

Making our services work for Aboriginal people

Aboriginal and Torres Strait Islander people are the most disadvantaged of any group in Australia on all major indicators, including health, housing, education, employment and contact with the justice system.

This document provides guidance to staff at all levels in the Commission on developing and delivering practical and culturally appropriate client services for Aboriginal people.



www.legalaid.nsw.gov.au

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Introduction

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Background

Definitions

The following definition was given by the High Court in a 1983 judgement¹, and is commonly known as ‘the Commonwealth Definition’:

‘An Aboriginal or Torres Strait Islander is a person of Aboriginal or Torres Strait Islander descent who identifies as an Aboriginal or Torres Strait Islander and is accepted as such by the community in which he or she lives.’

The term ‘Indigenous people’ is also often used to refer to Aboriginal and Torres Strait Islander people. This document is focussed on service provision to Aboriginal people in New South Wales.

Aboriginal disadvantage

While the reasons for Aboriginal disadvantage will be broadly familiar to most people, they are briefly outlined here to provide some basic context to these guidelines.

Aboriginal disadvantage is the result of European colonisation and successive government policies. The biggest impact has come from the loss of land—the economic, spiritual and cultural basis of Indigenous society, and policies such as the forced removal of children. In New South Wales many Aboriginal people were moved on to reserves and missions, with every aspect of their lives regulated by government until the 1970s. Many Aboriginal people became dependent on the dominant economy, but were excluded from participation. High levels of criminalisation and incarceration are also connected to the impact of colonisation, both directly through intervention policies and indirectly as a result of the loss of land and an economic base.

Some facts and figures

In 2001 there were 119,900 Aboriginal and Torres Strait Islander people living in New South Wales, representing 29% of the Australian Indigenous population and 1.9% of the total New South Wales population. More Aboriginal people live in NSW than any other single Australian state or territory.

The Australian Bureau of Statistics has developed an Indigenous socio-economic disadvantage index and ranked each area in Australia according to ‘least disadvantaged’, ‘less disadvantaged’, ‘more disadvantaged’ and ‘most disadvantaged’². On this basis, within NSW Queanbeyan and Sydney are considered the least disadvantaged areas while the far Western and North-Western districts, including Bourke and Broken Hill, are the most disadvantaged.

¹ [Commonwealth v Tasmania \(1983\) 46 ALR 625.](#)

² [Aboriginal Disadvantage Index Report.](#)

Aboriginal specific legal services

1) *Aboriginal and Torres Strait Islander Legal Services (ATSILS).*

The establishment of ATSILS has been one measure taken to help address ongoing disadvantages in Indigenous communities. ATSILS receive funding from the Commonwealth Government to provide coverage for every area in Australia, however most have historically focussed on representing defendants in criminal law matters and have had limited resources available to assist clients in other areas of law. The level of unmet need among Aboriginal people for assistance in family and civil law matters remains high.

In the first half of 2006 the Commonwealth Government conducted a tender process for delivery of legal services to Aboriginal people in NSW and the ACT. The successful tenderer was the Aboriginal Legal Service (NSW/ACT) Limited (the ALS), an organisation established by the six ATSILS which had previously served this area. See the [Commission's Service Delivery Planning Tool](#) for more information about the locations of ALS offices.

2) *Family Violence Prevention Legal Services (FVPLS)*

FVPLSs have also been established relatively recently in some areas with Commonwealth Government funding. These organisations aim to provide holistic assistance with the legal and related needs of Aboriginal family violence victims, who are primarily women and children. Most ATSILS have not in the past been well placed to serve this client group.

The FVPLS in NSW are located at Walgett, Moree, Kempsey, Forbes and Bourke.

3) *Community Legal Centres (CLCs)*

CLCs such as the [Wurringa Baiya Aboriginal Women's Legal Centre](#) and [Women's Legal Resources Centre](#) provide specific legal assistance to Aboriginal women and their children.

