



**CONNECTING AND
WORKING WITH
ABORIGINAL AND
TORRES STRAIT
ISLANDER COMMUNITIES,
ORGANISATIONS
AND CLIENTS:
A GUIDE FOR
COMMUNITY
LEGAL CENTRES**

NACLCL acknowledges the traditional owners of the lands across Australia and particularly the Gadigal people of the Eora Nation, traditional owners of the land on which the NACLCL office is situated. We pay deep respect to Elders past and present.

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Introduction

The National Association of Community Legal Centres (NACLC) acknowledges the severe and multiple forms of discrimination and disadvantage faced by Aboriginal and Torres Strait Islander people across Australia broadly and the barriers that exist for Aboriginal and Torres Strait Islander people in accessing legal assistance, or justice more broadly.

NACLC is the national peak body representing and providing services and support to community legal centres (CLCs) in Australia. NACLC's members are the state and territory associations of CLCs, which in turn represent around 190 community legal services in various metropolitan, regional, rural and remote locations. Some Family Violence Prevention Legal Services (FVPLS) and Aboriginal and Torres Strait Islander Legal Services (ATSILS) are members of state and territory CLC associations and so also come under the NACLC umbrella.

NACLC strongly believes that community-controlled organisations, such as FVPLS and ATSILS, are the most appropriate organisations to provide legal services to Aboriginal and Torres Strait Islander people. However, where community controlled organisations are not able to provide assistance to Aboriginal and Torres Strait Islander people (for example due to conflicts of interest or unavailability of services), or where clients prefer to use a non-community controlled service, CLCs often fill that gap. As a result, it is vital that CLCs are able to provide culturally safe and appropriate services.

CLCs as not for profit community-based organisations that provide free and accessible legal and related services to disadvantaged people often work closely with Aboriginal and Torres Strait Islander people and organisations, both as partners and as clients.

As a result, CLCs must therefore be equipped to deliver programs and services that reflect the needs and aspirations of Aboriginal and Torres Strait Islander people and communities, appreciating the diversity of Aboriginal and Torres Strait Islander communities and cultures.

Increasing the number of legal assistance services that are able to provide culturally appropriate services and building their capacity to do so, as well as awareness of and confidence in CLCs among Aboriginal and Torres Strait Islander communities, is an important component of ensuring Aboriginal and Torres Strait Islander people can access legal assistance when needed.

Purpose of the Guide

This Guide has been developed to assist CLCs to provide culturally safe and appropriate services to Aboriginal and Torres Strait Islander clients, as well as to

assist CLCs to meet the Cultural Safety Standard in the National Accreditation Scheme (NAS).

This Guide is not intended to be an exhaustive resource and provides general information only. NACLC acknowledges that centre expertise and practices vary significantly, and the particular expertise of Aboriginal and Torres Strait Islander employees across the sector. However, the Guide is intended to provide high-level nationally relevant information that may assist CLCs in considering how they deliver services to Aboriginal and Torres Strait Islander people and work with local communities. A number of existing sector resources that CLCs should review are included in Appendix 3.

Development of the Guide

This Service Delivery Guide was developed as part of a NACLC project funded by the Commonwealth Attorney-General's Department. One of the project initiatives was to model and encourage culturally safe policies and practices in CLCs to improve accessibility and appropriateness of frontline service delivery to Aboriginal and Torres Strait Islander people.

In developing this resource, NACLC has consulted a range of Aboriginal and Torres Strait Islander people and networks within the legal assistance sector, as well as conducted a review of existing good practice resources. This Guide also draws on experiences shared by CLCs across Australia

Relevance of Guide to other legal assistance services

This Guide is intended to be used as a resource by CLCs, which are non-Aboriginal and Torres Strait Islander organisations. While some aspects of the Guide may be of interest to the many Family Violence Prevention Legal Services and Aboriginal and Torres Strait Islander Legal Services that now come under the NACLC umbrella, NACLC recognises that community-controlled organisations have particular expertise and connection with community, but encourages FVPLS and ATSILS to use this Guide where it is useful.

