

# *Families and the law in Australia*

THE FAMILY COURT WORKING TOGETHER WITH  
NEW AND EMERGING COMMUNITIES



FAMILY COURT OF AUSTRALIA



Australian Government  
Department of Immigration  
and Citizenship

“The artwork featured in this publication was developed early in the partnership, the aim being to symbolise the development and strengthening of the partnership between the Family Court and new and emerging communities.

The use of different colours and symbols sought to highlight the diversity of cultures, the different paths taken from different places of origin by communities and individuals on their journey to Australia and as people seek to settle successfully in Australia”.

*Families and the law in Australia – the Family Court working together with new and emerging communities*

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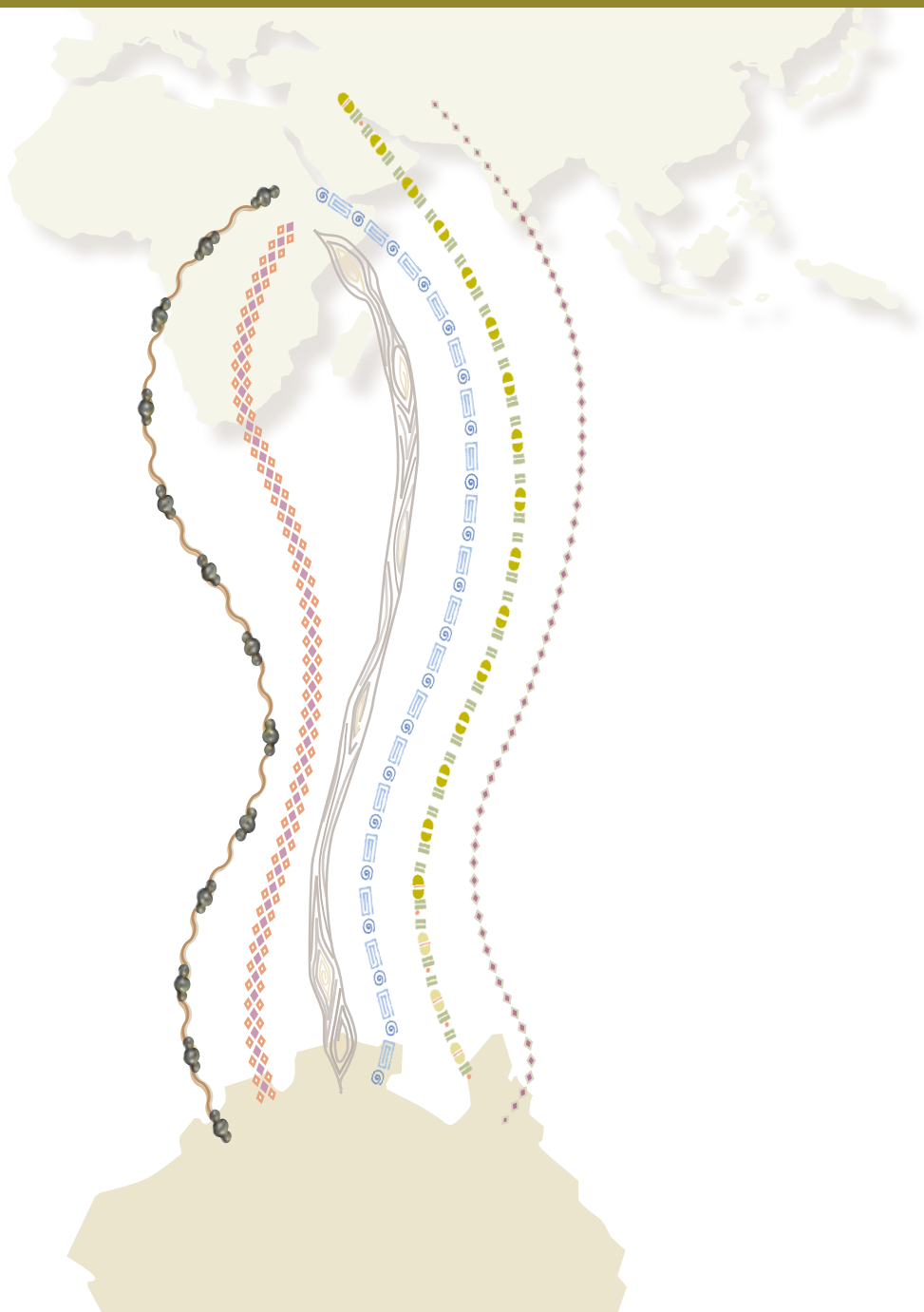
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■ Chief Executive Officer, Family Court of Australia – GPO Box 9991, Canberra ACT 2601

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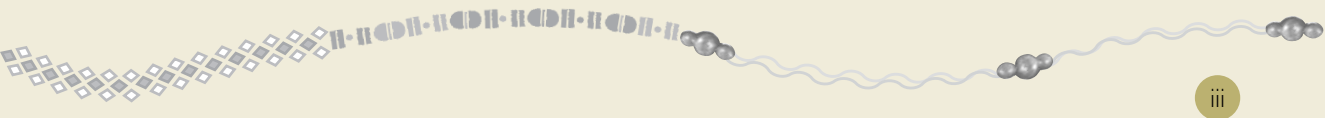


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# Contents

<b>Acknowledgments</b>	<b>iv</b>
<b>Foreword</b>	
Family Court of Australia	vi
Parliamentary Secretary for Multicultural Affairs and Settlement Services	viii
National Cultural Diversity Committee	ix
<b>Executive summary</b>	<b>xi</b>
<b>1 Background</b>	<b>1</b>
Partnership objectives	3
Stages of the Partnership	4
Partnership foundation: community inclusivity	6
<b>2 Models of engagement</b>	<b>8</b>
The Melbourne approach: Horn of Africa Bilingual Educators Program	11
Other engagement in Victoria	18
The Parramatta approach: a multi-agency approach using community facilitators	21
The Tasmanian approach: community engagement through playback theatre	29
The Adelaide approach: partnerships	35
<b>3 Key learnings</b>	<b>41</b>
<b>4 A suggested framework for engagement</b>	<b>49</b>
Context	52
Catalyst	53
Communication and engagement	54
Capacity	55
Change	55
<b>Conclusion</b>	<b>57</b>

## Acknowledgments

The Court wishes to thank the many people who participated in, or contributed to, the Living in Harmony Partnership: *Families and the law in Australia – the Family Court working together with new and emerging communities*. Initially, the communities of focus were six new and emerging communities in four locations. However, people from a range of other African communities became involved and the geographic spread of the project became much greater than originally intended. The Court also partnered with a more diverse range of organisations than was originally envisaged – that was the nature of the partnership.

Beyond those specifically mentioned below and the organisations listed at each of the pilot models of engagement in Chapter 2, this summary report does not name individual people or organisations. Many were involved and gave generously to the project. The Court sincerely thanks each and every individual and organisation.

The Court acknowledges the sponsorship provided by the Department of Immigration and Citizenship (DIAC), through Living in Harmony Partnership funding and the guidance provided by the National Steering Committee.

Specific acknowledgment is also made of Maria Dimopoulos, Myriad Consulting, who was the project consultant. Also acknowledged is Alison Foulsham, who at the time was the Court's Communication Manager and took a lead role nationally for the Court on the Partnership and along with Maria Dimopoulos, assisted in producing this report. Also, Jennie Cooke who was instrumental in ensuring that the partnership was developed and implemented in the Court.

The Court also wishes to acknowledge the invaluable support it received from DIAC. Particular mention is made of Dr Thu Nguyen-Hoan, Assistant Secretary, Multicultural Affairs Branch; Dr Stephen O'Shea, Ms Vikki Dahl and Ms Christine Shaw. Our thanks also to Mr Peter Vardos, First Assistant Secretary, Citizenship, Settlement and Multicultural Affairs Division, for attending a community forum at Springvale, Victoria.

And finally, our thanks to the Partnership's National Steering Committee:

- The Hon Justice Nahum Mushin, Family Court of Australia
- Dr Thu Nguyen-Hoan, DIAC
- Jennie Cooke, Family Court of Australia
- Leonie Aldcroft, Department of Family and Community Services
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- Federal Magistrate Nick Nicholls, Federal Magistrates Court
- Juliana Nkrumah, Multicultural Mental Health
- Margaret Piper, Refugee Council of Australia
- Alison Playford, Attorney-General's Department
- Deborah Winkler, Department of Family and Community Services

## Foreword

### Family Court of Australia

*There is no doubt that this project has greatly enhanced the Court's capacity to engage more effectively with its diverse community and client groups. I personally have learned so much about how communities perceive us and the ways in which we can involve them in discussions related to the Court's services. I hope that as one of the few courts that is doing this work, we can promote the importance of these models to other legal bodies and institutions with the message that this can only add enormous value to the way that they operate.*

The Family Court had the unique opportunity to work with communities, government and community organisations and the then Department of Immigration and Multicultural Affairs (DIMA) in the Living in Harmony Partnership *Families and the law in Australia – the Family Court working together with new and emerging communities*.

The Partnership has enhanced the Family Court's capacity to understand and engage more effectively with a range of new and emerging communities. It has been a catalyst for a model that will extend the benefits to communities beyond the life of the original project. Court staff gained, or improved, skills through the project and learned about building and extending relationships. As a direct response to the needs of these new and emerging communities, relationships have grown measurably with a range of organisations and important new relationships formed with other organisations.

Throughout the Partnership, the Court has learnt a great deal about the communities – how they perceive the Court, how they can work with the Court for mutual benefit and how open new and emerging communities are to learning more of Australian law generally, as part of their desire to settle into Australian life.

From the discussions I have had with Court personnel, I know that judicial officers and staff who have been involved in the Partnership have learnt a great deal. It can be quite humbling to learn of the experiences of some of our newer citizens, as I did at the graduation ceremonies held in Melbourne and Parramatta. Their lives have been extraordinarily different to the experiences of the great majority of Australians. Most have come as refugees and some have held senior positions in their countries of origin. The move to Australia has not been simple and when they arrive in Australia life can be anything but easy. Australian law



is one of the factors confronting these communities. We take for granted the complexities of Australian law but for newcomers, it can seem overwhelming. Communities repeatedly spoke about the plethora of laws that apply to every day life and how confusing they found the division of Commonwealth-State jurisdictions. They often talked of feeling confronted or challenged by Australian law on an almost daily basis as they try to make new lives for themselves and their children. Their desire to understand it was strongly expressed.



What also came through at the graduations was how our potential to contribute to society is enhanced when we are provided with information and the opportunity to participate in community development. The pride with which the certificates were accepted is something I will not forget.

The evaluation of the Partnership reveals that there have been substantial gains for the Family Court and partner agencies. Most of all there have been gains for the communities themselves. It has highlighted the importance of maintaining these relationships and this type of work. The challenge is how to do it. This project, albeit small, has shown what is possible and highlighted the benefits gained when organisations have the resources to work with communities on truly innovative, community-based strategies.

I commend all individuals and organisations who were involved in this Partnership and I reiterate the Court's appreciation of the opportunities, learnings and relationships that have come as a result. I also commend this report to organisations – government and non-government – that may be considering developing their own engagement strategies. The experiences documented here have wide applicability, well beyond the legal environment.

**Diana Bryant**  
Chief Justice  
Family Court of Australia

## Parliamentary Secretary for Multicultural Affairs and Settlement Services



The Australian Government is committed to the well managed entry and settlement of people who make Australia their home.

A vital part of that process is to ensure that newcomers to Australia understand the values and principles which unite us, including a commitment to the democratic institutions of our nation. Similarly, it is very important that the wider Australian community and institutions are aware of the experiences and perceptions that newcomers bring, so we can more effectively communicate these core values and principles.

The Family Court of Australia, through its partnership with the Living in Harmony program on this project, has made considerable ground in pursuing these outcomes with new and emerging communities in metropolitan and regional centres across four states.

As a result of their engagement with this project, members of these communities have had the opportunity to learn about principles of family law in Australia and its implications for their everyday lives. They have been empowered to understand their rights and fulfil their responsibilities as Australians.

The project has also enabled the Family Court to gain important knowledge about the life experiences and views of the groups involved, and in so doing, develop strategies for effectively imparting information about the Australian legal system and its role in Australian life.

It is through such processes of mutual engagement and learning that both established and newer elements of the Australian community can collaborate in building an inclusive and cohesive society.

This booklet summarises the key processes used and knowledge gained in engaging with new and emerging communities. It is intended as a resource for others working with similar groups adapting to life in Australia and to our institutions.

I congratulate the Family Court of Australia and their partners and trust that through this resource, the successful outcomes can benefit others in the Australian community.

A handwritten signature in black ink, appearing to read 'Laurie Ferguson'.

**Laurie Ferguson MP**

Parliamentary Secretary for Multicultural Affairs and Settlement Services

## National Cultural Diversity Committee

Throughout its history, the Family Court of Australia has been continually improving the services provided to culturally and linguistically diverse clients. In 2004, the Family Court produced a Cultural Diversity Plan to focus on strengthening these services across the Court.



The Cultural Diversity Plan allowed for a partnership to develop with the Department of Immigration and Multicultural Affairs (DIMA), now the Department of Immigration and Citizenship (DIAC). In late 2004, the Family Court received Living In Harmony Partnership funding to develop an initiative to be known as *'Families and the Law in Australia – the Family Court working together with new and emerging communities.'*

As a pilot, the initiative focused on six new and emerging communities with people originating from Afghanistan, Iraq, Eritrea, Ethiopia, Sudan and Somalia. The initiative involved developing community driven education strategies around the rule of law and the Australian legal system, with an emphasis on family law.

The Living in Harmony Partnership aimed to work with the new and emerging communities to develop and strengthen their relationships with the Family Court and examine how the Court could contribute to community harmony by strengthening community leadership, family units and inter-community relationships. It was the first of its kind for any Court in Australia and has attracted national and international interest. Important working relationships have also been formed and strengthened as a result of the project.

I trust that reading this report will give a practical insight into the development of the strategies and share the learning's of the project so that other organisations might expand on the experience of the Court and its Partners.

I believe that in order to be successful in serving our culturally diverse clients, partnerships are the best way forward. Only by listening are we able to gain an understanding of the cultural and linguistic needs and differences of our clients. Only by involving other agencies are we able to learn what services they offer or are developing.

A handwritten signature in dark ink, appearing to read 'Nahum Mushin'.

