

LEGAL ASSISTANCE FORUM 5 JUNE 2009

- Before beginning I would like to thank you for the opportunity of being able to address you today on is a very important topic.
- Today's theme, "Improving Legal Access for CALD Communities" is a topic very close to the heart and aspirations of the Division that I head. Two of the major areas of responsibility of my division are the Human Rights Unit and the Multicultural Advisory Unit.
- For the purposes of this discussion it will be necessary to split our CALD Communities into two groups; 1. CALD Communities; and 2. Recently arrived and predominantly from New and Emerging Communities.
- In looking at older and well established CALD Communities we can see examples of the settlement process in its best light. Older CALD Communities, for example the Greek, Italian, Dutch Communities, are part of the very fabric of the wider Victorian Community, and have many infrastructures in place to assist their community members with many day to day issues including legal matters.
- These older and established CALD Communities were once new and emerging communities too when first they settled in Australia.
- So what are we to make of this? One of the biggest factors impacting on new and emerging communities is just that, they are new!
- One of the biggest inhibitors to NEC CALD Communities accessing legal services is "misunderstanding"
- I will give some examples from the findings of a report that was compiled by the Wyndham Humanitarian Sudanese Sub-Committee and released in 2008.
 - One hundred and sixty-two South Sudanese men, women and children came together in Wyndham Vale in April 2008 together with many government and non-government service providers. They came to discuss and examine the complexity of issues confronting and challenging their community. Among the topics discussed were Legal issues
- The report shows that:
 - The cultural transference of legal concepts and application of the law from Sudan to Australia has created confusion and misunderstanding of what is acceptable behaviour according to the law in Australia.

- Coupled with traditional family structures and gender roles and you can see how many Sudanese families experience feelings of having lost control of their children.
- So what did the Sudanese themselves tell us what the problems were that they encountered with the legal system and what can we take from this?
- the Sudanese Community expressed:
 - Lack of awareness and understanding about basic legal rights and responsibilities, including those relating to racial vilification;
 - Incomprehension of acceptable and unacceptable methods of disciplining children;
 - Misunderstanding of the legal role of Federal, State and local government bodies;
 - Lack of knowledge on how to access legal assistance, legal aid, and family assistance,
 - Misunderstanding of the role of the police in providing legal assistance;
 - More information needed on resolving neighbourhood disputes, including property damage;
 - More information and education needed about the ramifications and responsibilities of entering into contracts

What then did the Community themselves recommend to address these issues?

Some recommendations were:

- Programs, projects and studies by the legal fraternity focussing on the Sudanese community which leads to greater education and awareness of law processes and legislation in Australia;
- Legal pamphlets and documents translated into relevant Sudanese languages;
- Information and presentations conducted by Consumer Affairs or other relevant bodies.

It is interesting to compare the Wyndam Report with an earlier report that was commissioned by the Law and Justice Foundation of NSW. This report, called "Access to justice and legal needs: a project to identify legal needs, pathways and barriers for disadvantaged people in NSW, identifies a number of similar legal system concerns as those raised by the Sudanese but also raised other concerns not discussed in the Wyndam forum:

In particular the Law and Justice Foundation of NSW report stated that;

"Family law focuses on the narrowly defined "nuclear family" and does not pay sufficient regard to the diversity of family structure that exists in a multicultural community. It is also seen as failing to recognise the importance of cultural values and cultural identity."

It is salient to recall that the International Covenant on Civil and Political Rights provides that all persons appearing before courts and tribunals are: "to be informed promptly, in detail, and in a language the person understands of the nature and causes of the charge"

So what then of the more vulnerable members of CALD Communities? The Human Rights and Equal Opportunity Commission in Sydney compiled a report called "Migrant Women and the Law" Barriers to Access and Equity"

This report lists some of the concerns that these women brought to the Commission for resolution:

- Discrimination in employment, in promotion and in access to training opportunities;
- Lack of access to English Language training;
- Lack of access to adequate child care facilities;
- Poor interpreting services;
- Difficulties in obtaining recognition of overseas qualifications;
- Difficulties in access to legal protection and redress.

The Human Rights and Equal Opportunity Commission concluded that: "Government agencies responsible for administering our laws must be proactive in ensuring that all people; including people from non-English speaking background are adequately informed of their legal rights, and the mechanisms for enforcing those rights.

"All people must have equitable access to our country's justice system, not just those who can pay. In addition to cultural and linguistic differences, many migrant women face similar problems to the poor and uneducated in our society who, because of these factors (poverty and limited formal education)

are directly and indirectly disadvantaged in accessing and participating in our legal system.”

Many women from non-English speaking background fear reporting an abusive relationship to Police for a number of reasons. In many cases, due to being isolated from close family and friends, the only relationship many of these women have is with the abusive person. Therefore the only choice they may perceive is total isolation or remaining in the abusive relationship. They may also be fearful of being isolated from their ethnic community if they leave their husband. They may also fear that they and their children will be deported if they report the abuse.

