

Communiqué

Meeting, Judicial Council on Cultural Diversity

The Judicial Council on Cultural Diversity (JCCD) met in Victoria on 18 March 2016. Members discussed the progress of several JCCD projects, along with other related matters.

An overview was provided of the interpreting and translating project, the process involved, the structure of the document currently being developed and its key principles. It was agreed that the focus of the document should be on what happens in court and the immediate steps of getting to court. The Sub-Committee is to finalise the documents by mid-April 2016, with copies of the documents to be provided to the Council of Chief Justice for discussions at the next meeting on 29 April 2016. The Secretariat and Sub-Committee will develop a process to expose the consultation draft for feedback from the interpreting community, judiciary and legal profession.

Following a discussion paper presented by Judge Soulio on the issue, members noted the issue of participants in court proceedings wearing clothing that obscures the face – and how judicial officers might respond. The discussion was that this raises many issues and that a balance must be struck between the interests of justice and respect for religion and culture. Judge Soulio will work with Ms Dimopoulos and the Secretariat to develop a guidance note outlining relevant considerations and taking into account community perspectives and international approaches.

Ms Sue Burdon-Smith, Deputy Head, Residential Tenancies List, VCAT and Ms Keryn Negri, CEO, VCAT joined the meeting to provide an overview on VCAT's work, particularly in relation to members of CALD communities. Following their presentation, and recognising that many of the access to justice issues faced by CALD tribunal users are similar to those facing CALD users of court, members agreed that it would be beneficial for the JCCD to include a tribunal member to represent the views of tribunals. Chief Justice Martin will write to Justice Duncan Kerr in his capacity as Chair of the Council of Australasian Tribunals to request the nomination of a tribunal member to the JCCD.

An overview was given of the key themes arising from the reports on the national consultations on Aboriginal and Torres Strait Islander women's and migrant and refugee women's experiences of the court system. The Secretariat will publish the reports on the JCCD website, and distribute them to heads of jurisdiction, cultural diversity champions, and relevant stakeholders, noting that a policy framework drawing on the recommendations and themes in the reports is being developed.

Members agreed that a Reconciliation Action Plan toolkit would be a useful resource for jurisdictions to be able to access, noting that the decision of whether to develop a RAP would be a matter for each individual court. Chief Justice Martin will discuss the development of a RAP toolkit at the Council of Chief Justices, with the Secretariat to continue working on the draft.

Mr Schmatt noted the tremendous progress made in the Judicial Commission of New South Wales' development of an online training tool for judicial officers, which is aimed to be finalised by the next meeting of the Council of Chief Justices in November 2016. The project's working group will coordinate with the interpreting Sub-Committee to ensure alignment of the projects. When finalised, the online training tool will be circulated to JCCD members for feedback.

Next steps for the Council were discussed. The Secretariat will conduct internal scoping studies about plain English translations of commonly used complex legal phrases and about jury directions on unconscious bias. Members were asked to consider possible future projects for the JCCD.

The next meeting of the JCCD will be held in Alice Springs on 22-23 September 2016.