

PART **2** THE SETTING OF THE PROJECT

2.1 THE COMMUNITY

The Fairfield Local Government Area (LGA) has the highest proportion of residents born overseas. The countries of origin of these migrants have varied over time in response to world events and immigration policies. The reasons for heavy migrant settlement in the area include: the earlier location of migrant hostels in the area, access to cheaper housing, the desire of recent migrants to live close to relatives or friends, and access to culturally sensitive and ethno-specific facilities.

As the Attorney-General's Department had not collected demographic statistics of the clients of Fairfield Court, background information was drawn from community demographic figures collected by Fairfield City Council published in 1994. The community profile revealed that:

- Over 60 languages are spoken by residents from 133 different countries of origin
- 53.5% of the city's population were born outside Australia - 50.4% in a non-English speaking country
- It is an area characterised by a large number of young families
- It has one of the highest rates of unemployment in Australia at 16.3%
- 60% of residents are on an annual income of less than \$20,000
- Fairfield City is ranked as the sixth-fastest growing local government area in New South Wales. Between 1981 and 1986 the population increased by 19.3% and continues to grow at approximately four per cent per annum.
- Immigrant settlement accelerated in the 1980s, almost doubling between 1976 and 1986.
- In Fairfield City 15.7% of residents speak English "not well or not at all". This is five times the State average (three per cent).

The council profile reveals that a major proportion of residents born overseas come from South East Asia (primarily Vietnam), Latin America, and the former states of Yugoslavia. In order of number of speakers, the following languages (besides English) are predominant in Fairfield: Vietnamese, Italian, Spanish, Arabic, Cantonese, Lao, Khmer, Serbian, Mandarin, other Chinese dialects, and Filipino languages.

The Council's report notes that "residents from non-English speaking background have the greatest difficulties in adapting and using services".

There are no statistics available on the percentage of persons appearing at Fairfield Court who actually live in the local area. The Attorney General's Department and Bureau of Crime Statistics do not specifically collect ethnicity data or interpreter use data about persons appearing in court or making enquiries at court, but anecdotal evidence suggests that the majority of clients appearing in court and attending the office live in the Fairfield LGA. Lack of computerisation of records in Local Courts made data collection difficult.²

2.2 THE COURT

The Local Court has functions in these major areas:

- **Criminal Law** - Magistrates hear summary offences (matters which do not have to be heard by a judge and jury) such as traffic infringements, minor stealing offences, offensive behaviour and some types of assaults.
- **Committals** - Magistrates conduct committal proceedings to determine if there is enough evidence for a serious matter, such as attempted murder, to go before the District or Supreme Court.
- **Family Law** - including property settlements, residence (previously called custody) and contact (previously called access) orders for children.
- **Civil Claims** -this involves cases where people are being sued for money they owe and the amount of money in dispute does not exceed \$40,000.

The Local Court also deals with:

- some Children's Court matters, including criminal matters involving children under 18 and applications for orders in regard to children who are in need of care or protection
- neighbour disputes including those over dividing fences, noise or animals
- licence appeals

Services provided include:

- licensing, eg requests for Private Inquiry Agents or Commercial Agents licences
- handling requests for tapes or typed transcripts of the court hearings
- conduct of weddings outside of court sitting times - these are conducted by the Clerk of the Court who is an authorised marriage celebrant

Fairfield Court's current staff complement is 15. Details of the staff positions and duties are attached at Appendix 3.

² At the time of publication of this report, the computerisation of Court records is in progress.

2.2.1 The Two Areas of Operation - Courtroom and Registry Co-ordination

Fairfield Court House has two main areas of operation - the courtrooms and the general office (Registry). There are two Magistrates assigned to Fairfield Court and they operate as independent judicial officers with responsibility for listings, the conduct of court proceedings and judicial outcomes. The Clerk of the Court is responsible for Registry staff and for staff who provide support to Magistrates and assist clients in the Courtroom. They are also responsible for liaison between the Registry and the Magistrates in relation to court operations.

