



Access to Justice

for People from Refugee and
Migrant Backgrounds in Australia



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About the Settlement Council of Australia (SCoA)

SCoA is the national peak body for Australia's dynamic settlement services sector. SCoA represents approximately 100 agencies in the settlement sector, which comprise the vast majority of agencies across Australia providing settlement support to recently arrived migrants, including those from a refugee background. Our members work directly with a wide range of new arrivals from diverse backgrounds, as well as the mainstream Australian community and various stakeholders.

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Table of Contents

| | |
|---|-----------|
| Introduction | 4 |
| 1. What is ‘access to justice’? | 5 |
| 2. Barriers..... | 6 |
| 1. English Language and Literacy | 6 |
| 2. Unfamiliarity and cultural difference..... | 6 |
| 3. Prejudice, racism and discrimination..... | 7 |
| 4. Past trauma | 8 |
| 5. Complexities of the legal system | 8 |
| Compounding Disadvantage | 10 |
| 3. Responding to barriers..... | 11 |
| 4. Recommendations | 16 |
| Recommendation 1: Improve Legal Awareness | 16 |
| Recommendation 2: Increase Engagement..... | 16 |
| Recommendation 3: Enhance service provision..... | 17 |
| Recommendation 4: Promote the values of inclusivity and diversity | 17 |
| <i>Recommendation 5: Improve Planning.....</i> | <i>18</i> |
| 5. References | 19 |

Introduction

Australia is one of the most multicultural countries in the world and is home to numerous ethnic and cultural groups. In 2016, the Australian Census revealed that approximately 26% of Australia's population was born overseas and a further 20% had at least one parent born overseas.¹ Over 300 different languages are spoken in Australia and about 4 million of the Australian population speak a language other than English at home.²

The composition of new migrants has changed significantly in recent years. Between 2001 and 2011 there was a 23% decline in the number of overseas-born people originating from Europe, and a 37% increase in the population originating from Asia, particularly India and China.³ These statistics show the ever-expanding culturally diverse composition of Australia, and stress the importance of addressing issues specifically faced by these communities.

While Australia benefits economically, socially and culturally from diversity, there are often challenges for new arrivals. One of these challenges is in their access to the justice system. The Settlement Council of Australia (SCoA) recognises that access to justice is one of the most important factors supporting the settlement of new arrivals. SCoA identifies 'justice' as one of nine key indicators of successful settlement in its National Settlement Services Outcome Standards (NSSOS) (See Appendix 1).⁴

However, the Australian legal system is complex and can be difficult to navigate for newly arrived Australians from culturally and linguistically diverse (CALD) backgrounds. A newly arrived person is confronted with a complex mix of federal, state, and local laws and processes that they are unfamiliar with. Failure to acquire access to justice can exacerbate the vulnerability of new arrivals. To ensure successful integration of new arrivals into Australian society, the judicial system, governments, settlement service providers, and the wider community must collaborate to ensure access to justice.

This paper examines access to justice for newly arrived people from CALD backgrounds. The first section outlines the importance of access to justice. The second section examines barriers to accessing justice on both an individual and systematic level. The third section explores measures and initiatives undertaken to address these barriers. The final section provides case studies that demonstrate 'best-practice' principles under NSSOS, and recommendations for improving access to justice.

¹ Australian Bureau of Statistics, "2016 Census: Multicultural"

² Australian Bureau of Statistics, "2011 Census shows Languages on the rise in Australian Households"

³ Judicial Council on Cultural Diversity, "National Framework To Improve Accessibility To Australian Courts For Aboriginal And Torres Strait Islander Women And Migrant And Refugee Women"

⁴ Settlement Council of Australia, "National Settlement Services Outcomes Standards"

1. What is 'access to justice'?

Access to justice is a key tenant of the rule of law, which is central to modern Australian democracy. The *Universal Declaration on Human Rights* states that every person is entitled to a fair and accessible judicial system. This includes the right to equal protection and due legal process for all, irrespective of their race, religion, ethnicity, and gender.⁵

According to the Law Council of Australia, access to justice includes access to information, understanding legal problems, getting help when required, understanding outcomes and having your voice heard when laws are made.⁶ Effective participation in the judicial system includes active participation in the law reform process, and adequate access to tribunals, courts, and other forms of alternative dispute resolutions mechanisms.