Aboriginal and Torres Strait Islander people, legal assistance and community legal centres

Accessing legal assistance

The focus of this Guide is to provide practical guidance to CLCs. However, at the outset it is important to understand the historical and contemporary factors that may affect clients, and to acknowledge the vital role that legal assistance providers such as CLCs play in light of the prohibitively high cost of private legal

assistance for many Aboriginal and Torres Strait Islander people.

Briefly, in considering the extent of access to legal assistance for Aboriginal and Torres Strait Islander peoples, it is important to outline broader factors that impact on access to legal assistance for Aboriginal and Torres Strait Islander peoples, including:

- **Intergenerational and Multi-Faceted Trauma and Disadvantage:** The systemic, intergenerational and multi-faceted trauma and disadvantage experienced by Aboriginal and Torres Strait Islander people across a range of indicators directly impacts on the ability of Aboriginal and Torres Strait Islander people to access legal assistance.
- **Mistrust of Government and Justice System:** As a result of historical and ongoing marginalisation, systemic discrimination and negative engagement with Government authorities, police and the justice system, Aboriginal and Torres Strait Islander people may be hesitant to seek legal assistance or engage with the justice system.
- **Remoteness:** There is a significant lack of access to legal services in remote areas. Given the high proportion of Aboriginal and Torres Strait Islander people who live in regional and remote areas, this remoteness creates a significant barrier to access legal assistance.
- **Lack of Awareness:** In some instances Aboriginal and Torres Strait Islander people may lack awareness of their rights, or what remedies or legal assistance is available when legal issues arise. In addition, Aboriginal and Torres Strait Islander people may not recognise the legal issue arising from particular circumstances.
- **Language and Interpreters:** In some instances Aboriginal and Torres Strait Islander people require access to interpreters to facilitate communication with legal assistance providers and the legal system more broadly, either because they do not speak English as their first language, they speak Aboriginal English, or they have hearing difficulties. Unfortunately, as outlined in the submission made by the National Aboriginal and Torres Strait Islander Legal Services, there is a shortage of appropriate interpreter services across Australia.

In addition, a crucial factor in assessing and considering the extent of access to legal assistance by Aboriginal and Torres Strait Islander people is the significant level of unmet legal need in Australia. Unfortunately, unmet legal need, including for Aboriginal and Torres Strait Islander peoples often has serious flow-on effects and

leads to greater and more complex legal problems and ultimately to higher costs to the justice system and other areas of government spending.

Clients, communities and partner organisations

Community legal centres across Australia provide a wide range of legal and related assistance to Aboriginal and Torres Strait Islander clients. For example, the 2015 NALCL National Census revealed that 15.3% of CLC clients, on average, identified as an Aboriginal and/or Torres Strait Islander person.

Community legal centres also work closely with communities (both locally and through outreach) and Aboriginal and Torres Strait Islander organisations (both legal and non-legal).

By way of snapshot, the 2015 NALCL National Census reveals that, of centres which responded:

- 30.5% already have a Reconciliation Action Plan, are currently developing one, or are planning for a RAP within the next 12 months
- 69.7% reported that community outreach and participating in community events was their main type of community engagement
- 68.8% reported that staff undertake cultural awareness/safety training
- 46.8% reported that they have a partnership for the delivery of legal services with an Aboriginal community-controlled organisation, ATSIL or FVPLS
- 52.2% reported that they have a partnership for the delivery of community legal education with an Aboriginal community-controlled organisation, ATSIL or FVPLS
- 38.1% reported that they have a partnership relating to policy or law reform with an Aboriginal community-controlled organisation, ATSIL or FVPLS.