Four court staff fulfil the roles of Court Officer and Monitor in each court. Court Officers are responsible for providing assistance to the Magistrates, preparing court papers and co-ordinating the court lists and appearances of the parties. The Monitors are responsible for recording court proceedings each day, related paperwork and post court work related to each day's court sittings.

2.2.2 Case Organisation

The Court schedules hearings every day of the week. Apart from these hearings there are other cases listed in a particular pattern. Most cases go to court at least twice. On the first appearance the case is briefly analysed and details taken. If the case is contested, (ie the defendant pleads not guilty) a hearing date is set for all the evidence to be presented to the Court.

When defendants are arrested and charged with an offence the police have two options depending on the severity of the alleged crime and the criminal history of the accused person. They can:

1. Refuse bail and take the defendant before a Magistrate immediately, or, if the court is not sitting at the time, hold the person in custody until the next court sitting (within 24 hours)

OR

2. Grant the person bail and list the case for a future hearing date at court. This is usually three weeks after the date of charging.

Interviews with court staff, the judiciary and other service providers have shown that it is at this time that an interpreter should be requested.

Two courts sit each day (Monday to Friday) with the majority of cases listed to commence at 10.00 am. This is standard practice in all local courts and although all the parties

must be at court by 10.00 am, their case may be called at any time during the day, as cases are not necessarily heard in order of the court list, but are decided by the Magistrate. Hearing times will depend on factors such as priorities in the listing of cases or the readiness of the parties to proceed. On Wednesdays and Thursdays when the charge lists are scheduled, a Vietnamese interpreter is available all day. This arrangement was implemented prior to the project and has been in force for two years. It is a high demand service and is reported to be highly effective.

On Fridays, when the domestic violence list is scheduled, a domestic violence court support group is available to support victims and complainants while they wait to appear. Domestic violence liaison officers from each police station are also available to provide support and information to parties.

There is a great demand on the Chamber Magistrate service at Fairfield. This service is available five days per week and provides information to members of the public on court processes and the options available to people wishing to initiate or defend legal actions. Chamber Magistrates can also assist with document preparation. Information about Apprehended or Personal Violence Orders is a significant area of work for Chamber Magistrates.

2.2.3 Other Agencies Providing Services at the Court

Police

The Police Prosecutor prosecutes summary matters before the court and the court also relies on uniformed police officers to bring prisoners from the police cells and return them after court appearances. Uniformed officers also bring prisoners to the court office in cases where they must remain in custody until they sign post-court documentation.

Director of Public Prosecutions (DPP)

The DPP currently prosecutes the more serious criminal cases at the Local Court. These are usually indictable matters, which means they are likely to be referred to the District Court for trial or sentence. Trials have been conducted at a number of Local Courts in 1997 with the DPP assuming responsibility for all prosecutions at these Courts. The Attorney-General is assessing these trials for wider application to all Local Courts.

Legal Aid

The Legal Aid Commission represents a large number of people who appear at Fairfield (or any Local Court). The principal solicitor at Fairfield Legal Aid office was quoted in "Legal Aid News" of December 1995 concerning the situation:

“Our local court is an extremely busy court and just about everybody who applies for legal aid gets it. The court deals with a high number of custody cases, on average between 10 to 15 on a list day, and often up to half of these people do not speak English and need interpreters”.

The primary duties of Legal Aid solicitors (at the time of writing) are:

- to interview any prisoners in the cells who require Legal Aid prior to their court appearance
- to interview other persons entitled to Legal Aid in the foyer office at the Court House prior to court appearances
- to represent all Legal Aid cases in court
- to assist clients with post-court process such as sentencing documents or applications for Appeals to the District Court where appropriate

Legal Aid solicitors must liaise closely with the Magistrates, court staff and the Police Service and the Probation and Parole Service.