Justice is one of 9 key priority areas outlined in SCoA's NSSOS (See Appendix 1). Standard 9 emphasises the need for newly arrived Australians to have access to timely and relevant legal information and advice in their own language. The indicators of this outcome standard being achieved are that:

- Programs and initiatives are developed in response to specific justice and legal issues experienced within new arrival communities. Linkages are established with relevant legal, Government and community services that enable access to legal and justice systems using a diversity lens
- Services contribute to the education of legal and justice sector workers around the influence of culture and potential discrimination in legal and justice systems
- Interpreters are used in all situations where legal information is being discussed and where required or requested by the client
- Services support the development and provision of translated legal information
Services promote and advocate access to affordable legal advice and representation as well as the right of appeal
- Newly arrived communities are supported to develop positive and trusting relationships with law enforcement agencies

⁵ Commonwealth. "A strategic framework for access to justice in the Federal Civil Justice System."

⁶ Law Council of Australia "Access to Justice", <https://www.lawcouncil.asn.au/tags/access-to-justice>

2. Barriers

Newly arrived Australians from CALD backgrounds can face a number of barriers when accessing the Australian justice system. These barriers, often experienced simultaneously, can heighten their vulnerability and ultimately hinder the settlement process. Key barriers to accessing justice include:

1. English language and literacy
2. Unfamiliarity and cultural difference
3. Prejudice, racism and discrimination
4. Past trauma
5. Complexities of the legal system

1. English Language and Literacy

One-fifth of the Australian population speaks a language other than English at home.⁷ English language proficiency is often cited as a factor that can enhance settlement outcomes. Limited English language proficiency affects a person's ability to access information and advice with respect to legal duties, rights and the significance of certain actions. Even individuals with adequate proficiency in English may lack the ability to effectively communicate their point of view in the complex legal environment. While this challenge is not exclusive to CALD communities, impediments in accessing accurate legal information are increased for those whose native language is not English.

2. Unfamiliarity and cultural difference

Individuals from CALD backgrounds, especially new arrivals, are often unfamiliar with the Australian legal system. Surveys conducted across Australia revealed three important observations in this regard. Firstly, the difference between Australian laws and those of their homeland can hinder their ability to understand the Australian laws that are applicable to them. Secondly, individuals who ignored their legal issues often lacked the means and knowledge to access legal and other support services.⁸ Thirdly, individuals from CALD communities were often unaware that their problems have legal consequences and solutions.⁹ In some cases, even if they did recognise an issue as having legal consequences and solutions, they sought advice from friends, family members and acquaintances rather than legal experts.

Furthermore, newly arrived Australians are generally less aware of the laws concerning work rights, pay and working conditions. Lack of knowledge limits their ability to lodge a complaint

⁷ Australian Bureau of Statistics, "Basic Community Profile"

⁸ Mukherjee, *Trends and Issues in Crime and Criminal Justice/Australian Institute of Criminology*

⁹ Law and Justice Foundation, "Legal Australia-Wide Survey: Legal need in Australia"

about unsatisfactory work conditions, discrimination, workplace harassment, and unpaid work. In these cases, failure to seek legal assistance may leave newly arrived Australians highly vulnerable.¹⁰

In Australia, migrants and refugees come from a diverse range of cultural backgrounds. Newly arrived Australians may experience cultural differences throughout the settlement process, which may also compromise their understanding of, or access to, the Australian justice system.

Some of these cultural differences may include:

- Family structures and dynamics
- Customs that determine how men, women, and children are to be treated
- Laws that govern personal rights in property, family law issues, inheritance, ownership, and dissolution of marriage

In the judicial system, these cultural and linguistic differences may inform:

- How one behaves, acts, and presents themselves in public forums such as courts and tribunals
- How one perceives the working of the judicial system and their role in administering justice and fairness
- What they perceive to be a significant legal issue that can be dealt with by legal expertise
- Understanding of the judicial system and assumptions about the consequences of legal proceedings

These cultural differences can add to the complexity of the already confusing legal system. It may also leave individuals feeling confused, overwhelmed, isolated or fearful of the legal system, thus further hindering their access to justice.

3. Prejudice, racism and discrimination

Racism, discrimination and prejudice is another barrier to accessing justice for newly arrived Australians.¹¹ These negative experiences can create fear and hesitancy around the justice system and prevent people from seeking the legal services they are entitled to.

