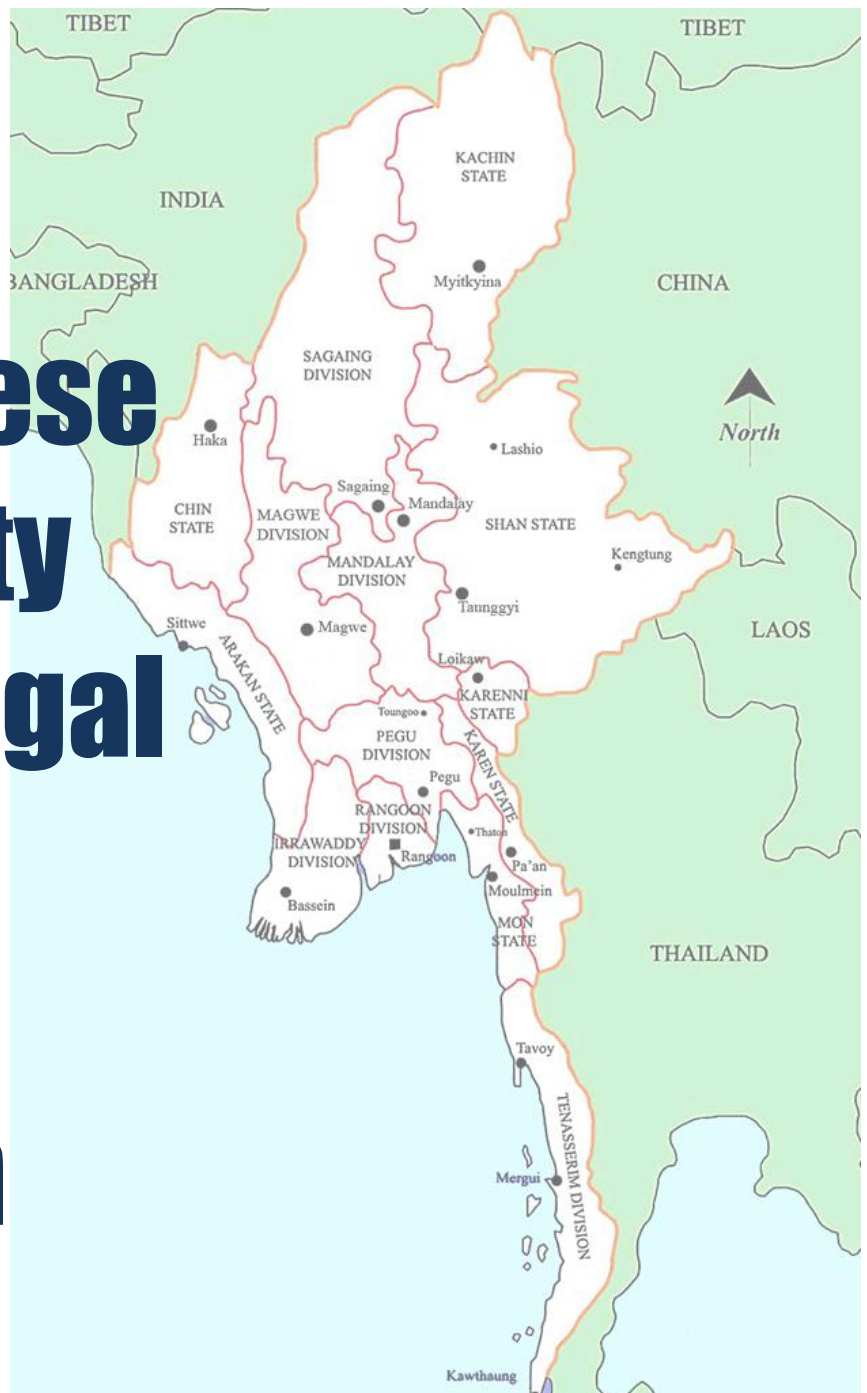


The Burmese Community and the Legal System – A Study in Confusion



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Footscray Community Legal Centre and Financial Counselling Service
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We hope that the research will help many of your community members in the future.

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EXECUTIVE SUMMARY

Footscray Community Legal Centre and Financial Counselling Services (FCLC) has provided specialist community legal and financial counselling and information to refugee and new settler communities over the past several years. The centre has run an African Legal Service since 2007.

Over the past two years the centre has conducted extensive community education with the Burmese community. The centre employed a Burmese Financial Counsellor in 2009 who has done extensive community education and community development with the community.

The centre has seen an increase in people coming to the centre especially in the first six months of 2010. Most of these clients had come to the centre through direct contact with the Burmese Financial Counsellor.

FCLC had noticed that although there had been an increase in clients attending with direct casework problems there still was reluctance for clients to come directly to the centre.

The aim of the research was to identify what main legal problems were being experienced by the Burmese community and whether their legal needs were similar to the African clients or more specific and to identify the barriers for clients to seeking legal assistance and what could be developed to assist them.

The research showed that the Burmese refugees experienced similar legal and financial problems in the first years of settlement in Australia to those experienced by the African refugees, including:

- Driving without a licence and driving while suspended;
- Driving without insurance, thus incurring large debts from car accidents;
- Incurring large numbers of driving-related and other infringements;
- Incurring large public transport fines due to confusion over zoning areas
- Incurring large debts from loans, misuse of utilities, and contracts entered into with door-knockers;
- Legal issues relating to private rental and public housing; and
- Administrative law issues involving appeal of decisions to Centrelink regarding breach of obligation, applications to change name or birth date, and applications for citizenship.

The research also showed that the Burmese refugees' lack of experience of Australia's systems and regulations was the main cause of these problems.

