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23 April 2021

By email: [ee.reps@aph.gov.au](mailto:ee.reps@aph.gov.au)

Dear Committee Secretariat

**Re: Submission to the Inquiry into Adult Literacy and its Importance**

We thank the Committee for the opportunity to provide a submission on the topic of “Adult Literacy and its Importance”. Mid North Coast Community Legal Centre (MNCCLC) and Disability Advocacy NSW (DA) are sister services under the umbrella of Advocacy Law Alliance Inc.

MNCCLC provides free civil law assistance to residents of the Mid North Coast of NSW. This region is one characterised by high levels of socio-economic disadvantage, including people living with disabilities, Aboriginal and Torres Strait Islander communities, CALD communities and people reliant on Centrelink income – either in the form of a pension or a JobSeeker payment.

DA provides free advocacy support to people with disabilities across a number of regions of NSW, including the Northern Tablelands and Mid North Coast regions of NSW.

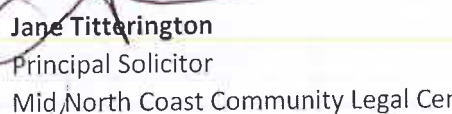
Although we are not experts in teaching literacy or in different literacy programs, our services regularly engage with people who have poor literacy. In that regard, we wish to provide information for your consideration about the impact of illiteracy in circumstances of legal or civic participation.

This submission will concentrate on matters which fall largely under parts 1 and 3 of the Terms of Reference -

*“The relationship between adult literacy, numeracy and problem-solving skills and socio-demographic characteristics, particularly migrant status, First Nations status and individuals living in households that have experienced intergenerational unemployment;”*

*“Links between literacy and social outcomes such as health, poverty, ability to care for other family members and participation in civic life;”*

Yours sincerely,

  
**Jane Titterington**  
Principal Solicitor  
Mid North Coast Community Legal Centre



## Submission

Adult illiteracy has a significant impact on individuals' ability to navigate and self-advocate within complex systems that operate in society. The legal system is one of these. It is the view of MNCCLC and DA that government has an opportunity to facilitate increased participation through education systems, but also through prioritising improved communication strategies to make sure legal and civic matters are accessible even for those with low literacy.

Our experiences demonstrate that services such as Disability Advocacy NSW and Community Legal Centres provide vital links for individuals to improve their access and agency within those legal and civic systems. Our case studies, below, illustrate some aspects of our collaboration.

### **"Mary" - MNCCLC and DA client**

Mary was in her 50s and living in a rural community in the MNCCLC catchment. She had grown up in a family that had poor literacy, and indeed the next generation of her family also had poor literacy skills.

She had been involved in a car accident over a year before coming to see MNCCLC. She had been served with (NSW) Local Court proceedings relating to a debt incurred to an insurance company which was covering the other party in the accident. Mary also had a hearing impairment.

Mary wasn't sure what the paperwork was about and had not engaged at all with the correspondence from the Court in this matter. Her illiteracy made obtaining instructions difficult, since she couldn't read or understand paperwork, and couldn't correspond via email in absence of telephone communication due to hearing impairment, which would have made communication over geographical distance easier. Mary's Disability Advocate made an appointment with her and phoned the MNCCLC solicitor when they were together to relay communications.

Without the combined support of DA and MNCCLC, Mary would have been unable to respond effectively to the Court and communicate her situation in a way that the Court could consider. She would have been excluded from a process which concerned her and a decision would have been made in her absence. As it was, Mary's case was able to be resolved with her participation, giving her agency over the outcome in a way that would otherwise not have been possible.

### **Fiona - DA client**

Fiona has an intellectual disability as a result of a broader medical diagnosis and had limited access to support at school in her youth. She is unable to read and receives mail that she either takes to her neighbour to read for her (which opens the potential for exploitation as well as loss of privacy & dignity)

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or “waits for someone to help her”. Fiona is not regularly engaged with an ongoing disability support service.

