernel density formula proposed by Aitken and Lucy (2004). Cross-validated LRs will be calculated. The results of the speaker classification tests will be assessed using equal error rate (EER) and the log-likelihood-ratio cost function (Cllr). The overall performance of the speaker classification will also be presented by fusing the LRs obtained for each vowel.

Pingjai Supawan

Forensic Voice Comparison in Thai: A Likelihood Ratio-Based Approach Using Tonal Acoustics

This study describes the first Likelihood Ratio-based Forensic Voice Comparison (FVC) for the Thai language. This study uses the tonal acoustics of the five standard Thai tones — namely fundamental frequency (F0) and duration — as discriminatory features in order to see to what extent speech samples from the same speaker can be discriminated from speech samples from different speakers. The likelihood ratio (LR) is used in this study as the discriminatory function. The LR is estimated by means of the multivariate kernel density formula proposed by Aitken and Lucy (2004). In this study, the F0 contour of each target tone was fitted with a third-order (cubic) polynomial curve. The coefficients of the fitted curve were used as parameters representing the characteristics of each speech sample. In addition to the coefficients, the duration of each sample was also used as a parameter. For each tone, we investigate twelve different segmental combinations, consisting of a combination of three different vowels (/ii, aa, uu/) and four different consonantal phonemes (/p, ph, b, m/).

Speech samples were drawn from ten male speakers. The results of speaker discrimination experiments are visually presented in Tippett plots, and assessed by means of equal error rate (EER). We demonstrate that the acoustic parameters of Thai tones work reasonably well to discriminate speech samples. The lowest EER of 4% was obtained in this study. We compare the performance of different tones and vowels in details.

Skopal Dana

Applied linguistics and plain language: an approach to administering good governance

The focus of this paper is firstly on the relation between the processes involved in writing government information documents in plain language and the reception of those documents by the public, who as citizens have a right to understand the nation's laws. I present a brief synopsis of the research (using genre analysis, Bhatia, 2004) into the recontextualisation processes through which a complex subject matter was reformulated into a plain English brochure for members of the Aboriginal community. In addition, I outline current readability research into a range of government documents and how regulatory information has been reformulated. Secondly, the paper addresses the potential links between the language adopted in Australian regulations and workplace writing training in government organisations. If plain language is to be adopted in the laws and explanatory public information documents, how do applied linguists define plain language and should plain English be a part of workplace writing training programs? While insensitive to context, plain English guidelines state to use 'everyday words that readers will understand' and 'prefer simple sentence frameworks' (Law Reform Commission of Victoria, 1987; Snooks & Co., 2002). From a communicative viewpoint, the question that writers need to first ask for each document is 'Who is the audience?', and therefore, what will be the appropriate level of 'everyday words' and 'sentence frameworks'. Can these questions and appropriate writing formats be adequately covered in government workplace writing training and so result in clearer regulatory information documents?

Stroud Natalie

New Developments in Language and the Communicative Process in an Indigenous Sentencing Court

An understanding of the relationship between language and the law is an essential component in the administration of justice, even more so when dealing with disadvantaged offenders. The problem under review is the high percentage of Indigenous offenders who continue to come in contact with the law. In recent years, the changing paradigm of criminal justice has led to the establishment of a number of non-adversarial alternative sentencing courts throughout Australia. This paper will examine how language is used in the mainstream courtroom in Victoria, and compare this with the culturally sensitive communicative style of the Koori Court. The Koori Court model, which includes the participation of Indigenous Elders in the administration of the law, has expanded throughout Victoria and includes the Children's Koori Court and the County Koori Court, Australia's first Indigenous court in a higher jurisdiction. The key question guiding this interdisciplinary study of language in the legal domain is to determine if cross-cultural issues of miscommunication continue to be reflected in the court process, or whether an awareness of cultural and language difference by participants at the Koori Court hearing leads to a more restorative and therapeutic outcome for both Indigenous offenders and the community. The solution-focused approach of this Indigenous court provides a forum where underlying disadvantage may be addressed, with rehabilitation of the offender leading to a better form of justice and a reduction in re-offending.

