

LAW REFORM COMMITTEE
Inquiry into warrant powers and procedures

Melbourne – 5 November 2004

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Witness

Mr J. Chol, African Settlement Worker, Springvale Community Aid and Advice Bureau

Mr DALLA-RIVA – Thank you for coming here today.

Mr CHOL – I come from the Springvale Community Advice Bureau and my role there is as a settlement officer, mostly working in the community and I was asked by my Director to be part of this hearing today to tell you of the overall activities of the Springvale Community Aid and Advice Bureau. It is important that I should be the one coming here due to the duties I carry out as a settlement officer in the community. I come from Sudan and have been in Australia since 1995 and based on the knowledge I have I had the opportunity to be employed by the Springvale Community Aid and Advice Bureau through the funding that comes from the Department of Immigration. I deal with the settlement issues, helping the community find their way into the wider community and make connections and help them with finding employment and many other issues including family issues.

We face situations in the community with regards to our relationship with the police. These have been put in writing. The relationship that people have with the police back home is that they see the police as somebody who is employed by the government to give punishment to the ordinary people. When they see police they don't like them because of the background they have. One of my worries is that our community needs to develop a better relationship with the police. As I understand it, the role of the police is to implement the law and they are not there to punish or to do anything besides what the community asks them to do. That is one of the problems our community finds very hard at the moment. I believe people coming from Sudan see police as an agent who is employed by the government to punish the people.

We are trying to find a way to promote this relationship and I think agencies like ours would be in a position to promote the harmony between the police and the community. We don't know the way to do it but we need a way of promoting a relationship and this may be by calling someone from the Police Force and also the community and spending time together and trying to bridge this cultural background where the community can talk about their own experiences with the police and also where the police can give their position and explain what they do. I think this is the only way to promote a relationship between the police and the community. With this also is the lack of resources.

I am not aware of how the justice system works in Australia, as I said. They don't know the laws coming out of the community consultation about the Discussion Paper. Members of our community do not have the knowledge and I think it would be a good idea to establish another information session where also give information to the community about how laws are made – it is something new to them.

In my personal experience as a worker, I had a boy of 19 years of age who came to my office. He came because he was caught driving and his licence had been suspended I think and he kept driving and was caught by the police who cut off the driving licence. He said that he would not stop driving until the police took his car away from him. In that case the boy had personalised the relationship between him and the police. He thought it was the police doing it, he didn't know that the police are there to implement the law. This gave me the idea that what is lacking at the moment in our community is the knowledge of how the justice system works in Australia and Victoria. We need some sort of education, I don't know how, but it could be the way to help the community understand the role of the police. In that case the police were innocent as they were just carrying out their duties.

The other thing that needs to be understood by the community and the police is that simply because they are standing or sitting in a group doesn't mean they are in a gang. It is their way to socialise among themselves. Now when they come to Australia they meet at the station at about 2 o'clock or 3 o'clock when they are coming home from school's work and they form something like a gang. This is not to cause problems but they are there because that is where they meet one another and then they disperse.

The police are worried of that and take the same three of people to the station and if these boys are going to Dandenong they escort them there and if they are going to Clayton they escort them there. I believe there should be an information seminars giving that background of the Police Force that if you find these people gathering around the station or around places, they are not there for the wrong purpose, they are there simply for socialisation because that is how it used to be back home.

We believe that there should be the teaching of responsibility of individuals who are law abiding and if they understand the responsibility and the laws, I believe they will they will carry it out in a good way.

Mr DALLA-RIVA – Just a couple of issues, you mentioned about promotion harmony and spending time together with the police so that they understand and so that your community understands their role, have you made communications with the local police? How do you actually relate to the local police for your local community because obviously you would have Sudanese communities as in other parts of Melbourne other cultures do. Have you made an approach to the local inspectorate so that there is a closer relationship and understanding of that need to establish that given that the police are moving to deal with community issues? Has that been done, and what is the success rate?

Mr CHOL – There are Sudanese scattered all over Melbourne. There are people in the west, east, north and everywhere but they do have an organization called the Sudanese Community of Australia and there is a committee that manages it all over Melbourne. In regards to their relationship with the police, we have a very good relationship with the officer called the Multicultural Officer in the Police Force. I don't know which station he is based at. Also within our organization we have youth activity and we have a camp where we send people and we ask the Multicultural Officer to go with the young people so that they can develop their relationship. I remember last year they went to Phillip Island for two days ... So that relationship is there. The more people who come, the more there is the need for this. ...

Mr DALLA-RIVA – Particularly regarding warrants, do you have any experience where there have been search warrants issued or executed on your community's homes as a result of searching for particular matters?

Mr CHOL – No, no experience of that. As you know there is an influx of domestic violence and other crimes in our community at the moment. I have never seen where a warrant has been issued.

Mr KOCH – James, do you specifically service a clientele that is African, or is it across the board? Is your concern gender specific by majority and, also, what proportion of your client base would be of a non-English speaking background? In saying that, does literacy or the lack of literacy play an important part in some of the concerns that are conveyed to your office?

Mr CHOL – The title of my job description is African Settlement. Most of the local clients I see are Sudanese. I do see Somalis, I see Iritrean, and I see other people from Egypt, for example, or Lebanon or from many of these countries as they can come to our centre. It is mainly for the Africans and the majority of my clients are from the Sudan. Regarding the gender, most are males but some women come to me and if there is a problem that I can't talk about then I will refer them onto another service. With the level of literacy, because of the war people are very diverse in their skills (to verify) Young people don't come through Egypt because a lot of these people would have been at university in Egypt and their English literacy is quite good. Most people who are coming from somewhere like Kenya are struggling because they are coming mainly from the villages.

Mr KOCH – I wasn't endeavouring to be wayward in relationship of raising the gender situation. Other witnesses have brought before us in the hearings that it is probably more gender specific to male than female and when you were speaking earlier on of the collectives at the railway station and what have you, I didn't know whether that was what you were referring to.

Mr DALLA-RIVA – As you indicated with the evidence of the 19-year-old who kept driving his car and the police cut the licence up, I note from one of the submissions from Anna Hall, she makes reference that the youth are starting to have some problems with the law as they experience the clash of cultures. Hearing what you are saying, I am perhaps worried that if there is no immediate addressing of your concerns, you may end up creating a culture and your community may become anti-police and on that basis you are identifying something as a concern. I know you mentioned the training and coming together, how do you see it as dealing with it at the grass roots, so the 19-year-old driving a car, rather than having the advisory committee meeting with the advisory people from the police, that relationship at a lower level? You said you have relationships already underway but I am concerned that it is really happening with the police in the divisional van and the young 19-year-olds are missing out because by

the time it filters down it will be too late. Your directors have identified that these problems are starting and I am just wondering how you are addressing that.

Mr CHOL – It would be better to be individual rather than a collective responsibility. It would be how the individual is feeling towards the police. But as you said, our fear, for example if that 19-year-old boy was in the same position tomorrow and came up against the police (to verify). It is the police who do that to them. I think the way may not be at a community level but we need to find a way for the young people to learn and try and explain to them about the relationships here.

The fact that you understand our organization is a community based organization, the Springvale Community Aid and Advice Bureau, and the south-east of Melbourne has become the home for many migrants, Vietnamese and Chinese, and now many of them are from Africa are coming too.

Mr DALLA-RIVA – Thank you for your attendance.

Witness withdrew