

## Communiqué

### Meeting, Judicial Council on Cultural Diversity

26 October 2018

The Judicial Council on Cultural Diversity (JCCD) met in Adelaide on 26 October 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.

A Guidance Note is currently being developed on managing cases involving modern slavery. The purpose of the Guidance Note was discussed: it is not intended to be a legal document but is rather intended to raise awareness and provide assistance regarding the indicators and impacts of modern slavery.

The International Consortium for Court Excellence is currently undertaking a revision of the *International Framework for Court Excellence* (IFCE) with the view to publishing a 3rd edition. The Secretariat is preparing a submission for consideration in this IFCE review process. The JCCD submission is inspired by the *National Framework to improve accessibility to Australian courts for Aboriginal and Torres Strait Islander women and migrant and refugee women*.

Members discussed the importance of raising awareness of the recently established Cultural Diversity Justice Network. The Secretariat noted that letters from the JCCD Chair to Heads of Jurisdiction have recently been sent, asking them to inform all judicial officers in their jurisdiction of: the role of the JCCD and the CDJN; a list of current Advocates; and, promoting JCCD publications including the factsheets and videos.

To investigate the issue of the underrepresentation of Indigenous people on juries, JCCD members had asked their Sherriff for statistics or information about Aboriginal and Torres Strait Islander representation on juries. Further consideration should be given to engaging with organisations seized with this issue.

Prof. Helen Fraser joined the meeting via telephone to brief the JCCD on issues associated with indistinct audio recordings submitted evidence in criminal proceedings. Four main areas of concern were identified, including: police transcripts for English recordings; translation of non-English recordings; attribution of utterances to specific speakers; and audio enhancing techniques. It was noted that the JCCD Chair had corresponded with the Commissioners of Police on this issue. Members agreed to form a sub-committee to progress this project.

The following matters were also discussed at the meeting:

- The development of a national plain English legal glossary app;
- The JCCD's support of a UNSW grant application to the Australian Research Council Project on the assessment of *Judicial officers' communication strategies when working with court interpreters*;
- The Explanatory Note on the Judicial Process and Participation of Muslims prepared by the Australian National Imams Council with the assistance of the Judicial Commission of NSW;
- The literature review on cultural considerations in alternative dispute resolutions drafted by Ms Antonella Rodriguez;
- The Blurred Borders project developed by WA Legal Aid; and

- The Australian Human Rights Commission Institutional Racism Forum which took place in Canberra on Thursday 14 June 2018.

The meeting also involved a panel discussion on the impact of trauma and trauma-informed practice. Panel members discussed various issues including: the impact of trauma through the lens of cultural and linguistic diversity; recognising signs of trauma in people from culturally and linguistically diverse backgrounds, including common psychological responses to trauma in people from culturally and linguistically diverse backgrounds; and how judicial officers might consider taking trauma into account in their approach to the courtroom.

In regard to JCCD membership rotation, 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 10 May 2019 in Brisbane.