

FINAL TRANSCRIPT

LEGISLATIVE ASSEMBLY LEGAL AND SOCIAL ISSUES COMMITTEE

Inquiry into Support for Older Victorians from Migrant and Refugee Backgrounds

Melbourne—Friday, 18 February 2022

MEMBERS

Ms Natalie Suleyman—Chair

Mr Brad Battin—Deputy Chair

Mr Neil Angus

Ms Christine Couzens

Ms Emma Kealy

Ms Michaela Settle

Mr Meng Heang Tak

WITNESSES *(via videoconference)*

Ms Jackie Galloway, Chief Executive Officer, and

Ms Kirsten Young, Community Engagement, Education and Legal Policy Officer, Peninsula
Community Legal Centre.

The CHAIR: I declare open the Legislative Assembly Legal and Social Issues Committee public hearing for the Inquiry into Support for Older Victorians from Migrant and Refugee Backgrounds.

I acknowledge the traditional owners of the land on which we are meeting. I pay my respects to their elders past and present and the Aboriginal elders of other communities who may be here today.

I welcome Jackie Galloway, the CEO, and also Kirsten Young, Community Engagement, Education and Legal Policy Officer, of Peninsula Community Legal Centre.

I also acknowledge my colleagues that are participating today: Christine Couzens, the Member for Geelong; Neil Angus, the Member for Forest Hill; and Meng Heang Tak, the Member for Clarinda.

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I now invite you to proceed with a brief statement to the committee, which will be followed by questions from the members. Thank you so much for being here. Who will proceed first, Jackie or Kirsten? Jackie.

Ms GALLOWAY: Jackie Galloway from Peninsula Community Legal Centre. I do apologise; I appear to be having some internet issues. Can I just say big thankyou for the opportunity to present to the committee today.

Peninsula Community Legal Centre provides free legal services in Melbourne's south-east and the Mornington Peninsula, with five offices and 16 visiting services scattered across a large geographic area that covers around 1.1 million people. I am aware the committee has already heard from other community legal centres in a previous hearing, and while there are similarities in the work that we do, I would like to differentiate how PCLC works with older CALD people.

We are a generalist legal service so we differ from our partners at Seniors Rights; for example, we provide advice to all age groups on a broad range of legal topics and we are a local rather than statewide. We provide advice in person and over the phone as well as duty lawyer services at Frankston Magistrates Court, Moorabbin Justice Centre and the Dandenong Federal Circuit Court with family law. We are a mainstream service, but we do see a lot of clients from migrant and refugee backgrounds across our various practice areas. The number of clients requiring an interpreter doubled in 2021 at PCLC, and our figures from 2022 already look as though they will double again this year. We see older clients from across areas of our whole practice, and in our submission we have included case studies from some of our key programs. We have an office based in Cranbourne in the City of Casey, which has 160 different nationalities residing in it.

Due to increasing demand from older clients, last year we launched a specialist elder law clinic that is held once a month at our office in Rosebud. The clinic offers advice on a range of elder law issues, including elder abuse. The clinic is oversubscribed and cannot keep up with the demand. We are also participating in a Victoria Police trial on financial elder abuse as well as our local elder abuse network. Both of these collaborations result in referrals of older CALD clients to our service.

We have made a number of recommendations, but I would like to draw the committee's attention to the following issues. Older people in general and older people in particular suffer a distinct disadvantage in access to justice due to the barriers they face in accessing legal services, and this is due to a complex range of factors that include issues such as the high cost of private lawyers, an overly restrictive means test for legal aid and not enough funding for community legal centres to conduct specialised elder law services.

Our experience is that it is important for older CALD people to be able to access services at their local level. For example, many older people wishing to access our specialist elder law clinic tell us it is too far to drive to travel to Rosebud, so they prefer to meet with one of our general lawyers in a regular session at one of our other offices. Older CALD people place a lot of value on being able to access services in their local community, where they do not have to travel and which can provide local community knowledge and connections. This fact, coupled with the fact that our monthly elder law clinics cannot meet the level of demand, points to the need for more funding not only for statewide services but also for place-based specialist elder law services for older people within local community legal centres, including services tailored for the CALD communities.

Many older people also have a limited understanding of their legal rights and the services that might be available to them. However, there is a lack of translated information about legal issues experienced by older people available in languages other than English. When we conduct community legal education for CALD communities, the lack of translated resources is a problem that comes up all the time. More translated elder law resources on key issues are greatly needed, and more funding for bicultural community legal education workers to work with older CALD communities on elder law issues is needed.