Wurringa Baiya is located in Marrickville and focuses on issues relating to violence against Aboriginal women, children and youth. The Women's Legal Resources Centre in Lidcombe provides specific legal services to Aboriginal and Torres Strait Islander women and girls through its Indigenous Women's Program.

4) *NSW Local Court Aboriginal Client Service Specialist Program (ACSSP)*

The ACSSP currently operates in 17 local courts across the State, and provides assistance with:

- Access to court documents relating to Aboriginal people.
- Advice to assist legal practitioners in understanding the causal factors and underlying issues involved in particular matters.
- Information to clients/families about Court outcomes such as bonds, court service orders etc.
- Local content for Aboriginal cultural awareness programs.

It is important that Legal Aid works collaboratively with the ALS, FVPLSs and the other existing services to ensure that effective and culturally appropriate services are available to Aboriginal people in all areas of law.

Barriers to accessing the justice system

Aboriginal people experience numerous barriers in accessing the justice system, many of them structural.³

These barriers include:

- Previous negative experiences and long term distrust of the legal system.
- Lack of awareness as to the scope and ability of the law to resolve certain types of problems, and the availability of services which can assist.
- Reluctance to involve outsiders in matters which are considered private, and would require the disclosure of personal information in front of strangers.
- Lack of confidence in the confidentiality, support and empathy available from legal service providers and the legal system generally.
- A perception that legal services are prestigious, with resulting intimidation and shame in approaching them.
- Formality and complexity of the legal system and its processes.
- Preference for communities to resolve their own problems.
- Requirement that bookings are made for most legal services.
- Lack of available childcare.
- Few Aboriginal personnel employed within the legal system.
- The location of service providers, with many NSW towns lacking a nearby Legal Aid or ALS office, FVPLS or CLC.
- Lack of public transport to legal service providers—particularly in rural NSW.
- Lack of relationship between service providers and local Aboriginal communities.
- Lack of cultural awareness, sensitivity and compassion among some justice system staff and legal service providers.
- Reluctance by some lawyers to become involved in inter-community or 'black-on-black' disputes, particularly between individuals and Aboriginal organisations.
- Reluctance by some lawyers and others to make judgments of Aboriginal people which might be interpreted as racist.
- Reluctance by some lawyers to be seen to be 'taking sides' in a dispute or aligning themselves with a particular faction of the Aboriginal community.
- Tendency by some lawyers and other justice system professionals to dismiss Aboriginal disputes as private matters or cultural in origin.
- Limited ability of the law and traditional legal approaches to resolve problems that in many cases involve not just legal, but also significant political, historical and cultural issues.
- The legal system's reliance on documentary evidence to substantiate claims, and its reluctance to accept or rely on anecdotal and oral evidence provided by Aboriginal people.

³ See p 6 of the report: "[Where To From Here: 10 years after the Royal Commission some suggested directions for Aboriginal Justice Planning](#)" by Brendan Thomas

Overcoming barriers

Designing services for Aboriginal people

Discussion and example

A flexible, responsive and client-focussed approach is essential to the successful design and delivery of services for Aboriginal people. This involves considering the needs and preferences of the relevant Aboriginal community, and being willing to tailor services accordingly. Simply making assistance available in the usual fashion, and assuming that if it is not used there is a lack of demand is an inflexible and inadequate approach.

Many of the barriers listed on the previous page can be effectively addressed by involving Aboriginal people in decision making, and designing processes which accord with local needs and expectations. A good illustration of this is the modifications made to the Chamber Magistrates Service in Nowra, as outlined on page 5.

Principles for effective service provision

The basic principles for providing effective legal services to Aboriginal people can be summarised into five categories:

- 1) Improve general awareness
- 2) Get to know your Aboriginal client base
- 3) Address structural barriers
- 4) Promote your services
- 5) Communicate effectively with individual clients

1) Improve general awareness

- 1.1) Understand the extent to which many Aboriginal people and communities are disadvantaged, the nature of this disadvantage and the compounding effects of multiple, interrelated disadvantage; for example low levels of education and literacy combined with unemployment and homelessness.
 - Make use of information available on the internet. A list of useful websites and online publications can be found on the back page of this document.
 - Contact the Commission's Training and Development Unit (9219 5062) to arrange cross-cultural awareness training for all staff who provide, or will be providing the service.
 - Develop staff knowledge and professional competence in providing assistance to Aboriginal clients. There are many resources available on

Aboriginal and Torres Strait Islander justice issues, including relevant case law, reports and international instruments. These resources can assist staff in understanding the underlying causes of crime and anti-social behaviour in Aboriginal communities, Aboriginal people's experience of the legal system and ways to reduce Aboriginal people's contact with the criminal justice system.

