

# CORRECTED VERSION

## LAW REFORM COMMITTEE

### Inquiry into alternative dispute resolution

Melbourne — 5 June 2008

#### Members

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#### Witnesses

Mr J. Lo, Policy/Project Officer, Ethnic Communities' Council of Victoria;  
Ms N. Hantke, multicultural access and support worker, Prahran Mission;  
Mr J. Choo, consumer of mental health service providers;  
Mr T. Aborete, manager, refugee and settlement program, Centacare Catholic Family Services (Footscray);  
Mr C. Lancucki, honorary president, Polish Community Council of Australia;  
Ms C. Kabamba, president, Congolese Association of Victoria;  
Ms A. Walker, Action on Disability in Ethnic Communities;  
Ms J. Mutembu, Zambian community; and  
Mr O. Farah, multicultural officer, Horn-Afrik Employment and Training Advocacy Project.

**The CHAIR** — All right. I think we are ready to begin. First of all I would like to give you a very warm welcome to the Victorian Parliament, and thank you for making what I am sure will be a very important contribution to our inquiry. I will ask each of you to introduce yourselves in a moment, but I would like to acknowledge Jieh-Yung Lo for the work he has done with the group to get them all together.

**Mr LO** — It is a pleasure. Thank you very much.

**The CHAIR** — It is very much appreciated. There are just a couple of preliminaries. The committee is a multi-party committee. Robert Clark is a member of the Liberal Party, and Colin and I are members of the Labor Party, and we work together on the committee to do various references. The conversation we are having here this morning is protected under the provisions of the Parliamentary Committees Act. That means that you cannot be taken to court over anything you say here that might be critical of somebody else or some other organisation. You are free to say whatever you like and you are protected by the Parliament, but if you say those things outside this forum then you will not have the same protection.

The next thing to say is that Hansard staff will be recording our conversation this morning, and each of you will be sent a transcript of our discussion. You are free to make any minor changes to that, but obviously not to change the context — the real meaning — of what you said. The logistics of our conversation are going to be a little bit complicated for Hansard, so when you speak — and I will remind you — I would ask you to say who you are. When you speak you should say your name, and I ask people to speak one at a time. If you wish to speak out of turn, or to make a contribution during the conversation, if you could just indicate that to me by raising your hand, I will then move to you next. We have to be a little disciplined as we work through.

I understand that the arrangement is that each of you will have 4 or 5 minutes to make some opening remarks, and then we will throw it open to have a more general discussion. Jieh-Yung, would you like to start?

**Mr LO** — Yes.

**The CHAIR** — Just before you begin, I have not introduced Kerryn Riseley, the executive officer of the committee, who plays a very important role in doing the organisation and directing the research. I will also introduce Kate Buchanan who is one of our research officers who has particular responsibility for this inquiry. I think that is everything; I have covered it all now. Over to you, Jieh-Yung.

**Mr LO** — Firstly, I would like to say thank you very much, Chair, and thank you to the committee, for the opportunity to speak today and to have the privilege of organising this forum. I feel very honoured and privileged to be able to address this inquiry with so many community representatives today. It is good to see everyone here, so thank you very much for coming on behalf of the ECCV.

On behalf of the Ethnic Communities' Council of Victoria I would first like to commend and congratulate again the Law Reform Committee for hosting this culturally and linguistically diverse forum. We believe that such consultations provide fantastic opportunities for community leaders and members of the CALD community to have a direct say in shaping policy and service delivery.

I will just give a bit of background on the ECCV. We are the peak body for ethnic community organisations, and represent over 170 ethnic community groups. Our key role is to advocate on behalf of Victoria's large culturally and linguistically diverse population on issues affecting them to all levels of government and the wider community.

To remind members here of the extent of the diversity of the Victorian community, our latest 2006 census shows that 23.8 per cent of Victorians are born overseas, and around 20 per cent of Victorians speak a language other than English at home. A very interesting figure is that a further 5 per cent of Victorians have difficulties with the English language. ECCV believes that the language difficulties, as stated in our submission to the committee, provide the most difficult barrier for clients from CALD backgrounds in terms of accessing ADR services.

Some migrants, especially those from new and emerging communities, which are greatly represented today, may not understand legal processes due to the different experiences they may have had in their home countries. For the committee's attention, the term 'new and emerging communities' refers to a community that has an Australian-wide population of fewer than 15 000, of whom 30 per cent or more have arrived in the past five years. This includes new communities such as those from the Horn of Africa, Iraq, Iran, Sudan and Burma. A broader

definition says that new and emerging communities are those which are small in number and have complex settlement needs.

ECCV's submission recommends that ADR services develop cultural awareness training for new and existing mediators and arbitrators. Most of the stuff we have done before and have recommended to a number of other government departments includes and involves case studies, group work and engagements and visits to community groups like we have today. As announced in the 2008 Victorian state budget, there is an \$8.2 million investment in justice programs over four years under the refugee support strategy; we recommend it should also include opportunities to fund initiatives such as information and awareness packages on specific legal programs which will include ADR services.

Community education initiatives are vital to enhance the settlement process, as ECCV is concerned that the minimum usage of ADR legal systems by some people, especially those from newly arrived communities, may also relate to a lack of knowledge about its existence. An effective communication strategy would be to utilise ethnic radio stations and newspapers, as many members of ethnic communities still consider them as the primary source of information. This communication strategy, we recommend, should be included in the Victorian government announcement of \$17.8 million for ADR initiatives across Victoria, which we were very happy about and in support of. ECCV would also recommend that the Victorian Parliament, the committee and the Department of Justice develop direct partnerships with ethno-specific organisations. Many of them are represented here today, and they have good links with their community to ensure stronger involvement and information sharing.

We believe that the provision of further information and awareness would most definitely increase communities' understanding, confidence and participation in these services. Could I conclude, however, by saying that ECCV is very happy with the inquiry's discussion paper identifying that there is a crucial need to introduce ADR services to marginalised communities. We believe the current challenge is to develop appropriate and effective mechanisms for communication and awareness, to highlight the advantages of services such as ADR. Major work needs to be done to promote these services to people from CALD and refugee communities to ensure they are using these services and the services are meeting their needs. We hope the Parliament can ensure that this work is supported and funded. Thank you for the opportunity to be here today.

**The CHAIR** — Thank you very much for those remarks. Could I also take the opportunity on behalf of the committee to thank the Ethnic Communities' Council of Victoria for the submission you have provided. It is very valuable and we will be using that in our work.