Of particular significance is an association between crime and particular ethnic and cultural communities that exists in some sections of Australian society. These associations are often heightened by certain media sources. There is however no conclusive evidence that ethnicity is a factor that influence crime rates, and therefore such assumptions should be largely

¹⁰ African Australian Multicultural Employment and youth Services, "Refugees and Migrants Access to Justice"

¹¹ *Ibid*

dismissed.¹² Instead, evidence suggests that migrants have the lowest rates of criminality in Australia, and are more likely to be the victims of crime, as opposed to the perpetrators.¹³

Prejudice, racism and discrimination can hinder access to justice in the following ways:

- Increase racially motivated violence or discrimination
- Over-policing, negative stereotyping and discrimination in the police force
- Hesitancy to report crime or violence due to a fear of police discrimination or dismissal
- Hesitancy to access legal and other services – such as domestic violence support - due to fear of discrimination or dismissal
- Culturally inappropriate judicial services – a lack of judicial officers and administrative staff trained in cross-culture and cultural diversity.¹⁴

4. Past trauma

Many newly arrived Australians, particularly asylum seekers or those from a refugee background, have experienced traumatic events. The psychological and social impacts of trauma include mental health problems and family breakdown, and are a significant barrier to the settlement process. These are experienced alongside the challenges of adjusting to a new life in Australia. Individuals dealing with trauma often require specialised assistance to understand and participate in Australian legal processes.

Furthermore, experiences with the justice system can be overwhelming and potentially triggering for those experiencing trauma. It is important for the justice system to minimise triggering trauma, and be responsive to the needs of those with an experience of trauma.

5. Complexities of the legal system

Complexities of legal system are another barrier for newly arrived Australians from CALD backgrounds. These include the following:

a) Litigation and complex court proceedings

Litigation and court proceedings directly impact an individual's ability to resolve their legal issue. If the litigation process is too complex, an individual is unlikely to resolve the problem without legal assistance. Newly arrived Australians may have little or no understanding of how the court and legal system works, why bail is important, how to respond to cross-examinations, what evidence is admissible, and the procedures surrounding these things. This can discourage or prevent CALD members from accessing justice. The complexity of court rules, legal costs, poor legal literacy, and lack of interpreters all further add to the list of challenges a member of the CALD community may face in the process of accessing justice.

¹² Mukherjee, *Trends and Issues in Crime and Criminal Justice/Australian Institute of Criminology Study*

¹³Bartels, "Crime prevention programs for culturally and linguistically diverse communities in Australia."

¹⁴ Ibid.

In addition to this, in most tribunals, legal representation is either restricted or discouraged, leaving people unrepresented by qualified legal advocates. Even the physical environment of courtrooms may cause feelings of exclusion and disempowerment.¹⁵

b) Legislation

The principle of the equality of law - meaning each individual must be treated equally by the law and that all are subject to the same laws of justice - does not necessarily equate to access to justice. The general application of legislation can result in discriminatory consequences. If a law does not accommodate cultural diversity, it is inconsistent with the principle of equality before the law.¹⁶ The 1992 report on *Multiculturalism and Law* identifies different areas of law which pose challenges to CALD communities in accessing justice.¹⁷ These include:

- Australian Family law focuses on nuclear families, while ignoring the various family structures often seen in other cultures.
- Women from CALD communities seldom raise their voice against domestic and family violence. To add to this, there is a lack of female interpreters, legislation and judicial services for providing adequate support to victims of sexual, domestic and family violence.¹⁸
- CALD community members who are not accustomed to written agreements may be vulnerable to unfair contracts and commercial agreements.

c) Systemic problems in existing services

Even some of the existing services established to address barriers to access often have inherent issues which restrict an individual's accessibility to justice. For example, free interpreter services intended to assist with legal matters¹⁹ can be problematic. These problems include:

- Clients may have difficulties in describing their legal problem and the particular area of law
- If the quota for free interpreter services is filled for a particular day, the client may need to pay for the service.²⁰

Further, most legal services websites are not made available in other languages. The websites and email services are often difficult to navigate, further limiting access to legal services for people from CALD backgrounds.