To counter these fears Police use qualified interpreters to explain the true nature of the law. Police also refer women to various Immigrant women service providers.

Victoria Police, which serves one of the World’s most diverse multicultural and Multifaith communities, has a number of mechanisms in place that enable us to do our work as effectively and sensitively as possible.

We are big believers in consulting at the grass roots level and our Committees like PACMAC, Multifaith Council, & PCCCs, help us to do just this.

Our Multicultural Advisory Unit and our Multicultural Liaison Officers work closely and widely with all communities.

The following areas represent some of our “good practice models”:

- **MAU;**
- **MLOs’**
- **Our Cross Cultural Training of Police Members across all rank structures;**
- **Victoria Police Code of Conduct;**
- **Our adherence to the Human Rights Charter;**

• The Victoria Police strategic Plan, ***The Way Ahead 2008 - 2013***, The Way Ahead 2008-2013 builds upon the success of the previous plan and provides the strategic direction for Victoria Police for next five years.

Victoria Police will connect the community, through our people, to deliver a safer Victoria. Our priorities for 2008-2013 are:

- **A safer Victoria** - Crime, public safety and road safety are our focus for delivering a safer Victoria;
- **Connecting the Community** - Police connect people within and across communities. We are often the first point of contact for people in

need of help, and we connect them with others who can provide ongoing assistance.

- **Valuing our People** - We value our people and the work they do in providing policing services to the community. We want our people to be skilled, capable and confident in their roles, professional at leading and influencing change in the community and working effectively within an adaptive and responsive organisation.

- Our latest initiative, **the Victoria Police New and Emerging Communities Liaison Officers Program** will greatly enhance our capacity to work with our newest communities. (5 positions concentrating on community development initiatives and building bridges of understanding between new and emerging community members and Police – based at Dandenong, Northcote, Keilor Downs, Moonee ponds and a position based at the VPC specifically focussed on working on family issues across the metropolitan area.

- **“All of Us”, the Victorian Government’s commitment to Multiculturalism** commits Victoria Police to the principles of equity and diversity through increased representation of diverse communities throughout the organisation. One of the desired outcomes of the plan is to engender recognition of the value of Victoria’s cultural heritage as well as protecting and supporting the diversity of our people and their communities.

- **The Victoria Police Multicultural Policy Statement**, launched by the Multicultural Advisory Unit in 2007, outlines a set of aims for the future focus of Victoria Police to improve policing outcomes for CALD communities to supports the objectives of the key policy platforms of the Government and Victoria Police. The aims listed in the policy include increasing organisational capacity, CALD community support, and engagement, perceptions of safety and customer satisfaction, and ensure our crime and road safety responses consider the needs of CALD communities, and improve information sharing and collaboration (Victoria Police, 2007, p. 5).

- **In 2006 the Victoria Police Multicultural Liaison Officer Program was listed as one of the key achievements in multicultural affairs** (Victorian Office of Multicultural Affairs, 2006, p19). Victoria Police involvements in New and Emerging Communities Forum, the Police and Community Multicultural Advisory Committee and multicultural education of police recruits and probationary constables were also recognised (Victorian Office of Multicultural Affairs, 2006, p20).

Victoria Police are proud partners of the “Connecting Africans to Industry” project, part of which involved us hosting 12 young African Community members recently for two days as they visited several Police Units to gain a better understanding of these areas. It is hoped that such initiatives will give young African Community members the incentive to join the Victoria Police, helping to make us more representative of the community we police.

Finally I would like to inform you of a “good practice model” which will have lasting benefits not only for African Community Youth but for all youth. **The Victoria Police Child and Youth Strategy 2009-2013** was launched on the 3rd April, 2009. This Strategy will provide Victoria Police with the framework to enhance organisational understanding of issues impacting on young people and to develop a better understanding of how we can effectively deal with these issues.

Through our work with our key partners we have identified the need to focus on those factors and influences that drive over-representation of young people in crime and road trauma statistics, both as offenders and victims. Victoria Police will continue to work with our partners to support the development and implementation of a framework that helps to identify the needs of vulnerable young people in the community.

The Victoria Police Child and Youth Strategy 2009-2013 underpins the importance of partnerships, research and engagement in understanding and effectively addressing youth issues. Based on evidence, Victoria Police will apply a coordinated and consistent approach to matters involving children and young people aimed at improving the health, safety and wellbeing of those at risk and contributing to delivering positive social outcomes for those affected.

Over the next four years Victoria Police will focus on the following priority areas regarding children and young people:

- Reducing recidivism
- Increasing effective diversion processes
- Reducing road trauma
- Reducing violence and anti social behaviour, and
- Improving youth engagement

Thank you