Victoria Law Foundation

Legal information in languages other than English

Helping Victorians understand the law

Contents

1 Introduction

In 2015 the Victoria Law Foundation undertook a project to review available literature on providing information, particularly legal, to culturally and linguistically diverse (**CALD**) communities in languages other than English (**LOTE**). The foundation does not produce publications in language other than English, however we do acknowledge that CALD communities often face barriers when accessing services and legal information. Understanding the issues regarding the development and provision of LOTE legal information is vital to ensuring access to justice for these communities.

This paper:

- explores the availability and use of legal information in languages other than English in Australia
- outlines important factors to consider when producing legal information in languages other than English
- discusses the consequences of poor quality LOTE material
- provides recommendations and best practice examples (see **appendix a**).

Recommendations

We make the following recommendations for preparing legal information in languages other than English:

- Know your audience
- Work with partners and intermediaries
- Be proactive, not reactive
- Consider methods of communication and distribution
- Consider structure of written information
- Avoid duplication

Acknowledgements

Using the acronym 'CALD'

We would like to note that the foundation uses the acronym 'CALD' to abbreviate the term 'culturally and linguistically diverse.' We recognise that many different individuals with varied backgrounds make up Australia's CALD communities and use this term for the sake of fluency on paper.
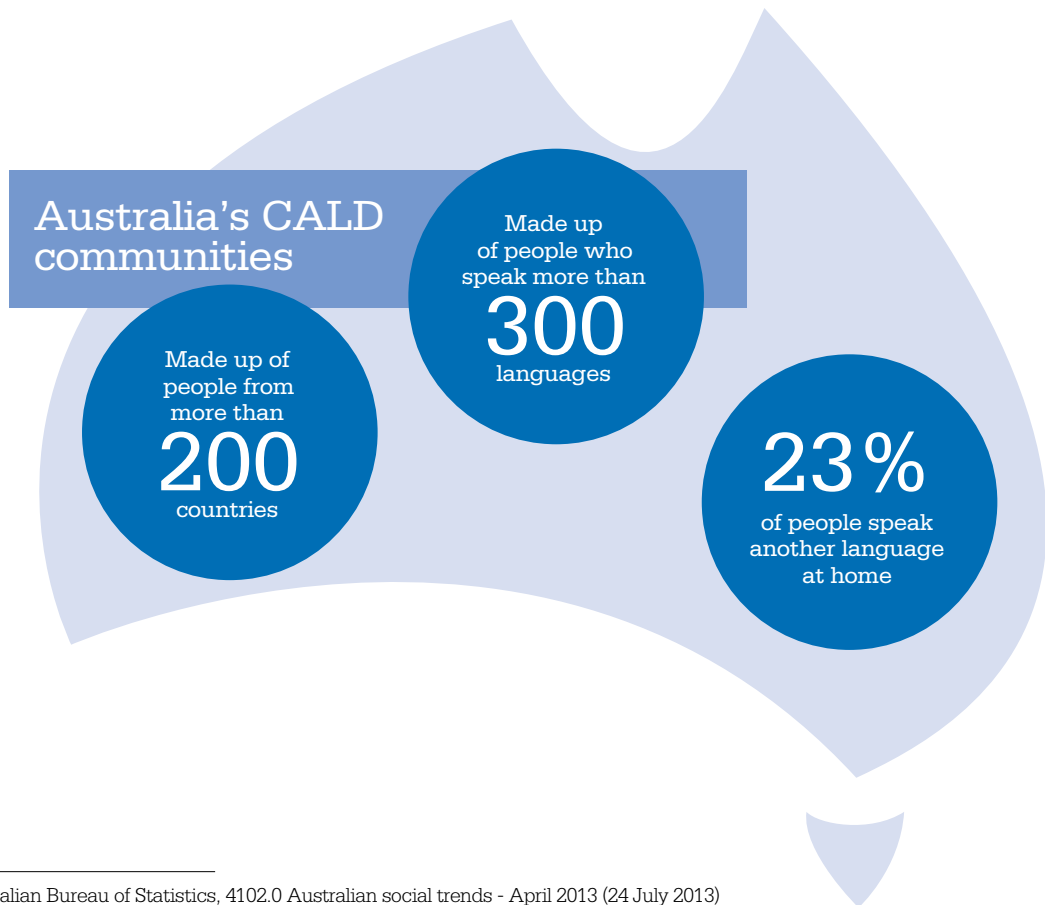
Victorian Multicultural Commission

We would like to thank the Victorian Multicultural Commission for reviewing this paper and providing valuable feedback.

2 Culturally and linguistically diverse communities in Australia

CALD communities in Australia are extremely diverse. The Australian population is made up of people who come from more than 200 different countries and speak over 300 different languages.[1] Australia's Census in 2011 found that 23% of the population spoke a language other than English at home.[2]

For the purposes of this paper we will concentrate on CALD communities with limited English language skills.[3] CALD communities more broadly are made up of individuals and groups of people who identify as being culturally and or linguistically diverse. This can include people born overseas or in Australia who mainly speak a language other than English. It can also include people born overseas, or who have a parent born overseas, who speak English at home.[4]

Australia's CALD communities

Made up of people from more than
200
countries

Made up of people who speak more than
300
languages

23%
of people speak another language at home

1/ Australian Bureau of Statistics, 4102.0 Australian social trends - April 2013 (24 July 2013) Australian Bureau of Statistics, <http://www.abs.gov.au/AUSSTATS/abs@.nsf/Lookup/4102.0 Main+Features30April+2013>.

2/ The Office of Multicultural Affairs and Citizenship, State of Victoria, Population Diversity in Victoria: 2011 Census – Local Government Areas (2013) 1.

3/ There is difficulty in defining the term. On the one hand it is an inclusive term, however, in research and practice, it is mostly used to distinguish the mainstream community from those in which English is not the main language and/or cultural norms and values differ. 'CALD' therefore has superseded the term "non–English speaking background" because of its reference to culture as an explanation for why differences between CALD and mainstream communities may occur, and so goes beyond linguistic factors. Pooja Sawrikar and Ilan Katz, 'Enhancing family and relationship service accessibility and delivery to culturally and linguistically diverse families in Australia' (2008) 3 Australian Family Relationships Clearinghouse Issues 1, 3.

