

Communiqué

Meeting, Judicial Council on Cultural Diversity

The Judicial Council on Cultural Diversity (JCCD) met in Melbourne on 27 February 2018. The meeting provided an opportunity to discuss the progression of action items from the previous meeting, in particular the implementation of the JCCD's key policy frameworks. The JCCD's future work plan was also discussed.

Members discussed the guidance document for people of Islamic faith produced by the National Council of Imams and the Judicial Commission of New South Wales. This document has been summarised in an article published by the Judicial Commission, which will be circulated to all JCCD members. The document is also to be forwarded to the Australian Law Journal and Law Society Bulletins to ensure its longevity and formality.

A literature review has been conducted on cultural considerations in alternative dispute resolution. This will be sent to the authority for Family Dispute Resolution for their consideration, as well as to Legal Aid NSW, the Human Rights Commission, Tribunals, associates of mediators, who conduct PD and other training. It is anticipated that the literature review may also be published in the Journal of Judicial Administration.

To investigate the issue of the underrepresentation of Indigenous people on juries, all JCCD Members are to ask their Sherriff for statistics or information about Indigenous people not appearing for jury duty, and if possible, the common reasons. This will assist in determining what the JCCD may be able to do in regard to this issue.

A JCCD Guidance Note is currently being developed on managing cases involving modern slavery. The Secretariat will circulate the 'Hidden in Plain Sight' report from Inquiry into establishment of a Modern Slavery Act in Australia to all JCCD Members, with the first draft of the Guidance Note to be circulated to JCCD Members for comment once completed.

Five video scripts and eight factsheets have been developed to assist the implementation of the JCCD's major publications. These resources will be made widely available, and it is thought that they could be used to assist with training courses, conferences, and ad hoc presentations. The factsheets and videos will be circulated and uploaded as soon as they are finalised. They will be launched formally through a press release, and by notifying the heads of jurisdiction of their existence.

The Cultural Diversity Justice Network has been established as a network consisting of Cultural Diversity Advocates from each level of court and tribunal in every state and territory in Australia. The Network will be the primary mechanism through which Advocates receive resources and support from the JCCD, and provide feedback back to the JCCD on issues experienced within their jurisdiction. Regarding the delineation between the two bodies, their work and their focus, it was noted that the JCCD has a more strategic focus, with the Network being more engaged in implementation work. Additionally, the Network is particularly well placed for cross-jurisdictional information sharing on relevant issues.

A community engagement toolkit is currently being developed, and will contain both general information and suggestions about community engagement, and information specific to each jurisdiction. Regarding the action item arising from the last meeting of a list of speakers or researches on multicultural issues, it was agreed that a good approach would be to provide the details of government organisations and state and territory-based peak organisations to avoid the JCCD being perceived to be endorsing particular people or organisations over

others. The drafts of the community engagement toolkit will be circulated to JCCD Members once finalised.

The JCCD has been approached by 1800RESPECT to present two webinars for their frontline workers on access to justice for Aboriginal and Torres Strait Islander women impacted by violence, and access to justice for migrant and refugee women impacted by violence. The Secretariat will circulate details of the webinar, once dates are confirmed, and circulate a link to the saved webinar for later reference or use by JCCD Members.

The development of a national plain English legal glossary app is progressing. When a useful body of legal terms that will cover a sufficiently broad range of courts and tribunals has been compiled, it will be cross-checked to ensure that it can be readily interpreted and translated before going to the electronic stage. It will be updated periodically to add and change information, and courts and tribunals will be asked to contribute terms for inclusion following the release of the first edition of the app.

The issue of the quality of translation of police transcripts was noted. It was suggested that the JCCD write to the Commissioners of Police and the Heads of the Departments of Public Prosecutions in regard to translations of police transcripts, and consider producing a practice note about ways these matters may be reviewed.

The Secretariat raised that there could be benefit in developing cultural awareness standards, with explanatory notes, for application in all judicial colleges and court training in Australia. Several methods of judicial education in this area were noted, and it was agreed that the JCCD Chair will formally recommend to the Council of Chief Justices that courts provide annually one day of training on cultural awareness and/or working with interpreters. It was also noted that the Secretariat should circulate the link to the Judicial Commission of NSW's 'Cultural Diversity e-Learning' package and JCCD Members should encourage local uptake of this training. Additionally, it was suggested that it may be timely for the AIJA to organise another Cultural Diversity and the Law Conference.

The following matters were also discussed at the meeting:

- The success of the consultation with stakeholders of *Harmony Alliance: Migrant and Refugee Women for Change* held in February;
- An Australian Research Council Project on the Assessment of Court / Tribunal Implementation of the Recommended Standards, for which the JCCD has been approached to be a partner;
- The ALRC Review of the Family Law System;
- The development/curation of information and resources for court users, which will be organised by the CDJN;
- The ACT Courts project on access to justice for Indigenous people; and
- The AHRC Institutional Racism Forum in Canberra on Thursday 14 June 2018.

The meeting also involved a panel discussion on how to rebuild the trust of multicultural youth in law enforcement. Panel members discussed common experiences and challenges related to multicultural youth in the justice sphere, and gave advice on how to facilitate multicultural youth gaining better knowledge and a more positive experience of the Australian youth justice system.

With JCCD membership rotating annually by thirds, longer serving Members will be invited to nominate their preference of continuing active membership or standing down in the coming months.

The JCCD will hold its next meeting on Friday 19 October in Adelaide.