

**Report on the
FAIRFIELD COURT
COMMUNITY
ACCESS PROJECT**

THE NSW ATTORNEY
GENERAL'S DEPARTMENT

and

THE ETHNIC AFFAIRS
COMMISSION OF NSW

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1998**

New South Wales Government

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FOREWORD

In 1992 a symposium on “Cross Cultural Issues and the Law” was initiated by the Ethnic Affairs Commission of NSW and run in conjunction with the Office of Multicultural Affairs and the NSW Law Society. It was part of the Criminal Law Pilot Project and its aim was to identify barriers to legal process experienced by people who were disadvantaged due to their language and/or culture.

In September 1995, the Attorney General’s Department and the Ethnic Affairs Commission of New South Wales jointly funded the Fairfield Community Access Project to research and implement strategies to improve access to justice for people from diverse ethnic and cultural backgrounds. This project ran for a period of fifteen months at Fairfield Local Court, which is located in a Sydney Local Government Area (LGA) where over half of the residents were born overseas, representing over 130 countries of origin, and speaking over 60 different community languages.

This community profile presents significant challenges to government and other service providers in delivering effective services to all residents. As Fairfield City Council’s 1994 community profile report acknowledged “residents from non-English speaking backgrounds have the greatest difficulty in adapting and using services”.

In sponsoring this project, the Attorney General’s Department and the Ethnic Affairs Commission were acutely aware that the legal system is one of the key structures in our society which impacts upon citizen’s rights - “it is basic to the operation of law in a democratic society that governments should inform citizens about the law and that the information should be available to all” (Access to Justice Report 1994 p. 58). Lack of awareness of the roles and functions of the legal system presents a significant barrier to persons of non-English speaking backgrounds, and this is exacerbated if service delivery does not reflect the diverse needs of all current or potential users.

The Government of New South Wales, and our respective agencies, is committed to promoting the active participation of our citizens in all aspects of the social, cultural, political, legal and economic life of this State. To help government departments achieve these objectives, the New South Wales Government developed the “Charter of Principles for a Culturally Diverse Society”, which stated:

- All individuals in New South Wales should have the greatest possible opportunity to contribute to, and participate in, all levels of public life.
- All individuals and public institutions should respect and accommodate the culture, language and religion of others within an Australian legal and institutional framework where English is the primary language.
- All individuals should have the greatest possible opportunity to make use of and participate in relevant activities and programs provided and/or administered by New South Wales government institutions.
- All New South Wales public institutions should recognise the linguistic and cultural assets in the New South Wales population as a valuable resource and utilise and promote this resource to maximise the development of the state.

The Ethnic Affairs Commission has responsibility for overseeing the implementation of this Charter across the public sector. To give weight to its responsibilities in delivering an equitable and accessible justice system, the Attorney General’s Department developed the “Statement of Intent” to articulate the Department’s commitment to implementation of the Charter.

It is the aim of both of our agencies to ensure that policy and planning processes, management decisions and service delivery reflect the cultural diversity of our customers, and are delivered in an appropriate and culturally sensitive manner.

Local Courts play a significant role in the delivery of justice as 95% of people who will ever attend a court in New South Wales will attend the Local Court. The Fairfield Community Access Project has initiated and implemented strategies which have had a significant impact in improving service delivery to clients of non-English speaking and diverse cultural backgrounds at Fairfield Court. These will be promoted to all other Local Courts in New South Wales through the Cultural Diversity Resource Kit which was developed as an integral part of this project.

This report makes additional recommendations for actions requiring commitment by the Attorney General’s Department, the Ethnic Affairs Commission and other Government agencies involved in the delivery of justice. These will be given full consideration and advanced by us in consultations with the relevant agencies.

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