4/ On 30 June 2014 28.1% of the estimated resident population was born overseas, though many of these come from countries with similar cultural and linguistic background as the core Anglo-Australian culture such as New Zealand or the United Kingdom. Australian Bureau of Statistics, 3412.0 – Migration, Australia, 2013-14 (24 June 2015) Australian Bureau of Statistics, http://www.abs.gov.au/ausstats/abs@.nsf/mf/3412.0/.

3 Legal information and CALD communities

Availability of translated material and its use

Although some government and non-government bodies produce LOTE legal information, it is clear that a large amount of publicly available legal information is not accessible to CALD communities. Research undertaken by the foundation in the development of our Everyday-Law website suggests that that the majority of the information available is limited to describing specific services or where to get assistance in languages other than English.

Further research is required to understand the scope of legal information in languages other than English and identify high priority areas for development.

Use of translated legal information

It is important to consider whether the limited resources that are available are being used by CALD communities. For example, research undertaken by the Department of Justice and Regulation shows that although 35% of the Department of Justice and Regulation website contains translated material, only 0.04% of their webpage views were of translated content.[5] The Department of Justice and Regulation believe that the low level of engagement of the translated material on their site is due to a variety of factors, some of which will be discussed below, including the lack of content available, low quality of content, barriers to access, lack of awareness and communication preferences.[6]

What are the current practices and guidelines?

The state and federal governments produce separate guidelines on the production of LOTE materials for government departments and agencies.

The federal government's guidelines are produced by the Australian Government Department of Social Services and include:

- Multicultural Access and Equity Policy Guide (**Guidelines**)[7]
- Multicultural language services guidelines[8]
- resources in relation to procuring interpreting[9] and translation services[10]
- information on languages by country and place.[11]

The Victorian government requires compliance with Victoria's Multicultural Policy[12], and produces guidelines to assist with this including those relating to interpreting services and effective translations.[13]

5/ A Akbarzadeh, 'Digital Communication with CALD audiences: Strategic findings and recommendations' (presentation delivered for the Department of Justice, Victoria, 26 June 2013) 3.

6/ Akbarzadeh, above n 5, 4.

7/ Department of Social Services, Commonwealth of Australia, Multicultural Access and Equity Policy Guide (29 January 2016) Australian Government <https://www.dss.gov.au/sites/default/files/files/foi_disclosure_log/12-12-13/the_multicultural_access_and_equity_policy_guide.pdf>.

8/ Department of Social Services, above n 7.

9/ Department of Social Services, Commonwealth of Australia, Outline of Procedures for Australian Government Agencies (29 January 2016) Australian Government <https://www.dss.gov.au/sites/default/files/files/foi_disclosure_log/12-12-13/procuring-interpreting-services.pdf>.

10/ Department of Social Services, above n 9.

11/ Department of Social Services, Commonwealth of Australia, Multicultural Access and Equity Resources (29 January 2016) Australian Government <https://www.dss.gov.au/settlement-and-multicultural-affairs/programs-policy/multicultural-access-and-equity/multicultural-access-and-equity-resources>.

12/ Victorian Multicultural Commission, State Government of Victoria, All of us: Victoria's Multicultural Policy (29 January 2016) Victorian Multicultural Commission <http://www.multicultural.vic.gov.au/images/stories/pdf/MulticulturalPolicy09-res.pdf>.

13/ Victorian Multicultural Commission, State Government of Victoria, Victorian Government Guidelines on Policy and Procedures for Interpreting and Translating (28 January 2016) Victorian Multicultural Commission <http://www.multicultural.vic.gov.au/projects-and-initiatives/improving-language-services/standards-and-guidelines>.

Effectiveness of the guidelines

The Federation of Ethnic Communities' Councils of Australia prepares annual reports on the delivery of programs and services by Australian government agencies with reference to the federal government guidelines. These reports are based on information received through consultations with CALD communities and service providers. And while the focus of the consultation is on federal material, the feedback covers both state and federal level information.[14]

A common theme of the feedback from the consultations was the need for more translated information, and importantly, more quality translated material.[15] This suggests that guidelines are not currently being implemented effectively.

English capability of CALD communities

English capability will vary across language groups in CALD communities and this needs to be considered when identifying material for translation.

Funding and resource pressures mean that choices have to be made about what information is produced in languages other than English. With only limited funding, it is important that a targeted approach is in place. That funding decisions consider the level of English capability of each group, and their vulnerability due to their location or size of the community. Therefore it is not sufficient to adopt a LOTE strategy that focuses on simply providing legal information to the most widely used language groups.

Table 1: Top 10 languages spoken at home [(a)] [(b)]

Language spoken at home	Persons '000	Proportion of total population %	Proportion who spoke English very well %	Proportion born in Australia %
English only	15 394.7	80.7	...	83.8
Mandarin	319.5	1.7	37.5	9.0
Italian	295.0	1.5	62.1	43.2
Arabic	264.4	1.4	61.9	38.5
Cantonese	254.7	1.3	46.4	19.9
Greek	243.3	1.3	65.0	54.1
Vietnamese	219.8	1.2	39.5	27.9
Spanish	111.4	0.6	62.1	21.9
Hindi	104.9	0.5	80.2	9.8
Tagalog	79	0.4	66.9	5.9

(a) Excludes persons aged under 5 years.
(b) Proportion of people reporting this language who were born in Australia.

14/ Federation of Ethnic Communities' Councils of Australia, Multicultural Access and Equity: Perspectives from culturally and linguistically diverse communities on Australian Government service delivery (2014) 21.

15/ Federation of Ethnic Communities' Councils of Australia, above n 14, 38.