Townes O'Brien et al

Language Rights in Education: International, American and Australian Experiences

This symposium focuses on language rights as expressed in international law, and state legislation and policies that impact on the education of minority language and Indigenous children. The American and Indigenous Australian experience will be the main focus of analysis by the two presenters, one a legal expert and the other an applied linguist.

The session will begin with an introduction that sets the international scene (Lo Bianco, chair), followed by two longer presentations (O'Brien, and Wiley & Lillie), commentary from the chair/discussant (Grimes), and discussion from the floor. The presenters' abstracts follow.

Bilingual Education and the Role of Rights

Molly Townes O'Brien, ANU College of Law, The Australian National University

Education is a fundamental right, but not always an unqualified good. For Indigenous peoples around the world, education has historically failed to deliver fully on its promise of economic and social advancement. Instead, it has often worked to deprive Indigenous people of their sense of cultural identity and value. This presentation sketches assimilationist educational history offered to indigenous children in Australia and elsewhere to highlight the fact that the denial of mother tongue education is a long-standing issue around the globe. It then examines the right to bilingual education at international law, arguing that the voice of the pluralist international community is clear: Mother tongue education is the child's right; language preservation is the minority community's right. This presentation then examines Australia's domestic approach to international

legal rights and argues that statutory protection of the right to bilingual education is needed to secure an appropriate education for minority children.

States' Rights v. Minority Rights: Implications of the Case of Arizona for the Multilingual U.S.

**Terrence G. Wiley (Arizona State University and Center for Applied Linguistics, Washington, DC)
and Karen Lillie (State University of New York at Fredonia)**

After nearly half a century of trying to reverse the separate and unequal legacy of segregation and under-education of language minority children in the U.S. (Blanton, 2005; Wiley, 2007), the struggle for equitable education for language minorities continues. Recent federal court decisions are allowing U.S. states broader authority in determining policy and practice for the education of language minority children. The paper examines the impact of this trend in the state of Arizona, where since 1992, parents of language minority children and the state of Arizona have been entangled in a long-term legal controversy (*Flores v. Arizona*) over equitable funding for the teaching of English as a second language. In an additional challenge to language minority educational rights, in 2000, Arizona voters approved Proposition 203, which restricted bilingual education and mandated a controversial instructional model called 'Structured-English Immersion' (SEI).

This paper analyses the evolution of politics and policies in Arizona and provides a synthesis of a decade of research (Grijalva, 2009; Lillie et al. 2010; Moore, 2008; Wiley et al., 2009; Wright, 2004; Wright & Pu 2005;). Next, the paper adds the final chapter to the saga of *Flores v. Arizona*. It concludes by addressing the implications of this research for educational language rights and assessing the direct impact of long-term English-Only policies on teachers and children. Collectively, these studies utilized a variety of research methods, including interpretive policy analysis, case study, large scale surveys, qualitative evaluation, interviews and classroom observations. The legal precedents being established in Arizona have broader implications for the struggle for educational equity and language rights in the United States.

Townley Anthony and Riazi Mehdi

Analysis of authentic legal email negotiations and contracts: Implications for legal writing instruction

In response to findings from a review of ELP textbooks (Candlin, Bhatia & Jensen, 2002) that they are too general and do not represent the authentic conditions and processes of legal practice, we undertook a research-based approach to the genre analysis of the textual and professional spaces (Bhatia, 2004) of email negotiation discourse. Case studies were undertaken with two law firms in Istanbul that provided authentic data for contracts negotiated in English with counterpart lawyers from Europe. Bhatia's (2004) multi-perspective approach was used to first undertake textual analysis of the data and then participating lawyers were interviewed to discuss discursive features identified in the textual analysis. The duality of this analytical approach is valuable in providing both a comprehensive description of the lexico-grammatical features, rhetorical structures and intertextuality of the negotiation discourse process and an understanding of the interdiscursive professional practices that influence and shape them. The findings represent a new descriptive analysis of the email negotiation process and can be used to develop more meaningful ELP pedagogy that prepares undergraduate law students for the realities and complexities of negotiating commercial contracts in English.