The research highlighted the vulnerability of Burmese refugees in being subjected to a range of marketing and sales tactics, especially door to door sales people, selling utilities, communications products, life and funeral insurance policies.

The research also found that the complexity of languages and dialects spoken by the Burmese refugees presented a major problem in them communicating with both the private and government sector and accessing interpreters.

Most importantly, the research has shown the complexity of dealing with the psychological barriers faced by this community in both understanding and accessing legal assistance and the implication this has for service delivery.

What is needed to address the problems with all refugees is more comprehensive training and education on:

1. Australian systems and regulations,
2. People's legal rights and responsibilities in Australia,
3. Legal and Financial issues which affect people on a practical day to day basis including:
Utilities, communication technology, contracts, tenancy, purchasing goods and services.

There also needs to be more specific training on the rules of travelling on public transport, driving rules and obligations and traffic and parking regulations so that newly arrived refugees do not suffer long term legal and financial problems.

More specifically for the Burmese refugees both the private and government sector need be aware that this community faces a number of linguistic, cultural, ethnic and psychological challenges unique to their community and that they need relevant responses and appropriate service delivery.

FORWARD – NENG BOI

I came to Australia in 2008.

Names used by the Burmese refugees can cause major cultural problems in Australia. In Burma the names officially are just the given name; there is no family name or surname. Even though some ethnic groups have their own family name, they have never used it as there is no chance to use it. So the given names only appear on official documentation. The name is sometimes separated.

My name also incorrectly appeared on the documents after I got granted a Visa to Australia. For example my name Nengboi is my given name, but I used it as two words Neng and Boi. I used this when I filled in the form for my visa application, I did not understand on the visa application what was a given name and family name. I had never seen this before. I thought my name Nengboi was my family name because this was the name given to me by my father. I didn't understand what to put in the given name, so I just left it as a blank. I put my name Neng Boi in the Family name. When I arrived in Australia, I was told I did not have a correct name. I was an unknown person according to Australian regulations. In order to get back my name, I changed my name dividing two words Neng as given name and Boi as Family name.

People of Burma have lived with injustice all their lives. The government lets the people live in ignorance as people are unaware that they have rights and justice. This is so that they can rule and keep the people under their control. People have to live under their rule. They do not have any rights; if they complain the consequences can cause problems not just for them but for their families and also their ethnic group. People who have only lived in Australia a short time are still afraid to admit they have a problem even in Australia where the legal systems are very effective.

People have no idea what causes a problem and that they have the right to make a complaint. Because of their lack of knowledge of the system, they often lack confidence. People believe that if they complain they may lose an opportunity and may not get any help in the future. Legal terms are very strange to the community.

People think that any legal issue is a big issue and it's only about crime. They would not think that the bills, credit etc. which includes contract terms are legal issues. Even when the people are invited to the focus group to discuss legal issues for the research of Burmese legal problems, some were too scared to come to the meeting because they thought that legal problems are only very big issues and they have no idea what issues to bring to the meeting.

People would like to keep quiet with the problem rather than having an argument or a complaint because of not understanding the law of Australia and they don't understand that they have got rights since the people had never been taught about their rights.

Since I have worked at the Legal Centre with the Burmese community people have been less afraid to come there but still people approach me to make an appointment for them. They are more comfortable to ask me directly to have appointment at the centre for legal advice or financial problems instead of contacting the reception at the centre.

INTRODUCTION:

Footscray Community Legal Centre and Financial Counselling Services (FCLC) has provided specialist community legal and financial counselling and information to refugee and new settler communities over the past several years. The centre has run an African Legal Service since 2007.

Over the past two years the centre has conducted extensive community education with the Burmese community. The centre received funding from Consumer Affairs, Victoria in 2009/10 for a Face to Face New Settlers Project—Dealing with Consumer Credit Issues project which was extended from the existing Face to Face African project so the centre could work with the Burmese and other new refugees and new settlers who needed both training and education in consumer rights, legal and financial issues and credit contracts.

The 2009/10 project involved working with a wide range of community organisations including AMES, New Hope Foundation, Centacare, Westgate Baptist Community Centre and Braybrook Community Centre.

The community education sessions were attended by a large number of participants. On several occasion, over 30 people attended.

The centre has employed a Burmese worker, Neng Boi, who has received comprehensive training in delivering a range of community education programs on credit and consumer issues including Consumer Affairs Victoria's "Smart Shopping Education Program." She has also been training under the Financial and Consumer Rights Council's Victoria Upskills Program as a Financial Counsellor.

The project centred on preventative work but worked on the premise that any clients needing assistance individually would then be referred to the legal centre or the financial counselling service.

As a result of this project, the centre has seen an increase in clients needing direct casework over the past year. In 2008 the legal service saw six clients, in 2009 the legal service saw 15 clients and the financial counselling service saw four. In the six months from January, 2010 to June, 2010 the legal service has seen 14 clients and the financial counselling service has seen 22 clients.