The 2011 Census found that 23% of Australians were born overseas and speak a range of non-English languages at home.[16] The widest spoken languages other than English at home in Australia are Mandarin (1.7%), Italian (1.5%), Arabic (1.4%), Cantonese (1.3%), Greek (1.3%) and Vietnamese (1.2%) (**table 1**). However, column three of **table 1** highlights the importance of not relying on these figures alone, as the English speaking capabilities of each group differs greatly. For example, Mandarin is the most common language other than English spoken at home (1.7%), though out of the top 10 languages spoken in Australia this group has the lowest level of individuals with very good English skills at 37.5%. Whereas individuals that speak Greek at home (1.3%) have a relatively high number of individuals who speak English well at 65%. Individuals that speak Hindi at home (0.5%) have 80.2% of individuals speaking English well. **appendix b** outlines these language figures in more detail.

Dialects and minority languages

Research into the need for information in specific languages needs to consider dialects[17] and minority languages[18] that are not generally captured in statistics. One of the reasons for this, is that specific dialects and minority languages can be either categorised incorrectly or are not listed as categories at all.[19] For example, Borland and Mphande in their report *The Numbers of Speakers of African Languages Emerging in Victoria* note that often agencies do not distinguish consistently between standard Arabic, Sudanese Arabic and Juba Arabic when recording linguistic data.[20] Another factor that would impact language data is that people might not state their first language if it is a minority or unwritten language, and choose to identify as speakers of a more widely used language in order to access services.[21] Therefore relying on language data alone is not appropriate when considering what languages legal information should be translated into. See **appendix c** for a table outlining different language services and user preferences.

Emerging and smaller CALD communities

New and emerging CALD communities face barriers accessing interpreting and translating services. This gap in the provision of interpreting and translation services highlights the need for the production of appropriate LOTE legal information, particularly for emerging and smaller communities. Research has shown that there are gaps in the provision of interpreting services for emerging languages.[22] For example, the Federation of Ethnic Communities' Councils of Australia published a report that found that there were issues in the provision of interpreting services in Sudanese Arabic, Arabic and Swahili.[23] This point is strengthened by research that found that the interpreting needs of communities who speak minority languages such as Acholi, Bari and Nyanga are often overshadowed by the needs of more widely known languages such as Dinka and Nuer.[24] This lack of interpreting services for smaller and emerging communities can in part be attributed to the lack of detailed data collection regarding smaller language groups as discussed above and a smaller pool of people with the skills to be interpreters in that group.

Furthermore, the Law Foundation of Ontario's report on linguistic and rural access to legal information found that larger established CALD communities receive more support from Government and community services, whereas these services and the availability of LOTE information are lacking for smaller emerging language groups.[25] It could be argued that it would be more appropriate to provide LOTE legal information[26] in less common emerging languages, as common LOTE languages are more likely to be able to access interpreters and translators.

16/ Australian's refers to all individuals in the country on Census night, 2011.

17/ The Law Foundation of Ontario, Connecting Across Language and Distance: Linguistic and Rural Access to Legal Information and Services, (2008) 15.

18/ S Musgrave, J Hajek, Y Treis and R De Busser (eds) 'Sudanese Languages in Melbourne: Linguistic Demography and Language Maintenance' (Selected Papers from the 2009 Conference of the Australian Linguistic Society 9-11 July 2009) 5. <http://www.als.asn.au/proceedings/als2009/musgravehajek.pdf>.

19/ H Borland and C Mphande, 'The Numbers of Speakers of African Languages Emerging in Victoria' (Report to Victorian Office of Multicultural Affairs, Department for Victorian Communities, 2006).

20/ Borland and Mphande, above n 19, 7.

21/ Musgrave, Hajek, Treis and De Busser (eds) above n 18, 6.

22/ Victorian Auditor-General's Office, 'Access to Services for Migrants, Refugees and Asylum Seekers' (Report under the provisions of section 16AB of the Audit Act 1994 (Vic), 2014) 20.

Regional CALD communities

Furthermore, CALD communities who speak little English in regional locations are more vulnerable than CALD communities in metropolitan areas. One example of this vulnerability is limited access to interpreters in rural and regional areas, particularly for specialist services such as legal interpreting.[27] The lack of interpreter availability in rural and regional areas has also been noted in roundtable discussions held with the translating and interpreting sector.[28] When developing and producing legal material, it is essential that the needs of CALD communities in regional areas are considered. This point is of particular importance for regional areas that have relatively large CALD communities with low English proficiency such as City of Greater Geelong (3,185 CALD individuals with low level English capability) and Greater Shepparton City Council (1,695 CALD individuals with low level English capability).[29]

Effective communication

Communication methods

In order to be effective, translated materials need to consider the preferred communication method of the target audience. For example, for some communities, providing written legal information is not the preferred, or most appropriate, form of communication regardless of whether it is in their first language or not. Data collected from support and settlement agencies[30] (see **appendix d**) shows the preferred form of communication of a range of humanitarian entrants. This data highlights the vast variety of different characteristics and preferences of CALD communities, including differing levels of education opportunities.

Distribution of information

The method of distribution is also important and it is essential that assumptions are not made about what might be the preferred form of distribution. And the suitability of the type of distribution may change across the Australian population and CALD communities.

Research released by the Law and Justice Foundation in 2012 (**The LAW Survey**)[31] found that the internet was used as a common source of information for individuals seeking legal assistance. However, while the internet has the capacity to reach a widespread audience, the recent shift towards the electronic provision of information raises issues of accessibility. Not only are there literacy barriers to overcome as discussed above, but the Federation of Ethnic Communities' Councils of Australia found that some members of CALD communities do not have access to computers and the internet, or have limited computer skills.[32] Furthermore, CLEO Centre for Research and Innovation produced a report that found that this digital divide was most experienced by individuals on low income and those experiencing disadvantage. They found a particular correlation in relation to income – the lower a person's income, the less likely they are to have home access to the internet.[33]

23/ Federation of Ethnic Communities' Councils Australia, Multicultural Access and Equity – Building a cohesive society through responsive services (2015) 19.

24/ Borland and Mphande, above n 19, 38.

25/ The Law Foundation of Ontario, above n 17, 14.

26/ Although consideration of the literacy levels of these groups needs to be considered.

