

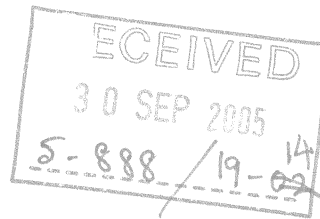
Community Relations Commission

For a multicultural NSW

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The Hon Christine Roberston
Committee Chair
Standing Committee on Law and Justice
Parliament House
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27 SEP 2005



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Dear Ms Roberston

I write in relation to the inquiry into community based sentencing options for rural and remote areas and special need/disadvantages populations.

As you will recall, my appearance as a witness to the inquiry was interrupted by a fire drill. Please find attached a submission with the Commission's response the Committee's questions.

I also wish to suggest a minor correction to the transcript. On page 53, paragraph 5, the word 'against' should be replaced with the word 'again'.

Should you have any further inquiries, the officer responsible for this matter is Ms Patricia Giannotto, Public Sector Advisor. Ms Giannotto can be contacted on 8255 6796 or patricia.giannotto@crc.nsw.gov.au

Thank you for the opportunity to make a submission to the inquiry.

Yours sincerely

A handwritten signature in cursive script, appearing to read "Stepan Kerkyasharian".

Stepan Kerkyasharian AM
Chairperson



1. Are people from culturally and linguistically diverse backgrounds less likely to receive community based sentences? Why/why not?

The Department of Corrective Services has advised that the number of offenders from non-English speaking countries on community based orders for the period 1 September 2004 to 30 August 2005 was 8,303. At the time of preparing this submission the Department was not able to advise the CRC of the total number of offenders over that period.

While the Department of Corrective Services appears to collect relevant ethnicity data, it does not appear to be easily and readily available to staff in a useful collated form.

This highlights serious issues of concern in relation to the collection of data on offenders receiving community based sentences, which makes it difficult to accurately assess whether people from non-English speaking backgrounds are more or less likely to receive community based sentences than other members of the community.

The Bureau of Crime Statistics and Research collates information on community based sentences according to the calendar year. This information is available on the BOCSAR website under the heading of 'Penalty for principle offence'. However, BOCSAR has advised that they do not collect ethnicity data.

The ABS collates and produces annual corrective services statistics across Australia which it publishes on the internet, making it readily available to the public. However, the ABS has advised that, in relation to community based sentences, it does not collect data by country of birth, language spoken or ancestry.

The National Centre for Crime and Justice Statistics is currently developing a Community-Based Corrections Census. The CRC is in discussion with the Centre about having information on country of birth, ancestry, language spoken at home and English language proficiency collected as part of the Census.

2. Are people from culturally and linguistically diverse backgrounds on community based sentences able to access services such as alcohol and drug counselling? Are they easy to access?

It is important to note that the issues in relation to drug and alcohol counselling for offenders from non-English speaking backgrounds do not pertain only to access to a service, but also to the most effective models of service delivery for that client group.

There appear to be few culturally specific drug and alcohol programs to specifically help people on community based sentences from language backgrounds other than English.

However, the Pacific Islander Program operating from the Mt Druitt Probation and Parole Service offers drug and alcohol counselling services within a 16 week intensive intervention program. The program has been developed through

Community Solutions funding and is specifically designed for community based offenders from Pacific Islander background. This is the only program of its kind known to the CRC.

In other areas Probation and Parole Services have advised that offenders from language backgrounds other than English are referred to programs run by local area health services or community organisations, and on occasions have been provided with one to one counselling. It can be difficult to find placements for people from language backgrounds other than English in drug and alcohol group counselling services.

The CRC is aware of the following issues in relation to drug and alcohol programs for community based offenders.

1. The programs are designed for people with good English language proficiency. This obviously presents problems to people from non-English speaking backgrounds. However, the CRC is also aware that English speakers with low literacy levels experience difficulties with these programs.
 2. The programs are based on a group model. Many cultures do not have an understanding of group counselling models. In some cultures this type of group counselling creates strong feelings of fear and shame for the offender which in turn diminishes the offender's receptiveness to the program.
 3. Drug and alcohol programs run through community organisations and local area health services generally do not address issues faced by the offender or his or her criminal behaviour, which can impact significantly on the drug and alcohol problem.
- 3. How can community based sentences and community programs be made more appropriate for people from culturally and linguistically diverse backgrounds?**

The Pacific Islander Program operated by the Probation and Parole Service in Mount Druitt provides an example of a community program that appears to effectively meet the needs of a offenders from particular cultural background in our community.

