



Multicultural Plan 2013-15





Foreword

It is with great pleasure that we release the Multicultural Plan 2013-15 for the Family Court of Australia and Federal Circuit Court of Australia.

Australia has one of the most ethnically diverse populations in the world, with approximately 27 per cent of the population born overseas. Australia's people are multilingual, multicultural and religiously diverse. This diversity is reflected in the litigants who come to the Family Court of Australia and the Federal Circuit Court of Australia. Of the approximately one third of Australian marriages that end in divorce, over forty per cent will involve couples where one or both partners are born overseas. For newly arrived families, settlement may bring many issues, potentially straining relationships and increasing the likelihood of family breakdown.

Our multicultural plan is a direct response to the challenges faced by clients from culturally and linguistically diverse communities in accessing and navigating the family law system. It builds on much of the work already done and reinforces the commitment of both courts' to developing services that are responsive to people from diverse communities.

Through the work put forward in this plan, we have the opportunity to engage with new and emerging communities, to build partnerships and learn from each other. We know from our past collaboration with community organisations how much the courts can benefit from these partnerships and how open new and emerging communities are to learning more about Australian family law generally, as part of their desire to settle into Australian life.

The needs of litigants will inform how we deliver services, the information we provide and the languages we communicate in. Our staff will receive additional training so that they are aware of how different cultures and social norms of diverse communities may affect their understanding of, and response to, the Court's resolution and decision making processes.

This plan is also a response to the findings and recommendations of the Family Law Council's 2012 report *Improving the family law system for clients from culturally and linguistically diverse backgrounds*, which highlighted the importance of disseminating information about the law to culturally and linguistically diverse communities, building the cultural competency of staff and integrating services with other participants in the family law system.

In furtherance of the Australian Government's Multicultural Access and Equity Policy, we commit the courts to providing services that are accessible to all Australians, responsive to their needs, and deliver equitable outcomes for them, regardless of their cultural and linguistic backgrounds. The Multicultural Plan 2013-15 makes that commitment manifest. We commend it to you.



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Our Vision for Multicultural Access and Equity Policy

The Family Court of Australia and the Federal Circuit Court of Australia strive for high quality, accessible and client-centric services for culturally and linguistically diverse [CALD] clients that support the resolution of their legal family disputes.

Our department or agency

The Family Court of Australia and the Federal Circuit Court of Australia have jurisdiction in family law matters in all states and territories except Western Australia, which has its own Family Court.

The courts are independent, but cooperate to provide streamlined access to the federal family law system. Clients benefit from:

- a simplified path through the family law system
- access to services for the resolution of family disputes
- a single point of filing regardless of which court handles the application
- a national enquiry centre and websites that provide information about both courts
- high quality services to litigants and the community, and
- easy transfer of cases between courts when ordered by a court.

The Family Court of Australia is a superior court of record and deals with more complex matters. The Federal Circuit Court of Australia deals with less complex matters that are likely to be decided quickly.

The courts' administration provides resources and staff to the Family Court of Australia and the Federal Circuit Court of Australia¹ to support the judiciary and to benefit the users of the respective jurisdictions. The administration respects that the jurisdictions are independent courts and each court determines its own direction.

The Family Law Council, in their 2012 report (Family Law Council, February 2012), highlighted significant challenges facing newly arrived families including strained relationships, increased likelihood of family breakdown and a heightened need for legal and family support services. The report also raised concerns about family violence within new and emerging communities, as changing gender roles within families after settlement in Australia threaten traditional power relations and family stability.

The courts have a significant role in ensuring services are accessible and culturally appropriate, and that information is provided to recently arrived and more established communities. To do this, the courts acknowledge the importance of engaging and working with organisations that support and represent migrant communities. Further, as a participant in the broader family law system, the courts must maintain and strengthen relationships with other agencies² to ensure CALD clients can move between organisations with ease and without disadvantage.

1 In addition to family law, the Federal Circuit Court of Australia also handles general federal law. Administrative support for the Federal Circuit Court of Australia's general federal law work is provided by the Federal Court of Australia and is out of the scope of this Plan.

2 Such as family relationship services providers (including Family Relationship Centres), Legal Aid Commissions, Community Legal Centres, or the Department of Human Services (Child Support) and the private legal profession.