27/ Victorian Auditor-General's Office, 'Access to Services for Migrants, Refugees and Asylum Seekers' (Report under the provisions of section 16AB of the Audit Act 1994 (Vic), 2014) 20.

28/ Department of Social Services, Australian Government, 'Translating and Interpreting Sector Roundtable Discussions', (28 November 2014).

29/ The Office of Multicultural Affairs and Citizenship, State Government of Victoria, Population Diversity in Victoria: 2011 Census – Local Government Areas (2013) 20.

30/ Borland and Mphande, above n 19, 43.

31/ C Coumarelos, D Macourt, J People, H M McDonald, Z Wei, R Iriana and S Ramsay, Legal Australia-Wide Survey: Legal Need in Victoria (Law and Justice Foundation, 2012) vol. 7.

32/ Federation of Ethnic Communities' Councils of Australia, above n 14.

33/ CLEO Centre for Research & Innovation, Public Legal Education and Information in Ontario Communities: Formats and Delivery Channels, (2013) 16.

CLEO's report also notes the concept of the 'digital literacy divide', meaning, access to the internet may not translate to knowledge of how to search for particular information in meaningful and effective ways.[34] For example, many brochures are often only available as PDF files, therefore they are unable to be picked up by search engines, making it difficult for users to find them. This point is of particular importance for those who speak limited English and may try to search for things in languages other than English. The Federation of Ethnic Communities' Councils of Australia also note that even if a website is translated accurately and is culturally appropriate, some people will still not be able to access the information as they may not be literate in their first language.[35] This highlights the need for careful consideration of the method of distribution.

Context of education

It is important to remember what circumstances individuals encounter prior to arriving in Australia, and how this impacts their view and engagement with the Australian legal system. Using this to inform the delivery of information and resources will increase the usability of material. Wasting resources on producing material that is out of context or irrelevant to a group is detrimental and not cost effective.

The Australian Cultural Orientation Program (**AUSCO**) program is a good example of the importance of knowing your audience and their needs. AUSCO, among other things, provides training for people who have been accepted for residency in Australia. A portion of this training occurs in the person's current country of residence. When delivering AUSCO programs, trainers found it was challenging to deliver detailed information about Australia before arrival. 'Information about legal systems is largely meaningless in the absence of the Australian context in which to understand it'.[36] This information is therefore not recalled when the person eventually does settle in Australia.

Response to legal issues

Understanding how different CALD communities respond to legal issues, and where they look for guidance, is important. The LAW Survey outlined that 30% of non-English speaking people took no action in response to legal issues they encountered compared to 18% of English speakers.[37] Not only can a lack of available material or support result in a substantial rate of inaction in response to legal issues, it can also mean legal issues are not addressed by individuals until they become critical. This increases the severity of the legal outcome and adds unnecessary legal procedure. Furthermore, there is a significant level of mistrust of the legal system in some CALD communities.[38]

More generally in the community, research has shown in at least a quarter of cases where help was sought for issues that had legal implications, only non-legal forms of help, such as medical assistance or financial advice, was obtained. So, when facing a legal problem, a majority of people rely on their own information networks first.[39]

34/ CLEO Centre for Research & Innovation, above n 33, 17.

35/ Federation of Ethnic Communities' Councils of Australia, Digital Access and Equity for Multicultural Communities (2016) 5.

36/ K Fraser, 'Prevention is better than a cure' (Community Legal Centre Fellowship Report with Victoria Law Foundation and Footscray Community Legal Centre, 2011) 34.

37/ Coumarelos, Macourt, People, McDonald, Wei, Iriana and Ramsay, above n 31, 105.

38/ Judicial Council on Cultural Diversity, Submission to the Productivity Commission's Inquiry into Access to Justice Arrangements, (2013) 12.

39/ J Kirby, 'A study into best practice in community legal information' (Report for the Winston Churchill Memorial Trust, 16 September 2010) 16.

4 Tailor your content to your audience

Legal issues

In order to make legal information provided to the community effective, it must be tailored to suit the audience. Different CALD communities will experience different legal issues, as will groups within these communities (males/females, youth/elderly). Furthermore, individuals perceive legal issues differently because of their various backgrounds, cultures and experiences. In order for LOTE material to be successful it is imperative that research be undertaken to determine the specific legal needs of these groups while avoiding simplistic stereotyping.

Male and female

While not exclusive to the production of LOTE material, the different legal needs between men and women need to be considered when developing legal information. A good example of this can be seen in employment-related legal issues. Both men and women need to be informed of their rights as employees, however, information must be tailored to meet the needs of the audience. For example, legal issues relating to discrimination and pregnancy would clearly be more helpful to women.

Aging population

Aging CALD communities also have particular legal information needs. Literacy rates decline with increasing age.[40] Research suggests that while often many individuals acquire English proficiency once arriving in Australia, it is common for people to revert to their first language as they become older.[41] This reversion to their first language needs to be kept in mind when developing LOTE information on legal issues that are of particular interest to older individuals, such as wills, elder abuse and powers of attorney. It is worth noting that these issues will impact CALD communities, which are statistically likely to have high levels of English proficiency, as well as new and emerging CALD community groups.

Specific legal needs for specific CALD communities

As mentioned above, without tailoring information to a specific audience, legal information is not likely to be effective, as different CALD communities experience different legal issues. Community Legal Education Ontario (**CLEO**) in 2009 undertook a project to produce plain language legal text and audio materials in six languages. CLEO found that while there were common areas of legal concern and need amongst different language groups, there were also differences.[42] The findings in Australia also reflect this situation.

40/ Australian Bureau of Statistics, '4102.0 - Australian social trends, 2008 (Adult literacy)' (2008), 1 <http://www.abs.gov.au/AUSSTATS/abs@.nsf/Lookup/4102.0Chapter6102008>.

41/ Translation and Interpreting Studies Program School of Languages, Cultures and Linguistics, Monash University, The current and future provision of Language Services to the culturally and linguistically diverse ageing population in Victoria, (2008) 13.

42/ Community Legal Education Ontario, Multilingual Legal Information: Issues in Development and Delivery, (2009).