Legal Problem Type 2008

Problem Type	Number of Clients
Intervention Order	3
Divorce, Immigration problem	1
Change of name or birth records	2

Legal Problem Type 2009

Problem Type	Number of Clients
Govt/admin issues relating to fines	8
Tenancy problem	2
Credit and debt problem	1
Motor vehicle accident	2
Other civil	1
Divorce Intervention Order	1

Financial Counselling Problem 2009 Type

Problem Type	Number of Clients
Utility problems (electricity/gas/water)	2
Telecommunication problem-internet, phone, mobile	2

Legal Problems Type January – June, 2010

Problem Type	Number of Clients
Tenancy repairs	3
Tenancy rent/bond	6
Govt/admin issues relating to fines	3
Motor vehicle accident	1
Consumer complaint products	1

Financial Counselling Problems Type January – June, 2010

Problem Type	Number of Clients
Utility Problems (Electricity/gas/water)	9
Telecommunication problems –internet, phone, mobile	6
Insurance problems	4
Other credit debt problems	3

In addition to the above, the centre has seen an increase in clients who need information and referral to other services—not just direct casework. In March 2010, five clients were seen by the Burmese Financial Counsellor on one day. Of these five clients, only one had a debt problem requiring casework financial counselling. The four other clients needed assistance on how to purchase goods and how to understand their bills. One of the clients had received extensive paperwork from Readers Digest and considerable time was spent explaining what this paperwork meant.

FCLC also received funding through the Victorian Women's Trust to run a project The Energy, Environment and Education: Refugee Women's Sewing Groups. This project was run at New Hope Refugee Resource Centre—Footscray and at Westgate Baptist Community Centre. The project involved teaching women about energy conservation. Two groups of Burmese/Chin women attended the course over six months. A number of "Bring your Bill" days were conducted with these women and a number of systemic issues were identified.

- 30 women had not received a Centrelink concession on their utility accounts.
- A number of the women presented with taxation paperwork – they had no idea of what this paperwork meant and or what the implication of not completing it was.
- A number of the women presented with Centrelink debts.

Working with the women in the groups enabled the centre to identify that the women had often entered into contracts to purchase goods and services without realising the implications. These included:

- 24 months no interest contracts to purchase items such as whitegoods and beds.
- Complex internet, phone and mobile services.
- Life insurance and funeral insurance.

PURPOSE OF THE RESEARCH:

The purpose of the research was to identify the main legal problems that were being experienced by the Burmese community and whether their legal needs are similar to the African clients or more specific.

FCLC became aware that although there had been an increase in clients attending with direct casework problems there still was reluctance for clients to come directly to the centre.

A large majority of the clients seen in 2010 had come through contact with the Burmese Financial Counsellor and other community leaders.

One of the main aims of the research was to identify the barriers for clients to seeking legal assistance and what the centre could develop to try to assist with providing services which were more accessible to the community.

The research also sought to explore what resources and community education could be developed to assist in the community's understanding of the legal and financial processes.

PROJECT DESCRIPTION:

In order to maximise the information from the research in the timeline, three Focus Groups were conducted with representatives of the main ethnic groups: Karen, Chin and Karenni.

Five interviews were conducted with workers from a range of settlement agencies.

Eight questionnaires were sent to other community leaders who were unable to attend the focus groups and five questionnaires were sent to other agencies working with community members.

UNDERSTANDING OF THE BURMESE COMMUNITY IN AUSTRALIA

One of the main issues identified by workers and settlement agencies who work with the Burmese community is to gain understanding of the complexities of the different ethnic groups and their cultural and language differences.

Burma is one of the most ethnically diverse countries in the world. It is comprised of more than 100 different ethnic groups and sub-groups, making it one of the most ethnically diverse populations in South East Asia. Each ethnic group has their own customs and cultures that while similar to others, are unique.

In 1989 the Government changed the name of Burma to Myanmar.

The main ethnic groups are:

- **Karen**
- **Karenni**
- **Mon**
- **Shan**
- **Chin**
- **Wa**
- **Arakan**
- **Rohingya**
- **Kachin**
- **Burman**

In Burma the majority of the population is made up of Burmans. Burmese is the mother tongue of the Burmans, the majority ethnic group of Burma. Burmese is the national language and the medium of administration and trade throughout the country.

The Burmese language has two forms of its name for itself and for its speakers and their country. It uses *Myanmar* in formal contexts (e.g., in book titles or the names of government agencies) and *Bamar* in informal conversation.

Burmese is also spoken as an acquired language by many members of the other ethnic groups. Karen and Chin refugees who have lived in close proximity with ethnic Burman are likely to understand and speak Burmese. Those who are from more remote areas of Burma and have not interacted with ethnic Burmans are much less likely to know the language.

The main ethnic groups who have come to Australia as refugees are the Karen, Karenni, Kachin and Chin.

Karen Community

The Karen is the second largest ethnic group in Burma and the Karen State is located in eastern Lower Burma, along the Thai border.

Geographically and linguistically, the Karen can be divided into three broad groups: Southern, Central, and Northern. These three groups can be further divided into many subgroups. Of these, the largest and best known are the Sgaw and Pwo (Southern), Karenni (Central), and Pa-o (Northern).

Karen is a member of the Sino-Tibetan language group. The two main Karen language groups are Sgaw Karen and Pwo Karen, followed by Karenni and Pa-o (or Taungthu).

The Sgaw and Pwo dialects differ little in structure and word root, but they sound quite different due to differences in pronunciation.

The Karen people culturally and politically do not identify themselves as Burmese. This presents a challenge in delivery of services for the private sector and the government.

Karenni Community

Karenni State is situated on the Thai-Burma border, with Shan State to the north, and to the south Karen State.

The Karenni are known as the red Karen and are a sub-tribe of the Karen people. There are seven main Karenni sub-tribal groups, the Kekhu, the Bre, the Kayah, the Yangtalai, the Geba, the Zayein, and the Paku

Karenni is a Central Karen language. There is also the Kayah dialect, which has its own script known as *Kayah Li*.