About this multicultural plan

This multicultural plan was developed with advice and guidance from the courts' Multicultural Committee, a group with judicial and administrative representation from both the Family Court of Australia and the Federal Circuit Court of Australia.

In developing this plan, the courts have:

- developed actions which meet, as a minimum, the courts' obligations as set out in the *Australian Government's Multicultural Access and Equity Policy* (Department of Immigration and Citizenship, 2013);
- responded to the Family Law Council's 2012 report *Improving The Family Law System for Clients from Culturally And Linguistically Diverse Backgrounds* on how to meet the needs of CALD clients of both courts within existing resources including identifying how the courts can ensure proper information is provided to this client group, internally and externally.
- acknowledged and responded to the Australia Government's *Access and Equity in Government Services Report 2010-2012* (Department of Immigration and Citizenship, 2013) in which CALD communities reported a lack of effective communication about services and rights under Australian family law³;
- reviewed the Family Court's *National Cultural Diversity Plan* (Family Court of Australia, 2004), and
- aligned actions to the courts' *Statement of Strategic Intent* (Family Court of Australia and Federal Circuit Court of Australia, 2012).



Through this plan the courts continue their commitment to meeting the needs of Australia's CALD population. The actions set out in this plan reflect the courts' ongoing commitment to tailoring services, products and communication to meet the needs of our diverse client community.

This plan will be championed at the highest level, by the Chief Justice of the Family Court of Australia, the Chief Judge of the Federal Circuit Court of Australia and the CEO of both courts. Its implementation will be monitored and assured by the Multicultural Committee who will also provide advice regarding any corrective actions that may be required. The Multicultural Committee will report annually on the plan's progress to the Family Law Courts Advisory Group.

A working group has been set up with responsibility for progressing and supporting many of the actions within the plan.

3 *The report highlighted the need for service providers to develop a thorough understanding of the complexity of factors effecting CALD communities including the "diverse general and cultural behavioural expectations of women, men and children, demands of settlement, including sometimes significant cultural change, and demands of living cross-culturally." Consultations also highlighted the need for services to "understand the possible settlement-related reasons for this client group to experience family conflict."*

Focus areas

In addition to the minimum obligations set out in the *Multicultural Access and Equity Policy*, the courts have developed actions in response to the recommendations made by the Family Law Council in their 2012 report, *Improving The Family Law System for Clients from Culturally And Linguistically Diverse Backgrounds* in focus areas including:

- **Community education/ legal literacy** – recognises need for information about the law to be disseminated to culturally and linguistically diverse communities.
- **Building cultural competence** – includes capacity-building strategies within the service system, including cultural competency.
- **Enhancing service integration** – includes maintaining and building collaboration within and between agencies to identify and address issues relating to cultural diversity, through publicising good practice, sharing information, coordinating programs and collaborating on projects.
- **Enhancing the use of interpreters** – strategies to ensure the use adequate and competent interpreting services.





Action plan

Actions that align to the minimum obligations of the *Australian Government's Multicultural Access and Equity Policy* are highlighted in the table. 'Other actions' are also set out in the following tables.

1. Leadership

Minimum obligations

Executive accountability: Appoint a Senior Executive Officer to be responsible for implementation of multicultural access and equity obligations.

Department or agency commitment: Department or agency leadership to ensure that staff understand and are committed to multicultural access and equity implementation.

Area	Action	Responsibility	Timeline	Target
1.1 Executive accountability	1.1.1 Appoint a Senior Executive Officer to be responsible for the implementation of Multicultural Access and Equity Policy obligations	CEO	August 2014	<ul style="list-style-type: none"> Senior Executive Officer appointed to champion and ensure Multicultural Access and Equity Policy obligations
1.2 Department or agency commitment	1.2.1 This plan will be championed at the highest level, by the Chief Justice of the Family Court of Australia, the Chief Judge of the Federal Circuit Court of Australia and the CEO of both courts. Specific actions may include: <ul style="list-style-type: none"> an all staff e-message from the CEO, Chief Justice and Chief Judge regarding the plan articles about multicultural access and equity in the staff newsletter as actions are progressed seeking opportunities to talk at conferences, staff forums etc to promote the plan and reinforce multicultural access and equity 	Chief Justice, Family Court of Australia Chief Judge, Federal Circuit Court of Australia CEO, Family Court & Federal Circuit Court	Commence January 2014	<ul style="list-style-type: none"> Articles in the staff newsletter about the plan and implementation actions Staff notice from the CEO, Chief Justice and Chief Judge Promotion of the plan/FLC actions at external forums