¹⁵ Schetzer, Louis, and Henderson, *Access to Justice and Legal Needs*

¹⁶ Hon. Chief Justice Robert French, "Equal Justice And Cultural Diversity — The General Meets The Particular"

¹⁷ Australian Law Reform Commission, "Multiculturalism and the Law"

¹⁸ Women's Legal Services NSW, *A Long Way to Equal*

¹⁹ Schetzer, Louis, and Henderson. *Access to Justice and Legal Needs: A Project to Identify Legal Needs, Pathways and Barriers for Disadvantaged People in NSW*

²⁰ Access to Legal Information Working Group Discussion, "Access to Justice Roundtable Proceedings of a Workshop July 2002"

Compounding Disadvantage

Some groups of newly arrived Australians from CALD backgrounds face additional barriers to accessing the justice system. These may include children and young people, people with a disability, women, those experiencing poverty, and those who are not literate in any language.

- **Children and young people:** According to the *1997 Seen and Heard: priority for children in the legal process report*²¹, young children face difficulties in accessing justice for matters such as criminal charges, contract issues, personal injury and consumer issues as they lack the legal capacity to participate in the judicial process. They also may not be aware of the laws that govern them and their rights and responsibilities under the law.²²
- **People with a disability:** Those with a physical disability can face problems of access due to their mobility, and may face obstacles in accessing courts, tribunals, and other intermediaries to exercise their claim/ defend themselves.²³ People with intellectual disabilities may face additional barriers in understanding legal processes and procedures.
- **Women:** Gender roles and responsibilities can limit CALD women's access to justice. Cultural, religious and family factors may discourage or prevent women from seeking support about family and domestic violence. As a result, situations can reach a crisis point before services are engaged.²⁴
- **People experiencing poverty:** The Longitudinal Survey of Immigrants to Australia indicated that 26% of new arrivals had no income when they first arrived.²⁵ Accessing legal services such as legal advice, legal representation, filing for an affidavit, applying for bail, recruiting an interpreter, and court fees can be very expensive. Financial difficulties can add further barriers to accessing justice.

²¹ Australian Law Reform Commission, "Seen and Heard: priority for children in the legal process"

²² *Ibid*

²³ Australian Law Reform Commission, "Multiculturalism and the Law"

²⁴ French, Hon. Chief Justice Robert. 2015. "Access to Justice for Culturally and Linguistically Diverse Women Opening Remarks"

²⁵ Australian Bureau of Statistics, "Basic Community Profile"

3. Responding to barriers

In response to these barriers, there have been many initiatives to improve access to justice for newly arrived Australians from CALD backgrounds. Many settlement service providers offer support services and initiatives to connect their clients with access to the justice system. Several examples have been highlighted below.

[The Humanitarian Group and Red Cross: Outreach Support Services](#)

The Humanitarian Group and Red Cross commenced their Outreach Support Service collaboration in November 2017. The aim of the Outreach Support Service is to provide eligible clients with migration advice about family reunion visa options as well as with general legal assistance with a broad range of issues, including family violence, visa cancellations, citizenship, bridging visas, human trafficking, Administrative Appeals Tribunal matters and other minor family, civil and criminal law matters. To be eligible for assistance clients must have no or very low income, be new arrivals to Australia from CALD backgrounds.

[Westjustice Employment Law](#)

In response to an unmet need, the Westjustice Employment Law Project was established as a pilot program, providing employment law services and community legal education to people from across Melbourne's western suburbs. The project assists with legal issues that arise under employment or anti-discrimination laws including underpayment or non-payment of wages and entitlements, sham contracting, warnings, termination, discrimination, bullying, sexual harassment, victimisation and workplace injury. The project also has a strong commitment to raising awareness of laws and services within target communities by running information sessions for community members and community workers, explaining employment laws, rights and responsibilities. Over a 3-year period, the project assisted 200 clients from 30 countries, demonstrating a widespread need for employment law assistance. The legal advice and assistance provided has helped clients deal with numerous workplace issues and recovered hundreds of thousands of dollars in unpaid entitlements and compensation for unlawful termination. The project has also developed a range of training resources, explaining Australian legal concepts, which are available on its website.

[CatholicCare: Justice Education Program](#)

For the past six years CatholicCare, in partnership with the Dandenong Magistrates' Court, has been running a Justice Education Program for newly-arrived refugees. The Justice Education Program in Dandenong is free for participants and in addition to its educational purpose, provides refugee women and men with the opportunity to meet members of our legal and justice system, and to build connections with other participants. It receives support from the Federal Government DSS Refugee Settlement Services and Cabrini Health.