Probation and Parole Service

The Probation and Parole Service Fairfield provides a court duty officer from Tuesday to Thursday. This officer has an office at the court and provides both oral and written reports on defendants in relation to applications for bail, and, for defendants who have been found guilty, reports for the consideration of the Magistrate when he/she passes sentence. The Probation Officer must liaise with the court staff, Magistrates, police, Legal Aid, private solicitors and defendants and their families during court sittings.

2.3. BARRIERS TO ACCESS

2.3.1. Background from the Literature Review

The literature review conducted at the commencement of this project covered texts published from the mid-1980's to the time of writing. (**Appendix 1**).

These earlier reports indicated that the principal barriers for clients of a non-English speaking background in accessing the legal system were:

- **Interpreting services** - provision of and access to interpreters; user training, including awareness of the interpreter's role and assessment of need; and co-ordination between services
- **Cross-cultural awareness and sensitivity** - including cross-cultural communication training for Local Courts staff and service providers
- **Information provision** - on legal issues, court processes and procedures
- **Access and equity** - for all people in the NSW legal system

- **Community education** - regarding the law, rights and responsibilities
- **Culturally appropriate service provision.**

The fact that the issues identified in the literature review were still relevant was confirmed during interviews conducted in the community and at court as part of this project. These consultations identified that the principal needs of clients of Local Courts coming from a non-English speaking background relate to:

- Professional interpreting and language services
- Information provision, community education and culturally appropriate support mechanisms
- Quality service from court personnel and service providers

This research revealed that many of the problems for clients of non-English speaking backgrounds in relation to Local Courts are problems encountered by the wider community, but are made more severe by linguistic and cultural barriers.

2.4 INTERPRETING SERVICES

During interviews with community workers and other service providers at Fairfield Court, access to interpreting services was identified as one of the principal determinants of equity for clients at the Local Court. Those interviewed identified their primary concerns as:

- Restricted access to interpreting services since the Court did not provide services where the Court was not exempt from payment³
- Non-provision of interpreters for first appearance dates
- Interpreters not requested for overnight custody matters
- Lack of co-ordination of interpreting services
- One interpreter attending for both parties in domestic violence or family law cases (There was a perception among clients that an interpreter in such a situation may not be impartial.)
- Use of unqualified and non-accredited people acting as interpreters

The Law Reform Commission in its report “Multiculturalism and the Law” stated:

“Ensuring equality of access in a multicultural society requires that clients who are unable to communicate in English are provided with the means to communicate in a language that they can speak and understand....” (1992:41).

The Access to Justice Report states that:

“Access to the courts and tribunals will be meaningless for people who do not understand English well enough to comprehend and participate in proceedings that affect them” (1994:50).

³ Courts are not exempt from fees for interpreting services in matters such as civil claims. Fee-exempt interpreter services are provided only for defendants in State criminal matters and domestic violence matters

A barrier to the effective use of interpreters is the onus placed on non-English speaking background clients to request an interpreter, rather than being advised that such a service is available. Education about the availability and use of interpreters in court is essential for all persons involved: court users, community workers, the private legal profession, court staff and the judiciary.

Another barrier to the use of interpreters lies in the lack of any statutory right for parties to have access to a qualified interpreter. Whilst there are clearly financial implications in ensuring such a right, it is clear that where a person can not understand the proceedings in which she/he is involved, justice may be denied.

2.4.1 Use of non-professional and/or unaccredited interpreters

Existing guidelines provide no clear definition of the qualifications a person must have to act as an interpreter in a legal setting. This lack of definition contributes to inconsistencies in the quality of language services and promotes an environment where unqualified persons are often substituted for professionals.