Area	Action	Responsibility	Timeline	Target
1.3 Internal Governance	1.3.1 Establish a Multicultural Advisory Committee to sponsor, advise on and monitor the implementation of this plan. They will also provide advice regarding corrective actions that may be required	Chief Justice, Family Court of Australia Chief Judge, Federal Circuit Court of Australia CEO, Family Court & Federal Circuit Court	January 2014	<ul style="list-style-type: none"> Committee established and meetings held
	1.3.2 Establish a flexible working group comprising staff, external experts and representatives from multicultural groups, to come together on an as needs basis to progress actions in this plan	Executive Advisor	January 2014	<ul style="list-style-type: none"> Working group established and pursuing actions set out in this plan
	1.3.3 Re-establish terms of reference for the Chief Justice's Community Consultation Forum to engage, communicate and consult with multicultural representative bodies on behalf of the courts	Executive Advisor	From November 2013	<ul style="list-style-type: none"> Revised terms of reference Evidence of engagement and communication with multicultural representative bodies
1.4 Resourcing CALD initiatives	1.4.1 Appoint a consultant to (a) provide advice regarding new opportunities for funding and/or partnerships to progress the courts' multicultural plan and (b) review current practices and make recommendations	Executive Advisor	August 2013	<ul style="list-style-type: none"> Consultant appointed and recommendations received
	1.4.2 Identify new opportunities for funding and/or partnerships to progress the courts' multicultural plan	Consultant	November 2013	<ul style="list-style-type: none"> Report from consultant highlighting opportunities
	1.4.3 Pursue new opportunities for funding and/or partnerships to progress the courts' multicultural plan	Manager, Human Resources	Ongoing	<ul style="list-style-type: none"> Any appropriate funding or partnerships opportunities pursued
1.5 Incorporate into service charter	1.5.1 Review client service charter and update to include what CALD clients can expect from us	Working group	June 2014	<ul style="list-style-type: none"> Client service charter addresses CALD service needs



2. Engagement

Minimum obligations

Stakeholder engagement: Department or agency to have an engagement strategy to understand culturally and linguistically diverse communities' interactions with department or agency.

Language and communication: Department or agency to have a language and communication plan for culturally and linguistically diverse communities, including on the use of languages other than English and incorporating the use of interpreters and translators.

Area	Action	Responsibility	Timeline	Target
2.1 Stakeholder engagement	2.1.1 Develop an engagement strategy which sets out strategies to better understand how CALD communities perceive and interact with the courts	Consultant	December 2013	<ul style="list-style-type: none"> Engagement strategy document
	2.1.2 As advised by the Chief Justice's Community Consultation Forum, provide court tours and presentations to community leaders by judicial officers and/or registry managers to improve familiarity with court processes among refugee communities (<i>Family Law Council (FLC) Report- page 7</i>)	Executive Director Registry Services/Regional Registry Managers (RRMs)/Registry Managers (RMs) with support from working group	December 2014	<ul style="list-style-type: none"> Tours conducted
	2.1.3 Actions items, escalate issues and brief members of the Chief Justice's Community Consultation Forum as required	Executive Director Registry Services /Regional Registry Managers (RRMs)/ Registry Managers (RMs)	Commences December 2013	<ul style="list-style-type: none"> Number and type of relationships established with representative groups
	2.1.4 Maintain relationships and collaborate with family law system participants with a view to identifying and addressing issues relating to cultural diversity—publicise good practice, share information, coordinate programs and collaborate on projects	All senior executive	Commences August 2013	<ul style="list-style-type: none"> Evidence of collaboration, information sharing and/or sharing of good practices