**The Honourable Justice Nahum Mushin**

Judge of the Family Court of Australia

Chair, National Cultural Diversity Committee



*'I think it is important to highlight that one of the successes of the approach taken is that the Court didn't just decide it was going to undertake a project of this magnitude, but rather that it would build the process carefully, with due consideration for the sensitivities that would be involved.'*

*'We started with the audit, and then the National Roundtable and then the Cultural Diversity Plan and the accompanying training to ensure its effective implementation. I think this is a message that has been reinforced by this (LIH) project – you must have the organisational framework in place first.'*

**The Honourable Justice Nahum Mushin**  
Judge of the Family Court of Australia  
Chair, National Cultural Diversity Committee

## Executive summary

The Family Court of Australia has been improving services to culturally and linguistically diverse clients for many years. To inform these improvements, the Court conducted an audit in 2001, a roundtable in 2003 and produced a Cultural Diversity Plan in 2004. Identified in the Cultural Diversity Plan was the opportunity to develop a proposal for a Living in Harmony Partnership with the then Department of Immigration and Multicultural Affairs (DIMA), now the Department of Immigration and Citizenship (DIAC). In late 2004, the Family Court received Living in Harmony Partnership funding for an initiative to be known as *Families and the law in Australia – the Family Court working together with new and emerging communities*.

Through the Partnership, community-driven education strategies around the rule of law and the Australian legal system, in particular family law, were developed, piloted and evaluated. Six new and emerging communities were the focus of the Partnership. People from the following countries of origin participated:

- ▀ Afghanistan
- ▀ Iraq
- ▀ Eritrea
- ▀ Ethiopia
- ▀ Sudan
- ▀ Somalia.

## Partnership aims

The aims of the Partnership were to:

- ▀ develop and strengthen relationships between new and emerging communities and the Court
- ▀ foster cross-community relations between new and emerging communities about matters of families and the law, and
- ▀ examine how the Court could contribute to community harmony by strengthening community leadership, family units and inter-community relationships in new and emerging communities.

Consistent with the aims, the Partnership had nine objectives which were implemented through an overall five-staged approach (see Chapter 1). More than 45 government and non-government agencies were involved and more than 1500 community participants attended consultations and community education workshops. A substantially greater number of people became aware of the project, as evidenced by feedback to the Court and the project consultant. This included people from other communities that sought similar engagement strategies and the same communities who were from different geographic locations in Australia who sought similar engagement strategies.

## The stages

### Stages 1-3: pre-planning and initial consultations with communities

Stages 1-3 included initial community consultations in four States. The consultations were held in Adelaide, Auburn, Blacktown, Dandenong, Hobart, Launceston, Melbourne, Parramatta, Shepparton and Springvale from September 2004 to March 2005.

The community consultation focus groups provided invaluable insight into the level of knowledge within new and emerging communities about the Family Court and the broad family law system. This information was integral to the design and development of the education strategies implemented in Stage 4.

### Stages 4 and 5: pilot education strategies

During Stages 4 and 5, four major pilot education strategies were developed, implemented and evaluated. They were as follows:

- **Melbourne**

The Horn of Africa Bilingual Educators Program was developed in partnership with the African Australian Welfare Council of Victoria and the Magistrates' Court of Victoria.

- **Parramatta**

The pilot strategy involved a multi-agency approach working with community facilitators. The common point of interest was the concept of 'the best interests of the child'. The Baulkham Hills Holroyd Parramatta Migrant Resource Centre was a lead partner.



▸ **Launceston**

Playback theatre was the basis of the engagement strategy with the Eritrean and South Sudanese communities. Storytelling is widely used within their cultures and has proven to help reduce the barriers that are often created by language. The Launceston Migrant Resource Centre was a lead partner with the Court.

▸ **Adelaide**

An awareness education strategy on family law and the Court was developed for workers at the Migrant Resource Centre (MRC). The Court also joined with other agencies on work underway, in order to avoid duplication, fragmentation and consultation fatigue.

## Benefits of the Partnership

The Living in Harmony Partnership was the first of its kind for any Court in Australia and attracted national and international interest. The learnings and the benefits have been significant for all involved.

The Partnership was underpinned by the concept of community inclusivity. Inclusivity arises from the objective of improving settlement outcomes for new and emerging communities and broader social justice considerations of equity, access and participation. With an increasingly diverse Australian society, inclusivity requires an in-depth understanding of a variety of perspectives and contributions as well as the ability to listen and learn from the lives and cultures of diverse communities.

## Purpose and structure of this report

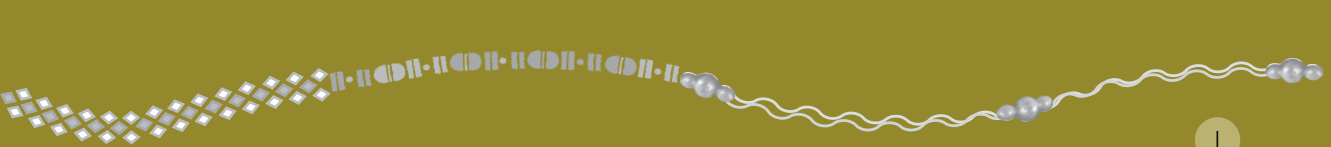
The purpose of this report is to give practical insights for other organisations and government agencies that are thinking of developing their own engagement strategies. It also fulfills commitments the Court made to the communities involved, to share the learnings, so that future engagement strategies of other organisations might expand on the experiences of the Court and its partners. If the outcomes summarised in this report can be achieved in an area as contentious as family law, then with the right approach there is reason to be optimistic that community inclusivity is an achievable objective in other areas also.

The focus of this report is on Stages 4 and 5 of the Partnership. However, the iterative nature of the Partnership, where each new stage responded to (but did not attempt to duplicate) what was learnt in the earlier stages, means in effect it reports on many of the findings from the earlier consultations.

The report is structured as follows:

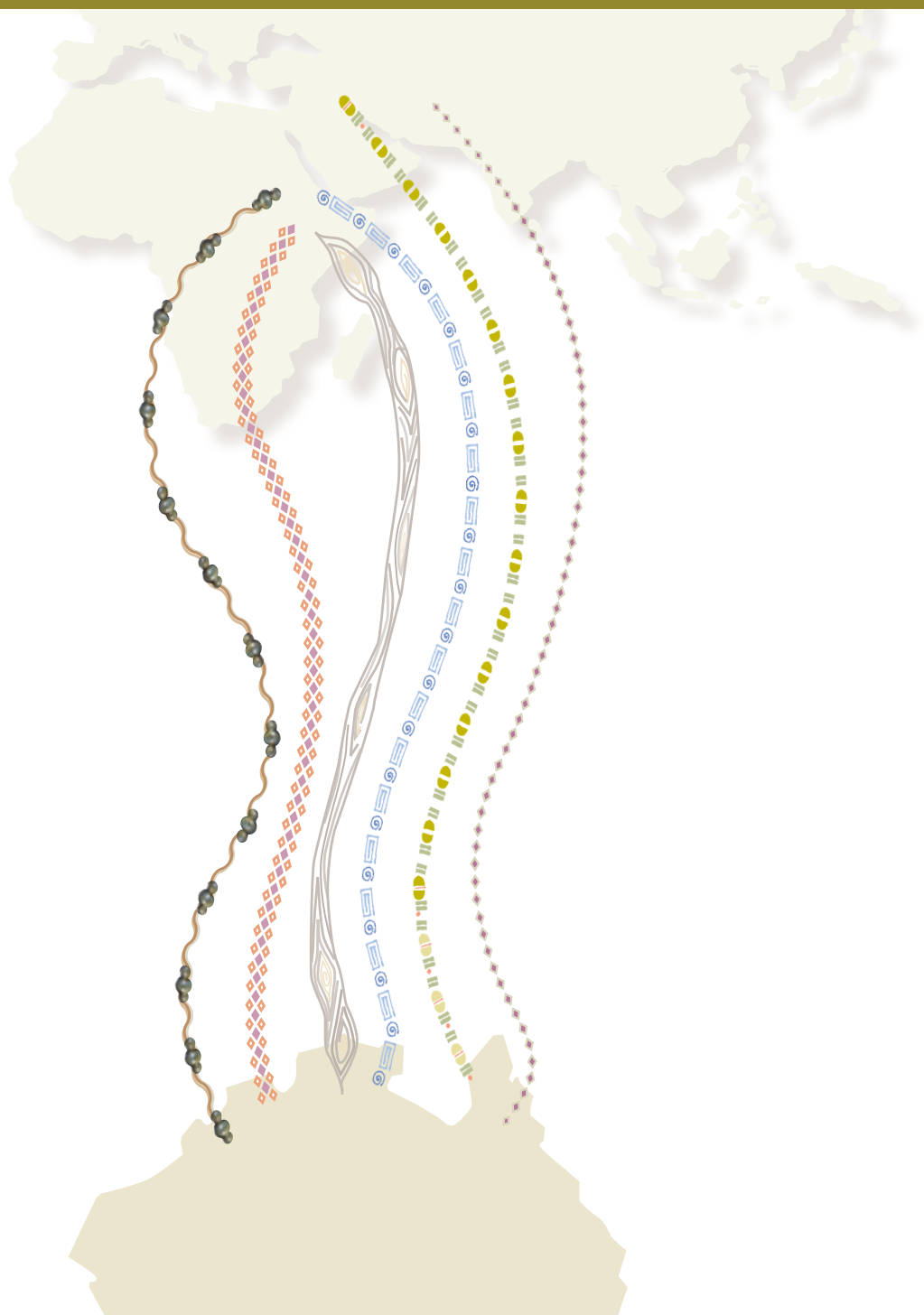
- Chapter 1** Background, including the Partnership objectives and the five-staged approach.
- Chapter 2** The models of engagement piloted and evaluated in Stages 4 and 5 of the Partnership.
- Chapter 3** Specific learnings from the overall Partnership, grouped to aid others who may be considering such engagement strategies.
- Chapter 4** An outline of the essential elements for an engagement framework when seeking to engage with new and emerging communities (and quite possibly other communities) based on the experience of the Court during the Partnership. In summary, the Court found that there needs to be an appreciation of and commitment to five broad factors: context, catalyst, communication and engagement, capacity and change.





# CHAPTER I

## *Background*



# Background

*'All communities are concerned about the safety and protection of their children. However, it is the interventions in relation to how that safety is achieved that requires closer attention. Our children are our future. We are here because of our children. Knowing that they are safe makes the settlement in a new country worth all the struggles.'*

Sudanese community member, consultation at Blacktown MRC

The Family Court has undertaken many initiatives over the years aimed at improving access to court services. In April 2003, the Court and the Australian Multicultural Foundation sponsored a roundtable conference attended by representatives of State and Territory multicultural groups, amongst others. The theme of the workshop was 'developing partnerships to improve clients' experience of the family law system'.

In late 2003, the Court's National Cultural Diversity Committee endorsed a proposal to work with the then Department of Immigration and Multicultural Affairs (DIMA) in a Living in Harmony Partnership. In late 2004, the Family Court received Living in Harmony Partnership funding for an initiative to be known as *Families and the law in Australia – the Family Court working together with new and emerging communities*.

The communities the Court sought engagement with through the Partnership were people from these countries of origin: Afghanistan, Eritrea, Ethiopia, Iraq, Somalia and Sudan. Engagement was to occur in four locations in four states: New South Wales (Parramatta), South Australia (Adelaide), Tasmania (Launceston and Hobart) and Victoria (Shepparton).

The Family Court's decision to undertake this Partnership was motivated by a commitment to enhance its ability to provide culturally responsive and appropriate services. The Court could see new possibilities for engaging with communities around the law and its impact on families, particularly communities from new and emerging communities. It was a project that sought to find spaces and opportunities to engage in critical, but constructive and participatory forms of discussion about families, communities, change, and equity and justice. At times the project invoked discussions calling for the need for reflection and at other times, the need for restatement. The project though always involved discussions that were robust, dynamic and creative.

The support from the most senior levels of the Court was vital. This ensured that the Partnership was aligned with the broader strategic objectives of the Court and that the implementation of diversity initiatives was a long-term planning and implementation process that embraced the Court's policies, practices and services.

## Partnership objectives

The Partnership had nine objectives:

- 1 Identify and respond to perceptions of lack of trust and disharmony that may impact on the delivery of Court services to new and emerging communities.
- 2 Improve among new and emerging communities awareness and understanding of family law, of how the Family Court operates and [of] the capabilities of the Court.
- 3 Improve awareness and understanding between the communities and the Court so that the Court could demonstrate that it understands and is able to respond to the cultural, religious, ethnic and social arrangements of communities.
- 4 Build relationships between the communities and the Court.
- 5 Integrate with the Court's education and training programs for staff and the judiciary, the broad community education strategies' findings about differences of ethnicity, culture, religion and social behaviours that may affect the Court's processes.
- 6 Promote appropriate referrals between multicultural and ethno-specific services and the Court.
- 7 Strengthen the viability of partnerships between the communities, the Court and DIAC.
- 8 Further empower community leadership in new and emerging communities.
- 9 Allow communities to see that they are not the only communities in Australia that have concerns about their children and families.

## Stages of the Partnership

The Partnership was structured in five stages. An underlying premise was that each stage needed to build on the findings of the preceding stages. In other words, there needed to be an inherent flexibility and willingness to listen rather than a pre-conceived approach. The stages are summarised as follows:

### Stage 1

Pre-planning and engagement with the identified target communities and key representatives to identify areas of greatest need and to determine the engagement approaches for Stage 2.

The pre-planning had as its base the already identified communities and locations for engagement.

Further research and analysis within the Court (based on a mix of DIAC settlement data, local knowledge from Court registries and discussions with key agencies or individuals at the local level) led to the following communities being selected at the four locations:

- ▶ Hobart and Launceston: South Sudanese, Eritrean and Ethiopian communities
- ▶ Parramatta: Iraqi, Afghan and South Sudanese communities
- ▶ Shepparton: Iraqi communities
- ▶ Adelaide: Eritrean and Ethiopian communities.

As the Partnership progressed, these communities attracted increasing interest from other communities. Additional consultations were held in Melbourne with members from the Iraqi and African communities, which ultimately led to the main focus being on a pilot strategy across the six communities in Melbourne (including activities at Springvale responsive to communities from Sudan).

