

Communiqué

Meeting, Judicial Council on Cultural Diversity

10 May 2019

The Judicial Council on Cultural Diversity met in Brisbane on 10 May 2019.

The members endorsed the minutes of the previous meeting, held on 26 October 2018.

Nassim Arrage, Shane Duffy, Neha Vaidyanathan and Margaret Hornagold spoke to the Council on the issue of Aboriginal and Torres Strait Islander engagement with courts and tribunals.

The Council was updated on the UNHCR Guidance Note on the Psychologically Vulnerable Applicant in the Protection Visa Assessment Process, first presented by Professor Suresh Sundram at the last meeting, in October 2018. Members agreed that this document could be generalised to apply to most judicial settings where psychologically vulnerable people may appear and it should be added in its current form to the list of resources on the JCCD website.

Members were informed that the literature review on cultural considerations in alternative dispute resolutions had been peer reviewed and published in the *Journal of Judicial Administration*. The Council agreed to share the document around within their jurisdictions.

It was noted that the Council would like to pursue discussions on the issue of underrepresentation of Indigenous people of juries. Members agreed that researching the experience in other countries (such as Canada and New Zealand) would be an important first step. It was noted that a paper was being given on the topic at the Judicial Conference of Australia, and attending members agreed to brief the Council on this paper at the next meeting.

Updates were also provided to the Council on the Guidance Note on Modern Slavery, which is being reviewed and updated by the author and the Council, and the National plain English legal glossary app, which is still in development.

The JCCD submitted a letter of support for the UNSW grant application to the Australian Research Council on the implementation of the JCCD Interpreter Standards.

The Council reiterated that it is moving ahead on completing various projects from the Workplan, including:

- Providing a submission to the International Consortium for Court Excellence as they take on their 3rd review of the *International Framework for Court Excellence*;
- Submitting a letter to the Australian Law Reform Commission regarding the Review of the Family Law System, to draw their attention to the JCCD's *Recommended National Standards for Working with Interpreters*, and;
- Drafting a Toolkit designed to assist in the implementation of the *National Framework and Interpreter Standards*.

The Cultural Diversity Justice Network provided an update on its work to the Council and welcomed two new Advocates. The Council was briefed on the Networks' facilitated session with Ms Allison Henry. The purpose of this session was to share the current implementation



initiatives regarding the two main JCCD documents (the *National Framework* and the *Interpreter Standards*) and to discuss strategies to address barriers to access to justice.

Members provided updates on the implementation of the *Recommended National Standards on Interpreters in Courts and Tribunals* in their respective jurisdictions. It was acknowledged that there are barriers to adoption of the *Standards* in some jurisdictions. It was noted that the Northern Territory had agreed to adopt rules of the court that had been drafted from the Model Rules, but with some amendments.

The JCCD will hold its next meeting in Canberra on 25 October 2019.