Area	Action	Responsibility	Timeline	Target
2.2 Language and communication	2.2.1 With input from peak settlement support organisations, review existing published and public resources that provide information about family law in community languages	Consultant	September 2014	<ul style="list-style-type: none"> Published and public resources provide information about family law in community languages
	2.2.2 Based on the review, develop a language and communication plan for the courts' CALD communities with actions to include those set out in 2.2.3–2.2.7	Manager, Communications with working group	January 2014	<ul style="list-style-type: none"> Plan documented and approved
	2.2.3 Further promote the courts' language skills register for bilingual staff including protocol for bilingual staff	Manager, Human Resources	June 2014	<ul style="list-style-type: none"> Currency and staff awareness of the bilingual skill register
	2.2.4 As per the plan, revise the courts' websites to ensure they meet the needs of CALD communities/clients <i>(links to FLC Report recommendation 1.1)</i>	Manager, Communications	June 2014	<ul style="list-style-type: none"> Website addresses access and diversity issues
	2.2.5 As per the plan, revise or create new general and topic specific information documents. This includes registry handout kits for use when consulting with CALD communities and information about annulments for forced marriage <i>(links to FLC Report recommendation 1.2)</i>	Manager, Communications with working group	June 2014	<ul style="list-style-type: none"> Relevant documents produced
	2.2.6 Liaise with migrant support organisations and provide information for dissemination about: the courts roles; services; how to access them; what the client should expect, and any community-specific information <i>(links to FLC Report recommendation 1.3)</i>	Chief Justice's Community Consultation Forum	From November 2014	<ul style="list-style-type: none"> Information has been provided to migrant support organisations
	2.2.7 Review and update if necessary, priority language list	Manager, Communications	November 2013	<ul style="list-style-type: none"> Up-to-date priority language list



3. Performance

Minimum obligations

Performance indicators and reporting: Agency to develop a set of Key Performance Indicators (KPIs) relating to engagement with, or outcomes of services, to culturally and linguistically diverse clients

Feedback: Agency to have arrangements to ensure affected CALD communities are able to provide feedback on agency multicultural access and equity performance.

Area	Action	Responsibility	Timeline	Target
3.1 Performance indicators and reporting	3.1.1 Develop a set of measurable targets that provide evidence that the courts are providing services that are sensitive to cultural and linguistic barriers (to be reported against in annual report)	Director, Court Services, Strategy and Policy with approval by Executive Director Registry Services	June 2014	<ul style="list-style-type: none"> KPIs are specific, measurable, attainable, relevant, time-bound and approved by the CEO, and published in the annual report
3.2 Feedback	3.2.1 Review, and improve if necessary, current feedback mechanisms, including complaints processes, to ensure affected CALD communities are able to provide feedback on agency multicultural access and equity performance including the Commonwealth Courts Portal	Client Feedback Coordinator	December 2014	<ul style="list-style-type: none"> Evidence of review and a revised complaints and feedback mechanisms (if necessary)
	3.2.2 Identify multicultural representative bodies for inclusion in community forums	Consultant	August 2013	<ul style="list-style-type: none"> List of possible representatives
	3.2.3 Utilise existing forums, such as the Chief Justice's Community Consultation Forum to (a) understand their needs and (b) help review documents etc. for suitability	Consultant with working group	As needed from September 2013	<ul style="list-style-type: none"> Consultation undertaken and requirements documented
3.3 Rewards and recognition	3.3.1 Recognise strong CALD service performance on Harmony Day	Manager, Human Resources	21 March 2014 Ongoing	<ul style="list-style-type: none"> Harmony Day recognition



4. Capability

Minimum obligations

Cultural competency: Department or agency to have training and development measures to equip staff with cultural competency skills.

Research and data: Department or agency to collect ethnicity data on the culturally and linguistically diverse groups with which the department or agency engages and to which it delivers services directly or indirectly.