At Parramatta it became necessary to extend the consultations to all six communities. In Tasmania, some consultations included three or four different 'African' communities because of the small number of communities living there.

A Partnership National Steering Committee, chaired by the Hon Justice Nahum Mushin, was also formed during Stage 1.

## Stage 2

Engaging and working with community leaders and representatives on at least two levels (community leaders and support workers) to identify issues and possible ways to address them in Stage 4 of the Partnership.

Intensive consultations were held with communities in Victoria (originally Shepparton but subsequently extended to Melbourne, Dandenong and Springvale), NSW (Parramatta, Blacktown and Auburn), Tasmania (Hobart and Launceston) and South Australia (Adelaide). The consultations started in September 2004, with the majority of consultations held between January and March 2005. Timing was important – significant cultural and religious events, such as Ramadan, required flexibility. To foster high levels of community involvement, catering (Halal food where necessary) and interpreters were provided and childcare costs were reimbursed. In many cases, the partner agencies organised transport for people to attend focus groups.

At each focus group, participants discussed their perceptions and experiences of families and law in Australia, and how it differed from their homeland. Facilitators were careful to create an environment that encouraged discussion and participation by all members of the group. Court staff provided information about family law in Australia and procedural information about the Court. In some cases, a judge attended and community feedback suggested the judiciary's participation greatly increased trust and confidence in the sincerity of the consultations. As a result, these consultative meetings helped identify key issues relevant to the Partnership objectives that subsequently informed the development of engagement in Stage 4.

Confidentiality of participants' views was crucial to the success of these meetings. To obtain genuine thoughts and perceptions about sensitive topics – such as family, family conflict, family law and broader settlement as it relates to family and community wellbeing – it was important that all participants felt comfortable to speak their mind without risk of being identified.

## Stage 3

Analyse and evaluate the results from Stage 2. Develop innovative, effective and appropriate community education strategies (to be piloted at Stage 4) that meet the concerns identified by the communities.

As necessary, test the proposed strategies to ensure they will be effective when implemented at Stage 4.

## Stage 4

Implement the community education strategies.

Each engagement strategy piloted different approaches.

## Stage 5

Analyse the outcomes of Stage 4, refining the model[s] as necessary, document it and develop strategies for incorporating its use in the everyday business of the Family Court; and promote the model to other organisations.

The evaluation focused on the four main pilot strategies, with effectiveness being evaluated against pre-set criteria.

## Partnership foundation: community inclusivity

Underpinning the Partnership was the concept of community inclusivity. Inclusivity arises from the objective of improving settlement outcomes for new and emerging communities and broader social justice considerations of equity, access and participation. With an increasingly diverse Australian society, inclusivity requires an in-depth understanding of a variety of perspectives and contributions as well as the ability to listen and learn from the lives and cultures of diverse communities. If the outcomes summarised in this report can be achieved in an area as contentious as family law, then with the right approach there is reason to be optimistic that community inclusivity is an achievable objective in other areas also.

From the experience of the Partnership, the importance of community engagement strategies based on ongoing dialogue cannot be overstated. This was frequently reinforced during the consultations. For communities in social transition, as many are new and emerging communities, ongoing dialogue helped provide an environment where trust could develop between the communities and government institutions. The Partnership affirmed for the Court that there must be a willingness to move beyond the routine consultation and participation models to a process of learning, where both the communities and the organisations needing their input are open to learning.

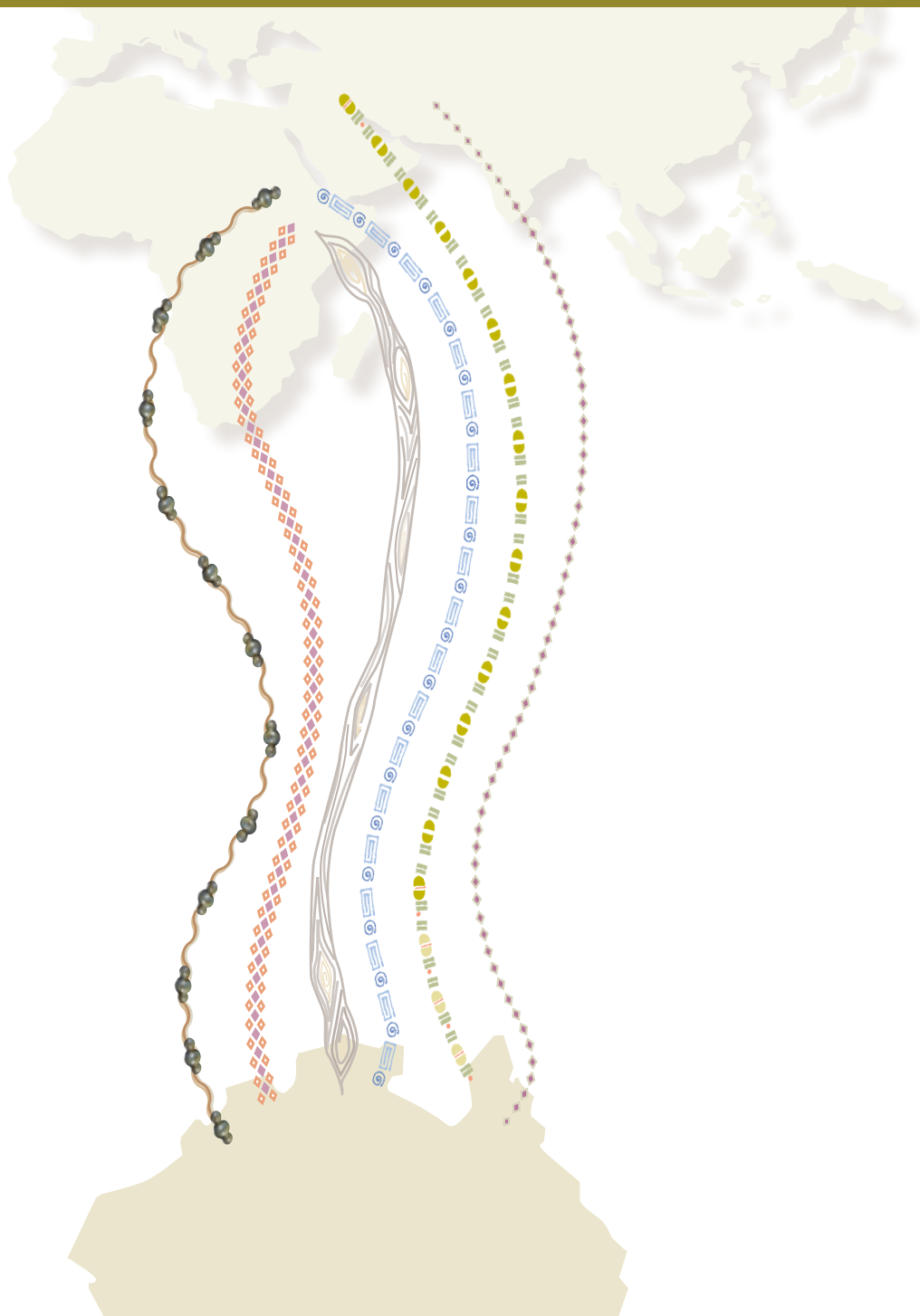
For many of the communities involved in this Partnership, the concept of ‘the best interests of the child’ contained in Australian family law legislation was a challenging one:

*‘I don’t think that we can understand how it is that the interests of the children can be separated from that of the parents or the family. What does it mean here in Australia when you place the children’s rights as being more important than the parents.’*

Eritrean community leader, Parramatta consultations

The ‘best interest’ concept became a key focus for drawing out the different levels of understanding of legal and community responses to separation and the needs of children after separation. Understanding of the differing perspectives of the Court and the communities was critical for there to be true and meaningful engagement. Invariably though, communities demonstrated a desire to ensure a better future for their children as part of the successful long term settlement experiences of the whole family and the community. This desire for a better future for all children became the point of convergence for developing the partnerships.

## CHAPTER 2

*Models of engagement*



*'Refugee communities have to be thought of as the most important element in the development and delivery of information strategies. They have the knowledge, the experience and the motivation to improve the levels of awareness of various Australian institutions, such as the law within their communities.'*

South Sudanese Community leader, Parramatta

While each community education strategy had characteristics specific to the communities being engaged at a particular location, there were fundamental principals common to all. Each pilot had partnership as its basis, with the new and emerging communities themselves being seen as essential partners for the development of effective community education strategies. Each strategy also involved key other 'gatekeeper' organisations and a broad mix of other partners, all of which provide services to families.

Underlying assumptions that had emerged from the earlier consultations and were incorporated included the following:

- ▶ refugee and new and emerging communities have resources, capacities, experiences and strengths
- ▶ pre-arrival experiences impact profoundly on the acculturation and settlement process
- ▶ in the process of settlement, gender identities and family relations may change significantly
- ▶ the impact of the Australian legal system on the daily lives of new communities is considerably greater than that previously experienced in countries of origin
- ▶ increased understanding of the legal system and improved legal literacy can enhance the settlement process and promote greater community interaction with policy makers
- ▶ short term projects potentially contribute to community cynicism and disengagement and as such, considerations of long term sustainability are critical to successful community engagement models. Further, there is no one single approach that works, and
- ▶ fluidity, flexibility and uncertainty of process and outcomes are an inherent component of working with new and emerging communities.

At the bilingual educators graduation function at the Melbourne Registry



Each strategy responded to consultation input and accepted the need to challenge prevailing orthodoxies that depict new and emerging communities and their members as passive victims or as mere recipients of welfare support with very little capacity for input. It was accepted that it was essential that the knowledge of members of new and emerging communities is recognised and positioned as a central feature of engagement strategies. Several community members participating in the community forums commended the Court's willingness to value their knowledge and wisdom rather than denigrate it or seek to change it:

*We also have knowledge and know how best to deal with particular community issues. I didn't feel that the people from the Court came with an arrogance that we see sometimes – you know that view that they know best for us. That was very good. That we were heard and that some of our ideas were actually made real.'*

Community Member, Eritrean community



Thus, an assets based approach to the delivery of information to communities was a fundamental starting point. Communities have important cultural and social capital that must not be inadvertently or mistakenly underestimated. New communities have successfully established formal and informal support mechanisms, formed associations to preserve cultural traditions, created space for spiritual and care giving activities and found ways to continue to ensure input into the broader society. The limits to this participation are often created by external assumptions about local capacity and knowledge.

Finally, each of the models involved multi-sectoral collaborations to varying degrees. This was a crucial success factor. It became apparent during the Partnership that considerable engagement with new and emerging communities was being undertaken but that efforts tended to be relatively discrete. Often sectors (or sometimes even agencies in a relatively overlapping sector) seemed unaware of the interests and pursuits of others. When multiple agencies engage without coordination, it can undermine the efforts of all. Consultation fatigue was frequently mentioned by communities; some were cynical about whether the consultation efforts were genuine – thus multi-sectoral collaboration was seen as a necessary starting point.

The following is an overview about the four main pilot strategies (approaches) used in Stage 4 of the Partnership (as well as brief information about other activities in Victoria).

## The Melbourne approach: Horn of Africa Bilingual Educators Program

*‘There are a lot of differences and diversities within the communities. This is often not well understood by many agencies who think that Africa is one country. It is not. So when you are making decisions about who will go out and provide sensitive information to the community, the community has to be able to say who they should be, to be able to discuss it openly and ensure that it nominates people who are respected and will be heard.’*

African Australian Welfare Council committee member

## The partners

African Australian Welfare Council, Horn of Africa communities (Eritrean, Ethiopian, Somali and South Sudanese), Magistrates' Court of Victoria, Family Court of Australia.

## The goals

It was agreed that the model should seek to improve communication, promote common understanding and strengthen coordination, collaboration and partnership efforts among Horn of Africa communities, the Family Court and the legal system generally. More specifically, the aims included that the strategy should:

- ▶ enhance awareness amongst communities of how law impacts on families, and provide them with tools to negotiate their way through the legal/family law systems
- ▶ support and/or increase awareness amongst Court staff of issues impacting on the successful settlement process of new and emerging communities, particularly legal issues and their impacts on families, and
- ▶ be based on collaborative working practices with community groups.

## The approach

The approach was based on representatives from the Family Court and the Magistrates' Court training the community-selected Horn of Africa bilingual educators about the family law system in the Commonwealth and Victorian State jurisdictions, focusing on areas identified by community members. Court staff helped design and deliver the training program. The bilingual educators then developed and delivered their own language specific training packages, using delivery approaches that best suited their community groups. Their deliveries were supported by Court representatives.

## Rationale for the approach

The need for cultural facilitators (rather than interpreters) was identified in the Stage 2-3 consultations. Interpreters are essentially 'objective' mediums that translate information with little reference to other cultural factors affecting the provision of information in any given context. In contrast, cultural facilitators were able to discuss how dimensions of culture affect family and interpersonal relationships. They also discussed the differences that may exist between service providers and their clients' perceptions of family and family wellbeing.

The facilitators were able to introduce service providers to important tools for bridging cultural differences with communities and provide strategies to ensure integration of cultural considerations into service provision.

The bilingual facilitator educator's model played a crucial role in reaching communities where either literacy was a major barrier to accessing legal information or where there is no written form of language.

## Approach principles

The approach was based on the following key principles:

- ▶ The strategy should be characterised by mutual benefit and learning, adapting and responding to the knowledge and processes emerging from the engagement with communities.
- ▶ The strategy must build on the outcomes of the consultations and should focus on constructive common action (not rhetoric around 'problems').
- ▶ The strategy must extend beyond the usual/traditional boundaries of information provision to dialogue and engagement that offers new, unplanned partnerships with the communities that would extend beyond the life of the project.
- ▶ There must be community empowerment and civic participation, so the communities feel informed as a result of the education strategy and also empowered to participate in processes that impact on their lives.

## Steps of the Melbourne pilot approach

The following is a summary of the discrete steps involved in developing, delivering and evaluating the Melbourne Horn of Africa Bilingual Educators Program.

### STEP 1 Community engagement partners identified

- Horn of Africa community groups identified by the Family Court.
- Bilingual educators identified by the community via the African Australian Welfare Council.
- Magistrates' Court of Victoria contacted to contribute to engagement process.
- Framework and content for bilingual educator training developed.
- Times and training venues agreed.

