

## **SUBMISSION TO THE ACT GOVERNMENT'S 'ROADMAP TO ENHANCING OUR CITY'S MULTICULTURAL WAY OF LIFE'**

The ACT Government's 'Roadmap to enhancing our city's multicultural way of life' specifically notes that accessible and responsive services are a key issue.

This Submission collates feedback on behalf of local specialist services in the Women's Services Network who provide essential, accessible and responsive services and support to women who experience domestic violence.

### **Background**

With increased awareness about domestic and family violence and sexual assault, there has been increased reporting in the ACT and this has resulted in increased demand for services and responses to domestic violence. Given that women and girls may identify violence in their own lives as a result of local awareness-raising and primary prevention activities and seek assistance, it is important that adequately resourced services are available to respond to them.

While domestic violence can happen to anyone, some people in the ACT are more at risk than others, and it can be harder for people who are marginalised in some way to get help. In the ACT, the women's services have noted an ever-increasing number of Culturally and Linguistically Diverse (CALD) clients for whom English is a second language, and who require translating and interpreting services to communicate.

### **Responses to Questions**

This submission provides comments that respond in some way to the following questions:

- Which ACT Government practices and programs work well in terms of accessibility and responsiveness for CALD community members — and which can be improved?
- How can we as a community ensure that all members are better connected to the services and support required to achieve a productive life?
- What more can we be doing as a government — and indeed a wider community — to ensure accessible and responsive services are in place for members of the CALD community so they have the support to grow and develop?

The availability of a free translating and interpreting service is essential for those women who need assistance to communicate, and without the support women and their children who may already be facing multiple challenges would not be able to access key and essential services.

We understand that there have been recent announcements by the Commonwealth about them terminating funding for TIS to government funded NGO's and this will impact on the ability of many of these services to provide the translating and interpreting service to CALD women who need it.

They have received formal advice that the DSS Free Interpreting Service is due to expire on 31 July 2014, and from 1 August 2014 the cost of interpreting will be charged to their organisation. Despite requesting access to the Free Interpreting Service to support the casework and emergency services they are being advised that because they are a fully ACT government funded service they are not able to seek an exemption. We understand that this has now been extended until end of June 2015 so that services can negotiate with their ACT funders.

Because many of these are small specialist services they cannot afford the cost and their ACT service funding contracts do not currently cover this cost. We have been advised that many have been told by ACT funders that they will be expected to absorb this new cost within the current funding and with no additional allocation from the ACT.

### **What the Termination of funding for TIS for government funded NGOs will mean – an example**

For the past 11 years the Domestic Violence Crisis service (DVCS) has been able to access TIS at no charge under the non-profit, non-government, community-based (NGO) access category. The Department of Immigration and Citizenship (now Department of Immigration and Border Protection) has recently deemed DVCS ineligible for continuing free access due to being fully ACT government funded. The Department has directed DVCS to negotiate funding for TIS access with their 'funding body' and for the funding to be built into the Service Funding Agreement.

DVCS provided a submission as part of the Australian Capital Territory Budget Consultation 2014-2015 which was unsuccessful and have again put in a submission for the 2015-2016 Budget Consultation. At this stage there is no indication of future funding support in this area.

DVCS provides a 24 hour crisis service to persons subjected to and affected by domestic and family violence in the ACT. DVCS operates within a framework that emphasises human rights and social justice and gives priority to personal safety.

DVCS has noted an increasing number of CALD clients accessing the service and requiring interpreting services. In the 2013-2014 financial year 11% of all DVCS clients identified as being from a CALD background, with a particular growth in the number of women falling into the non-permanent resident category.

TIS utilisation rates have been provided to DVCS by the service which shows that for the 2013-2014 financial year expenditure totalled a staggering \$15,275. This was up by \$9,137 from the previous year. The first quarter of this financial year has already seen an expenditure of \$4,989.13. If this pattern were to continue DVCS is on target for spending \$20,000 on TIS by June 2015. This predicted expenditure has not been provided for in the current ACT budget and it is crucial that it be considered for the 2015-2016 one.

**Other similarly impacted services in the sector have indicated they do not have the financial capacity to sustain the new cost of providing services to people who need an interpreting service.**

## **Impact**

CALD clients will be denied equity of access to many services. This will result in communication barriers for the clients who would historically be accessing TIS and will impact on their basic human right for access to support, resulting in discrimination of minority groups who are already facing multiple barriers and challenges.

Additional funding has been sought as it is considered essential to support the human rights of all persons to access a critical, legislated support service, regardless of the language they speak.

And it is particularly important that every person's needs and situation are understood in circumstances where their personal safety is compromised.

## **Impact on civil matters in court system in the ACT**

One of the identified gaps in the sector is within the court system in the ACT in relation to civil matters. In particular when applying for a protection order if a person requires a qualified interpreter and is not a client of Legal Aid or another service that can support their access then they are required to pay for the service.

Example 1: Applicants without the support of Legal Aid or that of a support service who accesses TIS do not have access to a funded qualified interpreter and are required to pay for the service which in most cases is not a viable option due to financial stress.

Example 2: If DVCS had been requested by a Registrar at court to support a respondent (not a client) in an interim Domestic Violence Order and use the DVCS supplied interpreter to be able to negotiate the terms of the order. Due to the funding issues DVCS would have to decline the request.

## **Human Rights Impact**

Limiting access to an interpreting service results in magnifying the barriers to women escaping violence and limits their ability to access support, understand what services or intervention - both legal and civil - are available, limits access to legal counsel, and impacts on their understanding of their options and therefore being able to safety plan in the context of domestic violence. The detrimental effects of domestic violence are well documented and to deny a person the capacity to communicate denies them information and the opportunity to access the services needed to address their basic human right for safety.

## **Recommendation**

While the prevalence of violence against women remains high, there needs to be continued investment and priority in the availability of translating and interpreting services for CALD women with language difficulties systems, so that the safety of these women and children is protected, and to ensure that individual perpetrators are held accountable.

- Funding for the provision of translating and interpreting services in the relevant affected services need to be maintained at a level to ensure that CALD women who

are subjected to domestic violence and sexual assault have adequate and appropriate support to access safety and support.

- Adequate resources to fund TIS services need to be allocated to ACT services supporting women to escape domestic violence to keep CALD women and children safe and to prevent the disadvantages they face due to domestic violence.

*As articulated in 'Capital Culture -The roadmap to enhancing our city' 'In particular, some members of the ACT's CALD community may face extensive vulnerabilities and require targeted initiatives to ensure they are able to gain access to necessary services in order to participate fully in the life of our city. We have a proud record of doing just this. Since 2001, a range of programs have been developed and implemented to make it easier for vulnerable Canberrans to gain access to services to which they are entitled'.*

We believe that if the ACT government does not address the emerging TIS issue then fulfilling this outcome will not be possible.