

# **Judicial Council on Cultural Diversity**

**Meeting at Level 31, 367 Collins St Melbourne**

**Thursday 15 May 2014**

**Time: 10.00 am EST**

**Chair:** Chief Justice Wayne Martin AC

**Participants:** Justice David Berman; Magistrate Bernadette Boss; Ms Maria Dimopoulos; Justice Emiliios Kyrou; Chief Justice Wayne Martin AC; Justice Lucy McCallum; Justice Melissa Perry; Judge Nick Samios; Judge Rauf Soulio; Ms Carla Wilshire; Justice Helen Wood.

**Apologies:**

Justice Jenny Blokland; Professor Greg Reinhardt.

## **Outcomes**

### **1. Chair's welcome**

- Chair opened the meeting, acknowledged apologies and welcomed members.

### **2. History of multiculturalism and multicultural actions within the courts**

- Ms Dimopoulos provided a brief history of multicultural policy in Australia. She noted that terminology within the multicultural space is often misused or poorly understood.
- It was acknowledged concerns by the ABS that the use of terminology has impacted on data collection.
- An outline of the responses by courts in countries with high immigration rates was provided.

### **3. Presentation on the MCA and other peak bodies**

- Ms Wilshire presented an overview of the Migration Council Australia (MCA). She noted that the MCA is an independent, non-partisan, not-for-profit body established to enhance the productive benefits of Australia's migration and humanitarian programs. Ms Wilshire explained the board structure and mandate of the MCA.
- Ms Wilshire provided a brief overview of peak bodies in the multicultural/migration space, including the Settlement Council of Australia (SCoA); Federation of Ethnic Communities Councils of Australia (FECCA); the Multicultural Youth Advocacy Network (MYAN); and the Refugee Council of Australia (RCOA). She also noted that there were two ministerial advisory councils, the Australian Multicultural Council (AMC) and the Refugee Resettlement Advisory Council (RRAC).

### **4. Multicultural communities and their needs**

- Professor Harry Minas reinforced the importance of judicial education as a component of the Council's work plan.
- Professor Minas noted the collection and analysis of data as an additional area of focus for the Council. He noted that without adequate data collection by the courts, it would be difficult to hold the system to account and measure progress.

## **5. Overview of Indigenous issues**

- Chief Justice Wayne Martin provided a brief overview of the diversity of Australia's Indigenous communities and the types of issues impacting rural and urban populations.
- The provision of interpreters and qualified support staff was further identified as a key concern in ensuring access to justice.

## **6. Presentation on the changing nature of the courts**

- Professor Wallace provided an overview of the transition of the courts and key areas of reform.
- She noted that the last twenty years had seen a process of transition and this had been accompanied by a shift in the basis of authority of the courts.
- Professor Wallace said the development of the council was timely and congratulated the leadership shown in its creation.

**Action: Secretariat to circulate the full presentation by Professor Wallace.**

## **7. Governance manual for the operation of the Council**

- Members agreed to the draft governance manual, subject to a revision of meeting times.
- Members discussed representation and agreed to explore options to broaden membership.
- Members confirmed that the MCA would provide secretariat support, but that the JCCD would have its own identity. It was agreed that that protocols would be developed to ensure the JCCD would remain separate from the MCA.
- A logo was selected to represent the Council (see attachment 1) and it was agreed the Secretariat would commission the construction of a website.
- It was agreed that only the Chair would issue any statements or media comments made on behalf of the Council.

**Action: Chair to write to the Chief Magistrates Council; Bathurst CJ and Warren CJ.**

**Action: Secretariat to develop a website for the JCCD, incorporating the selected logo.**

## **8. Findings of members scoping exercise**

- Members presented on initiatives in their jurisdictions around cultural diversity. Key initiatives included judicial Benchbooks, which had been developed in a number of jurisdictions; protocols on oaths and interpreting; and training initiatives for judicial officers and court staff.
- Members further discussed the value of the JCCD website as a repository for resources. It was agreed that members would provide all available resources and notes to the Secretariat for inclusion on the website and use in the scoping study.

**Action: Members to provide the Secretariat with notes and existing resources.**

## **9. Discussion of the proposed work plan**

- Members agreed the overarching framework for the work plan and set as immediate priorities:
  - a scoping study;
  - survey work; and
  - the development of further resources around translating and interpreting.
- It was agreed that work on translating and interpreters may need to be broadened as the issues were systemic and complex.

**Action: Secretariat to commission scoping study of existing resources in the Courts.**

**Action: Secretariat to look into a survey of the interaction between multicultural communities and the courts.**

## **10. Next steps and next meeting date**

- The council agreed to meet via teleconference in August 2014.
- It was agreed that the next face-to-face meeting of the Council be held in November 2014.

## **11. Other Business**

- Ms Wilshire noted the intention to work with the AIJA on a conference around cultural diversity. She noted the intention was to actively engage the council in the planning to ensure the agenda dovetailed with the work of the JCCD.

**Meeting closed**