**Mr LO** — Thank you very much, Chair.

**The CHAIR** — I feel as though I am constantly giving you instructions, but I am not meaning to. Particularly the gentlemen might find that by the time the call gets to you, most of the things you wanted to say have already been said by other people. I encourage you to say them anyway, because this is an exercise of evidence gathering and we also want to get a sense of the weight and distribution of the issue. So do not hang back; say what it is you need to say as we work through. Maybe we could we start with you, Nadine. Could you state your name and then make any comments or remarks you want to make?

**Ms HANTKE** — Thank you. My name is Nadine Hantke and I work as a multicultural access and support worker at Prahran Mission, which is a place where psychosocial rehabilitation for people with mental illness is happening. I have brought Jimmy around, who will probably say a few words after me as well. My role there, to quickly sum it up, is to work mainly with diverse communities ranging from Russian, Polish, Greek, Spanish — there are between five and eight different countries and communities that I work with on a one-on-one basis but I also do multicultural group-related activities. I thought that I could contribute here today to bring experience from my four days a week work in a multicultural setting.

I do not have a lot of people who I work with who went through ADR processes. I believe it has to do with what Jieh-Yung just said, that partly it is not known enough and partly it may also not be promoted enough and not used enough by ethnic communities. As to the paper, I have had a look at chapters in the review paper from September 2007. I also have to say that the paper was very, very good. In my belief it reflects quite well what the issues are: for example, that ADR services are not accessible enough. In my quite short time, but nearly a year now, being in that setting I have not seen any promotional material, and so far I have not heard of any promotion about ADR, and I work with lots of areas like the Office of Housing and councils. I think that this is quite significant.

The other issue Jimmy and I have talked about a lot — and Jimmy has a bit of personal experience, too, in the law process — is the capability of people. I see people with mental illness every single day at my work; these people are just not as capable, and that needs to be considered. These people deal with a lot of personal issues in their lives. They are not the sorts of people who walk to a service and say, ‘Tell me what ADR is’, or ‘What is it?’. They need our help to get more information around that. As I said, these people have much higher priorities in their lives at times, and also, looking at people with mental illness, a lot of them have an attitude rather of waiting and being passive and seeing what the court or the lawful process brings on to them. They are not active ones like all of us; if we had issues with the law we would jump ahead and sort it out. We would do our best to get rid of it and to help ourselves, but these people do not do that. They have completely other issues. They deal with medication, they deal with day-to-day living; they deal with challenges every single day. So the processes and disputes they have are at another end.

We also came to the conclusion that, as was said in the paper, it is a quite intimidating environment and maybe overwhelming process if someone — especially from another country and being socially disadvantaged and maybe also living with a mental illness — hears about alternative dispute resolution. It is very scary in the first place. It is not explained enough in the same language, in the original language, and if it is not explained enough in very basic words and not in law jargon, then people get quite frightened and scared and leave using this, I guess.

The last point is that I also guess it is hard for people to imagine the procedure, and I come back to the last point, that it needs to be explained in an easily understandable way. Lots of people see courts on TV and could easily imagine that alternative dispute resolution is something like going into a court, so that can be overwhelming, too. There is a big — and probably Jimmy will mention it, too — distrust in governmental services; it was mentioned in the paper as well. A lot of these disadvantaged people deal with governmental services or with public services and have not always had good experiences. People who have had hospitalisations are quite frightened of anything that has to do with government and law and things like that.

It was highlighted that the internet can be a source of advertisement, and I understand that, but most of the people I personally work with do not use the internet as a source of information. They either do not have enough expertise or capability to use the internet, or they are just not used to it. As Jieh-Yung said, it is radio, it is newspaper, it is the ethno-specific community language-based areas where advertisement can happen. Referrals need to be very easy and less professional in a way. What I mean with this is that there should not be a lot of limitations on referrals. I guess everyone should just have open doors and be taken on in ADR. There should not be a complicated process about referrals, and people should also not be sent from one place to another, to another, to another. They just get really, really sick of it, in a way.

Nearly my last point is that it was also highlighted in the paper that people living with mental health issues or people not having enough English language efficiency need a lot of chasing, and they need a lot of follow-up, and they need someone like a caseworker. They need phone calls to be reminded. They need someone to sit down with them and fill out a paper, because mostly the third question is not understood or they do not know what to write. So they need much, much more support, in a way. I guess I will just finish here. That was a lot of things.

**The CHAIR** — Thank you very much, Nadine. Jimmy Choo.

**Mr CHOO** — I am a consumer of mental health service providers. I have gone through a lot of personal experience with other service providers or hospitals and especially in legal areas. Everybody understands that every sector has their culture, and law practice also has its culture. Regarding ADR, the most important thing is, I think, as I read somewhere, training is very important. Just one example is, if you have one single query, you ring up the same department but a different officer or different staff will give you different answers. You will go round and round and round just like a football team. Secondly, I read somewhere also regarding service providers, why can't governments look after their own affairs instead of having to rely on service providers? By my experience, any sector of service providers has one thing in mind — the government grants and funding. Since you are members of Parliament, can't you manage to look after this minor thing, ADR money?

**The CHAIR** — That is why we are here, to hear what you have got to say.

**Mr CHOO** — In all things, if you want to do it well, you do it yourself, the same as a garment seller; that is a good example. Everything is a service provider, and then they cannot provide. Who is supporting who?

**The CHAIR** — Good. Thank you. Anna Walker.

**Ms WALKER** — Thank you very much for giving me the opportunity to come here. I come from ADEC, which is Action on Disability within Ethnic Communities. We were very pleased with this paper, and we felt it did give opportunities to give input into this. There were a number of issues we would have liked to have highlighted. One of them is that in dealing with CALD background individuals we have to be sensitive not just to language but also to cultural issues. We cannot make assumptions about the way people behave and their response to legal systems. The experience from the home country will affect how you relate in this country. Therefore there is a strong need for education: education for people on arrival, perhaps through the AMEP program, so that they know what the system and what the cultural expectations are in this country, and it also can inform the way that we look at our systems and how they can be made more user-friendly.

Talking to colleagues, I have discovered quite a lot of service agencies do not actually even know what ADR is, and that is a real concern. It is all very well that this exists, but if it is not a used system and it is only those who have knowledge who access it, you are actually depriving a large number of the community. Therefore, there is a need to educate the general public about it. But if you are not literate in your own language, putting out lots of documentation and lots of flyers in your language is not going to enhance your access to the service. Therefore there need to be ways of oral communication infiltrating into the community — hearsay and that type of thing. Talking with a couple of colleagues — as Jimmy here said, why do people have to go from here to here to here to find out about everything? Just the notion of — as in education, they are talking about one-stop shops where you can go to one centre where information is held, then you are directed to the appropriate place. Again, this is more of a hearsay model.