### STEP 2 Bilingual educators trained

- Provide an overview of the program, its objectives and an overview of the legal system with a focus on the Family Court and Magistrates' Court of Victoria.
- Identify ways for the bilingual facilitators to share the information gathered with their communities and Court staff.
- Bilingual educators conducted visits to the Family Court and Magistrates' Court of Victoria and participate in a 'mock Court' scenario at the Magistrates' Court to enhance their understanding of court processes.

#### Topics presented during training included:

- How the legal system operates at Commonwealth and State levels
- Family law
- Mediation and complaints processes
- The best interests of the child and how decisions are made
- Judicial independence
- Separation and divorce
- Property division and spousal maintenance
- Dowry and Australian law
- Family violence.

### STEP 3 Graduation ceremony of bilingual educators

- Certificates presented to bilingual educators by Chief Justice Diana Bryant and Magistrate Anne Goldsbrough of the Magistrates' Court of Victoria (on behalf of Chief Magistrate Ian Gray).
- Bilingual educators recognised as playing a key role in increasing Horn of Africa communities' confidence and knowledge of the Family Court/ family law system.

#### STEP 4 Information delivered to communities

- Community education sessions organised by bilingual educators and presented in their own language.
- Court staff attend as a 'resource' for bilingual educators.

#### STEP 5 Review and evaluation

- Follow-up consultations with selected participants at community forums.
- Debrief meetings held with bilingual educators and Family Court staff.
- Interviews with Chief Justice Bryant and the Hon Justice Nahum Mushin of the Family Court to discuss the impact on Family Court policy.
- Findings analysed and learnings identified.
- Review and refine the model for potential ongoing implementation and/or adaption by other agencies.

## Strengths of the approach

In summary, the key strengths of the approach that were identified during evaluation included:

- **The partnership with the African Australian Welfare Council (AAWC).** The Council was trusted within the new and emerging communities. This aspect of trust was crucial. A key challenge for the Court was to build trust in an untrusting community, particularly when the Court as an organisation deals with often very complex and often emotionally charged cases in an environment of familial separation. In addition to being gatekeepers, AAWC Council members were extremely valuable in helping the Court obtain accurate local demographic and cultural information.
- **The selection process, the credibility, the skills sets and background of the bilingual educators.** The bilingual/multilingual educators were central to the overall success of this program, being crucial connectors between their communities and the Courts. These educators promoted key messages and legal information to groups that have traditionally lacked access to appropriate and relevant information about the Australian legal system. Most significantly, each community nominated its representatives. This allowed community elders and leaders to approve the selection.

Selection criteria required respected community members to have previously worked for their communities around social change processes, and to have had previous experiences of the legal process in their countries of origin. This meant that the educators were well positioned to further strengthen existing community network ties. They were uniquely qualified as connectors because they:

- live in the communities in which they work
- understand what is meaningful to those communities
- communicate in the language of the people, and
- recognise and incorporate cultural frameworks to help community members access important information to ensure their successful settlement in their new country.

- ▀ **The involvement of the Magistrates' Court of Victoria and the on-site visit to both courts.** Communities had repeatedly identified their confusion about the jurisdictions of Commonwealth and State courts. Mock court scenarios sought to highlight the specific differences.

- ▀ **The design and development of the training resources.** This enabled language and cultural specific concepts to be effectively 'translated'. Some participants who were involved in the follow up consultations repeatedly highlighted that their levels of awareness of both the law in Australia and also the roles of the Family Court and the Magistrates' Court had significantly improved. As one person said:

*'To go from not knowing anything to knowing this is very important. Now I wish everyone from my community can have this information.'*

- ▀ **The involvement of judicial officers.** The involvement of the judiciary, including the Family Court Chief Justice, the Hon Justice Mushin and Magistrate Goldsbrough, as well as senior court staff, added significant legitimacy to the process and sent a strong message of commitment to the community. Judicial involvement also signified the importance of this partnership to staff at all levels of the Court.
- ▀ **An awards ceremony recognising the bilingual educators.** An awards ceremony was hosted by the Family Court where Chief Justice Bryant, Justice Mushin and Magistrate Goldsbrough presented certificates to each of the educators in the presence of family, friends and respected members of the communities. Photos from the award ceremony were included in various newsletters and African newspapers, including some overseas websites and media outlets.



- The valuing of community knowledge and wisdom and reciprocal or two-way learning.** Community members felt that they could provide information about their cultural practices to Court staff, which gave staff a greater awareness and insight into the communities and their needs. The considerable contrasts in each legal system were a key discussion area in the sessions presented during the community information sessions. Points of difference, for instance in family law under the Australian legal system and that of other countries or communities, were often a solid starting point for discussions and gaining insights, understandings and trust, for all partners involved in the program.

## The challenges

As to be expected, there were a number of challenges including the following:

- Key partnering agencies were not paid for their significant involvement.
- The resource strategy was very resource intensive.
- There were many intense discussions about the extent to which the Court was prepared to engage around notions of ‘accommodating’ culture and cultural practices. Rather than stifle discussions, Court staff actively encouraged debate. This ultimately led to agreement around the extent to which ‘accommodation’ was possible and desirable within the limits of law. Explaining the social or cultural context of law in Australia was a useful technique to bridge this divide.
- There was initial resistance and/or misunderstanding of the Partnership aims by communities. Assumptions had been made by communities about the Court and the objectives of the Partnership and considerable time was spent on clarifying objectives.
- Flexibility and/or cancellations of meetings. The need for flexibility in approach emerged as a major factor for Court staff. Many of the activities were conducted outside business hours (Saturday evenings, for example). Communities regularly postponed, cancelled or did not appear for meetings. Court staff stated they understood the reasons for this *‘but it is a stretch to attend meetings which repeatedly fall through.’* Staff commitment to the work was said to be exceptional, however staff participants emphasised that careful thought must be given to design and resourcing in the future to ensure that programs embarked on are realistic and sustainable in the long term.
- Sustainability. The Court recognised that having begun a process and initiated expectations it is vital to continue to support the new relationships that have been established. Other emerging communities and groups may also require or seek similar programs in the future. A challenge will be how the Court meets these needs.

## Other engagement in Victoria

Initially, the Partnership focus in Victoria was on engagement with the Iraqi community in Shepparton. It was expected this would provide specific insights into the impact of regional settlement on families and family law. The Family Court had a history of providing information forums at Shepparton, albeit for the wider community. As the project developed however, the scope increased significantly to include Iraqis and a range of African groups and associations in the Melbourne area. Each strategy varied significantly in its approach and outcome. Undoubtedly, the Melbourne Bilingual Educators Program was the most extensive and comprehensive, however the following approaches in Victoria are worthy to note.

### Iraqi community, Shepparton

Various consultations were held with the Iraqi community with the assistance of the Ethnic Communities Council of Shepparton and District and the Multicultural Education Centre at Goulburn Ovens Institute TAFE. The consultations included four focus groups: a women's group, a men's group, a mixed community leaders' group and a focus group with local service providers. Most community members expressed the view that any community education strategy needed to be mindful of the range of existing local strategies targeting the community. Several community members stated there was a feeling that the community had been 'engaged to exhaustion'. In response to this fatigue issue, the Court's approach was to integrate family law information into existing community education strategies, such as those provided by the Multicultural Education Unit at the TAFE.

### Iraqi communities, Melbourne

The Shepparton consultations led to contact with members of the Iraqi communities in Melbourne and a consultation meeting with more than 20 representatives from this group. The importance of recognising the significant diversity that characterises the Iraqi community, or more specifically, the 'communities of Iraq' as one participant suggested, was highlighted.

Community members expressed an interest in developing ongoing discussions with the Court. While no structured project was implemented, subsequent activities have included presentations about changes to the Family Law Act and discussions about family law concepts more broadly, and how these might be best conveyed to communities.

## South Sudanese, Springvale

*'We see our families in so much trouble with the law but no one stops to say this is what is going on. If only we can tell our community that there are things we can do with law people then we won't be so afraid of what is happening.'*

South Sudanese Community Leader, Springvale

The South Sudanese are the single largest refugee group from Africa settled in Victoria. Most Sudanese settling in Victoria identify as Dinka, Sudanese or Nuer, and may speak Arabic as well as their community language. In Melbourne, most Dinka live in the western suburbs (Braybrook and Sunshine) whereas Chollo and Nuer live in the south east (predominately around Springvale and Dandenong). The participation of the South Sudanese community in Springvale in this Partnership came about primarily because of the interest of particular community leaders, who approached the Court through the Victorian Ethnic Advisory Committee.

In response, the Family Court approached the Springvale Community Aid and Advice Bureau (SCAAB), which coordinated the development and implementation of a community education strategy. A consultation meeting, chaired by the Hon Justice Mushin, Chair of the Court's National Cultural Diversity Committee, was attended by more than 50 community members, all of whom lived in the Springvale/Dandenong region. The consultation provided community members with an opportunity to raise issues of concern, and identify effective strategies for ensuring that community members were aware of the Australian legal processes and its impact on families.

Follow up meetings were held involving Family Court staff, key community leaders and SCAAB staff. This led to a community education initiative, with the following broad key stages:

- ▶ A visit to the Court's Dandenong Registry at which an interactive information session was held. It focussed on the impact of separation on children and how the Court makes decisions about the 'best interests of the child'.
- ▶ A presentation to Court staff by community representatives on cultural issues, including an overview of customary law and its importance to the communities.
- ▶ Community leaders provided information to their respective community groups after the information session. Many commented that after having participated in the process, their original perceptions of Family Court had changed.

Springvale meeting with South Sudanese representatives



- Community leaders and SCAAB requested for the model to be documented and shared across the region with other new and emerging communities that may be experiencing similar issues in understanding the law and its impact on families. SCAAB staff, supported by Family Court staff, produced a report on the strategy and its outcomes.

## The Parramatta approach: a multi-agency approach using community facilitators

*'I think if there is one key thing that has come out of this whole project it is the power of information. Information to our communities so that they are not harmed by the law, but protected when they obey it, information to other services so that when they are helping our communities they can work more effectively, and information to the courts and police so that they can understand how confusing all of it is. Yes, definitely information is the key to our harmony.'*

Bilingual Facilitator, Parramatta

### The partners

Baulkham Hills Holroyd Parramatta Migrant Resource Centre (BHHPMRC), communities (Somali, Eritrean, Ethiopian, Sudanese, Iraqi, Afghan), NSW Police, NSW Department of Community Services, Legal Aid NSW, Family Court of Australia.

In developing the strategy parameters (and partnership), additional services and agencies were involved, including NSW Department of Education, NSW Department of Health, NSW STARTTS (NSW Service for the Treatment and Rehabilitation of Torture and Trauma Survivors), Auburn MRC, Blacktown MRC and NSW Attorney General's Department - Community Justice Centres.

### The goals

The goals were those set by the Partnership's original objectives (Chapter 1) and the following goals that were specific to this pilot engagement strategy (arising from the consultations in Stages 2 and 3). Specifically they were to:

- ▶ reduce community confusion about Australian laws impacting on families by increasing awareness of the law concerning the best interests of the child and of the institutions responsible for administering the law
- ▶ reduce confusion about the distinct roles of the participating agencies and ensure greater clarity about the range of services available
- ▶ increase the understanding within each agency of the cultural issues impacting on communities' experiences of the family law system (in its broadest sense)

- ▶ improve communities' trust in legal and other government organisations
- ▶ transfer knowledge to communities through the Bilingual Community Facilitators in a strategy that would go beyond 'information and education sessions' to enhance communities' long term capacity to navigate their way around various legal pathways relating to the 'best interests of the child'
- ▶ give communities greater confidence in using the partner institutions and their services, including making each agency's distinctive role more transparent to communities, and
- ▶ make clearer to communities the accountability and responsibilities of those required to provide the services.

## The approach

The approach involved working with multiple agencies in the broader family law system. The agency partners provided an education program for bilingual workers (mostly from the BHHPMRC) and on site visits. Each agency provided information on its roles and responsibilities, and its specific legislative requirements. The concept of the 'best interests of the child' was the focal point. The bilingual workers then hosted community forums and facilitated discussions for their communities, supported by agency representatives. A case study, based on the journey of a family experiencing family conflict and eventually violence, was used to explain the varying roles played by different organisations. It detailed the family's attempts to navigate the myriad of legal jurisdictions.

## Rationale for the approach

Consultations highlighted that the challenges and problems facing new and emerging communities are often multifaceted. Collaboration enabled the agencies to develop more comprehensive responses to some of the challenges identified. In addition, a broad-based, integrated multi-agency approach would address the issue raised by communities of having to navigate the maze of legal and government agencies. Repeatedly, participants in the consultations highlighted that they did not understand the role of police, the Department of Community Services nor the differences between the Family Court and local Courts and where they might access legal advice.

## Approach principles

The following key principles informed the collaborative efforts of this interagency approach:

- There needed to be a clear explanation for why the issues were best addressed by multiple agencies.
- Support from the highest levels of the partner organisations was essential to ensure long-term sustainability of the strategy.
- The participating families and communities must receive practical assistance to enhance their awareness of how law affects families, particularly children, as well as tools to negotiate their way through the legal/family law systems.
- There must be recognition that cultural/ethnic characteristics of families and communities are dynamic because of societal changes and various program interventions.
- Elements of culture contribute to the resilience of families and communities.
- There should be regular communication among partners and communities.

## Steps of the Parramatta pilot approach

Following is a summary of the steps involved in developing, delivering and evaluating the pilot education strategy in Parramatta.