As with the Karen people the Karenni people culturally and politically do not identify themselves as Burmese. This presents a challenge in delivery of services for the private sector and the government

Chin Community

The Chin live mostly in Chin State, Burma, but they are also found in Mizoram State, Chittagong Hills Tract of Bangladesh, and India. The term Chin is misleading because it suggests one people with a single language, whereas in reality the Chin are made up of many related peoples whose languages are not mutually intelligible. The Chin speak 20 to 25 languages that can be divided into four groups based on linguistic similarity: Northern Chin (Tedim, Sizang, Kuki); Central Chin (Hakha, Falam, Mizo); Southern and Plains Chin (Matupi, Mindat Cho, Khumi, Asho); and Maraic Chin (Senthang, Zophei, Zotung).

Among the Northern Chin group, Tedim is the most widely spoken; Hakha and Falam are the most widely spoken among the Central Chin. Mindat Cho represents the lingua franca of the Southern Chin, although many Khumi do not speak it.

The Chin people are taught English in school but if they come from some rural areas may not have learnt English and are only able to speak in their own specific language.

The challenge of working with the Chin community in Australia is to be able to identify what language or languages they speak. This presents a challenge in delivery of services for the private sector.

Case 1: A 43 year old Chin man came to FCLC for assistance in obtaining a Department of Human Services Concession on his electricity account. He did not speak English or Burmese but only spoke in Hakha Chin. He was accompanied by a friend who was able to speak both Hakha Chin and Burmese.

The client was seen by the Burmese Financial Counsellor who speaks Burmese. When she contacted the electricity retailer by telephone they refused to let her interpret or let the friend interpret as well. The electricity retailer insisted they would use their own interpreting service. When it was explained to them it would be difficult to find an interpreter who could speak the Hakha Chin language they still refused. The case was then referred to the Energy and Water Ombudsman, Victoria. The time factor in trying to assist this client was considerable. It presented not just a waste of time and resources for the centre but also a stressful situation for the client.

Kachin

Kachin State is situated in the mountainous far north of Burma. It borders India to the north-west, Tibet to the far north and China to the east.

The name Kachin covers a number of sub-groups. The largest are the Jingpaw and the Hkahku. Other groups include the Marus, and the closely related Lashi and Atsi, the Nung, the Rawang and the Lisu.

PROFILE OF CLIENTS SEEN BY THE CENTRE

Most of the Burmese community in Australia has only arrived in the past three to five years. It is difficult to find statistical details because the statistical details of the Victorian Statistical information was compiled in 2006 and that of the Australian Bureau of Statistics were compiled in 2006.

Of the 61 client FCLC has seen since 2008, only two clients had arrived in Australia before 2006.

The statistical data compiled only details the Country of Birth as Burma (Myanmar).

MAIN LEGAL PROBLEMS IDENTIFIED AND ANALYSIS OF THOSE PROBLEMS:

All participants who were either interviewed or sent our questionnaires or who participated in the focus groups were asked: What were the main legal/financial problems that they considered were causing problems within the community?

The participants were then asked to rank them in order of what they thought caused the community the greatest problem.

The results were as follows:

- 1. Door to door sales**
- 2. Electricity, gas and water problems, including not understanding accounts, not receiving concessions on accounts, failure to receive accounts.**
- 3. Telephone and internet problems, including not understanding contracts and accounts.**
- 4. Tenancy problems**
- 5. Fines – Traffic**
- 6. Fines – Public transport fines**
- 7. Driving problems – not understanding the system**
- 8. Insurance – Life and funeral**
- 9. Taxation problems**
- 10. Immigration problems**
- 11. Centrelink problems**
- 12. Domestic Violence**
- 13. Credit and Debt Problems**

1. Door to Door Sales

All participants in the focus groups spoke about the problems door to door salespeople were causing.

The focus groups identified that they had had a wide range of people knocking on doors from electricity and gas retailers, internet and phone providers and also people selling a variety of insurance products.

Focus Group Person 1: "Somebody knocked on my door and introduced himself and said he was from the government. He then said that under the government scheme all the energy suppliers needed to be changed. He then said I had to sign the documents. We then found that our electricity had been changed to another company."

Focus Group Person 2: “Somebody came to my door selling internet and telephone. I was told that the company provided the best rate and we would receive 200 minutes free phone calls

He was very good at marketing and I signed up at the door. I then found that the rate plan I had negotiated at the door was very different and I did not receive any free calls. I received huge bills which I was unable to pay. I rang the company who said they would ring back. They never did.”

Case 2: A female aged, 41 who spoke both Burmese and Hakha Chin came to the centre. She spoke little English and does not read English. She had been sold a landline and internet plan at her door. When she came to FCLC with her paperwork the paperwork was very unclear. There had been a problem with the carbon copy which the salesperson had completed and consequentially the figures and the contract were difficult to read.

However, the she had agreed to pay was readable; \$109 per month.

She had then received paperwork from the company which stated that she had agreed to a plan which was \$129 per month a \$20 difference from the contract signed.

The company was contacted and they agreed to place her on the lower plan and give her a refund.

It took several follow up phone calls from FCLC before the client finally received the refund.

Workers interviewed also indicated that door to door sales presented major problems for the community.

One worker interviewed said that the Burmese often invited door to door sales people into their homes as a gesture of politeness. Other workers and agencies interviewed talked about how people felt both intimidated and afraid of the door knockers and often agreed to buy goods and services as a result.

Focus Group Person 5– When I first arrived in Australia I was amazed that I was given so many opportunities to buy things to help me by people coming to my door. I thought that these people were being very kind to me. I trusted them and what they told me. I opened my door to everyone and let them in. It took me some time to realise that they were not being either helpful or kind but were using marketing strategies to make me sign up for utilities. I am still embarrassed if I have to say “No” to the salespeople.

Another worker interviewed stated that if the companies said at the door they were from the government people agreed because they were afraid of what would happen to them and their families.