I think having appropriate referrals is important, and again, that depends on the agencies knowing about the system and understanding it. So we need to have people who arrive understand, and we need to have the other side, the service providers, being more educated and sensitive to cultural things. Somebody told me a story the other day, and I thought it perhaps illustrated how disempowered people can be. She had arrived here pregnant, about to have her first baby, and all the consent forms were thrown at her. Imagine if you arrived in Scotland and we all spoke Gaelic and you had all the consent forms thrown to you in Gaelic and you were spoken to in Gaelic — you would be totally disempowered. So it is our role to empower people so that they can become part of the community. I think that is enough.

**The CHAIR** — Thank you very much, Anna. Christof Lancucki.

**Mr LANCUCKI** — I am the president of the Polish Community Council of Victoria. Our structure here is very decentralised. We have 43 member organisations. Some of them are local suburban and very large, like one in Albion and one in Rowville which have their own licensed premises, a restaurant et cetera. There is also a centre in Geelong, also very well equipped, serving a large community over there. There is a smaller one in Ballarat, which also has its own premises, and of course there are a lot of smaller organisations, often just up to 10 people who meet at those centres or even at private homes.

We are here in Victoria a member of the Ethnic Communities' Council of Victoria — a bow to Jieh-Yung. On the federal level we have also an umbrella body called the Polish Community Council of Australia and New Zealand, of which we are a member. We run a number of services to help both our organisations and the members of our community, members of organisations. We do not limit ourselves to the people who belong to an organised community. Anybody who needs help or service, we would try to provide as best we can.

We run Community Aged Care Packages, which is a commonwealth program; it is funded by the commonwealth government. That enables us to look after some 30-odd people at their homes who need help with daily living, but more than just social contact. We have 19 part-time workers who visit those people at home and help them according to what they are allowed to do for them. We also run a community support scheme of friendly home visits for people who do not need physical help but who, because of age and perhaps slight frailty, feel isolated and like to have some sort of contact with the outside world.

The other program that we run, which is also supported by the state government, is that of planned activity groups. That is a program where we bring them in to one of four centres. They are not ours; we do not own the places, but we bring them in by taxi for a few hours of activity, social interaction and a little meal. They leave much happier than they were. Of course it is quite a big problem — not a big problem, but one has to approach this responsibly. Some of them have dementia, not advanced dementia, but they are not completely with it. We have had problems with people walking out and then we have had to find them and bring them back again et cetera. But those

programs are very well attended. There is obviously a need for them. We are not the only organisation running such programs for the Polish ethnic group here in Victoria; there is another one in Footscray running the services on an even larger scale.

So far as conflict resolution is concerned, the sort of problem that we have is that there have been one or two cases where, say, an accident has happened in the activity group, where the wheelchair has collapsed and the person had a bit of a problem. But this was solved. Because we are running a government-sponsored program we are insured against any mishap that may happen to people that we look after, so it has been handled through our insurance and through the solicitor that the program provides. There have not been conflicts in the sense of being antagonistic, but of course if something happens to a person you have to make sure they are looked after and that any expenses they may be faced with will be covered by insurance. The person who had the little accident did not have anything very serious and actually still comes and is not antagonistic to the program. It just happened.

Other than that, we also have youth groups and sporting clubs as members of our organisation, as well as folk dancing groups, scouts, girl guides — you name it. We try to cover the needs of the community in the cultural, social and sometimes economic sense. Of course we run our services on a shoestring; we try to be very careful with how we spend the money and ensure that most of the money spent is actually going towards looking after people. We have four full-time employees whose salaries are paid from the programs, and 19 part-time employees for those home visits to people who need more than the basic contact. We have some 30-odd volunteers who visit people at home, and of course we have to make sure they know what they are allowed to do and what they are not allowed to do. Actually it is specified in great detail, for example, that they are not allowed to do anything that requires them to stand on a chair, et cetera, because we are responsible for our volunteers and our employees also.

So as far as alternative dispute resolution goes, we have not had much exposure to it. We have our annual general convention where all the member organisations are represented. Every two years they elect an executive committee, and at the same time they elect an arbitration committee, which is a body essentially for conflict resolution. But of course it deals with a very narrow kind of conflict: it is just on the question of whether we as an executive or the executives of the member organisations follow the rules that we have, and a person is able to complain if something is not done according to the rules. We are incorporated associations, so there are model rules and there are additional rules that we have to cover the specific kind of work that we do.

There have been problems because people see those arbitration committees as a means of solving any kind of conflict. Of course they cannot do that. They have to restrict themselves to organisational conflicts. I shall give an example of one case we had to deal with. We run a big sports festival once a year. We have been running them for many years. The next one, which will be held in February next year, will be the 40th. This consists of athletics, volleyball, basketball, soccer, table tennis, and even bridge and chess. It used to be run over two days; it is now run over one day.

We had a problem in one case where there was a young person, a young man or teenage boy, who allegedly had a contusion while playing soccer. This was a very difficult one because it was only two or three days after the festival that we found out that anything had happened. The sort of injury that he allegedly suffered to his knee, according to referees et cetera, would be such that he would at least need help to walk out.

I will wind up. I will not go into the particulars, but when people suffer an injury they tend to try to go straight to court, or to the solicitor; then we get a letter and our solicitor answers, et cetera, and there is no end. But I do not think this sort of thing can be solved by alternative dispute resolution because there are compensations involved and the festival is involved.

But in regard to alternative dispute resolution we had one case, which was actually very funny, where somebody went to an alternative dispute resolution authority and we got a letter saying that allegedly our secretary had a dispute with this person, which he said would go through the process. All this involved a formal letter from organisation to organisation, so our secretary just answered that so far as she was concerned there was no personal conflict between them. Something that I would like to stress is that we did not have enough information about the matter; if we had had more information — I think a couple of people have said this — and if the dispute resolution procedure was more visible, perhaps we could see how we could use it.

**The CHAIR** — Yes; I think that is coming through very clearly.

**Mr LANCUCKI** — I am sorry I have taken so long!

**The CHAIR** — That is okay.

**Mr FARAH** — My name is Omar Farah. I am a multicultural community development officer. I work for a project called Horn-Afrik employment and training advocacy project. The reason this organisation was set up was because we found out in the area where I live, which is the Carlton area, that there are so many qualified people who cannot get jobs for one reason or another. This project was put in place, and I am running it at the moment. I work closely with the African Think Tank as well as ECCV and many other organisations that work in the area. Mainly my work is to find the jobs that these people are trained for. As you may see, there are so many people from the Horn of Africa who are driving taxis. Many of those people are qualified. They either graduated from overseas universities or they graduated from the local universities. Always there is some kind of hindrance in relation to accessing and finding the jobs that they were trained for.

