
CONSULTING ON MULTICULTURALISM

by Louise Bayutti

This article examines part of the process of law reform in Australia.

Are some Australians denied equality?

The ALRC is examining whether the principles underlying Australian family law, criminal law and consumer contract law take enough account of Australia's cultural diversity.

It will make its final recommendations on Multiculturalism and the law to Government in March 1992. The inquiry is innovative in terms of its substance. It is the first time that an evaluation of Australian law has considered whether underlying principles and values operate to deny Australians of non-English speaking backgrounds full equality in the legal system.

Reaching non-English speakers

The inquiry is also innovative in terms of its process. The ALRC was concerned to give people who do not usually have an opportunity to participate in law reform the means to express their views on the issues raised by the inquiry. The Commission especially wanted to hear from people of non-English speaking backgrounds. Information about the inquiry was translated into community languages and the Commission met the cost of translators and interpreters for people wanting to make submissions in a language other than English.

The issues paper and three discussion papers, written in plain English, were summarised and the summaries were translated into 18 community languages. Approximately 20 000 copies of each paper were distributed throughout Australia to community organisations, government departments, media and individuals. Articles on family law and criminal law and multiculturalism appeared in the last two issues of *Reform*.

Extensive media coverage

There was extensive coverage given to the issues outlined in the discussion papers both in English language and community languages media throughout Australia. Following the release of the consumer contracts discussion paper, the ALRC conducted a campaign which targeted ethnic press and radio. Information about the inquiry and about the final rounds of public hearings was translated into community languages and sent to ethnic press and radio.

Submissions

Altogether, over 400 written submissions were received, many in languages other than English.

Public consultations

The ALRC held public hearings in major centres throughout Australia, as well as discussions with representatives from peak ethnic organisations and government departments. Regular meetings were also held with honorary consultants appointed to the reference. Consultants included representatives from ethnic organisations, government bodies, industry and universities.

The ALRC was aware that many individuals and organisations would not have the resources or time to devote to writing a submission, so the consultation process also included a series of one-day meetings in major centres throughout Australia. Some of the target groups for the meetings included community workers from organisations such as migrant resource centres, welfare agencies, community legal centres and interpreting services. Their broad case-work experience enabled them to

communicate difficulties that people of non-English speaking background face in their dealings with the legal system.

These meetings were very much a two way process. Legal officers from the Commission discussed options for reform, and situated them in the context of existing laws.

There was a great deal of appreciation for the way that the Commission conducted its consulta-

tions. Pat Johnson from the Immigrant Women's Speakout Association, praised an ALRC consultation:

part of a consultation is to provide people with information particularly about the law because it is such a mysterious thing and it has had centuries of developing that mystique and this consultation actually provided people with understandable information and then sought their response. □

Many people who were married in Cambodia during the Pol Pot regime between 1975 and 1979 were married in ceremonies organised by local leaders and often there were up to 50, even 100, couples married at the same time and whilst there were some minor details that varied from region to region they were all considered to be marriage ceremonies and, therefore legal. During those years no documentation was actually kept of those marriages (and documentation of marriages prior to 1975 was destroyed along with all documentation). No certification was given to the people who were married during those years and the state, or even the local villagers who ran those marriages, kept no records of them. Those people have no documentation when they come before the Family Law Court saying or stating or confirming they are in fact married. A number have been advised that the application for dissolution of marriage cannot proceed further because of insufficient documentation to confirm marital status.

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