2. Electricity, Gas and Water Problems

Through its work with the Chin Women's Group, the FCLC was aware that the community had had problems understanding their utility accounts.

Often people had no idea of which appliances used gas or electricity.

People interviewed in the Focus Groups also expressed concerns that people were having difficulty understanding accounts. Water accounts in particular were identified one of the accounts that people had difficulty understanding.

Case 3: A Chin woman from the support group presented a water account. She speaks English and can read some English. She had compared her bill to the last one and there was a difference of \$105. Most of the difference in the account was due to government charges. It took considerable time to explain to her what these charges were for. FCLC followed up with the utility company and her usage was correct and the difference in the account was due to government charges.

Obtaining concessions on utility accounts was also identified as a major problem for people.

Focus Group Person 3: "I am aware of applying for a Gas and Electricity concession but I don't understand why I have to ring the company again because my concession has now changed. I have to ring each time I get a bill. I don't know why, are they not providing an accurate or effective service."

Workers interviewed also expressed concern about people's ability to be able to contact the utility retailers to register their concession details.

Sally Camilleri
Health Promotion Worker
Women's Health West

"I have been running a financial literacy program with Karen women in Laverton. This program has been attended by 16 women who have been in Australia from four years to four months. We recently asked women to bring in their utility bills. Only one woman was receiving a concession. In partnership with the financial counsellor in Laverton, we explained the process of ringing up and arranging the concession, we practiced saying I need an interpreter etc. This was before we broke up for the school holidays, upon our return none of the women were able to get though. Some were too anxious to try, others said they got a recorded message and hung up."

3. Telephone and internet problems, including not understanding contracts and accounts.

There was a general consensus from both the Focus Groups and people interviewed and from casework seen at FCLC that misunderstanding of telecommunication contracts caused major financial difficulties for the Burmese community.

Often contracts are arranged by other family members or friends and the person who actually is responsible for the contract has not understood the implications of the contract in the first place.

Case 4: A male aged 23 came to FCLC because he was concerned about his internet and phone accounts. He believed that he had agreed to a \$30 per month plan. A friend had telephoned the company on his behalf and he was asked by the company whether or not he agreed to the plan on the phone. He spoke little to no English and did not understand the salesperson. He agreed because his friend told him he had to agree. His name on the account was recorded as a single name, his first name.

When he received accounts from the company they were a lot larger than he had anticipated. He was being charged \$69.95 per month for an internet plan and \$29.95 for a landline.

FCLC contacted the company and faxed them an authority to act on behalf of the client. The authority had the man's correct name on it and the fax was also included a copy of the man's Centrelink concession card confirming his correct name.

The company refused to accept the authority as they stated his name differed from that on the account.

4. Tenancy Problems

Every member of the focus group spoke about problems with renting.

Focus Group Person 1: "We have seen many problems with our community in regards to renting. It is very difficult for new arrivals that have not got jobs to get private rental."

Focus Group Person 5: After I had finished renting I was moving house. I asked the landlord what chemical spray I could use for cleaning the house. I used what the landlord had instructed me to use. He was happy with the result but the estate agent then complained and I was fined."

Case 5: Female client came to the Tenancy Clinic at FCLC. She was advised that her case should be taken to the Residential Tenancy Clinic. She was very frightened at the thought of going to 'court.' FCLC spent considerable time trying to convince her that they would assist her.

She eventually decided not to go ahead with her application to the tribunal because she was frightened of what the long term effects of her doing so might be.

Workers interviewed also spoke about the problems being experienced by people renting, and their reluctance to complain about conditions and faulty appliances.

Other problems identified were the lack of understanding by estate agents and their unwillingness to return phone calls and other correspondence.

Case 6: Clients came to FCLC they had moved homes three months previously and were concerned that they had received no accounts for electricity, gas and the internet and telephone. On talking to them they had thought that the estate agent had arranged for all of the utilities to be transferred.

The estate agent was contacted. She had organised for a company to change the utilities but had failed to record details and the referral number for this company. She was most unhelpful and refused to answer telephone calls from the centre.

FCLC then spent considerable time trying to establish which utility retailers were supplying gas and electricity to the client's new premises. The case was referred to the Energy and Water Ombudsman who had to organise a search to discover which retailer was supplying the premises. FCLC then assisted the clients in establishing accounts with this supplier.

FCLC then spent considerable time establishing what had happened to the internet and landline service. Because of lack of cooperation by the telecommunication company this case had to be referred to the Telecommunication Industry Ombudsman.

The clients spoke little English and an interpreter had to be used throughout the process.

5. Fines Traffic and Public Transport

People interviewed in the Focus Groups all indicated that both traffic fines and public transport fines were causing major problems for the Burmese community.

The groups spoke about people's lack of knowledge and understanding about why they had often received fines.

Person 1 Focus Group – I have been fined many times because of small mistakes. I have also spoken to other community members who have had no idea of why they were fined or had only done a small mistake and been given a fine.

Person 6 Focus Group – A friend of mine drove to the airport to pick up one of his friends. The friend rang him and he dropped the mobile and then picked it up. He was then fined \$200.

Person 3 Focus Group – A friend got a parking fine. He had parked in a 2 hour parking area. He had purchased a ticket but not understood that he had to place it in the car's front windscreen. Even when he tried to tell someone what he had done he still receive a fine.

Person 5 Focus Group – A friend got a fine from Citylink. He had never travelled in that area before and did not know that he had to have a ticket.”

What emerged from the interviews and focus groups was that people travelling on public transport had been given fines because they were unaware of zoning areas.

