

Trauma-informed legal advice

for Stolen Generation Survivors

This document is to help lawyers give trauma-informed advice to members of the Stolen Generations.

By reading and applying these tips, you can reduce the likelihood of traumatising or re-traumatising your client. Remember that there are no hard and fast rules about engaging with Aboriginal clients.

For example, some clients may feel it is important for their healing to share their story, while others won't.

What is a trauma-informed approach all about?

- Giving power to your clients
- Avoiding harm
- Healing happens through relationships—be an example of a good relationship

Before the appointment

- Read up on past government policies and the devastating impact they had, and continue to have, on Indigenous Australians. Start by reading the summary of the Bringing them Home report or watch this Australian Human Rights Commission [video](http://www.humanrights.gov.au/news/videos/bringing-them-home-1997) (www.humanrights.gov.au/news/videos/bringing-them-home-1997). See what you can find out about the experience of people in the community where your client is from. There may be an Elders group, Men's group or Women's group that can help you with this. Reading up on the history means that:
 - your client doesn't need to explain everything to you. It also means that you will be more sensitive and respectful.
 - you might have more awareness and be able to avoid triggering your client.
 - you will understand that members of the Stolen Generations are justified in viewing you—someone

working for a government department—with suspicion.

- Give power to your client wherever possible to choose a place where they won't be triggered. Would a home visit be more appropriate? Apply after reading the guidelines.
- Make an appointment for enough time so that your client doesn't feel rushed telling their story.
- Encourage the client to bring a support person—this could be a family member, friend, counsellor, an AMS worker, or a Client Assessment & Referral Unit or Aboriginal Field Officer. Ask the client who they feel comfortable talking to.
- Wait until you are face to face to talk about difficult things with your client if possible.
- Get cultural advice if you feel you don't know enough to be culturally sensitive and respectful. Within Legal Aid, you can speak to the Aboriginal Services Branch, Civil Law Service for Aboriginal Communities (CLSAC), Aboriginal Field Officers or other Aboriginal staff.
- Make sure you do what you say you will do—this is the first step to building trust with your client.

At the beginning of the appointment

- Don't make assumptions about the person in front of you. Everyone experiences trauma differently.
- Ask your client what might make them more comfortable. For example, let your client choose if the door is open or closed. Remember that too many options can be overwhelming.
- Let your client know where the bathroom is. Trauma can create bladder control problems.
- Define your role – this will help reassure the client. Make it clear to them that you are on their side.

- Explain things in advance. For example, how long will you be talking and what will you be covering.
- Offer your client breaks. You don't need to use these words, but say something like, "You're in charge of how long we talk for today." This is all part of giving as much power as possible to your client.
- Ask your client if you can take notes as it will help you to remember what you talk about. That being said, try to increase the time you spend with the pen down and just listening.
- Did your client bring children to the appointment? Check whether your client is comfortable having the children hear about what they have been through.

During the appointment

- Validate your client appropriately. For example, if your client shares something difficult—let them know that you appreciate the strength that it takes to share.
- Give as much power to your client as possible. For example, if your client can fill out the Stolen Generations Reparations Scheme form themselves, encourage them to be the one that does it.
- Trauma can affect memory. This may create inconsistencies in your client's story, so take this into account when you are taking instructions.
- If your client seems distracted, anxious, or just shut down, they may have been triggered by something that happened or was said. Sometimes your client will know what triggered them and they can tell you, so you can avoid triggering them again next time. Sometimes this won't be possible and you will need to make another appointment. Be aware that some clients may be facing a lot of challenges in their lives, so it is good to get all the instructions in one go to avoid needing to get the client to come back.
- It may also help your client if you can ground them in the present – for example, by saying something like: "Are you finding it hard to focus on these questions? Take your time".
- Your client may get angry for no apparent reason. Don't take this personally. When trauma is experienced at a young age, it can lead to chaos being normal. If the person is in a safe environment, this can seem unnatural and the person may try to create chaos to normalise the environment for them. If you still feel safe with this client, then you should ask them if they would like to make an appointment for another day. Speak to your supervisor if you don't feel safe.

- Don't ask your clients questions about traumatic experiences if you don't have to. In the same vein, don't ask for unnecessary detail about trauma.
- If your client applies to the Stolen Generations Reparations Scheme, they can decide if they want to talk about what happened to them. Some clients may want to share their story as part of their healing and others won't, which is fine. Let your client know that if they want to seek compensation for what happened to them after they were removed, you can refer them to a private law firm. If they decide to go ahead, warn your client that they will need to tell their story in lots of detail and they need to decide if they want to go through those memories again.
- If you are referring your client to Carroll & O'Dea (or another private law firm) think about how you can reduce the amount of times that your client has to tell their story. See more referrals below.

Look after yourself

Have someone available, like a colleague or a supervisor, who you can talk to if you need to. You can also call the Employee Assistance Program on 1300 360 634.

Referrals:

The Aboriginal Medical Service (AMS) most AMSs employ Emotional Wellbeing Officers and many also have a Bringing Them Home worker (often the same person). Call the AMS before making this referral to see what is possible.

Link-Up NSW if your client wants help in reuniting with family members. Link-Up NSW will also refer the client to a counsellor automatically.

Coota Girls Corporation, Kinchela Boys Home Aboriginal Corporation or Bomaderry Aboriginal Children's Home Incorporated for healing projects and to attend reunions.

Local GP suggest the client request a Mental Health Treatment Plan (MHTP). This allows the client to access Medicare rebates for counselling services delivered by registered psychologists.