In relation to the alternative dispute resolution, which I wanted to discuss more, we actually have our own tradition-based system where our alternative dispute resolution system works, and it works very well. I would like to identify a few pointers for why people like to use that rather than the other alternatives or the other means of legal services. For example, the process is always quick. Either one party or a third party will call community elders, mainly led by a religious person, and they will ask them to look into an issue and see what they can do about the issue. Also, it does not cost any money to take that route. It means that it is cost-effective; it does not cost anything to any party. It has also a long-term effect, as the accused party will avoid the case in question happening again. For example, if one person is accused by a member of the community or maybe his wife, or maybe the husband is complaining about the wife and how she is behaving, then that party is very likely to avoid this kind of situation recurring. So it is something that the people do to avoid being labelled a bad person, and he or she does not want to be seen by the community as being so.

The information available to the mediators can be more real than what may be available to the Family Court or another court. For example, when a matter goes to a court the magistrate or judge might ask them to provide information about their income. In a case where a man has to pay money, then the income that he has to present may not be one that should be divided into two between him and the other party. In our case the elders or mediators are more or less aware of the person's income, rather than considering what is on the bill. For example, if he is driving a taxi, they say, 'Look, we are expecting that you are getting from the taxi X amount of money', regardless of what he claims it to be. If the person has got a disability problem or is studying and goes to work maybe twice or three times a week, that is a different matter, but when someone is working full time in a taxi or other work, then the mediators can say, 'We know this is how much money you are earning'. Sometimes they talk to other taxidriviers or other people who are working in that industry and ask them how much money they earn per week or per month. When they get that figure, they call the other person and say, 'You are not doing enough for your family. This is the amount of money that taxidriviers are earning. We do not care what you told the taxation office or any other agencies. What we know is that this is the amount of money that you should be earning, and you have to pay accordingly'. It is effective in that they put more emphasis on what they consider to be rational.

What are the cases that they involve? Most of them are minor litigations, such as family disputes and parent and in-laws conflict, which are also known as intergenerational conflict. These are the sorts of issues that they involve. In most cases it is very effective and they make some decisions where they bring the pieces together. In the case of a parent — a father or mother — and their son or daughter, they try to at least minimise the gap between the two parties, because there are cases where the child is more extreme and others where the parents are more extreme in terms of how they want their child to behave about a particular issue. Whoever they consider to be going too far, they try to bring them a little bit closer and minimise the gap between them.

Financial disputes are another issue that they address and interfere in. There are also community disputes where two persons may have a problem. If the matter goes to court, it costs a lot and they have to wait many months, and sometimes they may again have a problem. The two persons involved in the issue may create mayhem because they are in the street and they can see each other. It may take months for the court to decide about the case. But people in the community can do it quickly and make a decision about the issue, and in most cases it ends successfully, or the outcome of that case becomes successful.

However, I would like to express a few concerns in relation to the mediators and what they need to know. I believe the mediators need to understand their limits. I believe the mediators need recognition from the relevant authority. Also I believe the mediators need training to widen their knowledge of the law. For example, most of the mediators are elders. Those elders may not go to school or may not know how the legal system works here in Australia, and

always they apply their traditional method to solve the problem. For them not to fall into a trap or become someone who is actually violating the rules and regulations of the country, they need to be updated and given knowledge about how the system works and what they should avoid doing.

These are the points that I would like to make. I am not talking about a known alternative dispute resolution organisation; I am talking about community-based alternative dispute resolution and how it works. As far as I know many people are a little bit reluctant to go to any existing organisations, mainly because they believe that this is something different. They feel that it is not their territory. Even coming to the table may be hard for them, because they do not speak the language and need an interpreter — it means the interpreter will know their problem and whatever. Always they try to avoid doing that, and they are happier to take this path. This path is always quick, cost-effective and the outcome is always successful. Thank you for giving me the opportunity to talk about this.

**Ms MUTEMBU** — My name is Jenny Mutembu, and I am from the Zambian community. I just got an email the other day about this meeting. I never knew about the ADRs. I think it is so important that we all get educated about this. Early this year I had a girl who I was giving some moral support to people in court here in the city, and the thing was so nasty. If we had known about this kind of thing, that it was there, it probably would not have ended up the way it ended up. I felt so sad. Especially coming from the background that I come from, I can agree with what he is saying; some community elders are doing something. A lot of people, once we come here, want to act like everything is going on well, but deep down inside there you are breaking at the seams. No wonder we are seeing our mental health services filling up; it is all because they do not know how to off-load all these issues, with all that is going on. It is true that when they do not know the culture a lot of people from my background are so afraid of courts. But when they come here, to see them rushing to court, I was so surprised. When I saw this girl standing up in court and how it ended up, it was so bad. I felt especially for the kids because what has happened is going to affect the kids in future.

If we got educated about what this is all about, maybe we could go back into our own communities and tell them about this alternative that is available to all of us, that instead of going straight to court we can use other means. Even when we come here a lot of people no longer want to go to elders. We do not have a lot of elders. We are the growing elders now, so maybe we will be taking those stands. A lot of people do not want to share their problems, they are so afraid, because they think, ‘What will people think of me, that I’ve got this issue?’.

Even with teen problems, they are great problems, especially for us people who were born overseas and are bringing up children in this culture. It is really, really challenging — I found it very challenging — to find your child standing up to you and answering back. You are thinking, ‘Goodness me. I never did this to my mum’. So there are all these things when you have to come to a place where you ask yourself, ‘How am I going to solve these issues?’. These are some of the things I shared with some of the people in my own community. Maybe we need to have a group of women where we can have all our girls and we can have some input and say, ‘This is what a woman is all about’. I do not know how it is going to work, but it is quite challenging. We would like to know more about ADR. Thank you so much.

**The CHAIR** — Thank you very much. Chantal Kabamba?

**Ms KABAMBA** — Thank you very much for this opportunity. I have actually been appointed as president of the new Congolese Association of Victoria that has been created.

**The CHAIR** — Congratulations!

**Ms KABAMBA** — I am very pleased that we have put a woman in front, because women build the world. We have actually also come up with an idea of the elders. We call it the committee of the wise people. We have three women as well as men.

I have been in Australia for quite a long time. I have worked with the Women’s Domestic Violence Crisis Service and I have been exposed to women from all nationalities. There we do have information firsthand on how women are being abused and battered. The problem that we encounter with these women is that the majority of women from non-English-speaking backgrounds fear first of all the police. You are on the phone and say, ‘Can I call the police for you?’. ‘No!’. So that uniform and that system is very scary for them. They do not want to go through that process, so they are dying inside. They say, ‘Don’t talk about an intervention order! Don’t talk about child protection or a residential or supervision order’. That is too much for them. They just want to be taken away from where they are and be put somewhere safe. In many cases they will go back again. The concept of saying ‘This is

your right' does not exist. They say, 'How can you tell me it's my right?'. So some women suffer because they have to go back in the name of morality; it is our values. I did a number of years at that service.