Terminology

The term '**Aboriginal and Torres Strait Islander people**' is used throughout this Guide as the preferred usage and to refer to the original people of Australia and their descendants

It is important that centres are aware of the appropriate terminology to use and avoid inappropriate terminology. For example, terms such as those that attempt to classify according to parentage or skin colour (such as full-blood or half-caste) are extremely offensive and should never be used. The terms 'Aborigine' or 'Aborigines', abbreviations and acronyms such as ATSI; TI; TSI should also be avoided.



SECTION ONE: Creating a Centre Which Delivers Culturally Safe and Appropriate Services: General Information

Creating a centre which delivers culturally safe and appropriate services and Aboriginal and Torres Strait Islander people feel comfortable going to for assistance requires a real and embedded culture of respect and appreciation within the workplace. This culture needs to be supported and encouraged by all employees, and be lead and modelled by management and should be part of an ongoing process.

What is A Culturally Safe Environment?

"An environment that is safe for people: where there is no assault, challenge or denial of their identity, of who they are and what they need. It is about shared respect, shared meaning, shared knowledge and experience, of learning, living and working together with dignity and truly listening."

This is a national Guide, however it is important to recognise the diversity of the cultures, languages, kinship structures and ways of life of Aboriginal and Torres Strait Islander peoples across Australia. Aboriginal and Torres Strait Islander peoples retain distinct cultural identities whether they live in urban, regional or remote areas of Australia and centres should strive to understand and appreciate the particular communities in and within which they work. For example, for further information in relation to NSW, see the CLCNSW Cultural Safety Workbook.

There are a number of key actions outlined below that CLCs can take in order to develop and nurture a culturally safe and appropriate work environment and work practices.

Cultural awareness and respect

- Review and update policies, procedures and materials to ensure they are culturally safe and appropriate, in consultation with Aboriginal and Torres Strait Islander employees and stakeholders, including local communities
- Provide cultural awareness training for all volunteers, employees and Board/ Management Committee members, preferably by the local Aboriginal or Torres Strait Islander community, noting the importance of ensuring training is regular and relevant to the local communities with which your centre works

- Work to ensure all employees and the Board/Management Committee understand the significance of and observe cultural protocols that recognise Aboriginal and Torres Strait Islander people as the traditional custodians of the land on which the centre works, including Welcome to Country and Acknowledgement of Country
- Encourage employees to attend and be involved in important Aboriginal and Torres Strait Islander events and days of significance (eg National Reconciliation Week, NAIDOC Week)
- Find out more about the local communities in and around your centre's geographical or service delivery areas
- Get to know the other Aboriginal and/or Torres Strait Islander services operating in the communities in which your centre provides services
- Ensure the centre and all employees use culturally appropriate language in all communications
- Recognise the cultural diversity between Aboriginal and Torres Strait Islander peoples
- Draw on the expertise of Aboriginal and Torres Strait Islander employees, particularly where employed in a community worker or liaison role.

Cultural awareness training

The 2015 NACLC National Census indicated that only 68.8% (81 CLCs from 118 respondents) report that staff undertake cultural awareness/safety training.

CLC management and supervisors should ensure that all staff have undertaken cultural awareness training within the first few months of commencing employment at the centre. Existing staff who have not previously undertaken cultural awareness training while working at the centre should undertake the training as soon as possible.

Factors to consider include:

- **Who should deliver the training?** Due to the diversity of Aboriginal and Torres

Strait Islander people and cultures, cultural awareness training should always (if possible) be delivered by someone from the local community(ies) in which the CLC works. Local cultural awareness training is also a good starting point for national or state-wide services, which can then broaden their training needs as appropriate for their centre.

- What **method of training** is most appropriate for the CLC's circumstances and needs? For example, face-to-face, immersion, online, or a mix.
- Whether staff also require more **specialised training** in particular areas relevant to service provision or role (for example for CLCs working in community, or with translators).
- The appropriate **frequency** of cultural awareness training. This will differ across centres, but should occur at least once every year.