STEP 1	Agencies and community participants identified
	<ul style="list-style-type: none"> <li>■ Approaches and strategies determined after Stage 2-3 consultations.</li> <li>■ Agencies invited to participate in a partnership.</li> <li>■ BHHPMRC identifies and contacts community facilitators.</li> <li>■ Evaluation strategy developed.</li> </ul>
STEP 2	Agencies and educators meet
	<ul style="list-style-type: none"> <li>■ Provide an overview of the program including an overview of the legal system with a focus on the best interests of the child, the relevant laws and agencies.</li> <li>■ Identify ways in which the community facilitators can share the information gathered with community members.</li> </ul>
	<p><b>Topics presented during training included:</b></p> <ul style="list-style-type: none"> <li>— Introduce concept of 'best interests of the child'</li> <li>— Overview of relevant federal and state laws and law agencies</li> <li>— Decisions around children/child protection</li> <li>— Decisions around property</li> <li>— No fault divorce</li> <li>— Concepts of mediation</li> <li>— Role of different people in the Court/legal process</li> <li>— Referrals to support services.</li> </ul>

<b>STEP 3</b>	<b>On site visits and training</b>
	<ul style="list-style-type: none"> <li>■ General overview of the law.</li> <li>■ Facilitation skills and tools (provided by STARTTS).</li> <li>■ Visits to:               <ul style="list-style-type: none"> <li>– Family Court, Parramatta Registry</li> <li>– Department of Child Safety (DOCS)</li> <li>– NSW Police</li> <li>– Role and responsibility of service providers.</li> </ul> </li> </ul>
<b>STEP 4</b>	<b>Follow up and debrief for partners</b>
	<ul style="list-style-type: none"> <li>■ Identify key issues and provide feedback.</li> <li>■ Revise the strategy and assess with community facilitators.</li> <li>■ Determine presentation methodology for community forums – agree on structured vignette and story telling approach.</li> </ul>
<b>STEP 5</b>	<b>Graduation ceremony</b>
	<ul style="list-style-type: none"> <li>■ Certificates presented to community facilitators by Chief Justice Bryant, with representatives from all agencies involved attending.</li> </ul>
<b>STEP 6</b>	<b>Presentations to communities</b>
	<ul style="list-style-type: none"> <li>■ Community facilitators host community forums and facilitate case study discussion with a panel of representatives from each agency for support.</li> </ul>
<b>STEP 7</b>	<b>Roundtable discussion</b>
	<ul style="list-style-type: none"> <li>■ Discussion held with senior representatives from partner agencies including NSW Police, DOCS, NSW Attorney-General's Department, DIAC and Legal Aid. Chaired by Justice Colleen Moore.</li> </ul>
<b>STEP 8</b>	<b>Partner agencies reconvene</b>
	<ul style="list-style-type: none"> <li>■ Analyse findings and identify learnings.</li> <li>■ Determine issues of sustainability and long-term transfer of key learnings.</li> </ul>



## Strengths of the approach

The key strengths of this approach identified during the evaluation included the following:

- ▀ **The role of the Baulkham Hills Holroyd Parramatta Migrant Resource Centre (BHHPMRC).** This was considered an essential agency partner from the outset. Staff helped organise the consultations, identify the potential bilingual facilitators and provide a venue for many of the community information sessions. Most importantly, the BHHPMRC was the gateway to the communities themselves, allowing the Family Court and partner agencies to build relationships while assessing awareness, knowledge, attitudes, beliefs and perceived barriers to the law. This led to increased attendance at the subsequent community information sessions, thus increasing levels of awareness in the community of the roles of agencies and the importance of law in Australia.
- ▀ **The role of the bilingual facilitators.** Bilingual workers are often the gatekeepers in their community and community leaders. They are often ‘early adopters’ and can be vital in encouraging others in the community to engage with new information. They have the trust of the community, making it easier for mainstream agencies to work with them in the delivery of information and they know what the issues are for their communities. Unlike the Melbourne model, the majority of bilingual facilitators were existing BHHPMRC staff, with

Parramatta graduates with the participating agency representatives, including Chief Justice Bryant (centre middle row), who presented the certificates.



several additional community leaders who had expressed an interest in attending, following an open invitation by the BHHPMRC to participate in the program. Part way through the pilot, the role of the bilingual workers shifted from one of 'educator' to one of 'facilitator'. The profile of the facilitators was a critical factor contributing to the success of the strategy. They included nine men and six women, with a mixture of Christian and Muslim backgrounds.

- ▶ **Multi-agency cooperation.** The partnership that developed between each of the agencies was identified as a major strength in the approach and all agreed that it was central to the success of the program. It gave 'space' for broad discussions – often allowing for different perspectives on the same topic to be discussed and, ultimately, better understood by all. Engagement with different communities highlighted the differing community dynamics, reinforcing the importance of never making assumptions. It was acknowledged that while a coordinated approach is most effective, successful multi-agency partnerships require significant commitment and a sharing of workloads across each agency.

The multi-agency model demonstrates a tested process that enables government and non-government mainstream agencies to work in partnership to develop and deliver important key messages. The key to the model was its use of community leadership/bilingual facilitators as an effective entry point into the community. By working directly with bilingual workers or community leaders, government organisations that are unfamiliar or unaccustomed to interacting with various communities have an increased level of comfort as they attempt to encourage greater levels of awareness of their programs and services. The community facilitators highlighted that participation of the partner agencies at each community information session was a success factor for the model.

- ▶ **The case study approach.** The case study, based on the journey of a family experiencing conflict and eventually violence, was considered a highly effective strategy for the transfer of information as the agency representatives themselves were able to contribute directly and explain their roles and responsibilities. They were keen for the case study approach to the provision of information to be recognised as an engaging and appropriate means by which information could be disseminated.
- ▶ **Improved levels of awareness of agencies within communities** and transference of information about communities to Court staff and other agencies.
- ▶ **The award ceremony for facilitators.**

- ▶ Support from senior management within each agency – the bilingual workers conveyed to agency partners the need to feel confident that information gained from communities would contribute to real change within organisations.
- ▶ **Participating agency representatives indicated that the more they ran sessions, the more they learned.** The cultural learnings that were integrated into these engagement opportunities were integral to understanding the implications of the legal systems as they impacted on these particular groups. This had not been fully anticipated. They also reported that the partnership assisted in developing cross cultural skills and a referral network. Each agency reported an improved confidence around how clients move through the system.

## The challenges

The challenges included:

- ▶ Clarifying the role of the bilingual educators/facilitators. The facilitators' role was at times seen to change from facilitator to interpreter, perhaps because of inadequate briefing of agency representatives on the role of the facilitators. Additionally, the bilingual workers were concerned not to be viewed as potential advocates of agencies, but rather as a group that could facilitate entry and discussion with community members. Several bilingual workers expressed frustration at what they viewed as narrow perspectives of their roles.
- ▶ Facilitators were of the view that they carried the heaviest workload of the project, much of it background activity that was not visible but was integral to the success of the approach. Community facilitators have a unique trust of communities and are sensitive to the complexities of community engagement roles that require exploration of issues with high cultural conflict.
- ▶ Making the facilitation role clear. Agencies represented themselves at each event with the facilitator as the conduit of information. Such clarity of roles will make the difference as to how a community receives the information and gauges what is most important to consider.
- ▶ Making the purpose of sessions/meetings clear so that people do not come with other expectations. There were times when participants wanted to challenge particular parts of the law – they did not understand that the Court was not in a position to change the law.
- ▶ Resources/voluntary involvement is not sustainable. The BHHPMRC in particular, raised concerns about its involvement being unfunded and relying on the goodwill of some of the bilingual workers to work on weekends to implement the project. This was not sustainable, nor was the project duration. Contributions made by staff, most of whom already had full workloads, were

more lengthy than anticipated. Although staff did commit to the increased demands, this resulted in diminishing motivation. Fortunately, this was counteracted by positive experiences resulting from the community facilitator graduation ceremony.

- ▶ The issue of sustainability was repeatedly identified across each of the four (state) models. It requires careful consideration by government funding bodies, as do the following in the planning for future initiatives:
  - the inflexibility of the delivery approach by some agency representatives – some groups only respond to oral information and not written so there is a need to think beyond ‘power point presentations that are simply read out’
  - inadequate facilities for number of attendees can create tension
  - the concept of time may vary, with people arriving much later than the designated time
  - adjusting delivery style to suit gender and age specific audiences, and
  - improving agency representatives’ skills in co-facilitation.

Other points to highlight for projects include:

- ▶ Bilingual facilitators commented on the need for agencies to think more closely about their own organisations and the need to ensure mutuality of change. Feedback received from participating agencies however revealed a significant willingness to revisit and evaluate existing models of engagement with new and emerging communities.
- ▶ There was low attendance at some sessions and one session was cancelled – this can mean that intensive preparatory work by agencies is wasted or perceived to be wasted (although it may not be) and it can put agencies off. However, it is essential to understand that the issue of cost effectiveness is complex – five community attendees does not necessarily represent low attendance when they are the key community gatekeepers, whose attendance is critical to community members participating in subsequent consultations. Thus agencies must move away from thinking that success is in the numbers of attendees and recognise the long term value of relationships they are beginning to build – the process is about dialogue and relationship building.
- ▶ Work done before a session – the pre-session engagement with communities is more vital in many ways than the session itself. Engagement has to be seen as a holistic approach.
- ▶ Some agency information needs to be simplified to be accessible. The concepts are often so culturally alien, that ways need to be found for ensuring the information is provided in a manner that is actually understood.

## The Tasmanian approach: community engagement through playback theatre

*'The project worked because it wasn't just another information session which uses jargon and leaves community people feeling even more concerned. Through the performance, people were able to actually see the information, participate in the process and feel that they can understand what is happening and be part of community change.'*

Worker, Migrant Resource Centre Launceston

### The partners

Launceston Migrant Resource Centre (also initially Hobart MRC), African communities, Centrelink, Police, Magistrates Court, Family Court of Australia, with key support from Fattineh Scott (Launceston MRC), Thomas Cauker (performance artist, originally from Sierra Leone) and Playback Theatre (Hobart). (Discussions were held with other agencies, including the Child Support Agency and the Tasmanian Department of Health and Human Services.)

Playback theatre at Launceston



## The goals

The goals reflected those set by the Partnership's original objectives (Chapter 1) and also the following goals specific to this pilot engagement strategy. The specific goals in Launceston, based on feedback from consultations in Stages 2 and 3, were to:

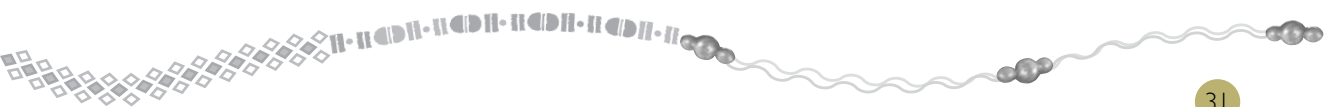
- identify and respond to issues of a lack of trust and disharmony that may impact on the delivery of Court and other related services to new and emerging communities
- improve awareness and understanding of family law issues amongst new and emerging communities in Tasmania and to increase community understanding of how the Court and other agencies operate
- build long term relationships between target communities and the Family Court, and to achieve broad community understanding of the capabilities of the Court, and
- further empower community leadership in new and emerging communities.

## The approach

The approach adopted was one of storytelling via playback theatre. It was aimed at the broad mix of African communities settled in Hobart and Launceston and involved a range of family related service providers. The targeting to the broad mix of African communities reflected the relative newness of settlement (community-specificity of sessions did not appear so important); also that people were having difficulty understanding the roles of the Family Court and agencies, such as Child Protection, Centrelink, Police and the Magistrates Court.

Playback theatre is spontaneous, improvised theatre created through collaboration between performers and audience. Someone tells a story from their life, chooses actors to play the different roles, then watches as their story is immediately recreated and given artistic shape and coherence. The telling and acting of these stories becomes like a conversation that enables a community to get to know the issues better. Importantly, the whole performance is improvised. The actors have practised together and they follow a simple structure, but the content of what might emerge during a performance is unknown: it becomes a kind of 'theatrical debate' where ideas, experiences and new courses of action and solutions can be shared, leading to a sense of empowerment, solidarity and learning amongst members of the African community and mainstream service providers.





Community members (and the Hobart and Launceston Migrant Resource Centres) helped develop the case scenarios, which ensured that the performance was grounded in the current reality as expressed by community members. Community representatives and the two Migrant Resource Centres provided examples of the types of scenarios that were likely to be common occurrences in the settlement process. Fattineh Scott was engaged to help organise the events – her local knowledge and the regard with which she was held were seen as important to the success of the strategy.

The performance, titled ‘This New Home of Ours’, presented a starting point for discussions around settlement and the acculturation process, and the impact of this on family and family wellbeing. It was presented to the African communities in Launceston in September 2005. It was attended by a range of communities, particularly those from Sierra Leone and Ethiopia. The scenarios presented were extremely well received and understood. An added positive development of the approach emerged when actual community members agreed to participate in the playback theatre scenarios. This enhanced the learning process. However, it was apparent that there was still much confusion about the differences between the work of the Family Court and that of other courts and agencies.

It was agreed that there be an extra performance in Launceston. However, despite significant pre-planning and liaison with the communities, it was not as well attended as the first and so its outreach was extremely limited.

## Rationale for the approach

Feedback suggested that playback theatre was commonly used as a community education tool in many parts of Africa, so it would be an effective and culturally relevant approach to use when providing important information about the Australian legal system. It was seen as a methodology that enables an exploration of the issues or concerns rather than ‘delivering’ or transmitting a message. It is not an approach that offers teaching or immediate solutions to a situation. In this way, playback theatre differs from traditional methods of information delivery.

It was also hoped that with this methodology, community members would be able to see a situation or mainstream interventions (such as that of police or of the courts in a family violence situation) in a new way, through hearing and seeing the experiences that might occur in their new country. The telling and re-enactment of a story creates the opportunity for a new perspective on the meaning and implications of the story to be opened up and for new and different responses to emerge.

## Approach principles

In developing the approach, the Family Court and the participating agencies agreed on these core principles:

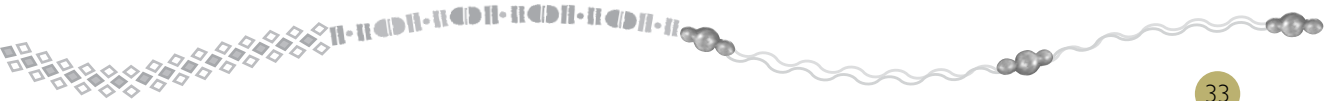
- Agencies needed to make contact and build relationships with community leaders to ensure 'ownership' and input into the project.
- There had to be a commitment to building long term community capacity through the process of story telling.
- There was an awareness of how the process of 'journey' impacts on the resettlement experience and the ways in which communities embrace change.
- The agencies were committed to working collaboratively across jurisdictions.

## Steps of the Tasmanian pilot approach

These were the overall steps involved in delivering the education model in Tasmania.