The “Access to Interpreters in the Australian Legal System” report produced by the Commonwealth Attorney General’s Department expressed the problem of unqualified persons providing interpreting assistance:

“A common misconception is that any person who knows two languages can interpret... the possession of bilingual skills does not mean that the person is a skilled interpreter. The consequences of incorrect interpretation are too serious to encourage the use of untested and potentially incompetent interpreters. ... Most users had no understanding of levels of accreditation nor any concern for obtaining accredited interpreters.” (1991:9)

This report went on to emphasise the lack of awareness of systems of accreditation and the skills required to provide an effective interpreter service by most legal practitioners and members of the judiciary:

“competent interpreters often do not get any preference (in the legal system). It should be the responsibility of the party/judge to ensure competent interpreters are used”. (1991:97)

The “Quarter Way to Equal” report made a specific recommendation *“that major users of interpreters in the legal system receive significant training on the effective use of interpreters and related cross cultural issues with such training to be compulsory for all public contact staff”.*(1994:133)

2.4.2. Budget Issues in the Provision of Professional Interpreters

The United Nations International Covenant on Civil and Political Rights (ICCPR) to which Australia is a signatory, provides that:

“In the determination of any criminal charge against him, everyone shall be entitled to the following minimum guarantees in full equality:

- *To be informed promptly and in detail in a language he understands of the nature and charges against him (Article 14(3)(a))*
- *To have the free assistance of an interpreter if he can not understand or speak the language used in court.(Article 14(3)(f))”*

In New South Wales, the Ethnic Affairs Commission, which provides court interpreting services requested by Local Courts, operates on a user-pays system. At present Local Courts are exempted from payment for:

- Criminal hearings and mentions.
- Apprehended Domestic Violence matters.
- Chamber Magistrate appointments.

If the Court requests an interpreter in any other case, it is liable for payment, unless exempted on a case by case basis. All government users of the Telephone Interpreter Service are also liable for payment for services provided. However, exemptions may be granted on a case by case basis to individuals applying directly to the Ethnic Affairs Commission for any other court related matter.

The “Access to Justice” report produced by the Commonwealth Government stated that:

“There are sound reasons for governments to bear the cost of providing interpreters. Equality of access to justice demands, in principle, that a person should not be barred from participating in court proceedings, the outcome of which may affect his or her rights, for no other reason than that he or she does not speak English...There is a risk that an interpreter will be perceived as partisan if paid for by the party being interpreted.” (1994:p54)

This view is supported by “Language in Evidence” by Diana Eades et al, which addresses issues confronting Aboriginal and multicultural Australia regarding language and evidence issues. This states:

“Under ‘user-pays’ principles, the cost of interpreting is charged.... (this is) a most effective disincentive to using them (interpreters)”. (1995:178)

In “Interpreters and the Legal System”, Laster and Taylor reported that:

“The assumption underlying agency user-pays schemes is that the agency itself has, or will create, an interpreting budget and will increase this in line with demand. Such confidence may be misplaced. There is a real danger that government departments will economise by directly or indirectly limiting the use of interpreter services for NESB clients. This was the experience with the New South Wales Police Department when “savings” from under-utilisation of the budgetary allocation for

interpreter services were deployed for other organisational imperatives.” (Chan 1992:85 in Laster and Taylor 1994:23-4)

Community workers and court staff interviewed as part of this project indicated that a specific budget allocation for interpreter services would overcome difficulties currently experienced in relation to the provision of interpreters for cases which do not meet the Ethnic Affairs Commission’s exemption guidelines.

Staff report that many low income clients can not meet the up-front cost of an interpreter (even if it can be recouped later) and so conduct their own cases without full comprehension and with a restricted ability to explain their position. Many of these clients do not have legal representation because Legal Aid is not available for Family Law or Civil Claims matters and they are therefore doubly disadvantaged.

2.4.3. Legal Interpreter Training

At present, specialist legal training is not available or required in New South Wales.⁴

There are a great many practitioners working in the legal interpreting field who have had no legal skills training. One possible solution is continuing education for practising interpreters, similar to other continuing education programs where practitioners must accumulate a certain number of points every year to have their practising certificate or licence renewed.

In their book “Interpreters and the Legal System” Laster and Taylor support this notion:
“One way of training interpreters to meet the needs of the legal system is to establish a mandated continuing program, administered through a professional organisation and linked to professional incentive measures...continuing education administered by the profession... can be designed around new issues and subject areas as they emerge.”
(1994:38)

The Victorian Interpreting and Translating Service (VITS) has had a separate Legal Interpreting Service (LIS) since 1985. All interpreters working for the LIS must, in addition to having NAATI accreditation, complete a specialist Legal Orientation Course which covers such areas as knowledge of the legal system, legal terminology, professional ethics, court procedures and interpreting techniques in legal settings.