Last November, CatholicCare’s CEO Netty Horton and Magistrate Pauline Spencer joined 25 refugee women attending a session on family violence. The session was presented by Gabrielle Fakhri from the Australian Muslim Women’s Centre for Human Rights, who has been a social worker, cultural trainer and capacity building worker for 40 years. While the session was specifically focused on family violence, Gabrielle also answered questions on topics relating more broadly to family relationships.

Chinese Australian Services Society (CASS)

To empower newly arrived migrants to overcome their language barrier and access relevant legal information and advice, Chinese Australian Services Society (CASS), in partnership with Relationship Australia, has arranged a Mandarin information session on ‘Plan Ahead – Senior Rights’ in West Ryde with the participation of more than 60 attendees. This program aimed to overcome the challenges faced by new migrants, especially elderly migrants, who have to adapt to a new environment.

Spectrum

Promoting access to justice is part of the everyday practice at Spectrum. As a key hub of connectivity for newly arrived people in Victoria, Spectrum’s teams work every day within communities, in programs and in the homes of people across Melbourne. Their teams work to overcome potential barriers faced by their clients by identifying people experiencing difficulties with accessing the justice system, or those who may need further explanation of how systems work. Often the first step is breaking down barriers between clients and law enforcement agencies to rebuild trust and confidence in uniforms and systems through communicated and supported access.

Legal Aid

Legal Aid provides free or subsidised legal assistance to those in need and who satisfy means and merits test. They also offer free education workshops about the Australian legal system. As part of Legal Aid, the following services are available which can assist with access to justice:

26

- *Immigration Advice and Rights Centres*, which assist with applications, lodging appeals and assessments in regard to immigration law
- *Family and Civil Law Outreach Clinics*, which assist clients from culturally and linguistically diverse backgrounds with the family law system
- *Legal Aid NSW Diversity Action Plans*: inclusive plans that target a broad range of people, including people from multicultural backgrounds.

²⁶ Australia Government, “Legal Aid”

The Justice Project

In 2017 a national review into the condition of access to justice in Australia was commissioned and chaired by former High Court Chief Justice, the Hon. Robert French AC. The project seeks to identify existing barriers to accessing justice and identify work that has been undertaken to reduce the barriers to access justice. It also aimed to provide informed recommendations to guide future initiatives, government strategies, and programs. The project identified 13 groups and has tailored recommendations that focus on issues particularly significant to CALD communities. Some of the initiatives seek to promote a sense of belonging amongst CALD members, respect for Australian laws and positive response towards law enforcement are listed below:²⁷

Police and Afghan Youth Camp, NSW

This was three-day camp held for the Afghan community and NSW Police. Crime prevention programs and workshops were designed to inform laws around crime, prohibited acts, different aspects of the criminal justice system, public spaces and how to deal with the police when accused of an offence. The program saw an ongoing positive link between the police and young Afghans, increased knowledge about law enforcement, and instilled confidence in the participants²⁸.

African All Stars Cup, VIC

A soccer tournament held between the Victorian Police and young people from the local African community has been organised annually for five years, and hosts approximately 400 participants. The event promotes sports, positive links between police and community groups, and encourages young people from diverse backgrounds to consider a career within the police force.²⁹

No Excuse for Family Violence, VIC

Victorian Arabic Social Services developed the 'No Excuse for Family Violence' program to create awareness about family violence, laws that govern it, and support services available to victims. It also drafted a guideline to inform service providers the different ways to identify and respond to them. Programs included correction orders, media campaigns, workshops for women's empowerment, focus group meetings, cross-cultural training for judicial officers, counselling, and training.³⁰

²⁷ Bartels, Lorana. "Crime prevention programs for culturally and linguistically diverse communities in Australia."

²⁸ Department of Immigration and Citizenship (DIAC), "Taking the initiative"

²⁹ Bartels, Lorana. "Crime prevention programs for culturally and linguistically diverse communities in Australia."