Area	Action	Responsibility	Timeline	Target
4.1 Cultural competency	4.1.1 Review existing professional development training and development strategy and associated products, including e-learning and make recommendations	Consultant	November 2013	<ul style="list-style-type: none"> Training program has specific CALD component
	4.1.2 Build cultural competency into professional development framework based on recommendations from consultant (<i>links to FLC Report recommendation 2.2.3</i>)	Manager, Human Resources	June 2014	<ul style="list-style-type: none"> Revised professional development framework
4.2 Research and data	4.2.1 Review current collection methods for CALD data and if necessary implement appropriate systems for collection of data and analysis	Forms committee with Statistics Unit	Commence January 2014	<ul style="list-style-type: none"> Data collection mechanisms in place
	4.2.2 Provide regular reports to the courts' judicial officers and managers on trends in the data analysis, to assist with service delivery planning	Executive Advisor	Commence July 2014	<ul style="list-style-type: none"> Evidence of reports to judicial officers and managers



5. Responsiveness

Minimum obligations

Standards: Any whole-of-government standards and guidelines developed by the department or agency must address multicultural access and equity considerations.

Policy, program and service delivery: Provision to ensure that policies, programs, community interactions and service delivery (whether in-house or outsourced) are effective for culturally and linguistically diverse communities.

Outsourced services: Where relevant, provision for incorporation of multicultural access and equity requirements into contracts, grant agreements and related guidance material of which the department or agency has carriage.

Area	Action	Responsibility	Timeline	Target
5.1 Standards	5.1.1 As part of the review of the courts' CALD client service delivery, adopt and integrate DIAC's <i>Multicultural Language Services Guidelines for Government Agencies</i>	All undertaking work in this plan	From January 2014	<ul style="list-style-type: none"> Consistency with the Guidelines
	5.1.2 As part of the review of the courts' CALD client service delivery, adopt and integrate the standards in the <i>Framework for Court Excellence</i>	All undertaking work in this plan	From January 2014	<ul style="list-style-type: none"> Consistency with the Framework
5.2 Policy, program and service delivery	5.2.1 Review and make recommendations regarding core operational protocols, including those of the National Enquiry Centre, to ensure good practice for CALD clients (<i>links to FLC Report recommendation 2.2.4</i>)	Consultant	November 2014	<ul style="list-style-type: none"> Evidence of review
	5.2.2 Update protocols based on the review's recommendations	Working group	January 2014	<ul style="list-style-type: none"> Updated service delivery processes and products
	5.2.3 Ensure the NEC is making links to migrant service providers (<i>links to FLC Report recommendation 3.1</i>)	Manager, National Enquiry Centre	June 2014	<ul style="list-style-type: none"> Number of links made to migrant service providers Awareness levels of NEC staff



Area	Action	Responsibility	Timeline	Target
	5.2.4 Ensure all counter service staff are aware of migrant support services and are able to link CALD clients to them <i>(links to FLC Report recommendation 3.1)</i>	RRMs/ RMs	June 2014	<ul style="list-style-type: none"> Number of links made to migrant service providers Awareness levels of client service staff
5.3 Outsourced services	5.3.1 For interpreters – review and make recommendations regarding contractual arrangements to ensure they meet or are updated to include minimum appropriate requirements	Consultant	November 2013	<ul style="list-style-type: none"> Documented review of contracts
	5.3.2 For interpreters – update contractual arrangements based on the review’s recommendations if required	Manager, Contracts	January 2014	<ul style="list-style-type: none"> Contracts incorporate minimum requirements
	5.3.3 Review and update websites to provide information to CALD clients about interpreting and translation services	Manager, Communications	January 2014	<ul style="list-style-type: none"> Information available on courts websites



6. Openness

Minimum obligations

Publishing: Department or agency to publish AMPs on department or agency websites and performance reports against KPIs for culturally and linguistically diverse clients in department or agency annual reports.

Data: Department or agency to make culturally and linguistically diverse data available to other departments or agencies and the public.

Area	Action	Responsibility	Timeline	Target:
6.1 Publishing	6.1.1 Make this plan available on the courts' websites	Manager, Communications	August 2013	<ul style="list-style-type: none"> Plan on courts' websites
	6.1.2 Report against KPIs in annual report	Executive Director Registry Services	July 2014 July 2015	<ul style="list-style-type: none"> KPI measures and performance in annual report
6.2 Data	6.2.1 Share relevant CALD data with the public other departments or agencies—particularly participants in the family law system	Executive Advisor	From July 2014	<ul style="list-style-type: none"> CALD data shared with other agencies

Works cited

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