An interview with the Magistrate at Fairfield and other court staff has indicated that in addition to the problems and concerns already described, factors such as lack of professional behaviour, unethical practices, unwillingness to provide contracted services, poor English language skills and lack of clear diction by interpreters demonstrate the need for high quality training. These issues are addressed in the recommendations.

⁴ However, in March 1998, the Ethnic Affairs Commission and the Attorney General’s Department began to examine options in relation to the implementation of the ‘Quarter Way to Equal’ Report.

2.4.4. Co-ordination of service provision

Court service providers and community workers interviewed for this project specifically commented on the problems created by the lack of interpreting services at the Local Court for first appearance dates. This results in many cases being adjourned in order to obtain an interpreter. This is an inefficient use of the Court's time and increases costs to the Court and other service providers. It also reduces the time for the Court to hear other cases on that day and is reported to be a source of court delays in some areas.

Research has shown that this lack of interpreting provision is due to two reasons:

1. The lack of clear procedures regarding interpreter provision.
2. Lack of co-ordination between the Local Court and the Police Service to identify the need for and arrange interpreters.

The Ethnic Affairs Commission publication "Use of Interpreters in Domestic Violence and Sexual Assault cases" states:

"State courts are provided with free EAC interpreting service for all criminal matters...Interpreters should be booked for mentions and hearings. This includes court appearances and applications for apprehended violence orders. The booking must be made by a court official, for example the Chamber Magistrate or Clerk of the Local Court."

It adds that:

"Should the police need to pursue a matter in court, it is the officer's responsibility to notify the appropriate court staff to book the interpreter. Police prosecutors are responsible for booking interpreters for their witnesses...However where the interpreter is arranged by court staff or a police prosecutor, the court will be responsible for payment."

The EAC recommends that interpreters be booked for all court appearances, including first appearances (a "mention"), but as reported, there is often a breakdown in coordination between the agencies involved.

Other interpreting issues raised in the community consultations were:

- Many people of non-English speaking backgrounds are unaware of their rights to interpreter services due to poor information in community languages.
- Many service providers and users are reluctant to use the Telephone Interpreter Service due to long waiting periods or inability to contact the Service on previous attempts.

2.4.5. Specific Interpreting Needs of women of non-English speaking backgrounds

The research for this project found that many women of a non-English speaking background have a greater need for interpreting services than their male counterparts, due to their lack of proficiency in English and generally lower levels of education.

Community workers representing specific ethnic communities report that it is often culturally inappropriate for women to discuss relationships or sexual or physical violence issues in the presence of a male due to social or religious factors. The failure to ensure the provision of female interpreters may lead to women not continuing with legal action or not revealing sufficient information to obtain appropriate protection or assistance.

Another problem consistently raised by community workers, domestic violence support workers and legal practitioners during research for this project is the provision of only one interpreter for both the victim and the perpetrator in domestic violence matters. Some workers had commonly experienced situations where only one interpreter was booked and then pressured to assist both parties, while others stated that even when two interpreters were requested by the Court only one interpreter had attended on the listed date.

This situation puts the interpreter in a very difficult position because they may not be seen as impartial by the parties involved; both the perpetrator and the victim mistrust the interpreter and the victim may not provide evidence or information crucial to the case before the court.

The provision of interpreters for first appearance dates is of paramount importance in matters involving victims of domestic violence. The victim's ability to give evidence and obtain an order or interim order protecting her from the perpetrator is substantially reduced where interpreters are not provided. The "Quarter Way to Equal" report made a specific recommendation that "*the Department of Courts Administration* establish a system to promote access to interpreters for first appearance dates in apprehended violence cases*"(1994:p 129).