One way of helping to consolidate a culture of awareness and appreciation in your centre is to add cultural awareness discussion points to regular staff meetings. For example, your centre could use such meetings to include a regular time for staff to share information and stimulate discussions about Aboriginal and Torres Strait Islander history and culture, and ways your centre is or could be working with Aboriginal and Torres Strait Islander clients, organisations and communities.

Cultural protocols

*"Cultural protocol refers to the customs, lore and codes of behaviour of a particular cultural group and a way of conducting business. It also refers to the protocols and procedures used to guide the observance of traditional knowledge and practices, including how traditional knowledge is used, recorded and disseminated."*²

CLCs should always observe relevant cultural protocols to ensure positive and respectful engagement with Aboriginal and Torres Strait Islander people and communities. While acknowledging the diversity of Aboriginal and Torres Strait Islander people and communities, there are a number of cultural protocols that should always be recognised, including:

- introduce meetings with an appropriate **Acknowledgement of Country**, and also include an acknowledgement on documents and correspondence³
- invite a suitable local Aboriginal or Torres Strait Islander person to give a **Welcome to Country** at key events⁴
- consider incorporating other ceremonies into events, such as **Smoking Ceremonies** (generally only for major events and large gatherings)
- recognise and respect **Sorry Business** and bereavement protocols when members of the community (not just immediate family) pass away, which can require Aboriginal and Torres Strait Islander people taking an extended period of leave to attend funerals and mourning activities, as well as possibly travelling long distances. For example, if the centre has a flagpole, it could put it at half-mast
- recognise and respect **Women's Business** and **Men's Business**, which will require sensitivity to gender issues
- **consult** with Aboriginal and/or Torres Strait Islander people in relation to matters and decisions regarding their cultural heritage, and obtain **consent** prior to disseminating certain information or images. Consultations should not be rushed, and centres need to recognise that Aboriginal and Torres Strait Islander people may wish to discuss issues they are being consulted on with other people before providing any feedback or input, rather than being expected themselves to respond on behalf of Aboriginal and Torres Strait Islander people generally. It is also important to maintain contact after the consultation has ended
- obtain consent prior to using **images and voices** of Aboriginal and/or Torres Strait Islander people. If the particular person is deceased, it is very likely that using their name or image will be offensive to their community (although this differs across Country). As a result, Centres should first consult and seek written permission from the deceased person's family and/or community prior to doing so and remove public references to deceased people upon becoming aware of their passing;
- use **culturally inclusive language** within the workplace and internal policies, and for external communications, and

- consider cultural protocols in arranging **meetings and events**, for example it is important to consider the location of the meeting/event and be transparent about who will attend, as the presence of some people may preclude the attendance of others.

CLCs should also find out what other cultural protocols apply to the communities in which they work, and should seek to observe them accordingly.

Fee for service

Aboriginal or Torres Strait Islander people who are invited to perform a *Welcome to Country* or other ceremony at centre meetings/events, should be remunerated appropriately for their service. Such payments recognise the specialised knowledge or other intellectual property that is imparted, and should also consider the travel required to attend to the event.

Significant cultural events and days

To ensure a culturally inclusive and respectful work environment for Aboriginal and Torres Strait Islander employees and external stakeholders, it is important that CLCs recognise and, where possible, participate in significant cultural events and days. An indicative national list is provided at Appendix 2.

Culturally inclusive and sensitive physical environments

Centres should be culturally appropriate in a physical sense. This might involve:

- ensuring the centre's office space represents and symbolises its appreciation and respect for Aboriginal and Torres Strait Islander cultures by physically placing posters, a map, office flagpole or other art that celebrate its appreciation of Aboriginal and Torres Strait Islander cultures and its commitment to Aboriginal and Torres Strait Islander social justice issues
- actively considering other ways in which the centre can ensure that its office space is culturally safe and appropriate, including through consultation with Aboriginal and Torres Strait Islander employees and communities
- recognise the importance of and commits to ensuring culturally safe and appropriate meeting/event arrangements, places and spaces. For example, using open spaces

or buildings with windows to ensure the meeting space does not feel closed in or sterile, and

- providing relevant reading material within the workplace and waiting areas, eg Koori Mail, and/or relevant brochures or newsletters from local Aboriginal and Torres Strait Islander community organisations and services.