Fiona doesn't actively seek out support to help her understand her correspondence. This impacts both Fiona and her daughter as she is dependent on the school or other agencies to provide information to her in a manner she can understand. This has delayed processes for her previously as the National Disability Insurance Agency (NDIA) send documents requesting further evidence and without support she is unable to action that further, hence potentially missing opportunities. Her poor literacy skills also put her at a disadvantage when trying to navigate the child protection system.

DA has been able to assist Fiona with engaging with the NDIA in order to get appropriate supports and with engaging with child protection caseworkers - however without this support she would have little input into the systems which surround her and determine many of the outcomes in her life.

### **Margaret – DA client**

Margaret is a humanitarian refugee living in regional NSW. She has low literacy levels (if any) in her primary language due to a largely oral tradition and a patriarchal structure, with men having opportunity to learn in ways from which women are traditionally excluded. Margaret is now living in Australia and trying to learn English without the benefit of literacy in her first language.

Her situation is compounded when trying to access services as she is unable to read either native or translated documents. Her financial situation means she is also limited in her ability to access resources to meet her needs in Australia.

These case studies all highlight the ways in which people with low literacy levels are ordinarily excluded from participating in systems which operate in their lives. If participation in civic life is to be encouraged, then additional emphasis on access to literacy training could be meaningfully supported by prioritising accessible communication in simple English for all legal and government processes and systems.

### **Forms**

MNCCLC and DA are frequently approached by members of our communities needing help to complete forms. These include applications for identity documents, court applications or responses and social housing paperwork. As many of these processes could be considered the commencement of a legal process, we are unable to assist without acquiring professional responsibility, and we do not have capacity to offer this assistance to everyone who needs it. MNCCLC contributed to a recent survey of



service providers about the incidence of need around ‘form filling’ and would draw the Committee’s attention to the final report of that study.<sup>1</sup>

## Disasters

The communities of the Mid North Coast of NSW have been hit hard of late by a series of disaster events. Bushfires, floods, COVID 19 and then the most recent floods have impacted the entire region. MNCCLC has attempted to provide in-person access for legal assistance in as many communities as possible during recovery efforts and it is common to encounter people for whom reading is clearly difficult. For people with low literacy levels, particularly for those in rural or remote areas, efforts to provide in-person access to services are an important strategy in helping recovery from disaster. A physical presence means that where literacy is a barrier, we are able to ensure that people are aware of their rights in relation to insurance, tenancy and financial hardship. However, this approach does place strain on our service as it comes in addition to our normal service delivery providing civil law help to disadvantaged members of our communities.

## Encouraging Experiences

A highlight in the experience of both MNCCLC and DA has been the NSW Law Reform Commission’s review of the Guardianship Act (1987) which prioritised communication and engagement strategies such as simple English and pictorial representation of issues. This allowed the people at the heart of the reform discussion (people who may be under Guardianship by reason of disability) to participate and have input into decisions which impact their lives. Further, one of the recommendations of the report from that review (presented to the NSW Government in 2018) has been to ensure that any new legislation drafted from that review is done so “using simple and accessible language and structure.”<sup>2</sup>

## Conclusion

Governments of all levels have improved their communication with people who may have low literacy due to disability and this is to be applauded. MNCCLC and DA note instances where further progress can be made in order to facilitate the increased engagement of people with low literacy with civic systems. These include

- Financial support for programs in the community which help people to complete forms required by Government and to engage in civic processes.
- Funding for proactive, in-person communication by key service providers about help that is available during disaster recovery.

<sup>1</sup> <https://www.ncoss.org.au/wp-content/uploads/2021/01/Helping-Clients-Fill-in-Forms-Research-2020-Report-of-Findings.pdf>

<sup>2</sup> Executive Summary, p xxii, para 0.15 <https://www.lawreform.justice.nsw.gov.au/Documents/Current-projects/Guardianship/Report/Report%20145.pdf>

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- Increased use of “simple English”, pictograms and other strategies for engaging people with low literacy in civic projects and opportunities.

We trust that this submission will be of assistance to your Inquiry.