43/ Australian Human Rights Commission, International Students' Human Rights: a review of the Principles and the issues (2015).

International students

An example of a CALD group in Australia that experiences specific legal issues is international students. Although international students come from all parts of the world and speak many different languages, there are common legal issues that they encounter. These legal issues include employment issues –particularly discrimination, exploitation and under-payment, and tenancy issues – such as overcrowding and poor living conditions, and racism.[43] Although as a group international students do not speak one universal language, it is vital that legal information provided to them is relevant to the issues they often face. In order to ensure access to justice for Australia's CALD population, consultation with intended audiences must be undertaken in order to ensure that legal information is meaningful and easily understood.

43/ Australian Human Rights Commission, above n 42.

5 Consequences of poor-quality LOTE material

Distributing poor quality LOTE material can have significant consequences. Defining 'quality' translations is difficult, quoting from research by the European Union 'there is more to translation quality than absence of errors; a translated text must be easy to read, even if the original is not very clear'.[44] Obviously in relation to LOTE legal information, it is paramount that information is translated accurately. The provision of inaccurate legal information could have severe legal consequences. Recent roundtable discussions of the translating and interpreting sector confirm that the sector would benefit from further training in specialist fields, including legal settings.[45] Further training for translators specific to the legal sector would help ensure accuracy of legal information.

Furthermore, lack of policy and procedure guidance, or lack of willingness to follow guidelines, can result in low quality LOTE material. As discussed above, we see this in relation to the Australian and Victorian guidelines not being widely implemented. Not only do poor quality translations damage the image and reputation of the organisation that distributes it, but it also has potential to have a negative impact on future translations.[46] A report published by the European Commission of the European Union, a body required to translate their documents into 23 languages, found that once a poor quality translation is circulated, 'it is more likely that others will be induced to follow the same path'.[47]

Another issue that would be addressed by further training for translators and enforcement of best practice guidelines is inconsistency among difference sources of LOTE information. The issue of inconsistent information in translated material being provided by different sources was raised in community consultations undertaken by the Federation of Ethnic Communities' Councils of Australia.[48] Inconsistent LOTE information is extremely problematic and further mystifies the legal system.

44/ European Union, European Commission and Directorate-General for Translation, Quantifying quality costs and the cost of poor quality in translation (2012) 14.

45/ Department of Social Services, above n 28.

46/ European Union, European Commission and Directorate-General for Translation, Document quality control in public administrations and international organisations (2013).

47/ European Union, above n 46.

48/ Federation of Ethnic Communities' Councils of Australia, above n 14, 38.

6 Recommendations

Based on the issues discussed above, we have identified a number of recommendations that should be implemented when developing LOTE legal information. These recommendations aim to improve the quality of LOTE legal information, as well as ensuring that it is meaningful for the community it is being developed for. In addition to referring to government policies and guidelines, we recommend the following steps be taken:

Know your audience

Research and writing consistently conclude that having a clearly defined and target audience is key to communicating information.[49] As discussed above, knowing the particular audience and the information they need is crucial before developing documents. In assessing your audience it is important to be mindful of their background, their cultures' approaches to communicating, as well as their needs and concerns. The Federation of Community Legal Centres produced a toolkit, *'Community Legal Education made easy'* in 2010 that has helpful tips and practical examples on how to get to know your audience. These tips include not just consulting the community on what information is relevant to them, but also building relationships and cultural awareness. It is essential that you work with your intended audience rather than assuming you know what their needs are. This should also include focus testing material on members of your target audience. The better you get to know your audience and their needs, the better you can tailor information and ensure that it is helpful.

Work with partners and intermediaries

Given research shows that the majority of individuals do not consult lawyers when they face a legal issue[50], working with partners and intermediaries is vital in reaching community members. Often, non-legal professionals such as health care professionals and other community workers are the only point of contact for people facing legal issues.[51] Therefore, staff at community organisations can help facilitate the provision of legal information. Although non-legal professionals should not provide legal advice, if they can provide legal education material in appropriate formats it could potentially help prevent the occurrence of legal issues or provide information on how to access legal assistance. For example, the Federation of Ethnic Communities' Councils of Australia received consistent positive feedback regarding the role that Migrant Resource Centres play in providing CALD communities with important information.[52] Creating partnerships with organisations that have established relationships with CALD communities is a great starting place to target audiences.

49/ Kirby, above n 39, 18.

50/ Coumarelos, Macourt, People, McDonald, Wei, Iriana and Ramsay, above n 31, xvii.

51/ Coumarelos, Macourt, People, McDonald, Wei, Iriana and Ramsay, above n 31, xvii.

52/ Federation of Ethnic Communities' Councils of Australia, above n 23, 23.

Be proactive not reactive

LOTE legal information that is produced for individuals experiencing crisis is very important as people need to know where they can go for help and what their options might be. However, preventative LOTE legal information gives individuals the capacity to potentially avoid legal matters before they arise. Although not all legal issues are avoidable, education can prevent legal issues from occurring in relation to, for example, debt and consumer contracts.[53] Education also informs individuals of what is criminal behaviour, including what the consequences might be[54], thereby potentially changing behaviour that could lead to legal problems. The Federation of Ethnic Communities' Councils of Australia also reported that many members of CALD communities only became aware of support services in times of crisis, and that they would have preferred to know the information before they needed support services.[55]

Consider methods of communication and distribution

As discussed above, the method of communicating your information needs to be appropriate to your target audience's needs.

Methods of communication

We recommend that you consider whether written material will be effective, and question what other methods might be more appropriate. Careful consideration of the method of communication is very important given the fact that stress has a significant effect on the ability of an individual to retain information.[56] Individuals accessing LOTE legal information may not always be in crises, but if they are experiencing a legal issue at the time they access the information, it is vital that it is provided to them in a method that will assist them to retain the information. Providing information in audio format, through text-to-speech options for example, is a great way to target individuals with low literacy levels or may not have a written first language. Videos are also an effective method of communication, as they have the potential to convey a lot of information in a short amount of time.