- The [Indigenous Law Bulletin](#) is one useful source of information; the [Bureau of Crime Statistics and Research](#) also publishes a range of relevant material on Aboriginal justice issues.

- 1.2) Recognise the diversity among Aboriginal communities and individuals; do not assume that Aboriginal people—including those within a particular town or geographic area—are a homogeneous group. Many Aboriginal people in NSW identify with more than one community, for example because of intermarriages and relocations (both forced and voluntary).

Build and maintain an awareness of issues and developments in the relevant community or communities, and the potential impact of these on clients' needs by:

- Consulting the Commission's Strategic Planning and Policy Division and Aboriginal Justice Committee.
- Searching the [Australian Bureau of Statistics'](#) website.
- Speaking to the Commission's Aboriginal staff, particularly the Aboriginal Client Service Officer (9219 5937), who may have links to the relevant area.
- Performing key word searches in internet engines such as [Google](#) and [Yahoo](#).
- Reading the local newspapers.
- Establishing and maintaining contact with existing legal and non-legal service providers such as CLCs, local courts and Centrelink offices. In particular, making contact with Aboriginal organisations within the relevant community. Arrange to visit these organisations, especially the ALS office and FVPLS (if applicable), in order to discuss local issues and develop an understanding of the community.

If you are unsure about which existing organisations provide services for the community in question:

- Check with the Strategic Planning and Policy Division.
- Consult the White Pages or local telephone directory.
- Use the [Commission's Service Delivery Planning Tool](#), which contains information on existing service providers.

1.3) Be aware of Aboriginal cultural issues, including the nature of kinship and family systems.

- In general older people are respected and revered within Aboriginal families and communities. Aim to introduce yourself to elders in the community/ies you plan to serve as a sign of respect to the whole community.
- Aboriginal cultures place great importance on extended family relationships and obligations; this is generally the case even among families who have lived in urban environments for generations.

- It is common practice that when Aboriginal people attend institutions such as court they are accompanied by a number of other Aboriginal people, often members of the extended family. This is important in providing support and assurance (particularly for children) and should be encouraged.
- More specific information on cultural factors relevant to communicating effectively with Aboriginal clients is provided at 5) below.

2) **Get to know your Aboriginal client base**

2.1) Involve local Aboriginal communities in the development and implementation of programs and services.

- Engage in genuine consultation with the community as to its needs and preferences; be willing to listen carefully and design or adjust services in response to feedback.
- Ensure that the consultation is meaningful and not tokenistic, rushed or superficial. Ongoing consultation may be appropriate.

Example: Flexible Service Delivery

The Chamber Magistrate's Service in Nowra had been consistently underutilised by Aboriginal people, despite the presence of significant unmet legal need in this client group. In an attempt to remedy this situation Chamber Magistrates were initially provided with training in Aboriginal awareness, and Aboriginal people were advised of the service's existence. However the result was no real increase in the number of Aboriginal clients served.

Structural problems which included intimidation felt by Aboriginal people attending court, the requirement to book services in advance, and the antiquated language used were found to be the reason for this continued under-utilisation. And yet since the Chamber Magistrates' service consists of one person giving advice to another, it could just as easily be delivered under a tree or on a riverbank as in a courthouse.

Consultation with the local Aboriginal community revealed a preference for the service to be made available within the community itself. The Chamber Magistrate initially visited most households to introduce himself and explain what he did; arrangements were then made to provide the service from the premises of a local organisation rather than in the Court. After around two months, people had become familiar with the Chamber Magistrate and began making regular use of the service, which is now delivered basically to anyone anywhere in the community.

