

FACTSHEET 6

Overview of the *National framework for improving accessibility to Australian courts for Aboriginal and Torres Strait Islander women and migrant and refugee women*

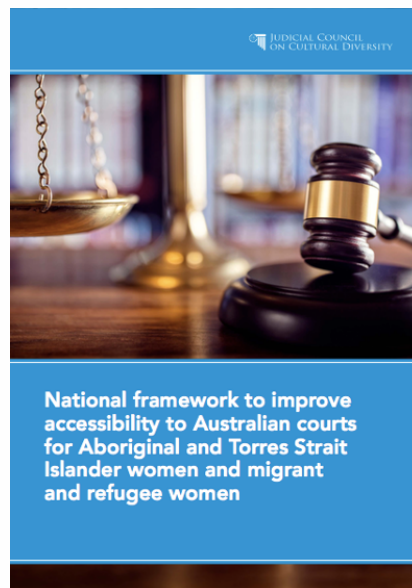
PURPOSE OF THE FRAMEWORK

In 2015, the Judicial Council on Cultural Diversity (JCCD) commenced a project aimed at strengthening the capacity of Australian courts to provide access to justice for women of diverse cultural and linguistic backgrounds.

The first stage of the project involved a national consultation process focused on women's experience of the court system and the actions that courts themselves can take to improve access to justice. Separate consultations were held for issues affecting Aboriginal and Torres Strait Islander women and migrant and refugee women.

[Factsheet: Barriers to Access to Justice for Aboriginal and Torres Strait Islander Women](#) and [Factsheet: Barriers to Access to Justice for Migrant and Refugee Women](#) provide a summary of the two consultation reports.

The JCCD consultations heavily informed the development of the *National framework for improving accessibility to Australian courts for Aboriginal and Torres Strait Islander women and migrant and refugee women*.¹ The Framework is a national approach to improving access to justice and achieving equality before the law for these groups of women, particularly in the context of family violence and family breakdown.



The Framework draws on:

- Two JCCD consultation reports
 - The Path to Justice: Access to Justice for Aboriginal and Torres Strait Islander Women; and
 - The Path to Justice: Access to Justice for Migrant and Refugee Women.
- The *International Framework for Court Excellence*², produced by the International Consortium for Court Excellence.

¹ https://jccd.org.au/wp-content/uploads/2021/06/JCCD_National_Framework.pdf

² https://www.courtexcellence.com/__data/assets/pdf_file/0023/66605/The-International-Framework-3rd-Edition-Amended.pdf

VALUES AND PRINCIPLES

The Framework is based on core values to which Australian courts should strive.

Equal Justice	Integrity
Fairness	Transparency
Impartiality	Accessibility
Independence of decision-making	Timeliness
Competence	Certainty

Equal justice includes people being able to understand and be understood in legal proceedings; and having sufficient awareness and understanding of the role of the justice system, how courts work and what protections the law offers them.

Equal justice also means that courts, judicial officers and staff:

- are free from unconscious bias and discrimination;
- conduct fair and impartial proceedings;
- show cultural awareness; and
- have an understanding of gendered inequality and gendered violence.

APPROACH

The Framework outlines seven action areas, based on the Core Values and Court Activity in *The International Framework for Court Excellence*:

1. Court Leadership and Management;
2. Court Planning and Policies;
3. Court Resources (human, material, and financial);

4. Court Proceedings and Processes;
5. Client Needs and Satisfaction;
6. Affordable and Accessible Court Services; and
7. Public Trust and Confidence.

The proposed actions in the Framework which are relevant to judicial officers can be broadly grouped under three themes: training for judicial officers; community engagement and public information; and, logistics, support and communication.

Training for judicial officers

Judicial officers should participate in cultural competency training and training in working with interpreters.

Where relevant, judicial officers should also undertake core family violence training and jurisdiction-specific family violence training.

Community engagement and public information

Judicial officers should engage with the community, as appropriate, to build trust and understanding between the courts and the community.

Strategies for engagement may include:

- holding regular meetings or court-user forums with key stakeholders;
- conducting a regular community visits program;
- facilitating open days and tours for service providers and community organisations;
- celebrating days of significance;



- holding community education forums and education sessions for Aboriginal and Torres Strait Islander women and migrant and refugee women on specific issues or court processes;
- making court forms and brochures available in plain English and commonly spoken community languages; and
- providing a resource list on relevant issues for Aboriginal and Torres Strait Islander women and migrant and refugee women.

Logistics, support and coordination

While some recommendations relating to logistics, support and coordination are not within the direct scope of judicial officers to implement, judicial officers can encourage the following in their courts, to improve outcomes and support for court-users:

- a court cultural diversity committee;
- daily coordination meetings;
- Indigenous Court Liaison Officers and/or Cultural Court Liaison Officers;
- data collection to assess court-user demographics and satisfaction levels; and
- participation in hearings via video-link, where requested and feasible.

CONTACT

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