Distribution

Developing effective distribution methods is vital to ensuring LOTE legal information reaches target audiences. Consultation should be undertaken in order to provide material in the most effective way. For example, the Federation of Ethnic Communities' Councils of Australia note that face-to-face engagement is extremely effective in providing information to many members of CALD communities, however, they also point out that women with children in particular can find it difficult to leave their homes, therefore face-to-face delivery of LOTE legal information is not always appropriate for this particular audience group.[57] Alternative distribution methods that have proved to be quite successful include sessions on community radio, and inclusion of information in community newspapers and newsletters.[58]

53/ Fraser, above n 36.

54/ Fraser, above n 36.

55/ Federation of Ethnic Communities' Councils of Australia, above n 14, 33.

56/ The Law Foundation of Ontario, above n 17, 25.

57/ Federation of Ethnic Communities' Councils of Australia, above n 14.

58/ Federation of Ethnic Communities' Councils of Australia, above n 14.

Plain language

Given many organisations have limited resources to produce community legal education, it is unrealistic to expect legal information to be translated into every possible language. When resources are limited and legal information can only be published in English, it is essential that this information is provided in plain language. The Federation of Ethnic Communities' Councils of Australia note that the use of plain English allows for easier interpretation to CALD communities.[59]

Consider structure of written information

If you are providing written material, you need to ensure that it is formatted clearly. Good structure and readability can act as a visual guide to readers. Research and notes from various organisations around the world confirm that assistance of good design lay out and choice of format could help improve the effectiveness of a publication.[60] Also, it is helpful to remember that different languages appear differently visually, and vary the length and feel of a publication. Therefore it would not be appropriate to produce a publication in English and expect translated versions to be the same size.

Avoid duplication

One of the major gaps we identified in our research is a lack of coordination and collation of materials among providers. This finding was also confirmed in the Australian Government Productivity Commission's Access to Justice Arrangements inquiry report.[61] Although it is important that collaboration does not lead to a 'one-size-fits-all' approach, coordination and sharing of materials may avoid duplication of effort and material.[62] An online central database of quality CALD legal information would be a good starting place. As discussed above, although information may not be accessible to all members of CALD communities if it is only accessible online, a central database will provide computer literate individuals access to legal information in their first language. Additionally, it will also provide support workers with important legal information that they can distribute if they do identify that someone is experiencing a legal issue. For example, it would give staff at Migrant Resource Centres the ability to access and distribute accurate legal information rather than referring someone to a service that they may end up not engaging with.

59/ Federation of Ethnic Communities' Councils of Australia, above n 14, 36.

60/ J Kirby, above n 39, 21.

61/ Australian Government Productivity Commission, Access to Justice Arrangements – Productivity Commission Inquiry Report Volume 1 (2014) No. 72 162.

62/ Australian Government Productivity Commission, above n 61.

Appendix a
Best practice examples

Provision of legal information

An example of a good LOTE program can be found in the work of the Access and Diversity Unit of the Australian Taxation Office (ATO). The community relations staff are supported by over 30 bilingual officers to deliver tax information sessions, including presenting on radio and television. In 2011–12 the ATO community relations team presented 454 tax segments on national SBS radio and on 12 community and commercial radio stations in 22 languages, presented 140 language and basic English tax seminars for 4684 new arrivals, and delivered more than 261 face-to-face community tax advisory sessions at community centres.[63] Furthermore, the ATO also advertise their Tax Help program in the Federation of Ethnic Communities' Councils of Australia's e-news magazine in order to ensure they are targeting CALD audiences with information about their service.

Another great example of providing access to justice for CALD communities can be seen in Victoria Legal Aid's (VLA) Legal Help phoneline. Although most not-for-profit organisations have access to telephone interpreters, VLA also have Legal Help phoneline operators available in 16 languages, including Arabic, Bosnian, Mandarin, Croatian, Persian, Urdu and Vietnamese.[64] The availability for some CALD groups to receive legal information from an individual who speaks their first language means that information regarding complex legal concepts is less likely to be lost in translation.

Furthermore, Moreland City Council developed a great resource in their CALD COM storyboards. The Council worked with CALD community groups to develop and test themes for each storyboard. Some of the topics covered in these storyboards are how to vote, local laws and aged care services.[65] The Council found through testing that the use of effective images meant that it was not essential to translate all of the content on the storyboards.

Partnership

There are great examples of community organisations working with legal organisations in partnership to successfully create LOTE information targeting CALD communities. For example:

Within my Walls – a community education resource

Ethnic Communities Council of Victoria partnered with Seniors Rights Victoria to create a video series that provides information to CALD communities in relation to elder abuse. This partnership was successful because it drew together the expertise on the needs of specific CALD communities and presented information in a culturally appropriate format and context. These videos are designed to support bilingual professionals working with seniors from their targeted communities, being Chinese, Greek, Filipino, Macedonian, Turkish and Serbian. This video series is available online or in DVD format, which addresses the issues that can arise with access to internet and internet literacy among elderly communities.

Central database of LOTE information resources

An example of a user-friendly multilingual database with LOTE information can be found at www.clicklaw.bc.ca. Clicklaw, funded by The Law Foundation of British Columbia, is a website that focuses on the provision of legal information, education and help for British Columbians. Clicklaw collates legal resources from over 25 different organisations that can be viewed in many different languages. Furthermore, there are a number of videos available, including a video on how to use the Clicklaw website.

Another great example of a central database of legal information is the Your Legal Rights website (http://yourlegalrights.on.ca/) which is a project of CLEO funded the Law Foundation of Ontario. Similar to Clicklaw, Your Legal Rights collates legal information resources in many different languages, and also includes a video on how to use the database.

Another best practice example of an information database with CALD material can be seen in Health Translations (http://www.healthtranslations.vic.gov.au/). Although this is not a legal directory, it provides a great example of an accessible database of information available to CALD communities and health support workers.

63/ Department of Immigration and Citizenship, Commonwealth of Australia, Multicultural Language Service Guidelines for Australian Government Agencies (2013) 37.

64/ Victoria Legal Aid, Get help over the phone <http://www.legalaid.vic.gov.au/get-legal-services-and-advice/free-legal-advice/get-help-over-phone>.