***NB:** The previous Department of Courts Administration which administered Local Courts was amalgamated with the Attorney General's Department in 1995.

2.4.6. Identifying the need for an Interpreter

Although the International Covenant on Civil and Political Rights (ICCPR) provides the right to have the free assistance of an interpreter in court, a definitive Australian legislative right to an interpreter does not exist. Individual Federal and State Acts specify entitlements to interpreters in some circumstances, but at common law the precedent

case of Dairy Farmers Co-operative Milk Co.-v- Acquilina (1963), 109 CLR 458 prevails. The ruling in this case was that a witness is not entitled as a right to give evidence in his native tongue and that only the judge has discretion to allow the use of an interpreter.

Judicial discretion was raised as an issue by the Cross-Cultural Issues and the Law project. The report from this project detailed the problem of assessing varying levels of English proficiency:

“Problems occur mainly when a person appears to have some command of English, but may not be proficient enough to answer all the questions in court. The court has the discretion to make use of an interpreter, if it is judged that the witness is likely to be unfairly disadvantaged in giving evidence if an interpreter was not used. The issue then becomes whether a judicial officer can accurately assess the person’s level of understanding of the questions asked and his or her competence in answering those questions in English.” (1992:13-14)

People of non-English backgrounds with a basic level of proficiency in English, but not fluency, will be disadvantaged without the assistance of an interpreter at court. In assessing the competence of clients of non-English speaking backgrounds some Magistrates at the local court are reported to ask about the person’s address, age, period in Australia and other questions which the person is frequently asked and is able therefore to answer in English. The fluency of replies to these specific questions may be misleading in assessing the client’s general fluency and ability to answer complex questions or give evidence under cross-examination.

The Australian Law Reform Commission report adds:

“Many submissions both to the Attorney General’s Department and the Commission argue that the decision whether or not an interpreter is needed should be made by the witness, not by the court. Underlying these submissions is dissatisfaction with the way the courts currently exercise their discretion.”(1992:46)

There are also circumstances where parties may decline to use an interpreter even when one has been booked. In one recent case observed at Fairfield Court, the non-English speaking person preferred to “battle on” as best they could in English despite assurances from the Magistrate that he was happy to have the assistance of an interpreter. The possible reasons for this are

1. The pride of the person may not allow them to admit publicly that their English is not proficient
2. Lack of understanding of the Australian legal system and its reliance on oral evidence and the credibility of the witness may lead the client to believe that they are assisting the court by answering in English even though their English is poor

In reality, their credibility as a witness is generally lessened and they may even be seen as evasive or untruthful about their English comprehension skills. This problem was illustrated by the EAC in the report of the “Cross Cultural Issues in the Law Project”:

“Practitioners in the legal system note that when an interpreter is used in court, sometimes a witness would answer a question in English because he or she understands that particular question. This may make the witness appear less than honest about his or her language skills and lead to his or her evidence not [sic] given as much credibility by the judicial officer. More serious, however, is the danger that the witness may have misunderstood the question.” (1992:16)

A case at Fairfield Local Court in 1995 observed by the Project Co-ordinator illustrated the problem of non-linguists attempting to assess linguistic competence:

“A defendant was being assisted by a Spanish interpreter whilst being cross-examined by the Police Prosecutor. It was stated that the defendant had been told to stop in the street by the Police and asked for identification. The defendant was relying on his lack of English proficiency for his seeming unwillingness to comply with Police requests throughout his arrest and interviews. The Police prosecutor seemed to be contesting the defendant’s defence that he did not understand the Police request.

The prosecutor asked the defendant how he understood a complex word like “identification” if his English was not good. He replied that he just knew this word and that when Police stopped someone in the street they usually required identification.

The Prosecutor’s line of questioning and the witness’s replies made him seem evasive, whereas the word for “identification” looks and sounds almost identical in Spanish, being a word derived from Latin in both English and Spanish. His familiarity with the word “identity” was not an indication of his overall competence with the English language.”