Pacific Islander Program was developed by a senior manager within the Probation and Parole Service who is himself of Samoan background. The Program is funded through the Community Solutions and Crime Prevention Program. It has been operating for less than a year.

Through the program, offenders of Pacific Island background undertake a 16 week course (2 hours per week) which covers a range of issues including family violence, alcoholism and anger management. The Program employs two part-time facilitators of Pacific Island background and also utilizes Pacific Island community elders and ministers from local pacific island churches.

While still relatively new, the program has had some encouraging results. The Probation and Parole Service has advised that for example in the case of domestic

violence offenders, there has been a very low rate of re-offending for those who have been through the program. The Probation and Parole Service has also advised that offenders of Pacific Island background have responded more positively to the Pacific Islander Program than to generalist programs.

It would appear therefore that people from non-English speaking background benefit greatly from rehabilitation programs that cater specifically to their cultural backgrounds. Such programs can assist people from non-English speaking backgrounds to comply with community-based sentences more easily and also reduce rates of re-offending.

4. Can people from culturally and linguistically diverse backgrounds who are undertaking a community based sentence access on-site and telephone interpreters, if required? Are additional interpreter and other supports required for people from culturally and linguistically diverse backgrounds while at court?

The CRC understands that the Department of Corrective Services has been decreasing its use of onsite interpreters while increasing its use of telephone interpreting services. A telephone interpreting service, TIS, is operated by the Commonwealth Government.

However, the CRC is not aware of what proportion of the Department's interpreter use is for inmates and what proportion is directed towards people on community service orders.

The CRC holds the view that it is preferable to have an onsite interpreter because body language is also important. Clients often report that they feel more comfortable with an onsite interpreter.

The CRC provides onsite interpreters in more than 75 languages, 24 hours a day, 7 days a week. CRC interpreters are NAATI accredited and the majority have several years of experience working in the Courts or Legal framework. If NAATI accreditation is not available we will accept paraprofessionals.

The CRC Language Services Division undertakes approximately 13,000 interpreter assignments for the NSW Courts each year.

The CRC is also in the process of establishing a panel of "language experts" in languages/dialects where no NAATI accreditation or testing is yet available e.g. Sudanese, Dinka, Swahili. By liaising with other service providers like the Health Interpreters Network, Centrelink, Macquarie University and University of Western Sydney we have been able to recruit and are now in the process of arranging training/orientation for these new language groups.

The CRC also has video conferencing facilities available.

5. In your experience do the courts ensure that offenders with poor English skills understand their obligations when on bail by reading the requirements of the bond to the person in the presence of an interpreter?

On those occasions when an interpreter has been booked by the court, CRC interpreters have advised that they are requested to be present to interpret on behalf of the Clerk of the Court when he or she is reading the conditions of the bond to an offender.

CRC interpreters can only directly interpret the wording of the bond as explained by the Clerk of the Court; they cannot provide any additional explanations of terms or conditions to the offender.

An issue of concern that has been raised by CRC interpreters is that in approximately 95% of cases the offender's legal representative does not stay with the offender while the bail conditions are being read.

It would be useful if there was multilingual information available to offenders, explaining their obligations while on bail.

6. What additional supports would be required to assist people from culturally and linguistically diverse backgrounds to comply with and complete community based sentences?

Assessment

Currently an offender's eligibility and suitability for a community based sentence is assessed on an individual basis by the Probation and Parole Service.

English language proficiency, country of birth, ancestry, religious and cultural needs should all be taken into account when deciding on an appropriate community-based sentence, in order to provide the client with the maximum chance of complying with the sentence and beginning a satisfactory rehabilitation process.

Community service orders

There are only a few ethno-specific organisations involved in taking offenders completing community service orders and these organisations have few placements on offer.

For example, the Commission is aware that the Probation and Parole Service at Bankstown refers clients to one Vietnamese and two Muslim community organisations in the area. The Probation and Parole Service at Mount Druitt places clients of Pacific Island backgrounds with Pacific Island church groups.

Probation and Parole Services have advised that offenders who speak the same language are sometimes 'clustered' together in a generalist agency, so as to be able to provide each other with support.