Providing this more culturally appropriate service cost no more than the regular arrangements, and in fact saved time and resources over the longer term because Aboriginal people had a greater understanding of their legal options and the relevant processes. The community's confidence in and satisfaction with the justice system increased once structural impediments to effective service delivery were addressed.

- Involve existing community organisations in the development of suitable consultation strategies. In particular, ensure co-ordination and co-operation with other legal service providers such as CLCs and the ALS office/FVPLS responsible for the relevant area.
 - Consider holding a barbecue or other informal function to attract community members to meetings.
 - The [Western Australian Government](#) has developed a set of guidelines on engaging with Aboriginal communities, much of which is also relevant to NSW.
- 2.2) As with mainstream communities, factionalism and division may be present in Aboriginal communities. Be conscious that some Aboriginal organisations are considered to be dominated or controlled by certain family groups, who may experience rivalry or conflict with other groups. Take care not to assume that the people you have met with and consulted represent the views and preferences of the whole community; you may find that others within it have quite different perspectives.
- Be prepared to spend time learning about these dynamics in order to ensure that services can be made accessible to all Aboriginal people who need them.
 - People may volunteer information about community politics during your consultations (although this is more likely to happen in one-to-one or small group conversations than in larger groups). Be careful not to pass judgement. Listen and consider making tactful enquires about how these issues may impact on service delivery, and what sorts of arrangements might be appropriate to overcome them.
 - Try to avoid being seen as aligned with any particular group in the community.
 - These factors may have important practical implications for building truly accessible and responsive services. For example, sections of some communities may be inclined not to use outreach services if they are delivered from the premises of particular Aboriginal organisations.
- 2.3) Understand the perspective of the many Aboriginal people who believe their communities have been over-researched by academics and consultants, and that the numerous reports describing their situation having had little tangible impact in reducing

disadvantage. As a result of these experiences there may be some scepticism, apathy or even hostility in Aboriginal communities towards the collection of further data and conduct of research.

Data collection, research and consultation may nevertheless be important steps in establishing effective services, while evaluation is vital to determining whether or not a service is adequately meeting the community's needs.

If new research is to be conducted, and when evaluations are being planned, keep the following points in mind:

- Ensure that you consult existing information before attempting to collect anything new (use the links and sources listed at 1.1 and 1.2 above). Communities may well feel frustrated by requests to describe their circumstances, needs and preferences if they have previously done so for other researchers and feel that they are having to repeat themselves. (This is especially likely to be the case if little or no effective action has been taken to address needs identified in earlier reports—regardless of which agency or organisation may have been at fault). While any existing research may not necessarily have a specific focus on legal needs and issues, it is nevertheless likely to shed at least some light on these as well as providing a general insight into the community's circumstances.
- Clearly explain the purpose of the exercise and its benefits for the relevant community.
- Try to involve respected community members and leaders in the planning and conduct of any research (eg, reviewing questionnaires or data collection strategies).
- Discuss with the community who should have ownership of any research and how it should be held.
- Consider requesting the assistance of community leaders in recruiting participants.
- Consider employing Aboriginal people to assist in conducting interviews and other data collection efforts. The [Aboriginal Justice Advisory Council](#) has used this technique in its research.
- Respect cultural preferences and sensitivities—for example it may be inappropriate for men to ask women certain questions, and vice-versa.
- Discuss your findings, if possible as early as the

draft stage, for review and comment by the relevant community.

3) Address structural barriers

3.1) Appreciate the need for new services to gain trust and credibility, eg by displaying respect and sensitivity towards Aboriginal culture and individual clients.

- Talk to people who have been directly involved in delivering services to Aboriginal communities, in particular (if possible) to the community concerned, about the most effective approaches.
- Work co-operatively with local Aboriginal community organisations.
- Be prepared to spend time introducing relevant staff to community members, which will help to ensure that staff are seen as available and approachable.
- Be patient; slow initial progress may well be followed by improved use of the service once word spreads (see point 4.2 on page 8).