This case suggests the inability of a non-linguist to accurately assess language proficiency. Due to the great variation in the type and content of cases, developing an acceptable standard or test is difficult.

2.5 CROSS-CULTURAL AWARENESS

The Cross-cultural Issues and the Law project report released in 1992 stated that “cross-cultural sensitivity was essential if principles of access and equity were to be accepted”.

The Australian Law Reform Commission recommended in its “Multiculturalism and the Law” report (1992:28) that cross-cultural awareness training for the judiciary and court personnel be required.

Cross-cultural skills and training alone are not enough to ensure real quality of service to clients of diverse cultural and linguistic backgrounds. A report from Ettinger House in Fairfield states:

“An important issue to address is not so much how the system of service provision can be rid of impatient or impolite or racist workers, but how the system can create environments of service provision that make such attitudes and behaviours less likely to prosper. Service providers who are overworked, human as they are, are more apt to be impatient and impolite. Racist workers are more apt to hold on to their prejudices in an environment that sweeps racism ‘under the rug’ and that refuses to confront its insidious nature.”(1996:55)

This report also states that:

“the quality of service provision hinges not only on the personal and professional attributes that service providers possess, but also on the quantity and quality of support that is given to them”. (1996:56)

2.6. SERVICE ISSUES

This relates to the quality of service that clients receive directly from court staff. As noted in the quotes above (2.5), quality service is dependent not only on staff awareness, positive attitudes to client service and possession of appropriate skills, but the degree of organisational support and promotion of such attributes within the agency, particularly at senior management level.

2.6.1. Problems identified by Court Staff

In 1995 Fairfield was ranked sixth in the State by percentage of workload, exceeded only by large Courts with multiple courtrooms, such as the Downing Centre in central Sydney, and the Parramatta Court Complex. It has been estimated that approximately 70% of clients at Fairfield are from non-English speaking backgrounds. This places additional pressure on staff to provide an effective client service because of the greater time required explaining information and ensuring comprehension for clients whose first language is not English.

Interviews with staff identified a number of issues impacting on their ability to provide quality services to clients from a non-English speaking background. These included:

- Lack of signs and notices in community languages
- Lack of written information in community languages
- Lack of bilingual personnel in high demand community languages
- Difficulty in accessing interpreter services (including long delays to access Telephone Interpreter Services)

- No access to telephone interpreters at court in emergency situations
- Poor understanding of service issues relating to clients of non-English speaking backgrounds
- Low awareness of available community resources

Fairfield staff consulted during this project suggested the following strategies to improve the situation in their workplace:

- Cross-cultural training for court house staff
- Greater use of trained bilingual staff
- Improved and expanded interpreting services
- Multilingual information on common problems/court processes
- Improved liaison between Court administration and interpreting services
- Information on the effective use of interpreters

2.7. PERCEPTIONS OF THE LEGAL SYSTEM

Interviews with community and support workers in the Fairfield area have indicated that attending or even approaching the Local Court is a daunting prospect for many individuals from culturally and linguistically diverse backgrounds. The reasons are myriad, but many clients are reported as experiencing fear, apprehension and even intimidation about attending court. Much of this fear may be based on perceptions of courts created by previous traumatic life experiences or negative experiences of the legal system in their country of origin.

Many migrants come from countries that have a very different legal system to the Australian common law system. Lack of awareness of how the legal system operates in Australia, combined with past experiences with authorities in other jurisdictions are reported to create expectations that the individual will not be treated fairly by the justice system.

Those interviewed say that misunderstandings can occur even in regard to what are classified as “legal” issues. In some cultures, for example, areas such as domestic violence and family and neighbourhood disputes may be mediated by a community leader and recourse to the legal system is not common practice and is viewed negatively.

Community workers reported that because of these negative perceptions, many individuals from culturally and linguistically diverse backgrounds will not go to a Local Court for legal information. Many people prefer to go to a community centre, an ethno-specific community worker or their church for information about a problem. Information provision at these locations would promote wider access to information.

The following sections outline the strategies put in place at Fairfield Court as part of the pilot project.