Person 8 Focus Group – My son got a fine on public transport. He came back from a school excursion. He accidentally took the wrong destination and ended up in a Zone 2 area. His ticket was for a Zone 1 area. The inspectors got on the train and he and other students who were with him all were fined.

Person 6 Focus Group – My son got a public transport fine. He went on a school excursion with a teacher and classmates all who were new to Australia. My son had never been on a tram before. He only had a \$50 note on him and was unable to purchase a ticket. The inspectors got on the tram and he was fined.

Other people interviewed had also had clients who had been fined.

One worker had seen a client who was receiving treatment at Sunshine Hospital. The zoning at Sunshine is extremely difficult to understand. One side of the platform is Zone 1 and the other side is Zone 2. The client presumed that because he had purchased a ticket at Sunshine railway station it would be the correct ticket to travel to Sunshine Hospital. He had travelled on the bus several times without problems. An inspector then got on the bus and he was fined because Sunshine Hospital is Zone 2.

Other people had been fined on public transport for offences which they found difficult to comprehend.

Person 7 Focus Group – A friend got on a train. His legs were crossed and his foot was just touching the seat opposite. The inspectors got on the train and he was fined for putting his legs onto a seat.

Participants in the focus groups were unaware that people could apply to pay off fines in instalments. They identified that often people paid fines in full causing them financial difficulties.

At one of the community education sessions conducted by FCLC the speaker was told of a Burmese man who had received a parking fine of \$120. He was so afraid that he would be put in jail because of this fine he quit his job and hid in his home. Unfortunately, during this period two sheriff's officers came to the house looking for a former tenant. This further terrorized the man and he then hid in the roof of the house.

It took considerable time for community members and members of his church to assist him and for him to agree to seek assistance.

People in the focus groups talked at considerable length about transport fines and how it was often extremely difficult for people to understand why they had received a fine. They stated it was difficult to understand zoning as there are no physical indicators to show that people were entering into another zone.

This problem is made worse when communities are housed in inner city areas that are zone one on arrival in Australia and then moved into outer urban areas that are zone 2 without any explanation of the change or consequences in terms of travel on public transport.

They spoke about the lack of training and information they had received in regards to the law in this area. Also, they spoke about the hidden laws or implied laws which often result in people breaking parking and public transport laws without them even being aware that they have done so.

6. Driving Problems

In the focus group, people conveyed a lack of understanding about how the legal system dealt with driving problems and traffic accidents.

Workers outlined there was major confusions around driving issues, including:

- People believing a Learners Permit was a driving licence
- People driving without insurance
- People not understanding driving laws
- People not understanding legal requirements of driving such as paying registration

A number of the workers and agencies interviewed also spoke about the lack of understanding of the law in regard to driving accidents.

Worker: I assisted a Chin man who had been involved in a car accident (that was not his fault). He had received a letter of demand from the insurance company. He had no idea that he could contest this and that he had a witness that was willing to testify. I was able to help him write back to the insurance company and have the case against him dropped. Had he not had this help he would have ended up paying out thousands of dollars in a very dubious claim.

Participants in the Focus Groups were asked why people had not sought legal assistance over driving accidents and offences. Quite a number of the participants in the groups were unaware that they could approach the legal centres for assistance. A number also did not know that a traffic accident was considered a legal problem; they had believed that it was a moral obligation for people to pay if they had been involved in an accident with another car.

The groups spoke at length about this issue as it was the general belief amongst community members that people had to pay the other person when a car accident occurred.

7. Insurance – Life and Funeral

Workers interviewed spoke of the problems of members of all of the Burmese ethnic groups being targeted by insurance sales people selling them expensive life and funeral insurance.

Quite a large number of the communities had been targeted and induced into taking out large funeral insurance policies because they had been led to believe that funeral costs in Australia would amount to over \$30,000.

Many of the men had been induced into buying large life insurance policies thinking that if they died their families would be left destitute in Australia.

Case 8 – A man 45 came to FCLC. He had been approached by a salesperson only weeks after arriving as a refugee in Australia. The insurance salesperson told him that he needed to take out life insurance to support his family if he died in Australia. He was sold an insurance policy costing over \$600 per year. The salesperson explained that if he did not die within the next 20 years he would receive a full refund of what he had paid.

He was unable to keep paying the policy. The centre is trying to assist him to recoup his costs.

One worker had heard about older members of her community going without food in order to save for their funerals.

Although, funerals are not a legal or financial issue the Burmese community seem to have been led to believe that people who die in Australia will not receive a burial or families will not be assisted if a person dies unless they have either saved or taken out expensive insurance to cover costs.

8. Taxation

The Financial Counselling Service at FCLC has seen quite a number of people presenting with taxation papers, and no idea how the taxation system works.

The Burmese Financial Counsellor has assisted several clients attending interviews at the Taxation Department because they were worried about what may happen to them.

The issue of taxation was brought up in the Focus Group. People were confused about what taxation meant. Several people were concerned that if taxation returns were not completed people could be gaoled.

They identified that people need to be given more education about workplace rights and responsibilities.

9. Immigration Problems

The focus groups all identified Immigration problems as causing them considerable concern.

Case 9 – I sponsored my fiancé in 2007. This marriage did not work and she returned to Burma. I returned overseas and got married to my second wife. I have tried to bring her to Australia but I cannot get a visa for her. I have been told that under the present Visa limitation that I have to wait five years before I can sponsor her.

I appealed this but was denied a visa.

The focus groups all spoke about the problems of knowing where to go to get assistance with immigration problems.

Focus Group – Person 10 – In 2008, I applied for a Humanitarian Refugee Visa for my brother who has been registered in UNHCR in India. He received a refusal letter from the Australian Embassy in India saying that he had not met the criteria of the Humanitarian Refugee visa. I have no idea why he was refused. Neither my brother nor I have any idea of what criteria are required. He also has a refugee certificate as well.