It would appear that Probation and Parole Services do on occasions experience difficulty in placing people who speak a language other than in English in

appropriate agencies to serve their community service orders. As a result, offenders can experience long waiting periods before they can serve their sentence.

Culturally appropriate rehabilitation programs

Rehabilitation or development programs are sometimes attached as conditions to community-based sentences.

The example provided above of the Pacific Islander Program at Mt Druitt, indicates that rehabilitation programs that cater to the needs of a specific ethnic group can assist people from non-English speaking backgrounds to comply with community-based sentences more easily and reduce the likelihood of them re-offending.

7. What can government and non-government agencies do to ensure that services provided are culturally appropriate?

The framework for developing policies and programs to meet the needs of New South Wales' culturally diverse society is the EAPS (Ethnic Affairs Priorities Statement) program, which is administered by the Community Relations Commission.

The *Community Relations Commission and Principles of Multiculturalism Act 2000* has extended EAPS responsibilities to a wider range of agencies. These are government departments, statutory and state owned corporations, local councils, and bodies which have their accounts audited by the Auditor General.

EAPS is a measure of agency performance where the needs of culturally diverse clients are fully integrated into core business, which in turn results in quality service delivery within the framework of the Principles of Multiculturalism and social justice obligations.

In general people from non-English speaking backgrounds fail to access government or community services for the following reasons:

- they are unaware that the service is available
- they have difficulty communicating with government agencies, and in particular services providers
- they will not use the service because it does not meet their needs, or the service is not sensitive to their cultural needs.

To ensure that services are accessible and equitable, agencies are encouraged through the EAPS program, to:

- gather and analyse statistical information on the use of their service by people from ethnic communities.
- employ staff from a range of cultural backgrounds at all levels of the organisation
- ensure that all staff, particularly front-line staff, are trained in cross cultural communication and the use of interpreters.
- utilising the skills of bi-lingual staff and promoting CLAS within the organisation

- ensure that all staff are trained in cultural diversity issues, as they effect the agency
- establish designated multicultural positions
- publicise the availability of ethno-specific or bilingual staff, to increase the accessibility of the service
- ensure that appropriate budget allocations for multicultural services and interpreting are made early in the corporate planning cycle
- display material in different languages, and state that interpreters or translators are available
- ensure that staff are aware of the particular needs of refugee and emerging communities.

Question on notice from the Hon Amanda Fazio MLC:

In relation to rural areas, does the CRC have any experience in providing services to newly arrived CALD groups eg. Afghani refugees in Young. If so please detail?

The Commission has established ten Regional Advisory Council's (RACs) which are creating a vital network for rural and regional NSW. Each RAC comprises community and government members who, with a Commissioner and Convenor, discuss local multicultural issues of concern and bring them to the attention of the Commission.

RACs enable the Commission to work in partnership with local agencies and communities, and foster improved communication between the community and government. They give rise to new opportunities for issues to be examined, and for links to be forged in rural and regional areas around issues of community relations and cultural diversity.

RACs operate in Albury, Griffith, Illawarra, Central West, Macarthur, Nepean, Wyong, Newcastle, New England and the far North Coast. RACs have identified issues of local concern and provided advice to the Commission on matters such as access to interpreting services in rural and remote locations.

The Commission's regional activities are currently coordinated by two Regional Co-ordinators who are located at the Commission's regional offices in Wollongong and Newcastle. They are executive officers to the Commission's regional advisory councils, liaise with communities, assess their needs in terms of community relations, and address and advise the Commission of any issues of concern.

The Commission's regional coordination activities assist it in maintaining links with regional and rural communities. For example, the Commission's regional co-ordinator's maintain contact with both the Afghani and the Lebanese community in Young. The Commission has worked closely with these communities to facilitate their settlement into the area. In the case of the Lebanese community, the Commission's regional co-ordinator facilitated meetings between the community, the local council, local employers and regional government services to resolve issues of concern for the community.

The Commission has undertaken similar activities in a number of rural and regional areas. Recently the Commission met with African community members in Wagga Wagga, who raised a number of issues related to the education portfolio. As a result of this meeting, the Commission is arranging meetings between the community and the Department of Education.

Conclusion:

The CRC is of the view that the framework, guidelines and models to assist the Department of Corrective Services to address most of the issues raised with us by the Committee, are already in place through the EAPS program and the Community Relations Action Plan 2012. The department could address the issues through a holistic EAPS plan that reports both the areas of imprisonment and community based sentencing.