³⁰ Australian Institute of Criminology (AIC), "Australian Crime and Violence Prevention Awards: Winning projects 2008"; Younan, "No excuse for family violence evaluation report"

Muslim Women and Youth Day, QLD

Queensland Police hosted various activities for Muslim women and youth. The activities included 'yarning session', kayaking, bushwalking, and information about breath testing and other police checks. It aimed to educate the community about the role of police. This initiative led to the formulation the Multicultural Quick Reference Guide and the Multicultural Awareness Online Learning Produce for dealing with CALD communities.³¹

Legal Education for New Migrants, SA

Since 2005, approximately 6000 people participated in this program organised by the Legal Services Commission. The program assists migrants and refugees to understand the Australian legal and judicial system. Some of the issues covered include disciplining children, rights they are entitled to, legal services addressing sexual, domestic and family violence.³²

Reel Connections, WA

This program was designed to provide Indigenous and CALD young people with a platform to refine and develop skills through an arts program. In the process, it also educated over 120 participants in Australian law and law enforcement.³³

Top Gear Mentor Driving Program, TAS

This program provided new arrivals with driving lessons. It aimed to prevent incidents of unlicensed and unsupervised driving, reduce reliance on public transport, promote independence, and amplify opportunities of employment and participation. It benefited approximately 50 participants, one of whom became a supervising driver in the next session.³⁴

'Knowledge=Power' and 'Respect Yourself' Camp, NT

This three-day camp is held every quarter. It was developed for local Indigenous and migrant communities. Information sessions about the law, health and wellbeing are provided. The sessions also included workshops with local police to increase knowledge about the law and promote trust with police.³⁵

The Family Law Council

In response to research that revealed Indigenous and CALD clients are underrepresented in the family law system, the Family Law Council was commissioned to advise the Attorney-

³¹ Department of Immigration and Citizenship (DIAC), "Taking the initiative"; Queensland Police Service (QPS), "Multicultural Awareness Online Learning Product"

³² Department of Immigration and Citizenship (DIAC), "Taking the initiative"

³³ *Ibid*; Australian Institute of Criminology (AIC), "Australian Crime and Violence Prevention Awards: Winning projects 2010"

³⁴ Department of Immigration and Citizenship (DIAC), "Taking the initiative"

³⁵ *Ibid*

General's Department on a range of issues including Legal aid and legal literacy programs that promote access to justice for matters related to Family law:³⁶

The Judicial Council on Cultural Diversity (JCCD):

The JCCD is endorsed by the Council of Chief Justices of Australia (CCJ). Its purpose is to develop a framework to support procedural fairness and equality of treatment for all court users – regardless of their race, colour, religion, or national or ethnic origin – and to promote public trust and confidence in Australian courts and the judiciary. JCCD is composed of members drawn predominately from the judiciary, with select representation from legal and community bodies. Members are selected to balance gender and court level. The Council reports to the CCJ and provides policy advice and recommendations to the CCJ for approval.³⁷ JCCD has developed a number of resources including fact sheets and resources which are available on the Council's website.

The Australian Law Reform Commission: Multiculturalism and the Law Report 1992

This report investigated the importance of employing a multicultural lens in the law. It identified numerous issues that affect access to justice, particularly for those from culturally and linguistically diverse backgrounds. The report suggested ways to reduce barriers for people from CALD backgrounds to access justice. Remedies included appointing interpreters, initiating legal literacy workshops, providing translated copies of legal documents, and making multiculturalism central to the administration of justice.³⁸

2009 Strategic Framework for Access to Justice in the Federal Civil Justice System

In 2009, the Commonwealth Ombudsman sought improve access to interpreters to assist CALD communities to better understand government information and services. It made the following proposition to the Federal Government:

- To list various interpreting and translation services available on their official website
- To provide an interpreter for court proceedings, preliminary hearings, and meetings when requested
- To draft guidelines for informing interpreter standards, services and duty
- To train judicial officers and staff in working with interpreters
- To conduct a proper evaluation of services available and improve upon it based on constructive feedback drawn by surveys

³⁶ Attorney-General's Department, "Family Law Council"

³⁷ Judicial Council on Cultural Diversity, <https://jccd.org.au>

³⁸ *Ibid*

4. Recommendations

SCoA's National Settlement Services Outcome Standards (NSSOS) identifies access to justice as one of nine key issues for successful settlement. SCoA makes the following recommendations to improve access to justice for newly arrived people from CALD backgrounds.