Workers interviewed said it was difficult for them to spend time with clients who required assistance with immigration problems. They said that people often received conflicting information about what were the legal immigration qualifications in Australia.

10. Centrelink Problems

Focus groups members and people interviewed expressed concern about the accumulated debt problems that people had through Centrelink.

They also expressed concern that people often were not able to understand their obligations and the requirements of Centrelink.

Workers also spoke about people being extremely afraid to approach Centrelink with problems believing that if they complained or questioned them they would be cut off from any payments.

Focus Group Person 2 – My wife had thyroid operations before and since coming to Australia. She cannot see properly, has double vision and has continual throat pain. She receives a pensioner concession card from Centrelink but has been told she does not qualify for any other assistance. Centrelink continually ask her to apply for work even though she is unable to work.

11. Problems Communicating with Police

Two women in the Focus Groups spoke about problems they had in both dealing with and communicating with the police.

Focus Group Person 3 – “A thief raided my house when I went out shopping. He stole my TV, camera and \$1,000 which I kept for rent payments. When we came home he ran off. We dialled 000 but the police took some time before they came. Neither my husband nor I speak English well. The police when told us that they had caught the thief but had not recovered our goods or the money. The police said we would receive help with the money. We had problems paying rent over the next week which caused us great financial difficulties. We have never heard from the police. We have also learnt that the house had been burgled a number of times and we are very scared that the thief will get out of jail and attack us.”

Focus Group Person 6 – “I live with my friends in private rental. We all work in the day time. One day when we got home from work we found someone had opened our door and the ceiling of the roof had been opened. We telephoned the police and a neighbour helped us talk to the police. The police took over an hour to get to our house. We were very worried that the thief could be hiding in the roof of the house. The police did not take notice of what we were saying and said that the ceiling vent had probably just blown off. We now feel afraid and have little confidence that if we phone the police they will help us.”

12. Domestic Violence

Workers who were interviewed all stated that they had seen problems with domestic violence. It was suggested by the workers that domestic violence is a hidden issue amongst the Burmese community. There is very little statistical or other evidence to support this.

This was not discussed in the Focus Groups, however the group did discuss the problems between the generations.

The focus groups discussed one family that several community leaders had tried to assist.

The mother had arrived in Australia in 2008. Her son was 16 when he arrived and was now 18 years old. Her son had gone to school and kept on telling his mother he had rights in Australia and that she had no right to ask what he was doing and where he was going.

She sought help from community members and members of her church. A meeting was arranged between community and church members to talk to the son. After this meeting the son was became extremely angry and attacked and injured his mother.

The mother would not seek medical assistance for her injuries in case her son was punished. The mother and son are now estranged.

It was discussed with the Focus Groups why people would not come to legal centres for assistance with this type of problem. The opinion was that there were many cultural and religious issues involved and people would be uncomfortable seeking legal assistance in cases such as this.

13. Credit and Debt Problems

The people interviewed in the research did not indicate that credit and debt was an issue.

FCLC had seen a number of clients who had purchased large furniture items through 24 month loans. These clients had been told by the large retail companies that they could not pay for goods in cash and they needed to take out the 24 month loans.

Through her networks and contacts in the community, the Burmese Financial Counsellor spoke to leaders and community members regarding this issue. She discovered that because this had happened to several people there was a belief in the Chin community that these loans had to be taken out to purchase large household items such as beds and whitegoods.

BARRIERS TO ACCESSING LEGAL AND FINANCIAL COUNSELLING SERVICES

The research interviewees listed several main reasons why people did not seek either legal and/or financial counselling when they had a problem.

These are:

- People did not know they had a legal or financial problem.
- People were unaware of the legal and financial implications of their problems.
- They do not understand the concept of Community Legal Centres and Financial Counselling and did not know that they could seek assistance and advice if they had a problem.
- They do not know how to make a complaint if they have a problem and that they have legal and financial rights in Australia.
- They have been given no education on how the legal and financial systems worked in Australia.
- They lack confidence and are scared to ask for legal help.

- People are concerned of the long term consequences of asking for legal advice.
- People are not familiar with legal terms.
- People think to anything to do with the law, legal, court – means a crime and jail.
- People do not think that the bills, credit, contracts etc, are legal issues.

The Burmese Financial Counsellor who organised the Focus Groups found that there was reluctance for people to attend because they were scared of talking about legal problems. People had to be reassured that their identity would remain anonymous and that by talking about legal problems they would not suffer any legal consequences.

One workers commented that the mention of words such as legal and court immediately scared people. As she put it “very scary stuff – need to hide.”

COMPARISON OF LEGAL PROBLEMS - AFRICAN REFUGEES COMPARED TO BURMESE REFUGEES

In the report “Out of African and into Court – The Legal Problems of African Refugees” written by Katie Fraser, Community Development Solicitor, Footscray Community Legal Centre, June, 2009 she listed the most common problems encountered by the African community in their first five years of arrival :

- Driving without a licence and driving while suspended;
- Driving without insurance, thus incurring large debts from car accidents;
- Incurring large numbers of driving-related and other infringements;
- Incurring large debts from loans, misuse of utilities, and contracts entered into with door-knockers;
- Legal issued relating to private rental and public housing;
- Administrative laws issues involving appeal of decisions to Centrelink regarding breach of obligation, applications to change name or birth date, and applications for citizenship;
- Family law issues; including divorce and child contact, and
- Issues relating to intervention orders.