65/ Moreland City Council, CALD COM storyboards <http://www.moreland.vic.gov.au/community-care/multicultural-services/cald-com-storyboards-and-videos/download-caldcom>.

Appendix b
Language spoken at home – ranked by size

Found at Profile id, *Community Profile: Australia, languages spoken at home* Profile id.
<http://profile.id.com.au/australia/language>

| Australia | 2011 | | | 2006 | | | |
Language (excludes English)	Number	%	Greater Capital Cities %	Number	%	Greater Capital Cities %	2006 to 2011
Mandarin	336,178	1.6	2.3	220,604	1.1	1.6	+115,574
Italian	299,829	1.4	1.8	316,894	1.6	2.1	-17,065
Arabic	287,171	1.3	2.0	243,661	1.2	1.9	+43,510
Cantonese	263,538	1.2	1.8	244,557	1.2	1.8	+18,981
Greek	252,211	1.2	1.7	252,226	1.3	1.9	-15
Vietnamese	233,388	1.1	1.6	194,854	1.0	1.5	+38,534
Filipino/Tagalog	136,846	0.6	0.8	92,327	0.5	0.6	+44,519
Spanish	117,493	0.5	0.7	98,002	0.5	0.7	+19,491
Hindi	111,349	0.5	0.7	70,006	0.4	0.5	+41,343
German	80,366	0.4	0.4	75,636	0.4	0.4	+4,730
Korean	79,784	0.4	0.5	54,624	0.3	0.4	+25,160
Punjabi	71,231	0.3	0.5	23,163	0.1	0.2	+48,068
Macedonian	68,843	0.3	0.4	67,833	0.3	0.4	+1,010
Persian/Dari	62,340	0.3	0.4	37,154	0.2	0.3	+25,186
Australian Indigenous Languages	61,749	0.3	0.0	55,699	0.3	0.0	+6,050
Croatian	61,545	0.3	0.4	63,617	0.3	0.4	-2,072
Turkish	59,625	0.3	0.4	53,858	0.3	0.4	+5,767
French	57,741	0.3	0.3	43,216	0.2	0.3	+14,525
Indonesian	55,861	0.3	0.4	42,037	0.2	0.3	+13,824
Serbian	55,114	0.3	0.3	52,530	0.3	0.4	+2,584
Polish	50,696	0.2	0.3	53,390	0.3	0.4	-2,694
Tamil	50,145	0.2	0.3	32,704	0.2	0.2	+17,441
Sinhalese	48,192	0.2	0.3	29,056	0.1	0.2	+19,136
Russian	44,054	0.2	0.3	36,503	0.2	0.3	+7,551
Japanese	43,690	0.2	0.2	35,111	0.2	0.2	+8,579
Dutch	37,247	0.2	0.2	36,185	0.2	0.2	+1,062
Urdu	36,835	0.2	0.2	19,289	0.1	0.1	+17,546
Thai	36,665	0.2	0.2	23,643	0.1	0.2	+13,022
Samoan	36,574	0.2	0.2	28,528	0.1	0.2	+8,046

Australia	2011			2006			
Language (excludes English)	Number	%	Greater Capital Cities %	Number	%	Greater Capital Cities %	2006 to 2011
Bengali	35,647	0.2	0.2	20,220	0.1	0.1	+15,427
Afrikaans	35,027	0.2	0.2	16,809	0.1	0.1	+18,218
Maltese	34,398	0.2	0.2	36,518	0.2	0.3	-2,120
Gujarati	34,210	0.2	0.2	11,873	0.1	0.1	+22,337
Portuguese	33,348	0.2	0.2	25,777	0.1	0.2	+7,571
Assyrian/Aramaic	31,317	0.1	0.2	23,522	0.1	0.2	+7,795
Khmer	29,518	0.1	0.2	24,710	0.1	0.2	+4,808
Nepali	27,156	0.1	0.2	4,654	0.0	0.0	+22,502
Malayalam	25,108	0.1	0.2	7,089	0.0	0.1	+18,019
Chinese, nfd	23,792	0.1	0.2	11,667	0.1	0.1	+12,125
Non-verbal so described	21,907	0.1	0.1	27,001	0.1	0.2	-5,094

Appendix c
Information from Support and Settlement Agencies about Language Services and User Preferences

Source: H Borland and C Mphande, 'The Numbers of Speakers of African Languages Emerging in Victoria' (Report to Victorian Office of Multicultural Affairs, Department for Victorian Communities, 2006) 39

Language	Size and Status of Language Services Available	Other Languages Spoken/Accepted
Acholi (Sudan, Uganda)	• Minority Sudanese language. • Language services overshadowed by larger Sudanese groups.	• End up speaking Sudanese Arabic. • Women prefer Juba Arabic.
Akan/Ashante (West Africa)	*No detailed information provided.*	
Amharic (Ethiopia)	• Major Ethiopian language. • Interpreter services readily available.	
Anuak (Sudan, Ethiopia)	*No detailed information provided.*	
Arabic (Eritrea, Somalia, Sudan)	• Various Horn of Africa groups and Sudanese use it as a lingua franca. • Interpreter services readily available	
Arabic – Sudanese (Sudan)		• Spoken colloquial Arabic used widely in Sudan.
Arabic – Juba (Sudan)		• Used as a lingua franca among many South Sudanese minority groups, especially by women.
Bari (Sudan)	• Minority Sudanese language. • Language services overshadowed by major Sudanese Languages.	• End up speaking Sudanese Arabic. • Women prefer Juba Arabic.
Bassa (Liberia)	• Liberian Language – no interpreter services available.	
Dinka (Sudan)	• Largest Sudanese Language group in Greater Dandenong and Western Suburbs – Footscray, St. Albans, Sunshine, Braybrook.	
English (Liberia, Congo, Dem Rep, Sudan)	• Liberians indicate first preference is standard English.	• Alternatives are Liberian and French.
English – Liberian (Liberia)	• English-based pidgin.	
French (Burundi, Congo, DR, West Africa)		• Indicated as lingua franca by Congolese, and alternative language for Liberians.
Fula/Pular (Sierra Leone, West Africa)	*No detailed information provided.*	
Gio/Dan (Liberia, West Africa)	• New arrivals – scarce interpreter services.	
Grebo (Liberia)	• New arrivals; no interpreter services.	• Register Kpelle and Liberian English as alternatives.