Language barriers also contribute to the social isolation of older CALD people and dependence on family members for support and information. A key problem that we often see is when family members who are not lawyers provide older people with incorrect advice or inadequate translation or when the family member providing the translation may be the perpetrator of mistreatment or abuse. There are also considerable problems with the quality of interpreters that are available, and this can have an adverse effect on justice outcomes, as some of our case studies have illustrated. Ensuring that there is adequate funding for appropriate qualified and competent interpreters at all stages in the justice system is therefore crucial.

Finally, on the subject of elder abuse I would like to make a special mention of the Victoria Police trial on financial elder abuse that we participate in in the south-east region. The problem of financial elder abuse affects older people particularly acutely. As you know, elder abuse is an immensely complex and challenging problem which requires a partnership response model. This trial brings together many of the key stakeholders required in a collaborative model, including police, health, legal, local government and financial institutions. The trial is just that, and it is not perfect, but it is the kind of initiative that is needed in this complex area. I am going to pass over to my colleague Kirsten Young, who will now talk more in detail about our community legal education project for CALD communities that we launched last year. Over to you, Kirsten.

Ms YOUNG: Thanks, Jackie. As Jackie just said, last year we launched a special community legal education project in response to an increase in the number of CALD women who were accessing our family violence and family law services, most often through our duty lawyers at the courts. Many did not know their legal rights and were unaware that lawyers might be able to help them. They only came to our lawyers because they had been referred by court staff when their situation had already reached crisis point. Most of these women had instead preferred to look for help inside the family or community, which is consistent with research indicating that for many migrants and refugees mistrust of the Australian legal system actually increases over time.

We therefore launched our strengthening legal pathways for CALD women project to undertake an intensive effort to actively reach out to CALD women, to empower them with knowledge about their legal options and to connect them with legal and other support services. A bicultural project officer was employed to work closely with CALD community organisations to deliver in-person and online information sessions that were tailored to different cultural and linguistic communities. The sessions were held in environments where there was already a relationship of trust, such as women's friendship cafes or Facebook private groups, given the cultural sensitivities often surrounding family violence.

While the focus of the project has been on family violence and elder abuse, the sessions have also covered many other areas of law that the communities have indicated that they are interested in or that they do not know much about. For example, we have been conducting sessions with the Ethnic Communities' Council of Victoria for older groups on issues such as wills and powers of attorney, where there has been great interest in learning about issues such as how principles of other legal traditions, such as sharia law, can be incorporated into their wills in Australia.

The projects also used some new and creative ways of engaging with communities online, such as live streaming information sessions through Facebook private community groups. This has allowed us to reach communities in an informal and interactive way in settings where they are at the time. For example, we have had people joining the sessions when they are in their cars, and this has allowed us to reach audiences we would never otherwise have had access to and has attracted large audiences of hundreds of people per session. The project resulted in a considerable number of direct referrals of CALD clients into our service for people needing legal help and also many requests from CALD community groups for more legal information sessions, which indicates that this is a clear area of legal need.

I would like here to draw the committee's attention to some remarks that were made earlier this week by Dr Kay Patterson, the national age discrimination commissioner, on the importance of community legal education for older CALD communities. Dr Patterson was talking about the national conference on elder abuse that was held in Hobart this week, and she said that a key issue that the conference focused on was the need for a national system for powers of attorney. She spoke about the need for much more community education on powers of attorney and highlighted that this is a particularly important issue for CALD communities, where there is less knowledge and many misunderstandings about powers of attorney which can lead to very negative results for the older person.

Intensive community legal education outreach projects like the one that we have been running for CALD women are resource intensive and require bicultural and bilingual personnel who can connect with communities, and they work if they are properly funded and resourced. However, like so many other community organisations, we rely on short-term grants that we have to cobble together to fund them, with staff on short-term contracts and no certainty about how long we can keep the projects running, no matter how successful they are and no matter the results that they yield. So, as already mentioned by Jackie, funding for community legal centres to deliver community legal education and other specialist legal support for older CALD communities is greatly needed. I will leave it at that. Thank you for the opportunity to speak to you today.

The CHAIR: Thank you very much, Jackie and Kirsten, for your comprehensive submission. I will move on to questions, and I think Neil had his hand up, and then Chris. Thank you.

Mr ANGUS: Thank you very much, Chair. And thank you, Jackie and Kirsten, for your evidence today and also for your written submission. I am particularly interested in the Victoria Police trial regarding elder abuse. Can you just tell us a little bit more about that, please?