3.2) Aim to build a long-term relationship with the relevant community. Services considered likely to 'breeze in and breeze out' may find it difficult to win community trust and confidence.

- Make it clear (if appropriate) that an ongoing service will be available.
- Attempt to provide some continuity for clients by ensuring that staff are assigned to the service permanently, or at least on a long-term basis.
- Try to ensure that clients can speak to the same solicitor on each occasion.

3.3) Recognise that Aboriginal people may feel more comfortable if legal assistance is provided in less formal environments.

- Be flexible and available to communities in their own areas; eg be prepared to offer services within the community itself, in outdoor settings and community centres which provide a confidential space.
- Consider delivering services from the premises of an existing Aboriginal organisation (such as a health centre or land council), although see the caution about this explained at 2.2 above.
- If possible create a relaxed atmosphere with sofas, tea and coffee, pot plants, toys for children etc.

3.4) Be aware that potential clients may feel uncomfortable approaching a service directly for assistance about a legal problem. If you become aware that a person has a legal need, consider

initiating a casual discussion about an unrelated matter, after which the client may go on to describe their legal problem and seek your assistance.

3.5) Employ Aboriginal people (in both consultation and service delivery activities) wherever possible.

- Speak to the Commission's Aboriginal Client Service Officer (9219 5937) for practical assistance.
- Also, see information on the [Department of Employment and Workplace Relations website](#). Although this is intended for use by organisations providing employment services it offers some useful general guidance on working with Aboriginal employees.

3.6) Promote general knowledge about legal rights and responsibilities through education and information, rather than focussing exclusively on providing assistance with particular legal problems.

- Keep in mind the need for cultural sensitivity, flexibility and responsiveness in designing services which are appropriate for community needs. It is important not to assume that traditional methods of delivering community legal education will be effective in meeting the needs of Aboriginal clients. For example booking a local hall, publicising a set time and date, having solicitors deliver prepared talks about legal issues from a stage to seated audience members is unlikely to be a successful approach.
- More effective strategies may include using local radio or Aboriginal newspapers (eg the [Koori Mail](#) or [Indigenous Times](#)), and linking in with other events such as Local Court sittings, health service visits and sporting events (see the example on page 8).
- It may be helpful to review the list on page 3 of barriers to Aboriginal people accessing the justice system, and consider creative options for delivering information in ways which minimise or overcome these. The Commission's Community Legal Education Co-ordinator (9219 5921) can assist.

3.7) Being sent on the 'referral roundabout' is a discouraging and disempowering experience for clients. Try to avoid this by taking a holistic, client focused approach. Ensure that legal advisors are aware of and have links to other available community services (including ones which are Aboriginal specific), and a preparedness to liaise directly with these in assisting individual clients whose legal problems are interlinked with others.

Example: Promotional Tie-ins

Football ‘knockout’ competitions are very popular in Aboriginal communities throughout NSW, and usually well-attended.

The competitions are open to all Aboriginal Rugby League and sporting clubs in NSW, which nominate teams to compete for the prize pool and the honour of hosting each year’s carnival. They are usually attended by approximately 50 NSW Aboriginal football teams, and played over a three day period. The grand final is played on the Monday afternoon of the Labour Day holiday in NSW.

The knockout competition also involves various cultural and children’s events, food and information stalls. These provide good opportunities to reach potential clients in informal settings, where people are less likely to feel intimidated than in indoor halls or offices. Setting up Legal Aid stalls and giving out balloons or similar items to children may be an effective way of attracting interest and questions from adults, as well as teenagers. Contact the Commission’s Community Legal Education Co-ordinator on 9219 5921 for further information regarding this event.

