



**ethnic
communities'
council of
victoria**

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The Right Hon Malcolm Fraser AC, CH,
former Prime Minister of Australia

**ECCV SUBMISSION TO THE
VICTORIAN LAW REFORM COMMISSION**

March 2013

Victoria's Multicultural Communities

The Ethnic Communities Council of Victoria (ECCV) welcomes the opportunity to present a submission on the reforms in succession laws to the Victorian Law Reform Commission on behalf of multicultural communities and organisations.

ECCV is the peak body for ethnic and multicultural organisations in Victoria. It is a community based, member driven organisation committed to empowering people from diverse and multicultural communities in Victoria since 1974. The organisation advocates and lobbies all levels of government on behalf of multicultural communities in areas like aged care and ageing, human rights and justice, access and equity, racism and discrimination, community harmony, employment and education, health and community services, and arts and culture.

ECCV recognises that large proportions that will be affected by the reforms are seniors. A third of Victorian seniors are from non-English speaking backgrounds. According to the 2011 ABS Census, 31% of Victorians 65 and over are from a culturally and linguistically diverse (CALD) background which is equivalent to a population of roundabout 220,000. In the age group between 75 and 84, elderly people from non-English speaking backgrounds make up 33% of seniors living in Victoria.

The Reform and its Challenges

ECCV has received informal feedback from ethnic communities regarding the vulnerability of people from non-English speaking backgrounds. They are vulnerable due to the following reasons:

- The Victorian legal system is not easy to navigate for people from non-English speaking backgrounds, particularly for seniors and members from new and emerging communities.
- People from non-English speaking backgrounds have varying levels of language proficiency both in their mother tongue and English.

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- Ethnic seniors are at risk of abuse due to their dependency on family members or carers who have a better knowledge of English and the legal system.
- Making a will is not an easy decision. ECCV community consultation shows that seniors from non-English speaking backgrounds access services often at crisis point. For example ethnic seniors have higher rates of advanced dementia than the average Australian population as they tend not to seek aged care services or assistance and as a result avoid early diagnosis. When ethnic seniors enter into residential care in a crisis situation a guardian is often appointed causing distress and additional burdens to the devoted next of kin.
- Ethnic seniors have limited or no access to culturally appropriate information on legal issues in languages other than English or in plain English.
- Members from new and emerging communities face further barriers to accessing culturally appropriate information. Due to the fact that they have arrived comparatively recently to Victoria, their community based support system is less developed.
- To humanitarian migrants from non-democratic war torn countries signing a legal document such as a will is often met with distrust as they have experienced abuse in their country of origin.

Culturally appropriate information

ECCV welcomes the opportunity to provide input and supports reforms in succession laws in general. ECCV however, believes they should be designed in such ways that take into considerations the needs of people from non-English speaking backgrounds. Access to culturally appropriate information is vital for multicultural communities.

Recommendation 1

That the Victorian Government ensures that the reform on succession laws and its associated rights and duties are understood by Victoria's ethnic communities.

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Easier Access

ECCV believes that the reforms and its implications are of complex nature. People from non-English speaking backgrounds may have low literacy levels. A simple toolkit and oral recordings of wills would facilitate the will making process for people from CALD backgrounds. The oral recording could be facilitated by a bilingual/bicultural worker from an ethno-specific agency or a legal officer and an interpreter.

Recommendation 2

That the Victorian Government develops a simple toolkit on succession laws that include templates to draw up wills in a range of community languages.

Recommendation 3

That the Victorian Government accepts oral recordings as a legal document and facilitates the recording of *oral wills*.

ECCV believes that ethno-specific and multicultural community welfare organisations are well placed to assist people from their communities (who wish to do so) in the process of making their wills, including oral wills as they:

- Have the cultural and linguistic competence, which includes bi-lingual staff.
- Tend to have the trust of their communities.
- Are supposedly non-partisan.

However, ethno-specific agencies which are willing to provide such services need to be resourced. ECCV is also aware that assistance in the will making process can be a sensitive issue in smaller communities as confidentiality is not necessarily easy to maintain.

Recommendation 4

That the Victorian Government provides support and resources to train the workforce and volunteers of ethno-specific agencies in gaining competency with assisting people from non-English speaking backgrounds to draw up their will.



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Community Education

ECCV believes that there is a need for culturally and linguistically appropriate information and community education sessions on succession laws.

Recommendation 5

That the Victorian Government funds community education that consist of the following elements:

- Delivery of same language face to face information sessions to community groups.
- Development of same language radio programs in conjunction with ethnic media (SBS and ethnic community radio).
- Development of translated and plain English materials which accompany the information sessions.

Particularly ethnic seniors and members of new and emerging communities are in need for culturally appropriate information with regards to succession laws. They need to be able to know how they may draw up their will and where they can ask for assistance.

Recommendation 6

That the Victorian Government funds community education sessions which specifically target ethnic seniors and members of new and emerging communities.

Recommendation 7

That the Victorian Government provides resources to run community education sessions for ethnic communities on succession laws and its associated rights and obligations. The community education should be delivered in conjunction with an ethnic radio campaign.

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