I am currently working with the department of housing. There is the process of saying, 'You don't pay your rent; you can be evicted. We're going to issue a notice to vacate'. It is scary. What is the intermediate process? How do we negotiate? All these people from a non-English-speaking background suffer. They are scared because of the so-called court. Some of them, a few, are brave enough to go there and try to understand what it is, but the majority of them are very scared.

In Africa we say it takes the whole village to raise a child. So a child does not belong just to my house; the whole street, the whole village, has to raise the child. In Africa if someone sees a child behaving badly, that neighbour will say, 'You can't do that'; we are all part of it. We find ourselves here being isolated, with a different system that we have to face, let alone that we have a problem with English. A majority of my community have a problem with English because we are from a Belgian colony. Some of them speak French, those who were lucky enough to go to school. Some of them did not have that opportunity. So it is very hard to understand.

There is a problem of a lack of trust because some of them come from very traumatic backgrounds, with war and all that. Now there is a big system with bureaucracy. How do I trust that? It becomes a problem. Alternative dispute resolution is very good. As the others have said, we need to get educated about that. What is important is that we get this committee of the elders. I have seen a van with 'Aboriginal elders committee' written on it. I stopped and thought, 'This is good, if there is a process before we go so far'. Training this committee of the elders in all facets of the legal system is very important. We need to get them funded and get them work, even part time, because they have to understand the Australian system to then educate the rest of the community. Community education is very, very important. This is a very good forum where we could make things change. Thank you very much for the opportunity.

**The CHAIR** — Thank you very much. Terefe Aborete?

**Mr ABORETE** — I am representing the Horn of Africa Communities Network which includes groups from Ethiopia, Eritrea, Sudan — Southern Sudan and Northern Sudan — and Somalia. With my other hat I work for Centacare Catholic Family Services, where I manage the Refugee and Settlement program of Centacare around Melbourne.

I do appreciate and it means a lot to us that you give your precious time to listen to us, because I believe that this is one of the untouched services which our community has never accessed and no attempt has been made to educate the community to access this service. Just as most of my colleagues mentioned, as far as issues are concerned, like any other society or community, there is dispute in our community — ours might be even worse. There is dispute between individuals, between families and even between associations and groups, where there is a big issue. Of course, when an issue arises, as my African colleagues mentioned, the first place to look for help is elders, relatives and priests or religious leaders, including the Muslim leaders. As you can imagine, first of all these people are not funded at all. Secondly, they do it in a very, very traditional way, just as they do back home. That way — with the issues of confidentiality and privacy and listening to an issue and putting it back to the community — instead of helping the community or the two parties, it is backfiring and badly damaging the relationship itself. On the other hand, because of all the issues I have mentioned — the language — the comfort zone itself, and not really knowing where to go, they are not accessing support from any service from dispute centres or CALD or from counselling centres; they do not access those.

I do not need to take up any more of your time. It is very clear. If you put yourself in one African country — in the middle of one village — if something arises and someone does not tell you in a way you can understand or in a way you can appreciate it, you do not know where to go. It is as simple as that. We receive, roughly, over 4000 newly arrived refugees in Victoria each year. All those people are from a non-English-speaking background. Most of them have never been to school, and most of them are mothers and single mothers with a large number of children, and of course they have disputes with their husbands or with their neighbours, even mainstream neighbours, as well as with their relatives and friends. But in most cases they do not address the problems; they have to live with them simply because they do not know how to deal with them.

Having said all of that, what is the solution? As I mentioned, it is giving them information in a way they can understand. One of the things that I am really proud that we have done is to publish a newspaper in six African

languages. It is called *The Ambassador*. We know that not all Africans, and those from the Horn of Africa, can read the different languages, but at least one person from the family might be literate in their own language. If we put the information in that language it goes to the families, neighbours and friends. This is working very well despite not having touched on dispute resolution.

The second thing is about Centacare families. Six years ago we tried to organise training for mediators just to let them know, be aware of, what the Australian practice is so far as humanity and privacy is concerned, and what the things were that they needed to know. We do not tell them what to do, but let them be aware that this is Australia, so whenever we try to resolve any issue we need to take that into account, otherwise there might be consequences. We tried to apply for resources, but we could not get them. As my sister mentioned, we tried to do something. Action is so important. Let us do something; just one thing at a time. Let us teach the community about how they can address issues. The service is there. Really we are fortunate to be in this country. The service is there but we are not using it. We should believe in it. This is a question I would like the committee to address. Thank you.

**The CHAIR** — Thank you very much, and thank you to all of you. I am sure you will all agree that this has been a very, very rich contribution which will give us a huge amount of material to think about. I do not want to reduce what you have told us. I will draw out of it three broad messages which I will reflect back to you. One is a lack of knowledge. The second is a suspicion of the new environment, and to some extent an inability to read it. The third is that there is a base of traditional community organisational structure that comes from the home country, and which, to some extent, established groups can go to and get some sense of management of their issue. Those are the broad things.

You have also reflected, particularly the last couple of speakers, some strategies that we might try to set in place which are obviously good ones around training and support and around a lot more information in accessible forms that people can understand. We have heard people talk about radio. I think you talked about a hearsay model, which I thought was very interesting. Maybe I will ask you to talk a bit more about that, some of those different alternative approaches. Clearly there is a lot of thinking going on across the communities around how we might tackle some of these issues.

Before we throw it open to others my first question is: could you talk a little bit more about the barriers, because you have a very clear appreciation of the situation? You have some very clear and strong recommendations for us, so why is it not happening? Can you talk about that? Could you say your name for Hansard.

**Mr FARAH** — My name is Omar Farah, from Horn of Africa Communities Network. Really the main barrier is a lack of information, whether it is a website on the internet or in the newspaper or on the TV or on the radio. Everything does not work for us. Even if you put it in their own language — in the newspaper which I mentioned earlier in the community language — very few people can read their language, although it can be passed on by word of mouth; at least that is something. Really a lack of information is the most important thing.

Secondly, we really need to customise the service in a way so that it is available in people's comfort zone. As my sister mentioned earlier, these people have been through tough situations when they were back home, and that trauma is still there. How can they read it in their comfort zone? How can we make it more accessible for them?