She also listed that these were caused by:

- Unfamiliarity of Australian systems;
- Lack of access to information;
- Lack of affordable housing;
- Reliance on close-knit community networks. This can lead to some unusual financial arrangements, and

- Family issues.

In 2008 FCLC completed a report for the Essential Services Commission – “The African Consumer Experience of the Contestable Energy Market in the West of Melbourne.”

The report highlighted serious systemic issues in the way energy was sold to members of the African community. In particular, when dealing with African consumers who did not understand English, energy retailers were consistently failing to obtain the consumers’ explicit informed consent when procuring their entry into sale contracts. Nineteen cases were analysed and in all cases, evidence showed a clear failure on the part of retailers to conduct ongoing communications with African community members that are appropriate to their needs.

In all of the cases, it was possible to identify clear breaches of the *Fair Trading Act (Vic) 1999* (“the Act”), the *Energy Retail Code* (“the Retail Code”), and/or the *Code of Conduct for Marketing Retail Energy in Victoria* (“the Marketing Code”) by representatives of energy retailers.

After this report was published considerable work was done with both the Essential Services Commission and with the Energy and Water Ombudsman Victoria to try to work towards the energy retailers being aware of their responsibilities when selling and marketing to vulnerable refugee communities.

The research for this project has highlighted that this lesson has not been learnt by the Energy Retailers.

The research has shown that the Burmese refugees have experienced similar problems to the African refugees in their first years of arrival and there are distinct parallels in each community’s experience of Australian systems.

What the research has highlighted is the vulnerability of the Burmese refugees. The words, *scared, afraid, to frightened, worried about future consequences* were constantly voiced by both workers and focus groups members in the interviews.

The research also found that community members relied on a network of community leaders, individuals and church organisation to supply them with information rather than them accessing community agencies for assistance.

The Burmese Financial Counsellor at FCLC has said that “people are more comfortable to ask me directly for an appointment at the centre for legal advice or financial problems instead of contacting the reception of the centre.”

CONCLUSION

The research has shown that the Burmese refugees' lack of experience of Australia's systems and regulations has led them to experience a range of legal and financial problems.

It has shown that the lack of information given to them on arrival has meant that they have little knowledge of Australia's legal and financial systems.

It has shown that door to door sales continue to be of major concern to new refugees in the western region of Melbourne.

The research has highlighted that their lack of understanding has made the Burmese refugees particularly vulnerable to a range of targeted sales and marketing tactics, i.e. life and funeral insurance.

The research has highlighted the problem of interpreting and language difficulties faced by the Burmese community in communicating with both the private and government sector.

It has highlighted that the purchase of communication technology can cause both legal and financial problems.

Most importantly, the research has shown the complexity of dealing with the psychological barriers faced by this community in both understanding and accessing legal assistance.

RECOMMENDATIONS:

1. More legal information should be given to refugees when they arrive in Australia. The knowledge needs to be on systems, regulations, rights and responsibilities.
 - More information should be given to newly arrived refugees on a range of day to day legal and financial issues such as:
 - Utilities
 - Communication technology
 - Contracts
 - Tenancy
 - Purchasing goods and services
 - Public transport
2. Long-term training and community education needs to be designed on levels which are accessible to all community members. This could be achieved by training community leaders and also involving community leader in the design of the training.
3. There is a need to provide regular information to the range of different ethnic groups so that the information is not just being given to one selected group.
4. Both the private sector and government need to be made aware of the complexities involved in interpreting and accessing correct interpreters and that their present communication systems whether telephone or websites are too difficult for newly arrived refugees to negotiate.
5. There needs to be, again, a review of door to door sales so that vulnerable communities are not targeted. Also, there is a need to review with Energy retailers their door to door selling practices.
6. Newly arrived refugees need to be given more training and information on specific legal issues such as:
 - The rules of travelling on public transport
 - Driving rules and obligations
 - Traffic and parking regulations
7. The Victorian Government needs to develop a recognisable system so that people are aware of the zoning area when travelling on public transport.
8. People who assist refugees also need to have times allocated so that people can phone or contact the centre (which centre) to make appointments where an interpreter is available. This would make services more accessible for refugee communities and less intimidating.

APPENDIX 1

BURMESE RESEARCH QUESTIONNAIRE:

Name: (Optional)..... Title:

.....

Organisation:.....

Time working with Burmese Refugees:.....

Ethnic Group or Groups i.e. (Karen,
Chin).....

Other Information that you feel is relevant:.....

1. What are the main legal/financial problems that you have encountered.

- Electricity/gas
- Telephone
- Fines – Traffic
- Fines – Public Transport
- Immigration Problems
- Contracts (i.e. 24 months no interest loans)
- Domestic Violence
- Credit Cards
- Personal Loans/Car loans
- Driving without a licence/drink driving
- Door to door sales
- Insurance (funeral insurance, car insurance)
- Workplace injury
- Taxation
- Car accidents
- Centrelink

- Others (please outline).....

2. What main concerns arise from these issues?

3. What type of information do you feel and in what format could it be developed to assist people?

.....
.....

4. What type of community education would assist people to be able to understand how the legal and financial systems work in Australia?

.....
.....

5. If the centre was given funding to establish a specific Burmese Legal Service how do you think this should operate, i.e. as a drop in service, clients seen by appointment, as an outreach service? Feel free to offer suggestions/ideas

.....
..

6. Do you have one or more specific case which you have seen which could be used as an example in this research to illustrate that lack of knowledge of the Australian Legal system has caused hardship for a client/clients? Details will be changed so that the person cannot be identified.

.....

7. Do you have any other comments/information or knowledge that would assist with this research?

.....

Thank you for Completing the Questionnaire

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