The CHAIR: Jackie, can you hear us?

Ms GALLOWAY: Sorry. My apologies. I am having terrible internet issues. Kirsten, did you hear that question?

Ms YOUNG: Yes, Jackie. The member is interested in the VicPol financial elder abuse trial.

The CHAIR: Thank you.

Ms GALLOWAY: Okay. My apologies. PCLC—Peninsula Community Legal Centre—is part of the Victoria Police financial abuse trial, which I understand is being held in the south, which I am a part of, and in the east. It brings together Victoria Police, it brings together the bank and it brings together government departments and community organisations that all have an interest in elder abuse, with a focus on financial. For instance, the banks, which have been a great addition to the team, can talk through their processes for asking where there have identified cases of elder abuse. We have actually had an issue where the bank has actually referred a client to us—where they have identified suspicious transactions and they have referred it to us. We certainly think that the banks are a key player in moving forward in identifying early intervention of elder abuse.

Mr ANGUS: Excellent. I absolutely agree with you on that. So which banks are you referring to? Is it just geographically local banks or is it all the big five or four banks? Who is involved?

Ms GALLOWAY: In our trial it is the ANZ bank who are participating, and I am actually really pleased to say that we have some elder law forums happening in a couple of months in which the bank have agreed to participate as well.

Mr ANGUS: In terms of the percentage of your own work, what percentage would be elder abuse related, do you think?

Ms GALLOWAY: Eleven per cent of the clients that come through Peninsula Community Legal Centre are older people 65 and plus. The elder abuse numbers are hard to predict because unfortunately our data analyses family violence as including elder abuse, and again, may I say, elder abuse is often not reported. Often many victims of elder abuse, generally because it is perpetrated by family members, do not like to report. But we certainly see them at the court, and I am happy to get back to you with the number of the ones that we are seeing directly at the court.

Mr ANGUS: That would be very helpful. Thank you very much. Thanks, Chair.

The CHAIR: Thanks, Neil. Any further questions? Chris, thank you.

Ms COUZENS: Thank you both for your contribution today and your submission. I know that you are in a geographical area, but I am sure many of the issues that you have raised in your submission and today relate right across our community, so thank you for the work that you do.

My question was around: in your submission you talked about a central referral service. I am just wondering whether something like Seniors Rights Victoria or the Orange Door or something like that might be something to consider.

Ms GALLOWAY: Look, when we refer to the central referral services, I think often this system is difficult to navigate. For the CALD community, they may not recognise that they are suffering with elder abuse, so it is really difficult for them to determine who they need to go to. Certainly in a central referral service it would be great if it was seniors rights or older persons across the board—not sort of necessarily using ‘elder abuse’ as the title, but certainly, yes, seniors rights I think we would welcome and more funding to enable a central referral service. The client in contact has access to interpreters, and then it can be referred out to a more sort of local level.

Ms COUZENS: Thank you. And in terms of the royal commissions into family violence and mental health that we have seen happen, do you think that they met the needs of culturally diverse older people, or do you think that there have been missed opportunities during those inquiries?

Ms GALLOWAY: Look, I think there are always opportunities to improve best practice, aren't there? And we talked a little bit about interpreters. I think if we had more access to culturally sensitive interpreters—obviously when there is a shortage of interpreters we may have a client that has been heavily traumatised by family violence or elder abuse, we then contact an interpreter service and we may very well get a male. Or often our clients are concerned that it is going to be someone from their own community. So again I think increasing the access to interpreters to include requests for cultural sensitivity would enable someone to feel comfortable that they can then relay their story and that the interpreter can then interpret in a culturally sensitive way and they are not apprehensive that that may be a member of their community. Often the CALD community is broader than their local level, so there is always that great fear that they will get someone they may very well know.

Ms COUZENS: Thank you.

Ms GALLOWAY: You are welcome.

The CHAIR: And Heang had a question.

Mr TAK: Thank you, Chair. If I can continue on with the quality and the availability of the culturally appropriate interpreter, Jackie, in that sense, do you have data in terms of which languages are needed? Because I do understand training for interpreters is one thing, but at the end of that training job prospects are another thing. So do you have a sort of database of what the languages are that you need?