Recommendation 1: Improve Legal Awareness

- Conduct workshops for CALD community leaders, women and young people so information can easily be disseminated about laws, legal services, rights, and their role in the community in educating others
- Include people from CALD backgrounds in formulating strategies to strengthen legal literacy programs, including regular focus groups
- Collaborate with government, local settlement and mainstream service providers, and the wider community to promote awareness, mobilise resources, and share responsibility
- Conduct research and create a strong knowledge base to drive appropriate action
- Design programs which combine fun social activities such as sports, art, and culture, with legal literacy workshops.
- Create awareness through programs and campaigns, using different means such as newspaper, pamphlets, radio, television and digital platforms to provide free information in various languages.

Recommendation 2: Increase Engagement

- Organise creative initiatives to increase participation and awareness amongst new arrivals
- Distribute youth-focused legal information to students at schools, TAFE's and universities as CALD students are often victims of discrimination, unfair pay rates, and misrepresentation in contracts.
- Foster police engagement by designing programs that encourage better relationship between CALD community and the police
- Train police, judicial officers, administrative staff and the jury to be more culturally aware and sensitive.
- Employ staff whose job is specifically to address barriers faced by people from CALD backgrounds in the justice system
- Engage interpreters to work with lawyers and other legal professionals to explain the legal system and legal issues

Recommendation 3: Enhance service provision

- Strengthening the role of courts, tribunals, and ombudsman in reducing misconceptions that newly arrived people from CALD backgrounds have about the Australian justice system
- Encourage courts and legal professionals to make referrals to appropriate services that can assist people from CALD backgrounds with legal advice and representation
- Develop feedback mechanisms which act as a point of reference for improving the quality of service and respect for diverse cultural practices.
- Develop a range of means for effective communication – using audio and/or visual aids, interpreters, translated written materials etc.
- Develop strategies to effectively use the knowledge and skills of bilingual support workers
- Identify and change court rules and procedures that impede effective access to justice for newly arrived people from CALD backgrounds
- Promote affordable and accessible court services such as legal aid clinics, legal literacy campaigns, and free interpreting and translating services
- Ensure the availability of female interpreters and other culturally appropriate supports for victims of sexual, domestic and/or family violence and abuse

Recommendation 4: Promote the values of inclusivity and diversity

- Promote multiculturalism and human-centred approaches in addressing barriers to accessing justice
- Employ staff from culturally and linguistically diverse backgrounds to work in courts and other justice-related services
- Promote practices that actively prohibit discrimination of any form in the justice system
- Celebrate cultural diversity through ‘Harmony Day’ events involving collaboration between legal services and local community organisations
- Establish cultural diversity units in courts to oversee community outreach programs, promote every individual’s cultural identity, and to coordinate meetings with settlement services and community leaders
- Instruct juries about factors which would act to disadvantage members of CALD communities

Recommendation 5: Improve Planning

- Develop organisational policies and protocols for assisting clients and responding to legal issues. For instance, having a policy on the use of interpreters and embedding diversity goals into strategic frameworks.
- Develop innovative ways to collect data to capture cultural diversity
- Formulate working guidelines for engaging with interpreters in courts - Verifying the credentials of employed interpreters and explain their role; Stressing the importance of interpreting the substance of an issue, as opposed to a literal word-for-word translation; Allowing interpreters to clarify or consult additional resources to interpret information accurately; Providing interpreters a copy of the information that needs to be disseminated; Making provisions for both female and male interpreters
- Conduct regular review of strategies and approaches based on client feedback.

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Appendix 1:



NATIONAL SETTLEMENT SERVICES STANDARD 9: JUSTICE

Outcome Standard 9 - Newly arrived communities have access to timely and relevant legal information and advice in their own language. This outcome standard recognises the challenges migrants and new arrivals face in understanding the intricacies of Australia's legal and justice systems and the role that the settlement sector plays in minimising barriers to access. It supports legal literacy as a key aspect of successful settlement that enables migrants and new arrivals to engage economically, socially and culturally in Australian society.

THE INDICATORS OF THIS OUTCOME STANDARD ARE:

- Programs and initiatives are developed in response to specific justice and legal issues experienced within new arrival communities. Linkages are established with relevant legal, Government and community services that enable access to legal and justice systems using a diversity lens.
- Services contribute to the education of legal and justice sector workers around the influence of culture and potential discrimination in legal and justice systems.
- Interpreters are used in all situations where legal information is being discussed and where required or requested by the client.
- Services support the development and provision of translated legal information.
- Services promote and advocate access to affordable legal advice and representation as well as the right of appeal.
- Newly arrived communities are supported to develop positive and trusting relationships with law enforcement agencies.