STEP 1	Family Court strategy planning phase
	<ul style="list-style-type: none"> <li>■ Playback theatre adopted as a means of engaging new and emerging communities.</li> <li>■ Local company <i>Playback Theatre</i> engaged to help develop performances.</li> <li>■ Local African performer engaged.</li> <li>■ Roundtable discussions held with local relevant agencies to address issues of community confusion about 'jurisdiction'.</li> <li>■ Continued planning with the respective Migrant Resource Centres.</li> </ul>
STEP 2	Partner briefings
	<ul style="list-style-type: none"> <li>■ Court briefing to participating partner agencies of the potential issues for each organisation that were raised during the consultations.</li> <li>■ MRC Hobart withdraws due to funding changes.</li> </ul>



**STEP 3 Planning of playback theatre performances**

- Community leaders and members contribute to the scenarios for playback theatre.
- Rehearsals, 'testing' scenarios and finalising a loose performance structure.
- Outline of the proposed 'story telling' format for community forum determined (emphasis on healthy families).
- Engagement of local 'expert' to assist in disseminating information and generating interest in forthcoming performances.
- Court facilitates involvement of local relevant agencies to highlight how the various agencies 'fit' together in the services for the communities.
- Each agency requested to provide information for other service providers to take away.

**STEP 4 Delivery of performances/forums**

- Theatre presentation 'This New Home of Ours' held in Launceston.
- A simple story of the 'journey' to Australia and issues that may be encountered and the possible journey ahead should there be issues around family breakdown.
- A further performance in Launceston was not well attended due to competing community events, however service providers did attend and distribute information.

**STEP 5 Forum evaluation**

- Evaluations with selected participants from the theatre performance.
- Interviews with representatives of participating agencies.

**STEP 6 Staff development**

- The Court to seek professional development opportunities for its staff in relation to target communities. This includes opportunities for community representatives to meet with Court staff and talk about their experiences, culture and ongoing settlement issues.
- Commitment by the Hobart Registry to ongoing partnerships with targeted communities and participating agencies.

## Strengths of the approach

- ▶ The use of playback theatre for presenting information. It enabled community members to tell of their own experience. It created both a purpose and a vehicle for this sharing, with the underlying belief that each person's experience is of value and that it is important to create a place for everyone to be heard and seen. As the work with personal stories develops, so does the awareness that there are social and cultural dimensions to every story. When these are listened to and reflected with respect, an individual and a community can become more aware of itself, and act more consciously towards living in accordance with its core values or revising these.
- ▶ The playback theatre model allowed for further experimentation. This created opportunities for community members themselves to participate in scenarios as actors. This was included in the pilot and community actors portrayed the way a family breakdown in their own country would be handled by the family and then the way it would be handled by them here in Australia.

## The challenges

- ▶ There was a view by some that the use of playback theatre, while an extremely valuable tool for community engagement, did not do enough to challenge existing misconceptions, and in some instances inadvertently restated them. It was recognised that having community members representing government agencies in scenarios creates a risk that the government agency might be misrepresented if the individual does not understand what that government representative does, including the limitations of that role. Additionally, the Family Court was not part of the story telling about family breakdown in people's own country compared with how it is handled in Australia.
- ▶ High level interaction with the audience and participation and involvement offered by a playback theatre approach was identified as very important for previously unidentified issues to emerge. However, discussions sometimes became lengthy and required the facilitator to interrupt and redirect discussion.
- ▶ Enthusiasm from one event did not necessarily flow to another and this emphasised the need for a local agency representative to work closely with community leaders to ensure no conflicting events were taking place in the community.

## The Adelaide approach: partnerships

*'At first, I thought that this was all very dangerous information that was about how people should go to court. Now I know that the Court does not want people to have divorces, but that if it happens, then people should know what they have to do. It is very bad when people go to court and they do not understand what is happening or what is happening to the children. I will go back now and explain to other members of our community that it is important that they know about the law. Together with our ways and the ways of the law we can protect our families and our communities.'*

Community leader

### The partners

The Legal Services Commission of SA, the African Community Council, the Migrant Resource Centre SA, Women's Health Statewide, Multicultural South Australia, The South Australian Multicultural Communities Council, African communities, DIAC State Office, Family Court of Australia. In this strategy the Court was not the lead agency.

A consultation meeting at Adelaide, 2005



## The goals

The goals reflected those set by the Partnership's original objectives (Chapter 1) and also goals that were specific to this pilot engagement strategy. The specific goals in Adelaide, based on feedback from consultations in Stages 2 and 3, were to:

- enhance awareness amongst communities of how law impacts on families, and provide them with tools to negotiate their way through the legal/family law systems
- support and/or to increase awareness amongst Court staff of issues impacting on the successful settlement process of new and emerging communities, particularly legal issues and their impacts on families, and
- work collaboratively with community groups.

## The approach

Consultations indicated that the most effective approach would be the delivery of a number of community engagement sessions that would help demystify the Australian legal process, the Court system and distinct agency roles. The intended target groups would be African community workers and community members including Somali, Sudanese, Ethiopian and Eritrean.

Community representatives repeatedly highlighted the view that government initiatives targeting new and emerging communities were often run separately and not linked. This, they suggested, greatly reduced their effectiveness and imposed unnecessary management burdens on local community groups that were often called upon to 'volunteer' their time in organising forums or events at which government and other agencies could present information. In order to prevent duplication, fragmentation and consultation fatigue, the Court joined other agencies in work they had underway. Subsequently, it was agreed the model should include a training program for community workers (to offer the learnings from the model to a greater number of community members), a Court open day and the inclusion of community representatives on the Court's Cultural Diversity Committee.

The intention was to target all groups represented within Horn of Africa communities. Actual attendance however, indicated that the greatest number of attendees were of Somali and Sudanese backgrounds, reflecting settlement within the state.

## Approach principles

- ▶ The Court should not duplicate existing programs, thus it should ‘join’ other agencies in the work they were undertaking.
- ▶ There is a need for greater interagency collaboration in the design and delivery of information and services provision.

## Steps of the Adelaide pilot approach

<b>STEP 1</b>	<b>Identify African demographics</b>
	<ul style="list-style-type: none"> <li>■ Identify African community groups in South Australia, including key community leaders and organisations.</li> </ul>
<b>STEP 2</b>	<b>Partner consultations/briefings</b>
	<ul style="list-style-type: none"> <li>■ Identify and meet with service providers and peak multicultural bodies able to provide support and contribute to the effectiveness of the model. These include:               <ul style="list-style-type: none"> <li>– Legal Services</li> <li>– African Community Council</li> <li>– Migrant Resource Centre</li> <li>– Women’s Health Statewide</li> <li>– Multicultural South Australia</li> <li>– Multicultural Communities Council</li> <li>– DIAC.</li> </ul> </li> <li>■ Gain agreement on role and contribution to the model.</li> </ul>
<b>STEP 3</b>	<b>Develop the engagement model</b>
	<ul style="list-style-type: none"> <li>■ Information sessions prepared for delivery to African community groups.</li> <li>■ Sessions coordinated by the Court.</li> </ul>

## STEP 4 Model implementation

### Session 1: Introduction to the Family Court

- Delivered separately to youth, men's group, women's group, African community workers and African Interpreter students.
- Content reflected the specific information needs of each group in each group.

### Session 2: Family Court Harmony Community planning day

### Session 3: Multicultural reference panel

This brought together African community stakeholders as representatives on the Family Court's Cultural Diversity Committee.

### Session 4: Court Open Day

Participants included community members and service providers involved in the engagement model. Included was a tour of the Court and discussions with a range of Court staff.

### Session 5: Community Worker Training

This involved training MRC staff and volunteers working in resettlement programs so they are better informed about the Court and family law.

## STEP 5 Identify African demographics

Court staff participated in African community events as part of their reciprocal learning responsibilities. In addition to knowledge gained about culture, cultural issues impacting on understanding family law in Australia, this expanded community networks and contacts. Events attended during the pilot program included:

- African Women's Forum
- Cross Cultural Awareness Workshop
- Settlement Forum on the IHSS
- Refugee Children in Australia: Issues of Mental Health and Wellbeing.

## STEP 6 Review and evaluation

- Family Court worked in partnership with the MRC to gauge community response to the model and improvement in community ability to trust the Court system. The evaluation also sought to identify ongoing access to new arrivals and delivery of further sessions on commonly identified issues.

As well, the Family Law Courts, jointly with the Legal Services Commission, the Migrant Resource Centre of South Australia and the African Communities Council of South Australia, hosted an introduction to family law for new and emerging communities during Law Week 2006. The event, a role-play, was about separation, property and children's issues using the concept of the Theatre for the Oppressed. Participants included members of the African communities, three of whom were new arrivals from Liberia, Congo and Burundi, and Sudanese community representatives playing key roles in the event.

A major challenge for the planning committee was to be aware of the cultural differences in relation to family issues of the different communities and to develop a scenario to which the Sudanese, Burundi, Congolese and Liberian community members could all relate. It was agreed that story telling and role play were the most culturally appropriate method of providing the communities with information on family law, being methods used traditionally to pass on living skills and cultural and social histories. Community leaders and service providers gave early commitment to take on a role in the development and delivery of a theatre project that could deliver an awareness and understanding of family law, the Court and its services.

The presentation started with an introduction of what 'the family' would do (within their own community) to address the issues prior to coming to the Courts. This was followed by a process of interactive discussion with the 'parents', then possibly an 'elder' in the community and, then the final step of the family moving into the court process. The court process included a mediation event and a hearing before the senior registrar. The African women selected the issues that they felt should be included in the event and agencies developed a script around the issues. The event title came from a suggestion by one of our African community representatives: "Enough is enough – the Nile family goes to court".

## Strengths of the approach

- ▶ The multi-agency approach and the involvement of African community elders and leaders.
- ▶ The Court joining existing consultative mechanisms; it did not attempt to duplicate or run its own show.
- ▶ The opportunity to participate in this project highlighted that to offer the engagement model the credibility and success it deserves, the registry needed a designated Community Liaison Officer who can be available to commit the time and energy to achieving the objectives. The Court learnt from participants that what they were attempting to do is needed by a number of diverse communities in South Australia. An agency partnership led to a key presentation in Law Week 2006. The event was planned in such a way that it

could be used to suit other CALD communities wanting to learn more about the work of the Family Court and the services it offers.

- ▶ The Court developing relationships with Migrant Resource Centre (MRC), the DIAC Community Liaison Officer and African community workers that will be sustainable in the long term.
- ▶ Family Court information sessions – putting a ‘face’ to the Court has de-stigmatised what the Court is all about and has also encouraged community members to use services.
- ▶ The ability to deliver on requests made by the community. During sessions community members advised on specific areas of confusion they had in understanding what the Family Court does. The Court was able to establish the need for more information on family violence, child protection and legal aid and intends to ensure this is achieved.
- ▶ Collaboration on a Law Week event for 2006, in conjunction with the MRC, the Legal Services Commission and Multicultural Communities Council.

## The challenges

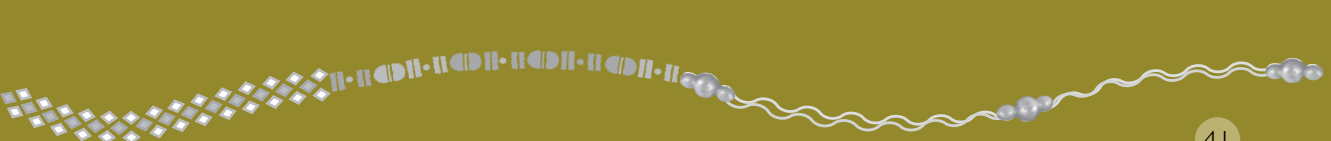
The following challenges will need to be further explored and addressed for increased success in future initiatives:

- ▶ target communities are extremely small with minimal contact points
- ▶ there was difficulty in identifying Eritrean and Ethiopian community leaders
- ▶ there was not enough time to give the project credibility (part of the issue related to resourcing in the Court itself, because of unanticipated staff movement; also the preparations the Court had to make to shift premises, which had a significant impact on resource availability for the partnership)
- ▶ relationship building was minimal
- ▶ there was a lack of willingness to share information by some partners
- ▶ political differences between some community based organisations created tensions
- ▶ there were difficulties in establishing direct ties to the actual community members, and
- ▶ changes in staffing at DIAC impacted on the development of relationships.

*‘It was extremely useful to come and see the Court. How the courts work in Sudan is very different. Sometimes in Sudan, the courts are under the trees and the rituals are very different.’*