**The CHAIR** — Can I just interrupt you there? Can I just push a little bit further. I think we all agree with what you are saying, but it is, of necessity, general. If we take a consumer issue, a person buys a product and the product is faulty and it is a big department store. They go back to the department store and the people say, 'No, if it is faulty you have got to go to the seventh floor and ask for the faulty products department and fill in a form in triplicate' and whatever. How would that be negotiated? Nadine?

**Ms HANTKE** — I want to jump straight in because the people we are talking about go back to the department store, but the first issue is about not being able to communicate about the faulty product. There we go already. There is the first barrier. I guess most of the people I know, if they are told, 'No, you cannot get an exchange', 'No, we do not take it back', they leave it. They go back home and they leave the faulty product in their flat somewhere. They do not argue further.

I would like to make a comment for your information. I also believe that it is not around having only the translated information about ADR accessible; I think it is also the attitude of service providers or ADR providers to offer interpreter services straightaway; to have an interpreter beside you, to have the phone ready, to have the language ready, which is another issue. When I go to the Office of Housing I have to beg that they get an interpreter for my

client. I guess it is not only around having a piece of paper which says, 'ADR is this and this'; it is also around the fact that when people try to exercise it there needs to be a language-friendly service available straightaway. Let us say they come to me and I offer an interpreter, but then they go to another service and they do not get an interpreter. The whole communication lane is split up. I guess that is an issue too.

**Mr ABORETE** — Yes.

**Ms MUTE MBU** — I think you gave an example of returning something and then you are told to go here and go there. Just the other day I was in Aldi and there was a Burmese woman who bought some mandarins in a bag. One of them was bad, and she said to the girl at the checkout, 'One of the mandarins is bad' but because of the language barrier, and also perhaps because of where she comes from she could not understand because sometimes they tell you, 'Just take it. Don't worry. Don't ask questions'. People are already afraid because of where they come from. They are told, 'You cannot return it'. I remember myself going to a store, wanting to return something, only to be told, 'No, you can't return it'. I just said, 'I will never go back there again'. These are the barriers, because of the background where they have come from. Maybe that is where education also needs to come into our communities, to say, 'You have the right to ask. If you don't understand, go and ask'. But if there is no education — because there has got to be a change of behaviour. People are so used to, where we have come from, things being done this way, so they come here and they think if they say no, they cannot go any further. Now I know, if someone says no, I say, 'I want to see the manager'. I do not just stop there. I go a little bit further. So in that way at least now I have been educated a little bit, but a lot of the people out there are still not educated about some of these issues.

**Mr FARAH** — Just to more maybe fill out the point that has just been made by the other members, all this goes back, I believe, to the language. This is something that I say many times, and I am going to say it again: I think we have to encourage our new migrants to learn the language. Unless we know the language, we will not be able to get the proper choice that we need. We will not be able to present our views. We will not have a voice. I think there must be a strong recommendation in relation to the learning of the language. We will not be part of this society until we learn the language. The abuse will be always open, the mistreatment will be always open. Even sometimes when you say to someone, 'Look, you are not doing the right thing', the simple answer they will give you is, 'Sorry, maybe you didn't understand me. You have to get someone to interpret for you'. Look, I do not need an interpreter. I can make my point. What you did or what you said was wrong. Still you can feel that the people are using the language as a reason to abuse you.

There is one other thing. I sometimes work as a freelance translator. There are so many, many documents that have been translated, particularly into my language, but I could see very few of them. They end up under the table and always — and I want to make this clear — there is the translation issue, or when an organisation wants to translate a document, they do that at the end of May and before June. It means they want to clear their account. That is exactly what happens. If you talk to any translator, the jobs that they receive, the most goes — more than 200 per cent during April, May and June, and then finish; you will never see it. Unfortunately the documents that have been translated will not be found anywhere.

So I think the service providers or any other agencies should make sure that the message gets through. Besides, there is much information that has been posted to a website. How many of the newly arrived people are actually accessible to the internet? Very few. Very few are accessible, so it does not make sense spending so many thousands of dollars and then posting it on a website and that is it. I think there must be a system where the message is conveyed to many people.

**Mr LO** — To reiterate what Omar was mentioning about new and emerging communities, we tend to see them as oral communities. A lot of them may not be literate in their own languages as well. The ECCV has done a number of programs and projects, working with Omar and a number of my colleagues here, around democracy — Australian democracy, basically — presenting information in an oral fashion, which we have found to be very effective. Also we have been doing a lot of work around governance training for newly arrived communities and their organisations, about how to incorporate as an associated association and how to deal with general elections, how to respond to submissions, media. Sort of general information through oral communication has been very effective. I think there is mention in the discussion paper about data collection. I think data collection is very important, and there is an immediate need for targeted research and the collection of data. An example would be to identify ADR use by different groups, and I think this could convey much better responses and recommendations once we have that data.

An issue we have been working around is that with entry into higher education by CALD communities there is a lack of data, and when you do not have that data it is hard to find out where the problems are, and we strongly recommend that to the committee.

**Mr CLARK** — It seems to me from what has been said that one of the key challenges is to have the right information available at the right time when people need it. There is no point telling people about ADR when they have not got a problem. It is when they have got a problem and they want to know how to solve it that they need to know about ADR. It also seems to me that a lot of people will be taking their problems, if they do not know how else to handle it, to others in the community, to community organisations, and saying, ‘Hey, I’ve got this problem. I bought this dud rice cooker from the department store. It doesn’t work. What do I do?’. Then the oral communication will give people advice. To take Jimmy’s point about what the government is going to do to help rather than tell everybody else to help, I am asking myself is there any useful way in which government can provide community organisations such as yours with information, not only about ADR but about mainstream, about courts, about police et cetera, in a way that is useful for you, so you then have the information that you can convey on an oral basis to people who approach you for help. What is the best thing that government could do to assist you to assist members of your communities who have got problems that need to be solved?

**Mr ABORETE** — Look, the best way is to come up with a strategy to reach people at the grassroots level — for example, yes, written information does not reach most of the people. I am talking really at the grassroots level, people who do not speak English, who cannot write, who cannot read. A mother of five or six children, between 40 and 50 years old; how can this lady get this information? Rarely the chairperson of the committee goes to tell her. In most cases no, it does not happen. So what really should be happening is to provide audiovisually developed information in regard to all other services. This information needs to be developed in consultation with the community groups. Then this information should be accessible at the moment the family arrives in Victoria.

This can be done through settlement services, through English education services, but the material should be available and should be developed in very close supervision. Really, the translation itself, the quality of the translation, has got a big question. The audiovisual material itself, whether it is really of comfort to the people, is a big, big issue. All these things have to be done. Once that is available — today DVDs are accessible by any of our citizens, any refugee families. Once the DVD is in, whenever the relatives come, normally they come past that DVD. That is how it happens. It is working for other programs. It is working, and we have to do it. Otherwise 510 hours for a 50-year-old or 40-year-old lady is not enough. It is not working. That is another issue, really.