- Ensure that clients feel comfortable in using these services—simply handing them the relevant phone number or address will generally be neither appropriate nor sufficient. Instead, consider asking clients how they feel about you contacting the next service on their behalf, and/or accompanying them on a visit there.
- 3.8) Appreciate that many Aboriginal people may feel uncomfortable communicating via telephone or audio-visual link services, at least until you have established a relationship with them.
- 3.9) Be aware that Aboriginal women and children who have experienced sexual assault and/or family violence will not feel comfortable discussing sensitive or personal issues with men.
- Ensure that female solicitors are available.
 - Contact [Wirringa Baiya Aboriginal Women’s Legal Service](#) (9569 3847) for assistance.
- 3.10) Exclusively Aboriginal services promote a sense of ‘ownership’ and are more likely to be perceived as culturally appropriate, and therefore used, by Aboriginal clients. This does not mean that the service provider/s must be Aboriginal. (In fact, Aboriginal people may be more comfortable discussing problems with non-Aboriginal staff for confidentiality reasons).
- 3.11) Avoid placing Aboriginal service delivery in the ‘too hard’ basket.
- If previous attempts to provide appropriate services for this client group have been unsuccessful, consult with those involved to establish what went wrong. Try not to assume that this means there is little or no demand for legal assistance in the relevant community; there is ample evidence of high unmet legal need among Aboriginal people—particularly in family and civil law. Instead look at ways in which future arrangements can be modified to improve the service’s accessibility. Examine possible structural barriers, be patient and try again.
- 4) **Promote your services**
- 4.1) Ensure that brochures, posters and other materials are culturally appropriate and produced with input from Aboriginal people—preferably those from the community to be served.
- Consult with the relevant community (see guidance above) on the design and language to be used in your publication/s.
 - Liaise with the Commission’s Aboriginal Justice Committee about your plans.
 - Contact the [Commission’s Publications Unit](#) (9219 5035) in the Strategic Planning and Policy Division for practical assistance.
- 4.2) Recognise that word-of-mouth can be a powerful tool in promoting awareness of the service. This ‘grapevine’ effect can do a lot to ensure that services which have credibility are used. It will also work in reverse to damage a service’s reputation if clients have negative experiences.

Communication

5) Communicate effectively with individual clients

5.1) Personal relationships with clients

Understand the importance of the 'human element' and the need to build personal relationships with clients. Appreciate the need for genuineness, empathy and reflective listening skills.

Be prepared to spend time listening to the client's full story, and possibly discussing more general issues first, in order to develop trust and gain a better understanding of their situation. Attempting to delve straight into the 'legal' problem may not always be appropriate or realistic.

Exchanging information about family and background is a way in which many Aboriginal people form connections during initial conversations with others. It may seem unusual in the context of a legal interview, but if you are comfortable with this approach and the circumstances seem right consider making general comments on where you grew up, siblings etc, and/or asking clients about these things. This can be a good way to establish personal connections and gain trust—both of which are especially important in providing effective services to Aboriginal people.

Of course this approach will not be appropriate on every occasion; much depends on individual personalities and expectations. You might initially choose to volunteer this sort of information only in response to similar comments from clients. Experience will help you to decide whether or not to do so in other situations—for example to break any tension and help clients feel at ease.

5.2) Communication styles

There are many cultural factors to keep in mind when communicating with Aboriginal people. Some of the most important ones include:

- Avoid rushing—allow the client to speak in their own time. This may mean some periods of silence; do not assume that silence means the client has no opinion or nothing to say. Silence may merely indicate that the person is considering your advice and requires time to make a decision.
- Nor should silence be necessarily be interpreted as unfriendly behaviour or an indication that communication has broken down. While silence in western societies can often be uncomfortable, in Aboriginal cultures it is a legitimate feature of personal interaction and does not have the same negative connotations.
- Pause after making each point. This allow clients to digest your advice and ask any questions.
- Use plain English, avoiding jargon and specialised language; clients may not feel confident enough to ask for clarification of terms they do not understand. Speak clearly, and do not be afraid to repeat yourself if necessary.
- Aboriginal English is the name given to the various kinds of English spoken by Aboriginal people throughout Australia. These language varieties are dialects of English, and although they have much in common with other varieties of Australian English there are distinctive features of accent, grammar, words and meanings. Aboriginal English retains some characteristics of the traditional Aboriginal languages. For example, since the consonant 'h' was not part of Aboriginal languages many Aboriginal people pronounce English words without using sounding the 'h'. This is a continuation of Aboriginal linguistic practices and does not constitute 'uneducated' or 'poor' English. For more information visit the web address provided on the back page.
- Aboriginal people may respond to questions with the shortest possible answers. Tone of voice is very important: if you ask short and terse questions you are likely to be met with brief monosyllabic responses, or gestures such as nods and shrugs.
- Invite questions once you have finished your explanations; ensure you do not give the impression of being in a hurry to finish the meeting.
- Avoiding eye contact is a sign of respect and courtesy in Aboriginal culture; it should not be interpreted as rudeness, evasiveness or indifference. It is never appropriate to force eye contact when communicating with Aboriginal people.
- Be sensitive to nonverbal communication cues, and aware that Aboriginal communication styles may be less direct than those of non-Aboriginal people. For example when seeking personal information, Aboriginal people may attempt to build up a gradual overall picture and ask more direct questions only once some understanding has been established. The 'straight to the point' approach may be unsuccessful when speaking to Aboriginal people.

- Aboriginal people often refer to others as brother (or bro), sister (or sis), cuz, aunt or uncle although there may be no 'blood' relationship. These terms may be used as acknowledgment of the other person's Aboriginality, or to signify endearment or friendship.
 - Rather than referring to numerical quantities Aboriginal people may be more inclined to list or describe people, places, items etc.
 - Aboriginal people may also use references to physical, social or climatic events when recanting something, instead of being specific about dates and times. Be mindful that attempts to force more quantitative responses may produce misleading answers.
 - Be aware of possible feelings of shame—especially about issues like family violence, sexual assault, illiteracy and substance abuse—and the ways in which this may impact on disclosure and decisions. Shame is felt most acutely in Aboriginal communities and can be used as a tool of correction or coercion. Any child raising issues of abuse may feel a strong sense of shame for themselves, while also being reluctant to bring shame on their family or another member of their community—particularly an elder.
 - Aboriginal people, especially children, may feel intimidation and fear if required to give evidence against elders from their communities. Pressure not to damage the elder's position or image may impact on the child's disclosure of information. Elders not only hold social status but are often regarded as having spiritual powers. This esoteric side of Aboriginal culture should not be dismissed, as an elder may be viewed as being 'clever' or having some type of occult power, particularly by children. The presence of broader family and community members may assist in allaying those fears.
 - Gender is a sensitive issue; clients may prefer to speak to a solicitor of the same sex. Again, this is particularly the case for female clients who have experienced sexual assault and/or family violence.
 - Be careful how you interpret a yes/no answer. It may mean only that the person has/has not heard your question and is considering/not sure how to respond.
 - Keep in mind that clients may feel more comfortable sitting side-by-side than in a face-to-face configuration.
 - Oral communication will generally be more appropriate than written correspondence. However, professionalism should be maintained at all times and oral communications confirmed by letter.
 - Handshaking for males is very important—a handshake will generally be appropriate when you first meet.
- 5.3) Be aware that for various reasons including unpleasant prior experiences, some Aboriginal clients may feel that professionals are likely to patronise or 'talk down to' them. Ensure that clients are treated as equals, with courtesy and respect. Consider employing Aboriginal field officers, or inviting clients to bring along a friend/relative/support person. Ensure that the client is comfortable with that person's presence during the interview. In some cases, the client will indicate that they want the support person or the field officer to respond on their behalf. It is still advisable to confirm with the client that they agree with this person's response, and make a notation accordingly.
- 5.4) Do not make assumptions about whether Aboriginal women who are victims of family violence will, or will not, want police assistance in dealing with the matter. Acknowledge and respect the rights of individual women to make different choices depending on their circumstances, and to exercise control over their own lives.
- 5.5) If you require information to be forwarded to you by post, ensure you write down the instructions, with clear contact details. When concluding an interview or meeting:
- Never promise clients something you cannot deliver.
 - Always follow-up by providing clients with answers to any questions you were not able to respond to on the day.
 - Remember that the grapevine effect works very well; any failure to reply or follow-up as undertaken is likely to be public knowledge in a short period and may jeopardise any credibility you have previously established.