Ms GALLOWAY: Yes, I think the issue with interpreters is—obviously if I look at the City of Casey there are 160 different nationalities, so again I recognise the extent—we need a lot of interpreters with a number of different languages. So I think there is a way of increasing interpreting, looking at being culturally sensitive. One of the other things we mentioned is about finding more workers. How do we as a community support particularly our refugee and migrant community to become lawyers? How do we put in some strategies to increase the amount of bilingual lawyers? That would be a welcome addition to our team. I think there is a broader need, certainly for interpreters, but then I think it is about: how do we support our community to become lawyers and then be able to, you know, work in, hopefully, community legal centres?

Mr TAK: Okay. Thank you, Chair. Thank you, Jackie.

The CHAIR: Thank you, Heang. Go on, Neil.

Mr ANGUS: Thank you, Chair. I noticed some of your case studies, which were most interesting, in your written submission. In a number of those one of the common threads seemed to me to be that some judicial officers or police officers were unfamiliar with some of the issues surrounding the CALD community in general and the older population in particular. Have you got a view in relation to whether there should be a lot more education being done for some of the statutory officers, whether they be magistrates, whether they be VCAT members or whether they be senior police officers, in relation to fleshing out some of the issues that are faced by older multicultural community members?

Ms GALLOWAY: I think I did not hear all of that question. I think what I could hear was relating to judicial officers. My comment would be that I think, as Kirsten highlighted in our CALD community legal education project, the more opportunities that we can all embrace and include our CALD communities with resources and speaking in language, the more it is going to encourage better outcomes for older people.

Mr ANGUS: The point I was really getting to was whether there was a gap in terms of some of the, for example, magistrates or VCAT members or senior police in understanding some of these issues. So do you think we need to focus more specifically in relation to informing them?

Ms GALLOWAY: I think there are always good opportunities for the judiciary and for all who are working with older CALD clients to improve their understanding of working with CALD communities and how to build good communication, so I think are always great opportunities to be looking at how we can improve and understand. I think just using interpreters is [Zoom dropout] how do we create good opportunities and build the bridges so that people feel comfortable in these environments?

Mr ANGUS: Thank you.

Ms YOUNG: Could I just add something to that

The CHAIR: Yes.

Ms YOUNG: I think that there is a lack of understanding sometimes within the court system as well about the difficulties faced by CALD people and particularly older CALD people at every step of the justice process—and that is what our submission tries to draw out—and the way that that can then translate into actual practice in the courts is that very often there is a lack of clarity as to who is responsible for arranging interpreters. So there are often hearings that are held where no interpreter has been arranged. That results in continuous adjournments, which is very confusing for people if they do not speak English, they do not understand why the interpreter is not there and their matter gets adjourned repeatedly, and it makes their whole experience of the justice system confusing. I think that there is a great need for education on that for the court system and the judicial officers as a whole.

Mr ANGUS: Very good. Thank you.

Mr TAK: Chair?

The CHAIR: Yes, Heang.

Mr TAK: Just one quick complement.

The CHAIR: One more question.

Mr TAK: Yes, just my observation. Some of the CALD communities may have very different perceptions in terms of the justice systems—the police and the judiciary—in their home country, and that may carry on here. I think whilst there is a bit in your submission, Jackie and Kirsten, about how there ought to be more awareness in the police and judiciary, but do you think that there should be also more awareness within the CALD community about our legal, justice system here?

Ms YOUNG: We seem to have lost Jackie. I think her internet connection was bad. If you do not mind, I will answer that question, but absolutely, and that is what the community legal education that I was talking about is actually aimed at doing. There is quite a bit of that education going on. The AMES program, the adult migrant English system program, has a component which has an introductory session on Australian law and the Australian justice system for new arrivals. Victoria Legal Aid also runs a program like that. But there is never enough, so I do think for sure those sorts of community legal education programs for migrants, especially new arrivals and refugees, are an important part of what needs to be done. It is the other side of the coin to what we were saying earlier about the need to educate the justice system itself.

The CHAIR: Thank you. I believe that was the last question. Thank you for your presentation and contribution today, both of you. The committee appreciates very much the time and the effort that you have taken to prepare the evidence in your submission.

Our next steps will be that we will continue with numerous public hearings, and thereafter we will deliberate on all the submissions and table a report in the Legislative Assembly to government on some strong recommendations. But again, thank you for taking the time and for contributing to part of this inquiry. All the very best.

Ms GALLOWAY: Thank you, and my apologies for the internet.

The CHAIR: That is all right. We got you at the end, Jackie. Thank you.

Ms GALLOWAY: Thank you so much.

Witnesses withdrew.