**Ms KABAMBA** — What I wanted to add to what he just said is that personally what I feel is that we have to meet halfway. We cannot sit as a government pumping information to the communities. What I suggest is that there should be cross-cultural training to service providers. I know big companies are profit motivated. I question myself: do they have time to get an interpreter? While they are busy generating profit, could they get an interpreter for a Congolese person and try to explain this product? It is more government than non-government services that call interpreters; we have an interpreter on hand. But the big Coles company or all the others, I do not think they will call an interpreter for you to try to explain. So if we can provide cross-cultural training across the board, whether it is in a private company or whether it is in a government company, to put emphasis on customer service and client service, that would be good. They should try to understand at least the composition of the community they are serving. They are all different nationalities, they are all different religions, they are all different tribes. You have got to know how to approach them, you have got to have time to try to serve these people. But if we just sit and produce material — there is a lot of material out there, and for people who have just arrived, I do not think it is the right thing to pump them with so much written information here. What they want to have is a house and then — ‘Where is Centrelink’?. These are the first things: to survive first, and then later on they can take a second step about legal things. If we can meet halfway: train the trainers, train the service providers, train community leaders, train a committee of wise people, and also train the community — so we meet halfway at least and then we can try to continue the path. Thank you.

**Mr LO** — Jieh-Yung Lo, from the ECCV. In terms of reflecting on what my colleagues have just mentioned, I think there needs to be a focal point within the department and the courts for CALD and migrant communities to engage with. We found that multicultural liaison officers have been very, very effective, and this has been used greatly with Victoria Police. When people from migrant backgrounds contact Victoria Police they can contact the multicultural liaison officers and they would be that focal point. An issue that ECCV, along with Omar and a number of our other communities, has been raising with the Victorian government is to have such a

multicultural liaison officer in the Office of Housing to be that focal point as well. A recent research report that we have done with regard to the public housing issues shows that a lot of newly arrived communities are having issues not just with public housing but with basically moving into private housing and dealing with real estate agents and government departments et cetera. Having that focal point there is very important to convey information to grassroots communities. That may be something the Victorian government might look towards in the near future.

**Ms WALKER** — My name is Anna Walker. Referring back to education, my background is as an ESL teacher, and therefore I am quite passionate. I would agree very strongly that 510 hours is not sufficient to give somebody a sufficient grasp of language to be able to go to a store and complain. The other thing is that people coming from different systems may not have confidence in this system. We need to get stories out that show that the system is successful. For example, my reading seems to be that some of the outcomes are not enforceable. If they are not enforceable how do people, therefore, feel confidence in the resolution process? We need to have simple narratives that can be used within English teaching, teaching ESL — ‘This person did this, this is how they did it, this is the way they went to the store’. That is another way of communicating the information without it being highly structured. People need simple processes: ‘What is step 1?’; ‘What is step 2?’. It is so complex and there is so much information. We need simple, easily accessible information. Telling stories is a very good way of passing on information.

**Mr BROOKS** — It seems that the issues that are being raised by people generally talk about access to the justice system as a whole and not just to ADR. The interesting part for me is that some people have been speaking about how ADR works within their own communities. I wonder whether there are ways in which alternative dispute resolution can be used to help bridge that gap between the justice system and different communities? I am particularly interested in the oral education that is provided and whether there are ways that that method can be used to promote ADR within different communities, and also how the existing ADR structures that have been established informally might be formalised. You spoke a little bit about that before, I know, but how might they be more formalised within the governmental sense and built from the ground up so that there is a structure that people in different communities have a lot of confidence in?

**The CHAIR** — Omar Farah.

**Mr FARAH** — In relation to the ethnically based alternative to dispute resolution, I am not suggesting that they should be hired or included in the justice system. I think they are better off to stay where they are as a member of the community, because by the time the people see that they are part of ours, their trust will become increased. So they are better off to stay where they are and rather, as I said, for them to have more knowledge of what they do, especially how what they do can go along with the common law that we have here, because sometimes the people may act in a way that responds to the needs of the country that they left behind, and sometimes that may contravene our law here in Australia. So they may be empowered and given some kind of training that — ‘Yes, you can do whatever you do, but you have to make sure that there are certain impediments that you should know’. I think that is the only thing that they need, and also maybe to be given a say about some issues. There are cases — particularly child protection, family issues with the marriage, children, when it comes to a conflict between the father and the mother — and all these issues sometimes become very damning issues within the community. But if the legal system or the judicial system gave them a say about what can be done with that issue, then the success would be very high. But I would have recommended that they should be given a bigger authority and then be seen that they are part of ours, and then the people would not say, ‘I am not going to have anything to do with it’.

**Mr LANCUCKI** — I would like to address three issues. First of all, the alternative dispute resolution, in order to be used more than it is now, would have to have a higher profile. As Anna said, the best way of presenting how it was effective would be by hearsay or by written stories illustrating that the resolutions had been achieved. I think it is essential that the alternative dispute resolution process be given a higher profile, because to inspire confidence and trust it has to have an order of responsibility in order to be used more often than it has been up to now. The other thing is that we have to distinguish two kinds of disputes: one kind is between people who are more or less on an equal basis — say, a family dispute or a neighbour dispute et cetera; but the other dispute, as somebody said, concerns consumer affairs — a dispute involving a person who has been given a service or a product which is not up to scratch and tries to redeem the money and get a better product. I feel that in these institution-against-the-person disputes, especially for people who have language difficulties, the parties do not have equal ability to present their case. In order for the conflict to be resolved equitably, the alternative dispute resolution

has to work hand in hand with some sort of consumer affairs body or setup to help the person who feels badly treated to make sure their case is presented in a better way.

**Ms HANTKE** — I very much agree with this as well. It comes to the point that I was thinking about. In my experience face-to-face contact builds a lot of trust, and face-to-face contact is very often a more effective way of helping than handing over paper. We did a few communication educational sessions where, for example, I had the Footscray Polish representative there, so it was someone who spoke the same language and came from the same culture, someone who transferred information face to face. I guess it could go quite well hand in hand with what Jieh-Yung said — that is, having a cultural representative or having — how did you call it? — a multicultural —

**Mr LO** — Multicultural liaison officer.

**Ms HANTKE** — Yes, having a multicultural liaison officer there. These people need to see the same face again, and that is what we said in the beginning; they cannot be sent around from one place to another. It has to be a face-to-face engagement in the first place; the information — hopefully resources are there for doing this — needs to be given to people face to face, with the addition of handing over paper at the end so they can take it home and read it. This is in addition to having stories written in their own language to understand how easy it can be, but there has to be a lot of contact as well.