Useful links and contacts

General websites and reports:

NSW DAA fact sheets: <http://www.daa.nsw.gov.au/publications/Fact%20Sheets.pdf>

Royal Commission into Aboriginal Deaths in Custody—final report:

http://www.austlii.edu.au/au/special/rsjproject/rsjlibrary/rciadic/rciadic_summary/rcsumk01.html

HREOC—United Nations Submissions:

http://www.hreoc.gov.au/pdf/social_justice/submissions_un_hr_committee/3_indigenous_disadvantage.pdf

Bringing Them Home report: http://www.hreoc.gov.au/social_justice/stolen_children/how_to.html

NSW Government submission to Stolen Generations inquiry: <http://www.daa.nsw.gov.au/publications/27.html>

Summary of Australian Indigenous Health—February 2005:

http://www.healthinonet.ecu.edu.au/html/html_keyfacts/keyfacts_plain_lang_summary.htm

Aboriginal and Torres Strait Islander Social Justice: http://www.hreoc.gov.au/social_justice

Lawlink NSW: Aboriginal Justice Advisory Council: <http://www.lawlink.nsw.gov.au/ajac>

Sites referred to in text:

Commonwealth v Tasmania (1983) 46 ALR 625: <http://www.austlii.edu.au/au/cases/cth/HCA/1983/21.html>

Aboriginal Disadvantage Index Report:

<http://10.200.128.187/data/portal/00000005/content/06491001116483488235.pdf>

Service Delivery Planning Tool:

<http://intra-apps/spp/Service%20Delivery%20Planning%20Tool/Service%20Delivery%20Planning%20Tool.htm>

Wirringa Baiya, Aboriginal Women's Legal Centre: <http://www.wirringabaiya.org.au/>

Women's Legal Resources Centre: <http://www.womenslegalsw.asn.au/>

Where To From Here: 10 years after the Royal Commission some suggested directions for Aboriginal Justice Planning by Brendan Thomas

[http://www.lawlink.nsw.gov.au/ajac.nsf/51bf77d7793e43184a2565e800280584/53ae9085aa38d49bca256d190012f0c7/\\$FILE/ATTQ3CCM/concept%20paper%201.pdf](http://www.lawlink.nsw.gov.au/ajac.nsf/51bf77d7793e43184a2565e800280584/53ae9085aa38d49bca256d190012f0c7/$FILE/ATTQ3CCM/concept%20paper%201.pdf)

Indigenous Law Bulletin (ILB): <http://www.austlii.edu.au/au/journals/ILB>

Bureau of Crime Statistics and Research:

http://www.lawlink.nsw.gov.au/lawlink/bocsar/ll_bocsar.nsf/pages/bocsar_pub_atoc

Australian Bureau of Statistics: <http://www.abs.gov.au/>

The Western Australian Government guidelines on engaging with Aboriginal communities:

<http://www.dia.wa.gov.au/Policies/Communities/Files/ConsultingCitizensB&W.pdf>

Department of Employment and Workplace Relations guidelines and information on working with Aboriginal employees: <http://portals.dewr.gov.au/toolboxes/indigenous.htm>

The *Koori Mail*: <http://www.koorimail.com/index.php>

National Indigenous Times: <http://www.nit.com.au/>

Aboriginal English: <http://www.une.edu.au/langnet/aboriginal.htm>

Contact phone numbers:

Legal Aid Commission:

Publications Unit 9219 5028

Training And Development Unit 9219 5062

Aboriginal Client Service Officer 9219 5937

Community Legal Education Coordinator 9219 5921

Other:

Women's Legal Resources Centre (NSW) 9749 5533

Wirringa Baiya Aboriginal Women's Legal Centre 9569 3847

Aboriginal Justice Advisory Committee 9228 8106