Walsh Michael

Experts as 'vulnerable' witnesses in Australian Aboriginal land claim and Native Title cases

We tend to think of communicative challenges for witnesses by virtue of age (e.g. children), gender (for women in a male dominated legal setting), limited formal education or limited knowledge of the English language. However it can be demonstrated — particularly in some more recent Australian Aboriginal land claim and Native Title cases — that experts appear to have become vulnerable witnesses. In this paper I will focus on some of the difficulties encountered by witnesses expert in anthropology, history and linguistics. Their difficulties would appear to have arisen — at least in part — from profoundly different discursive expectations between the law and expert disciplines. One site for discursive dispute is a perceived straying outside disciplinary borders: historians doing ethnography; ethnographers doing history; anthropologists daring to talk about language! But even when it is felt that people have not strayed too far from what constitutes their discipline (a rather problematic issue in itself!), various witnesses have failed to transmit some pretty basic issues effectively, despite such witnesses being among the least likely to be subject to communicative challenges. I'll consider some of the reasons for such failures and display some of the considerable frustration experienced by these 'vulnerable' witnesses. It is not merely frustration but disgust from the aggression in their legal encounters that has led too many to desert the field as expert witnesses. In the Australian situation, this disenchantment is not restricted to Australian Aboriginal land claim and Native Title cases (although that is what I will focus on) and points to an alarming trend where the efficacy of cases will be reduced in the extent to which they have the advantage of relevant expert knowledge.

Discourse Practices, Focal Themes and Discourse Roles in the Australian Migration Review Tribunal (MRT)

Pursuant to the Migration Act 1994, the MRT reviews unsuccessful cases for residency visas to Australia upon receipt of applications from the review applicants. It examines the evidence, materials and documents submitted by applicants, and its power includes setting aside decisions made by Department of Immigration and Citizenship (DIAC), remitting applications back to DIAC for reconsideration, and affirming DIAC's decisions. Presiding Tribunal Members are experienced either in migration or administrative law. To date, there have been no empirical discourse-based studies of the MRT and its processes. The Project explores how MRT conducts its hearings distinctively from that of court proceedings. For example, legal representatives, sponsors, or registered migration agents (RMA) are not allowed to speak unless invited by the presiding Member, who will often use lay terms to address questions to applicants or witnesses, with or without interpreters or translators. Members draw on this fact-finding process to determine if the application should be decided in favour of the review applicant or otherwise, pursuant to the legal framework of the migration legislation. This interim report sets out how the project focuses on the procedures and associated inter-discursive practices of the MRT and how these are articulated by participants, augmented by data from any pre-hearing conferences. These data will be extended and critiqued through ethnographic, interview-based accounts from a selection of key participants. The paper identifies the MRT as a distinctive, complex, interdiscursive communicative event characterised by its own focal themes, its particular participation framework, its associated discourse types and repertoire of strategies, evidencing the at times contested roles and purposes of participants. The paper will also describe the project in terms of critical sites, data sets and analytic tools.

POSTER

Micciche Grazia

Teaching Juridical Italian in Australia

This poster will describe a new course to be taught at the ANU entitled Juridical Italian/Italian Diplomacy starting 2012. The Ministry of Foreign Affairs of Italy has been sending lecturers of Italian language, culture, and literature to Australian universities for more than 10 years. This course results from collaboration between the ANU School of Language Studies and the Italian Embassy. Juridical content and Italian language content will be delivered through traditional face-to-face lectures, seminars and tutorials and technology-based delivery, in conjunction with web-based individual and group activities. The strictly juridical content will be delivered by a series of guest lectures, in person or via recorded videos or videoconference. Italian diplomats will present topics on diplomacy and the Italian legal system. Language teaching will target the learning needs of beginner and intermediate level students, and will be based on specific juridical language and real documents. The course will assist students in areas such as Law, International Relations, Diplomacy, European Studies to learn the fundamentals of Italian legislation and the history of Italian jurisprudence, the contemporary legal system, and the differences between Common Law and Codex based Law. The University of Southern Queensland is collaborating in developing a virtual platform for role-play and other simulations.