

EXECUTIVE SUMMARY

BACKGROUND

- The Fairfield Court Community Access Project was a jointly funded initiative of the Attorney General's Department (Local Courts) and the Ethnic Affairs Commission.
- The aims of the Project were to:
 1. Identify barriers to accessing the Court and related services for people of non-English speaking and diverse ethnic and cultural backgrounds.
 2. To develop strategies to address the barriers identified and make the Court more accessible to clients with limited English language skills and from culturally diverse communities through the implementation of targeted initiatives.
 3. To identify other agencies that have an impact on service delivery at the court and facilitate and co-ordinate services to meet the needs of non-English speaking background clients.
 4. To evaluate the success of the initiatives and the potential for their implementation in other Local Courts.
- The Project Co-ordinator was based at Fairfield Court which served as a model for research on court services and client needs and for implementation of pilot projects and initiatives during the course of the Project.

The key findings are discussed below.

The Court and the Community

- The 1996 Census results show that 53.5% of residents in the Fairfield Local Government Area were born overseas, with 50.4% born in a non-English speaking country. Over 60 languages are spoken by residents.
- 31.4% of residents from non-English speaking backgrounds reported that they do not speak English at all or do not speak it well.

- The Fairfield LGA has a high (16.3%) rate of unemployment, low average incomes and rapid population growth.
- The Local Court deals with a diverse range of cases including criminal cases, family law, small claims consumer debt, apprehended violence and traffic offences.
- The Court House has two areas of operation - the courtrooms managed by the Magistrates and the Registry/general office managed by the Clerk of the Court. Other government service providers at Court include Legal Aid, the Probation and Parole Service, the Police Service and Director of Public Prosecutions. There is also a Domestic Violence Court Assistance Scheme and a Court Support Scheme operated by workers from community based agencies.
- All cases are listed for 10am but are not necessarily heard in the order they are listed. Lack of information about court procedures prior to and on the date of a court appearance presents difficulties for many persons attending court, whether as defendants, witnesses or victims.

The Barriers to Access at the Local Court

- The principal needs of court users who come from culturally diverse backgrounds and/or with limited English language skills are
 - professional interpreting and language services
 - community information and education
 - court support mechanisms
 - quality service from service providers

Inability to access any of these services represents a significant barrier to effective understanding and use of the Court system.

Professional Interpreting and Language Services

- These factors had a significant impact on the quality of service provision:
 - definition of an interpreter
 - use of non-professional and/or unaccredited persons as substitutes for interpreters
 - budget issues in the provision of professional interpreters
 - legal interpreter training
 - specific needs of women of a non-English speaking background
 - co-ordination between agencies

* Based on data provided by Fairfield City Council.

Although legislation and procedural manuals refer to interpreters and the use of interpreters, there is no universal definition of an interpreter, let alone uniform requisites for specific skills and knowledge required to undertake court interpreting work. The absence of definitive guidelines in this area leads to ambiguity for staff in understanding the professional role of an interpreter.

This problem is exacerbated as training about the legal system is not compulsory for interpreters working with clients in any court jurisdiction in New South Wales.¹

Community Information and Education

- The research for this project confirmed the (previously reported) need for people of diverse linguistic and ethnic backgrounds to have access to information about the legal system, court procedures and services in their relevant community language.
- People of diverse linguistic and ethnic backgrounds may have perceptions of the Australian legal system based on their own life experiences in their country of origin. These perceptions may increase confusion, fear and powerlessness regarding the legal system which may inhibit access. Information and education can help to counter these concerns.
- Many people of diverse linguistic and ethnic backgrounds approach other organisations instead of, or prior to, approaching the court with a legal problem or enquiry. These include ethno-specific organisations, community welfare organisations or church groups.
- Many community workers interviewed for this project reported that they lacked education and information about the Local Court, its procedures, processes and services. As an important link between the court and the community, they expressed a need for training as a priority. Providing training to community workers means that a much larger group potentially receives valuable information and education about Local Courts, as these workers can pass on this knowledge to their own clients.

Quality Service from Court House Personnel and Service Providers

- Staff report that competing priorities - assisting clients at the counter and on the telephone, and fulfilling administrative requirements for the processing of correspondence and court documents - are a constant challenge to providing quality client services at the Local Court.

¹ In March 1998, the Ethnic Affairs Commission and the Attorney-General's Department began to develop a model to provide legal skills training to interpreters in relation to the implementation of the 'Quarter Way to Equal' Report.

- Staff provide enquiry services to a large number of clients who have difficulty communicating in English. This means that additional time is required for each non-English speaking background client to ensure they fully understand the information and are aware of the consequences of any court orders.
- Lack of bilingual staff in high demand languages means that staff rely on the Telephone Interpreter Service for assistance in answering counter enquiries. Staff report that they often encounter a ‘busy’ signal when contacting the Service and are unable to access it, or they are required to wait extended periods before an interpreter is available.
- Staff report the following problems in providing effective services to court clients:
 - poor, or no signage in community languages
 - poor understanding and use of community resources
 - long delays in accessing the Telephone Interpreter Service (leading to a reluctance to use the service)
 - lack of staff skills in the area of cross-cultural awareness and communication
- Community workers reported some court staff were unaware of the diverse needs of people from a range of cultures. Feedback was also received from local service providers that inconsistency in the quality of service was a factor in clients’ perceptions of the Local Court.
- Earlier reports (cited in the literature review) consistently recommend that personnel need to be trained in cross-cultural skills and the use of interpreters to increase awareness of cross-cultural issues. This was supported by the findings of this project.

Results and the Future

Trial schemes from the Fairfield Project are described in detail in the sections dealing with these key areas:

- Professional language and interpreting services (Part 3)
- Community information and education (Part 4)
- Quality of service from court staff and other service providers (Part 4)

Recommendations for further action are detailed in Part 5 of this report, and are listed under the categories outlined above. One of the major benefits of the project was the development by the Project Officer of a “Cultural Diversity Resource Kit” which will assist other Local Courts to implement initiatives to improve access for clients from diverse cultural backgrounds.