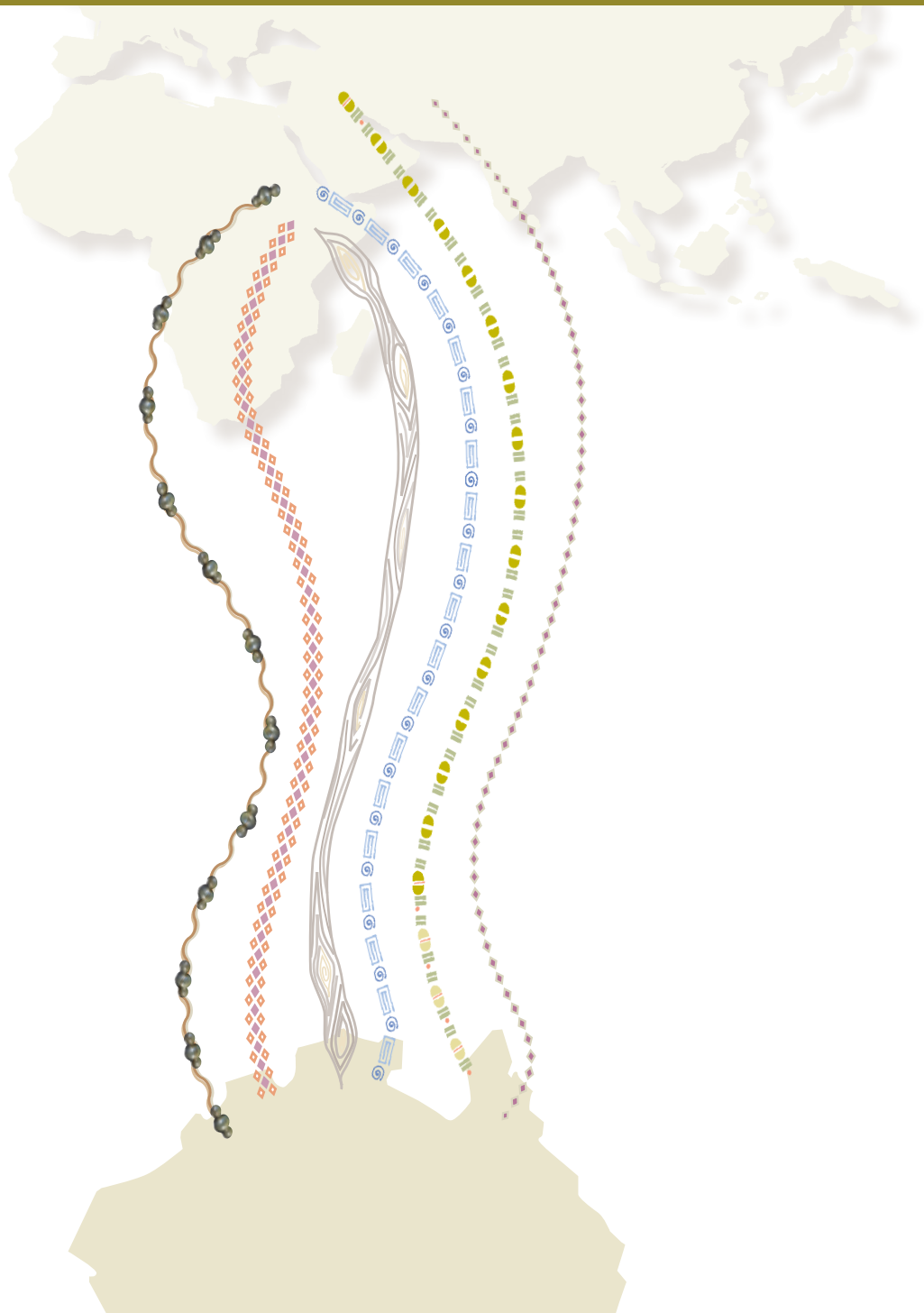
Community participant





## CHAPTER 3

# *Key learnings*



## *Key learnings*

*‘This (listening and intense discussions about ‘accommodating’ culture and cultural practice by the Court) was so unusual for us. That they (Court staff) didn’t come in and say ‘right, this is the law and this is what we are going to teach you. Instead they were clear about how law is made, that the court cannot change the law, and that the law in Australia has a cultural history, just like the laws in our home countries. We talked together about how cultural values can be used to make better decisions for families, and how sometimes the law has to make decisions that are best for everyone.’*

*AAWC Committee member*

This chapter summarises the overall learnings the Court identified from the Partnership and recommends others consider these when planning engagement strategies with new and emerging communities.

These Partnership learnings can provide a solid foundation for organisations that are developing engagement strategies. Many of the Partnership objectives that were initially specific to the Family Court became highly applicable to the other government and non-government agencies that became significant partners in developing and implementing the engagement strategies. In other words, the approaches demonstrated that they could be transferred to other agencies – they were not specific to the family law content or context.

The individual strategies reported in Chapter 2 include more detail about the experiences, identifying strengths and weaknesses of each piloted strategy. Chapter 4 provides more information about the complexity of relationship building and what the Court’s experiences in the Partnership suggest should be essential considerations and commitments when wishing to develop a community engagement framework.

## Essential community engagement principles

- ▶ The process of successfully engaging communities is an outcome in its own right.
- ▶ Communities are best placed to determine the approaches they think are most appropriate to addressing their needs.
- ▶ True partnership creates the potential for effective programs or strategies – community ownership and responsiveness comes from community involvement and respect of communities by the partnering agencies.
- ▶ The strategies that were developed attempted to advance the belief that communities and their partners in government and non-government agencies learn best when they are mutually engaged around shared outcomes. Further, that strategies should be based on a model of mutual transference of information and knowledge. Multi-agency approaches have the potential to provide the greatest benefits to all involved.
- ▶ Work with communities should be directed at capacity building partnerships that improve community capital and (in the Court's Partnership) legal literacy within communities.
- ▶ Models for information provision need to be multi-dimensional and responsive to the specific needs and communications tools of different communities. Mechanistic, one dimensional approaches are not effective.

## Relationship models of engagement

- ▶ The Court's approach to research, consultation and community education was based on ongoing dialogue. Presupposed was a relationship of equality between communities, the Court and subsequently, other partners.
- ▶ Community engagement strategies should be based on an 'assets' approach – one that recognises the strengths of communities, including the knowledge and wisdom of members of new and emerging communities and the benefits that the communities can provide to the agencies concerned. Added to this, from the Court's experiences:
  - A 'relationship model' can be an effective basis for community engagement strategies (see the Parramatta strategy, in particular).
  - A tiered approach to engagement may be effective and should be considered when developing engagement strategies.

## Partnership and trust are vital ingredients

- A fundamental premise underlying any strategy must be that new and emerging communities are essential partners for the development of effective community education strategies.
- Partnering with an agency that has a strong record of achievement with communities is a critical success factor for organisations that do not have such relationships themselves (and there must be reciprocal benefits from such partnering). These gatekeeper agencies and individuals are the people and the organisations that have the trust of communities. In this partnership, given the challenging nature of the subject matter of family breakdown, trust was an all pervasive issue. It was apparent early that the communities were untrusting – their lack of knowledge of family law and the Family Court led them to be deeply suspicious of the Court's motives. To develop the trust necessary to form the essential basis for the partnership required flexibility, commitment and significant ongoing effort.
- A multi-sectoral/multi-tiered collaborative approach, involving government, non-government and community based organisations, is essential. It leads to greater and ongoing communication between all agencies working in a field, including between agencies that at the outset do not necessarily see they have common interests. It also:
  - provides for the direct participation of community members in project development and implementation
  - helps reduce consultation/engagement fatigue by communities (and potentially agencies themselves), and
  - helps communities better understand the roles of different agencies, and in this Partnership, the different laws of States, Territories and the Commonwealth.
- Partnerships develop where there is mutual respect and communication and where the boundaries or parameters are clearly stated and understood. The Court opened the discussions in the Stage 2 consultations by actively providing an opportunity for communities to describe how family law issues were approached in their countries (or communities) of origin, including under customary law. A comparative approach – based on careful and respectful listening – was an extremely important tool in building connections and trust.

## Multi-agency approaches benefit all

- ▶ The consultations (in all four States) highlighted the need for much greater cross-court collaborations, to reduce community confusion about multiple Australian courts with different and sometimes overlapping jurisdictions. The Victorian strategy showed how collaboration between two courts – the Family Court and the Magistrates’ Court of Victoria – was able to address such confusion in a meaningful way for new and emerging communities.
- ▶ The multi-agency approach provided unprecedented opportunities for agencies to reflect on their policies and processes as they improved their understanding of the experience of new and emerging communities adjusting to the ways of their new country of residence. It created a willingness by agencies to revisit the way they interact with communities. This willingness to reflect needs to be a foundation of future strategies.
- ▶ The educators’/facilitators’ model of engagement (Melbourne and Parramatta) provided agencies and communities with different opportunities for relationship building and different ways to learn more about one another. Demonstrated was:
  - the immense needs within the communities, and
  - the necessity for government agencies to provide accessible information imparted through a process of ongoing dialogue.
- ▶ Reciprocal sharing of information with community members and leaders was important for Family Court staff, increasing their understanding of the impact that Australian family law has on communities’ understanding of the process of separation and divorce.

## Community educators/ facilitators have a unique role

- ▶ Community educators/facilitators (Melbourne and Parramatta strategies) have a unique role in strengthening community networks.
- ▶ Research and anecdotal community feedback has increasingly highlighted that, in community education strategies, the use of interpreters who are not also able to operate as community facilitators is limited. Many community leaders repeatedly emphasised the importance of trust and relationships in information dissemination strategies that seek to cross language and cultural barriers. Interpreters are very rarely given time to develop the rapport required to elicit information, particularly what may be of a sensitive nature. Bicultural facilitators have those relationships and the respect but also have the challenging role of being both interpreter and cultural facilitator. The challenge is to differentiate the dual roles, in ways that are comfortable and clear to communities and agencies.

## Resources

- ▀ Projects of this nature are resource intensive. There must be a high level of commitment to developing and implementing effective, sustained community engagement strategies with new and emerging communities – quite possibly a more extensive commitment than agencies may initially anticipate. The commitment must be to all aspects of planning, communication, partnering and implementation, including review processes. It is critical that sufficient attention is given to resource implications throughout every stage at the very outset of project planning.
- ▀ A number of factors are relevant to this point. They include:
  - limited experience in working with newly settled groups, whose issues may be more extensive and different to the experiences of other migrant communities
  - agencies may have extremely limited knowledge of the groups, and
  - the communities are so receptive to opportunities for reciprocal learning about their new home that the desire for engagement can increase quite dramatically and put pressure on the agencies involved (which had not planned for this level of engagement and resource requirement).
- ▀ The non-paid contributions made by partner agencies, especially community-based agencies, was an issue that needs to be considered carefully in similar engagement strategies.

## Expertise

- ▀ Unless agencies have staff who are highly knowledgeable and experienced in working with culturally and linguistically diverse communities (together with exemplary contacts and reputation), they will need to consider the employment of a project consultant with the expertise, qualities, contacts and trust.

## Oral traditions

- ▀ Assumptions cannot be made that community engagement and education strategies can be based primarily or even partly in some instances on written material. Many emerging communities such as many of the South Sudanese groups have oral traditions. Even where there are agreed written languages, literacy may be an issue and/or concepts around family law, for example, may not be able to be meaningfully translated. In discussions with communities, story and narrative was cited as a primary form of the oral tradition – as a mode for conveying culture, experience and values, as well as a means of transmitting knowledge, wisdom, feelings and attitudes.

## Be prepared to be challenged!

- ▀ In working with communities, organisations must be prepared to be challenged on key aspects of their operations and the premises underlying their approaches. This is an essential process to underpin the dialogue necessary for common understandings to develop. For example, the Australian family law concept of ‘the best interests of the child’ being paramount over the interests of the parents and the wider extended family as an entity, was discussed many times during the consultations as a concept foreign and challenging to many community members.
- ▀ Organisations must also be prepared to engage in (in the Court’s experiences) intense discussions about the extent to which an organisation is prepared to engage with communities around notions of ‘accommodating’ culture and cultural practices. While ‘accommodating’ culture and cultural practice in the discussions was a key requirement of the strategy, it was equally important for the Court to make clear the boundaries of the law in which it operates. Explaining the social or cultural context of law in Australia was a useful bridging communication technique.
- ▀ The strategies in each State also challenged traditional notions within the Court of the nature of its clients and the potential scope of its influence with new and emerging communities.
- ▀ Although several preliminary discussions sought to identify the responsibilities and commitments of each of the agencies involved in the partnership, this proved a difficult process to maintain throughout the project due to each agency’s differing pressures for the achievement of specific outcomes in set time frames.
- ▀ Added to that, while there need to be clear goals and desired outcomes, strategies will be most successful where there is an inherent flexibility. This flexibility is necessary to respond to community needs and expectations. Partner agencies must be prepared to consider methods and strategies outside their current experience.
- ▀ The complexities of successful community engagement cannot be over estimated. While planning can identify possible trends it is not possible to fully anticipate the full range of community responses. A critical learning for the Partnership was the importance of being prepared for the unexpected and having the flexibility to adapt to the changed circumstances.
- ▀ The need for flexibility and attendance at times best suited to communities had a major impact on staff and the use of staff resources, particularly felt when communities cancelled or postponed meetings at short notice. This resourcing issue is one future programs will need to consider – it is a critical issue for sustainability.

## Knowledge transfer and sustainable outcomes

- Sustainable outcomes from the Partnership for the Court are evident in multiple ways, including through the improved skills and confidence of Court staff in working with culturally diverse communities.
- ‘Knowledge transfer’ is an important concept that needs to be factored into sustainability efforts. In the Court, for example, all registries are expected to have developed networks and relationships as part of normal business and the existing Cultural Diversity Plan. Engagement strategies such as those developed through the Partnership need to be part of a long-term strategic approach that is supported widely and strategically at the highest level in an organisation.

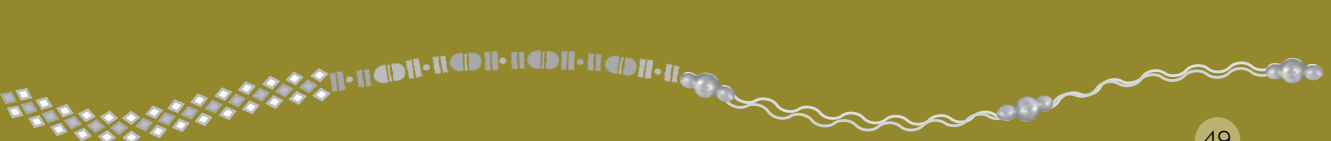
## Capacity building helps bridge gaps in society and build trust

- Capacity building within organisations and communities helps bridge gaps in society and ultimately strengthens society itself.
- Greater trust may build between organisations and communities when the latter are aware that organisations are receptive to learning about different cultures.
- Expanding community capability and capacity requires multifaceted approaches to respond adequately to the differing needs and experiences of communities.

