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24 November 2020

Ms Sophie Dunstone
Committee Secretary
Parliament House Canberra
PO Box 6100
CANBERRA ACT 2600

By online submission

Dear Ms Dunstone

**IMMIGRATION (EDUCATION) AMENDMENT (EXPANDING ACCESS TO
ENGLISH TUITION) BILL 2020 [PROVISIONS]**

Legal Aid Western Australia (LAWA) is pleased to provide this submission to the Legal and Constitutional Affairs Legislation Committee on the Immigration (Education) Amendment (Expanding Access to English Tuition) Bill 2020. LAWA is an independent, statutory body established under the Legal Aid Commission Act 1976. We are funded by the State and Commonwealth governments to provide legal assistance services to the public, with a particular focus on the needs of people who are economically and/or socially disadvantaged. LAWA is the largest provider of legal services in Western Australia and provides services across the areas of child protection, family law, criminal law and civil matters.

LAWA is broadly supportive of the purpose of this Bill, to expand access to government-funded English tuition for migrants and encourage the acquisition of a higher level of English proficiency. Extending the Adult Migrant English Program (AMEP) and making it more accessible will benefit migrants and more generally Australian society.

Australia's ethnic and linguistic diversity is of enormous benefit to the nation however it also poses challenges relating to access to justice. Lack of English language proficiency poses a significant challenge for Australia's legal system and can lead to unjust outcomes for the migrant population. LAWA provides legal services to migrants across all service areas. Migrants, like others in the community, face a variety of legal issues. They may come into contact with the criminal law system or experience family breakdowns which result in Family Court proceedings. LAWA regularly assists migrants with consumer law issues and those experiencing financial hardship that may lead to property repossession and homelessness.

Language is one of the largest barriers faced by Migrants interacting with Australia's legal system. It affects their ability to understand the legal system, to seek legal assistance, to participate in court proceedings and to complete necessary paperwork. These problems engaging with Australia's legal system

often result in non-participation and unjust outcomes for Migrants. Measures to improve migrant's English skills will improve participation in the legal system and improve access to justice.

In 2010, LAWA in partnership with legal aid commissions in Australia developed the What's the law? education resource for newly arrived migrants who are developing English language skills. The resource is available at no cost and can be used by service providers such as AMEP to assist migrants develop English language skills, as well as providing basic information about some common legal issues and how to identify legal problems and get free legal help.

In addition, LAWA expends significant resources on interpreters who are essential in enabling Migrants with reduced English language capacity to participate in the legal system. Interpreters are used to provide legal advice as well as in courts and tribunals. The expansion of the AMEP may also reduce the cost to government of providing interpreting services.

The AMEP provides a significant benefit to Migrants and society more broadly, however people with intellectual and developmental disabilities face challenges engaging with the AMEP model due to its traditional and conventional approach to teaching English. A traditional learning environment may be suitable for the majority of participants, however a more flexible approach to learning English should be adopted in some cases to ensure inclusivity for those with a disability.

Removing the current statutory limit of 510 hours that is imposed on English tuition and enabling eligible persons to remain entitled to further English tuition will support migrants to improve their English proficiency and enable them to participate more fully in Australian society. Amending the upper limit for eligibility to access English tuition to a new level of vocational English as opposed to the current limit of functional English is also highly recommended.

If you have any questions or would like to discuss this submission further, please contact me

Yours sincerely

Graham Hill
DIRECTOR OF LEGAL AID