**Mr LO** — Just to wind up the answer to Mr Brooks's question, we found that oral communication has been very successful in the few projects we have done, as Nadine was reflecting on. With what we call the Australia-Africa Democracy Project, which Omar was involved in and which is about educating Horn of Africa migrants around democracy, it was very special last year because the federal election was held last year. We were handing out these materials in written form and giving out information orally. It was interesting to receive feedback after the election, such as emails saying 'Thank you for providing us with this education. We understand the whole process. We voted properly. We contributed'. The contribution they made really empowered them. Empowering communities is also very important. We believe, hopefully, there are sufficient funds to provide some of these services and to have a multicultural liaison officer within the department and to highlight the positives and advantages of ADR services to CALD communities.

**Mr ABORETE** — I have just a couple of points. The first is really that the presence or location of the service itself really matters. With most of the refugees now, the inner suburbs are becoming out of reach totally, and they are settling in the outer suburbs of Melbourne, so really the location of the service itself matters. Coming to Melbourne itself is made so difficult, or almost impossible. The second point is that I am still concerned that we need to be inclusive and to reach people at the grassroots level, and particularly the recent arrivals, because they are the ones who are missing out and are living with it, just without absorbing it. We should not tolerate that kind of situation. We need to make sure with whatever training is available and whatever resources we allocate that everyone, every group, is included. It is possible, there is no problem. But we have to make sure that we are really reaching the most needy ones and providing them with access to the facilities and services they need.

**Mr CLARK** — I want to come back to the theme of what information is able to be provided to people soon after they arrive in Australia. Jieh-Yung, you mentioned the democracy program. Is much information currently being provided as part of English language courses or other courses available to newly arrived migrants about dispute resolution procedures in Australia? I just heard Anna say, 'No'.

**Ms WALKER** — Sorry. I have just come out. Four weeks ago I was head of a department with ESL as our focus; and no, there is not.

We do a lot on democracy work and a little bit about the legal system. Within the English as a second language curriculum there is one area called 'legal', but often it is not used because it is too complex. That is what I would like to see: simplified stories as part of normal English training.

**Mr CLARK** — The second part of my question is: what scope is there to improve what is in those introductory courses? I am conscious of the fact that it is easy to say, 'Put something in an educational program', but then the program ends up so full that you cannot cover anything. But is there scope to fit something in?

**Ms WALKER** — Yes. You can make it as part of ordinary English language training. If you are talking about dispute resolution, you can simply say — you can do it as English, Christian text or whatever — 'What do

you say when you go to a shop to complain if you are not happy?', so you have your conditionals and so on. They should understand that they can just do it as part of normal living, that it is part of where they are living, that it is part of the system in which they live; and that they are empowered and they have rights to attend these things and go to them. But we also need the service agencies — which is a different thing — to be more knowledgeable.

**The CHAIR** — Just before we go on, Nadine, did you want to make a comment on the question?

**Ms HANTKE** — On the same topic, yes.

**The CHAIR** — I just remind everyone that time is marching on, regrettably. But we have a little morning tea for you, by way of a thank-you and an acknowledgement of your contribution, and we need a bit of time to do that so that we are not being impolite and kicking you out. Maybe we can have Nadine's comment, and then maybe if Colin or Robert has any further questions, or you might want to throw in an additional comment.

**Ms HANTKE** — I would just like to comment on the same issue. What happened in our organisation was that we had official funding for ESL for quite a few years. When I started there, we reflected on it in a bigger team and realised that the funding we got did not really weigh up against the work that comes with it and the statistics and all that. So, unfortunately, we decided to not have more funding for ESL. But I know personally that it is so important to keep teaching, keep on looking at the English issue because it is just 510 hours or so. What we started offering is called social English. It is a bit ironic because I actually run it and I have English as a second language. But it is a completely different English system. We basically take the group and go out to services. This is part of the English lesson itself. We go to the community health service, we sit there; yes, sometimes we even have an interpreter there for the ones who really have big troubles, even though it should be English teaching for them.

We go to GPs, banks, libraries and citizens advice bureaus. It is sort of one week in house, one week out of house to learn somewhere else. We try to keep it as practical as possible. I realised very soon that these people are not able even to write a little, tiny letter to someone. They are just not strong enough: they do not have the confidence and they do not have the skills at times. We even started training in making phone calls. We had to train how to make a proper appointment at a doctor's office. That is the level of need that we deal with here sometimes, and therefore we cannot expect alternative dispute resolution — the term itself — to be all ready for people to just jump into and use.

**Ms WALKER** — You need a mediator.

**Ms MUTEMBU** — I would like to add to what my colleague here said earlier on in regard to English. I belong to a neighbourhood house; I am on the committee of management. We were trying to run some English as a second language classes. We had so many people, especially from Sudan, living in the area. And guess what? We could not get them to come. Only the men decided to enrol, not most of the women. We are finding, and we are seeing, that all the women are being left behind. They have no idea of what English is all about. This is one of the things that maybe our own communities need to emphasise: the need for learning English. I feel sorry for some who do not know it is there. It is there on the table. It is offered to us, but a lot of them do not want to take it. There is no way anybody can access these services if they do not know English. Probably there is also a need for us to encourage our people and say, 'There really is a need for you to learn'. With those who have got children, some of them are learning through their children, but I think sometimes they just need to go out there and be able to interact with other women, but with a lot of them I do not think it is getting to them.

**Mr FARAH** — I think there is one problem here in relation to acquiring the language or having language skills. There are cases where the mothers have got children and there is no child care available for them, or at least there is no child care in their area. That needs some consideration.

The other point that I would like to make quickly is that there are cases where one organisation or service provider may get funding for one year. The people who need that service will come there, but it dries up after a year and that is it. The people become confused that they cannot rely anymore on services that they were getting. If some services are viable and there is a need for that service, I would like that service provider to get, at least for a number of years, the grants that they had in the past, rather than giving them one there and it stopping there, because that is not going to help anyone.

**The CHAIR** — Time has beaten us. Once again I would like to thank every one of you for taking the time to come today to share with us your experiences and information. As I said earlier, you will be sent copies of the

transcript. As far as our work goes, when we have completed the report we will do our very best to include the things that you have said and shift those into recommendations for the government. The report will be tabled in the Parliament, and then the government will have six months to respond to those recommendations, and will do that in written form also to the Parliament. Remember that we are a parliamentary committee; we are not part of the executive of government. We recommend to the Parliament and the government picks up those recommendations and deals with them. That is our process, so you are clear on where we are coming from.

**Witnesses withdrew.**