*‘Everybody’s awareness levels increased. The assumptions that were made that we would know (and that we should know) about each other were just as erroneous as those assumptions we had about how much we thought we knew about the communities.’*

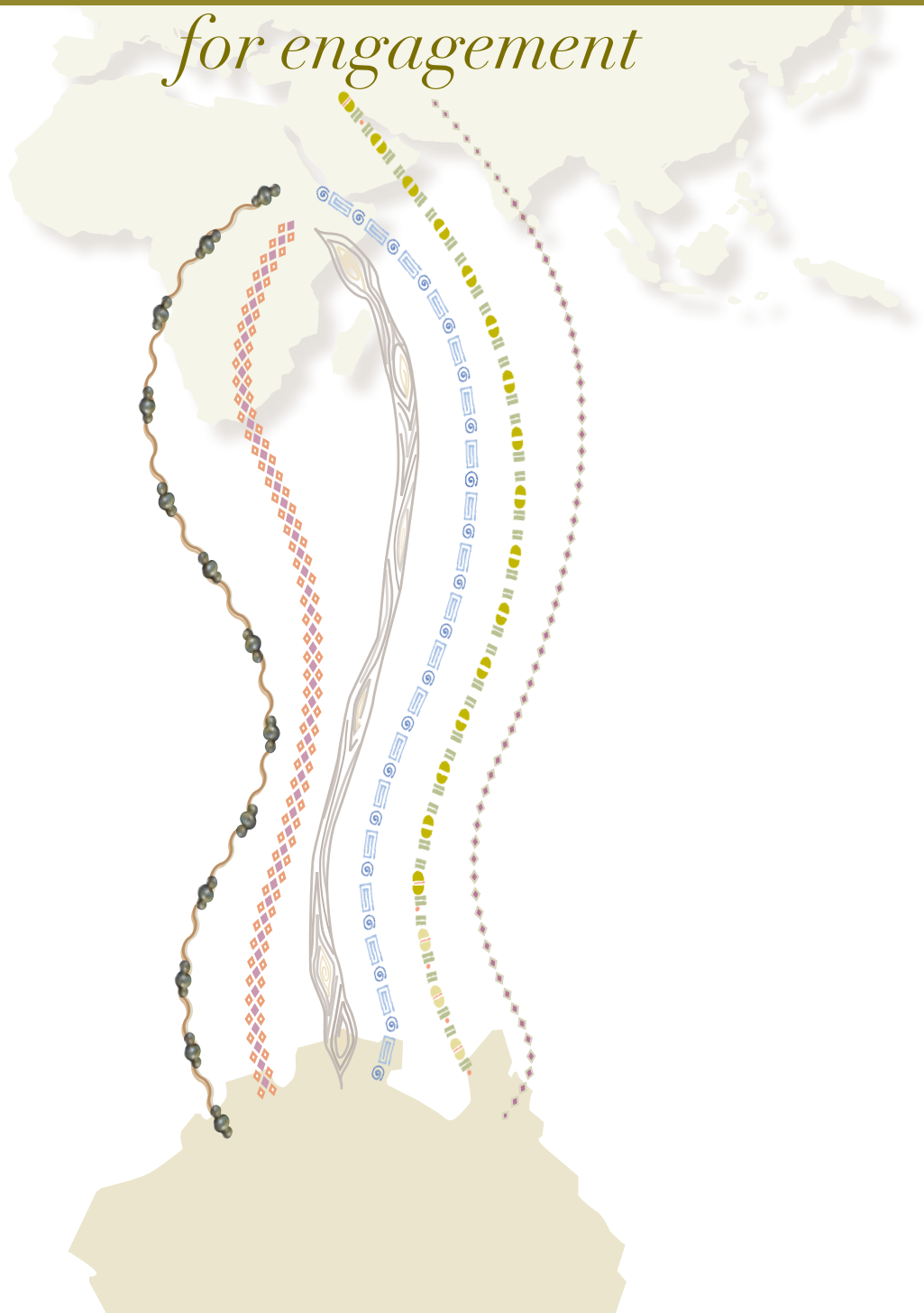
Partner Agency





# CHAPTER 4

## *A suggested framework for engagement*



## *A suggested framework for engagement*

*'It should be remembered that ultimately what a strategy needs to do is work in partnership with communities, recognising that belonging and participating are critical, and that solutions that are driven by agencies and not informed by communities will block participation and frustrate belonging. If this is addressed then we will see improved access, improved engagement and improved accountability.'*

MRC Representative, South Australia

Relationships between institutions, government agencies and new and emerging communities are complex and challenging. Effective service delivery requires an informed, engaged community that has access to information and works in partnership with service providers in designing, delivering and monitoring services. This necessitates a willingness to move beyond the now routine provision of opportunities for consultation and participation. It means embarking on a process of learning, on behalf of the communities and the organisations that need their input.

Effective settlement in Australia requires an awareness of Australian 'institutions'. The law is a particularly significant institution that potentially has a profound effect on families and communities – and one of the (many) unanticipated learnings was the extent to which 'law' impinges on every day life in Australia. This is something that communities raised time and again.

*'In just this one meeting I have learned so much about how Australia has so many different laws. We must know these things if we are to not get into trouble with Australian systems. But we are needing you to help us get this information because otherwise we just don't know.'*

Community member, Nuer community

This impingement is one of the factors that:

- contributes to relationships between legal institutions, government agencies and new and emerging communities being complex and challenging, and
- reinforces the need for effective delivery of service requiring an informed, engaged community that has access to information and works in partnership with service providers in designing, delivering and monitoring services.

The models developed and implemented provided some important key learnings that should form the centre of any future engagement strategies. Some of the Court's key learnings from the models included:

- Sustainability is more likely if the individuals and communities most affected 'own' the process and content of communication.
- Communication should be empowering, horizontal (versus top-down), give a voice to the previously unheard members of the community and be biased towards local content and ownership.
- Communities should be the agents of their own change.
- Emphasis should shift from persuasion and information provision from outside technical experts to dialogue, debate and negotiation on issues that resonate with members of the community.

At the core of this learning is the view that new communities are in the process of change as they seek successful settlement in a new country. Crucial to their effective citizenship and integration is knowledge of the social, political and legal institutions of their new country. This is not simply about people having the opportunity to participate in awareness raising activities, but also about accessing opportunities to develop capacity, confidence and skills.

For agencies participating in the creation of such opportunities, there are values and standards that were considered fundamental in working with new and emerging communities. These include values and principles of access and equity, interdependence and empowerment, democratic participation and transparency, accountability and adequacy, relevance, effectiveness and efficiency.

There is increasing evidence identifying the benefits of communities that have recently arrived in Australia being active and engaged. Harnessing the insights, perspectives and talents of people can improve services and ensure community cohesion and harmony. Getting involved in community activities can provide individuals with opportunities to acquire training and skills and give them pathways into education and employment. As a result, they are more able to contribute to improving the quality of life in their community.

All this brings initiatives such as the Court's Living in Harmony Partnership back to a belief in the notion of community inclusivity, identified as a key principle underpinning the Court's work with communities and other agencies (see Chapter 1).

Equally important, when it comes to developing engagement strategies, the Court's experiences show that the process of engagement should be valued as a process in itself. In other words, while outcomes are important, in many ways it is the processes that either inhibit or facilitate those outcomes that are of greatest importance. The Partnership identified the essential elements of such processes being an appreciation of and commitment to five broad factors:

- ▶ context
- ▶ catalyst
- ▶ communication and engagement
- ▶ capacity
- ▶ change.

Each of these elements, which the Court suggests be the underlying starting point for any framework for engagement, are discussed in brief below.

## Context

It is essential to know the context in which new and emerging communities might be operating when it comes to seeking engagement; to understand how their experiences before and after their arrival in Australia may affect their abilities to engage with government agencies.

The settlement and acculturation<sup>1</sup> process must be understood as being core to a community's ability to engage. Appreciating how the phases of adjustment might affect the settlement experience – particularly on family wellbeing – was critical to how the consultations and the subsequent programs were run.

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<sup>1</sup> Acculturation relates to settlement process – settlement is a continuum of activities that a new immigrant or refugee goes through after arriving. This process comprises:

- adjustment: acclimatising and getting used to the new culture, language, people and environment or coping with the situation,
- adaptation: learning and managing the situation without a great deal of help, and
- integration: participating, getting involved and contributing as citizen of the new country.

For more information on acculturation, see the works of Professor John W Berry, Department of Psychology, Queen's University, Ontario, Canada K7L 3N6 - <http://psyc.queensu.ca/faculty/berry/berry.html>

In summary, the issues that affect communities capacity to engage include:

- ▶ pre-arrival experiences that might indicate levels of distrust of government agencies
- ▶ settlement experiences and access to housing, employment, education and social support, and
- ▶ the degree of acculturation and change and the impact of these on families.

It is also critical that agencies pay attention to wider issues that may affect people's predisposition to get involved, such as the condition of the voluntary sector and community groups in their area, current political relations and the representation of marginalised groups on decision-making forums.

## Catalyst

Communities require a catalyst that triggers their need for information and dialogue. It is essential that organisations seeking to engage with communities appreciate this at the outset. Questions organisations must ask include:

- ▶ Has the community recognised the issue (that the agency wishes to engage with the community) as a problem?
- ▶ Does the community use the language of 'problem'?
- ▶ What has caused the 'problem' and how does the community speak of the causes?
- ▶ Which groups and people have been involved in the recognition of the 'problem'?
- ▶ What preliminary work is occurring to address the 'problem'?

An inappropriate diagnosis of the 'problem' and the subsequent use of language to describe it can result in an ineffective strategy for communication.

For the Court and its partners, there was repeated anecdotal evidence suggesting that family breakdown continues to concern new communities, with high levels of breakdown reported by some service providers. Thus the Stage 2-3 consultations helped identify the catalyst/s and the development of the models. In identifying the problem or the issues (in this case, family breakdown), the language or discourse used by the community provided significant insight into the development of the key messages.

While the Court entered into the initial discussions around questions of access to Family Court services, it quickly identified that this was not a priority for communities. Communities saw the Court as an ‘anathema’ to their cultural beliefs. They spoke of needing to know about the law so that the law did not trap their communities.

The relative newness of settlement highlighted many aspects of ‘cultural clash’ but once communities understood the intent of the project, there was an overwhelming desire to participate. There was an acknowledgement that some community members were already accessing family law services in the broadest sense and also Court services (sometimes believing they were coming to services that the Court does not provide, like relationship counselling, because of misunderstandings). There were also powerful perceived gender differences that were causing ‘culture clash’. It was, therefore, critical for communities to understand the law and the principles under which it operates.

Language about the future of their children also became fundamental to the development of the strategies. ‘The best interests of the child’ (enshrined in law through the *Family Law Act 1975*) became a discussion about ensuring the safety, wellbeing and long-term successful settlement for children and their families.

## Communication and engagement

Communities and their partners in government and non-government agencies learn best when they are mutually engaged around shared outcomes; communities are best placed to determine the approaches they think are most appropriate to addressing their needs. After identifying the catalyst and the appropriate framing of the issue, the next step is developing an effective communication and engagement strategy. This involves:

- identifying and involving appropriate community leaders and stakeholders
- clarifying perceptions about the engagement process
- expressing individual and shared interests
- willingness to engage in discussing conflicting points of view
- developing a shared vision of expected outcomes of the engagement
- developing formal and informal partnerships and
- assessing internal and external constraints affecting implementation – for example, the political environment impacting on communities’ willingness to speak about problems characterising their settlement experiences.

## Capacity

Effective, properly targeted engagement models that are appropriate to each community will be best able to improve the capacity and capabilities of the communities, thereby encouraging more effective citizenship and improved integration and harmony.

Promoting effective citizenship requires genuine collaboration between legal institutions and a range of other public, private, voluntary and community sector organisations. As part owners of the citizenship agenda, schools, non-governmental organisations and local community groups can all make significant contributions. When all these different organisations work in partnership, there is more scope for improving practice by learning from each other and delivering more effective learning opportunities.

Organisational capacity must be seen as an integral part of the capacity building process. The mutual transfer of cultural change information and knowledge within legal and other government institutions can create opportunities to show leadership in the promotion of effective citizenship. Promoting effective citizenship can be combined with the good work already underway in public participation. Opportunities for learning about effective citizenship can be incorporated into public participation exercises and partnership work, as well as into initiatives to involve people in the design and delivery of front-line services.

## Change

Effective citizenship may be reflected in people's increased understanding of legal, political and social institutions. It may involve active participation in decision-making or community groups but it does not mean people always need to be taking action.

Becoming a more effective citizen implies a process of learning, through which people and communities acquire the knowledge, skills and confidence to get involved in local issues. This includes recognising there are rights and responsibilities associated with settlement and integration into the wider communities.

This Partnership has demonstrated that government agencies are able to assist and influence this learning process by:

- ensuring there is a two-way information flow between government agencies and communities. This is critical for responsible citizenship and responsive and accountable government, and
- ensuring that communities are informed so they are better equipped to access services, exercise their rights and enact their responsibilities, negotiate effectively and make agencies accountable.

Change can result in:

- greater levels of effective citizenship
- improved sense of collective capacity and capability
- improved acceptance of belonging
- social cohesion, and
- collective capacity that is transferable to other communities.

Continual change becomes important, giving rise to the need to consider issues of sustainability as critical to the overall success of effective community engagement processes.

*'I think it [the model] was successful because we addressed the concerns of the community in a holistic way. The Court didn't say, 'we are not interested in the issues of employment and housing', because they could see that those issues are connected to our experiences of family breakdown. Instead the Court listened. It's successful when projects accept that working with refugee communities means you are working with issues of settlement, and that successful settlement includes understanding the law.'*

Bilingual Educator



## Conclusion

The work highlighted in this report continues as part of the Court's overall commitment to ensuring that services are accessible to all members of the community.

Throughout the project, many people and organisations participated in, or contributed to the Living in Harmony Partnership and played a vital role in its success.

The Court staff who took part in this project are to be congratulated on a job well done. Staff at the registries mentioned below should be thanked for the extra time they devoted and the unflagging enthusiasm they brought to the implementation of the various models.

- Adelaide Registry
- Dandenong Registry
- Hobart Registry
- Melbourne Registry
- Parramatta Registry
- Sydney Registry

Furthermore, there are many external groups and organisations that also deserve praise and thanks for their involvement. This project could not have been accomplished without their help, advice and support.

- African Communities Councils of NSW, Victoria and SA
- African Australian Welfare Council of Victoria
- Anglicare NSW
- Baulkham Hills Holroyd Parramatta Migrant Resource Centre
- Blacktown Migrant Resource Centre
- Centrelink Tasmania
- DIAC State Offices, NSW, Victoria, SA and Tasmania
- Ethnic Communities Council of Shepparton and District
- Horn of Africa Women's Group (Vic)
- Legal Services Commission of South Australia
- Legal Aid New South Wales
- Magistrates' Court of Tasmania
- Magistrates' Court of Victoria

- Migrant Resource Centre of SA
- Migrant Resource Centre Hobart
- Migrant Resource Centre Launceston
- Multicultural Communities Council of SA
- Multicultural South Australia
- NSW Department of Community Service
- NSW Police
- Relationships Australia SA
- Service for the Treatment and Rehabilitation of Torture and Trauma Survivors (STARTTS)
- Springvale Community Aid and Advice Bureau
- Tasmanian Police
- Victorian Arabic Social Services
- Women's Health Statewide

The Court also extends thanks to the many communities across the four states that provided their time, suggestions and faith in what the Court was trying to achieve.





FAMILY COURT OF AUSTRALIA



Australian Government  
Department of Immigration  
and Citizenship

## *Families and the law in Australia*

THE FAMILY COURT WORKING TOGETHER WITH  
NEW AND EMERGING COMMUNITIES