Language	Size and Status of Language Services Available	Other Languages Spoken/Accepted
Harari (Ethiopia)	*No detailed information provided.*	
Italian (Somalia)	• Some Somali speakers use it, but have limited knowledge as an L2.	• Interpreters readily available.
Kakwa (Sudan, Uganda)	*No detailed information provided.*	
Kissi (Liberia)	• New arrivals – no interpreter services.	• Register Liberian English as alternative.
Kpelle (Liberia)	• New arrivals – no interpreter services.	Some register Grebo and Liberian English as alternatives.
Krahn (West Africa)	*No detailed information provided.*	
Krio (Sierra Leone, West Africa)	• New arrivals – no interpreter services.	• Some register Temne as alternative.
Kru(men) (Liberia, West Africa)	• Liberian Language – no interpreter services available.	
Lingala (Congo, Dem Rep)	• Congolese Language – no interpreter services.	• Some Congolese indicate English or French as alternatives.
Loma (Liberia)	*No detailed information provided.*	
Lopit (Sudan)	*No detailed information provided.*	
Luwo (Sudan)	*No detailed information provided.*	
Ma'di (Sudan, Uganda)	*No detailed information provided.*	
Maay (Somalia)	• Language of Somalia, also known as Mai Mai. • Very scarce interpreter services.	• Indicate they are left out. • Some reject alternative Somali interpreter service.
Mandingo (Liberia, West Africa)	• New arrivals – scarce services. • Most scarce interpreter services.	• Register Liberian English as alternative.
Mano/Mann (Liberia)	• New arrivals – scarce services.	
Moro (Sudan)	*No detailed information provided.*	
Murle (Sudan)	*No detailed information provided.*	
Nuer (Sudan)	• Second largest Sudanese Language – in Greater Dandenong.	• Interpreter services overshadowed by Dinka. Thus Nuer as well as Bari and Acholi indicate they are neglected.
Nyanga (Congo, Dem. Rep)	• Recorded as a Sudanese minority Language; No known interpreter services. Overshadowed by major languages. (NB: Ethnologue records this as a Congolese language).	• Most likely resort to use of Arabic varieties.

Language	Size and Status of Language Services Available	Other Languages Spoken/Accepted
Oromo (Ethiopia, Somalia)	• As an ethnic group are not consolidated in one location. • It is a largely neglected language in terms of services. No interpretation services available.	
Otuho (Lofuko/Latuka) (Sudan)	• Latuka is a minorty Sudanese Language. Again, overshadowed by major languages.	• People end up speaking Sudanese Arabic or Juba Arabic (especially women).
Rundi/Kirundi (Burundi)	• New arrivals – scarce Interpreter services.	• All register Swahili as alternative. • Some register French as alternative.
Saho (Eritrea)	*No detailed information provided.*	
Shilluk (Sudan)	*No detailed information provided.*	
Somali (Somalia)	• Major horn of Africa language group. • Available interpreter services.	• Written information is also available in Somali in hospital.
Swahili (Burundi, Congo, Dem. Rep, Tanzania)	• This is an alternative for some Kirundi speakers of Burundi. • Interpreter services are scarce.	• Some Congolese indicate this is their first language.
Temne/Themne (Sierra Leone)	• New arrivals.	• Register Krio as alternative.
Tigre (Eritrea)	• Eritrea/Ethiopian language. • Interpreter services readily available.	
Tigrigna/Tigrinya (Eritrea, Ethiopia)	• Ethiopian language. • Interpreter services not readily available.	
Tingal (Sudan)	*No detailed information provided.*	
Vai (Liberia)	• Liberian language – no interpreter services available.	

Appendix D
Information from Support and Settlement Agencies on literacy, education levels and preferred channels of communication for new African Humanitarian Arrivals

Borland and C Mphande, 'The Numbers of Speakers of African Languages Emerging in Victoria'
(Report to Victorian Office of Multicultural Affairs, Department for Victorian Communities, 2006) 43

Country of origin (all languages)	Literacy / Education Patterns	Channels of Communication
Burundi	• Hardly any records are available – anecdotally, these settlers are largely illiterate having had hardly any chance for school education. • Education/literacy information not collected as a matter of procedure. • Not very literate at all, both men and women.	
Congo (Dem. Rep.)	• Literate.	
Cote D'Ivoire	• No information other than country of origin. • Further information may be available on the ARMS database.	
Eritrea	• No comments provided.	
Ethiopia	• No comments provided.	
Liberia	• Have some education, mostly up to year 12 equivalent. • There was free education before the war, but many could not afford it, so education levels are low. • Generally adults are literate, both men and women, with few exceptions.	
Sierra Leone	• After the war many people's education got disrupted, thus education is low.	
Somalia	• Especially girls' education levels are very low (often taught in homes in small groups). Women/girls are very focussed on family and childrearing. • Boys more than girls are determined to pursue a career. • Many are illiterate, both men and women.	• Somali prefer verbal communication. • Written information in Arabic is not effective. Need to review use of written Arabic for this group as Arabic itself is very diverse.
Sudan	• There is a complex mix of educational levels with some men being professionals. • Men and younger women (under 50) have good learning skills. • Clients (eg Sudanese in Western Suburbs) can communicate in their own languages. • Education very disrupted for many. There was some free education which some could not access. • Men more literate than women.	• Communication with various groups using multimedia: DVD, CD ROM, Radio. Moving away from traditional forms of communication to reach these groups with diverse educational and literacy levels.

Notes

Notes

'Victoria Law Foundation has a very wide reach – magistrates, barristers and solicitors, private and community sector workers, educators and students of all ages – which means they can influence the response to emerging legal issues and target the necessary services.'

Rachna Muddagouni
Chief Executive Officer
at commUnity+