Aboriginal and Torres Strait Islander employees

A key element of ensuring your centre provides culturally safe and appropriate services is by employing Aboriginal and Torres Strait Islander employees. As a result, centres should consider how to attract Aboriginal and Torres Strait Islander applicants and support and retain Aboriginal and Torres Strait Islander employees.

Some centres across Australia have identified positions (approximately 16.5%) for example Aboriginal Legal Information Offices and Aboriginal Legal Access Program (ALAP) worker; others employ Aboriginal and Torres Strait Islander employees in non-identified positions; and some do both.

Having Aboriginal and/or Torres Strait Islander employees within the CLC can provide an important support function, and can also help instil confidence in Aboriginal and/or Torres Strait Islander clients (or prospective clients) that the CLC respects and understands Aboriginal and/or Torres Strait Islander people and/or the local community. Aboriginal and Torres Strait Islander employees in identified positions can help develop relationships with the community and Aboriginal and Torres Strait Islander organisations; build the profile of the centre as a culturally safe centre; assist potential clients identify issues as a legal problem; and provide a range of legal and non-legal services and support.

Some Aboriginal and/or Torres Strait Islander clients will not always feel completely comfortable speaking with non-Aboriginal workers. As a result, Aboriginal and Torres Strait Islander employees, particularly those in community engagement and support type roles can assist by being available as a support person during client interviews or to speak to separately. On the other hand, some clients might not feel comfortable speaking about their legal issues in front of Aboriginal and/or Torres Strait Islander workers if they are not solicitors, or even if they

are, because of possible confidentiality issues. For example, an Aboriginal or Torres Strait Islander person may not want their matter discussed with someone who is part of the Aboriginal or Torres Strait Islander community, because of concerns about the potential for their information to become known in the community.

As part of documenting a commitment to and plan for employing Aboriginal and Torres Strait Islander people, centres should consider developing and implementing an Aboriginal and Torres Strait Islander Employment Strategy embedded in the Strategic Plan and supported by management and stakeholders.

Centres should develop their own Employment Strategy specific to the particular centre so that it is relevant and effective for the centre. However, CLCs that do not have their own Employment Strategy, or require assistance in creating their own version, might refer to and use various aspects of the NACLAC Aboriginal and Torres Strait Islander Employment Strategy and/or the CLCNSW Aboriginal Employment Strategy, listed in the resources section at the end of this document

Centre frameworks, plans and policies

Cultural Safety Policy

The National Accreditation Scheme (NAS) requires that CLCs develop and implement 'documented procedures or a plan to develop documented procedures to promote cultural safety across all services and activities and at all levels of the organisation'. More information on the NAS Cultural Safety Standard is available in Appendix 1.

Reconciliation Action Plan

A Reconciliation Action Plan (RAP), as explained by Reconciliation Australia, is a practical written plan of actions built on relationships, respect and opportunities, that provides a framework for organisations to realise their vision for reconciliation and create social change and economic opportunities for Aboriginal and Torres Strait Islander peoples.

Ideally each centre should have its own RAP as a written way of outlining the centres commitment to engaging with and respecting Aboriginal and Torres Strait Islander peoples and communities. It should be a meaningful living document incorporated into the everyday work of the centre

and owned and lead by management. If your centre does not have a RAP, consider developing one with the assistance of Reconciliation Australia and appropriate consultation with Aboriginal and/or Torres Strait Islander organisations and/or people from the sector and local community.

It is important that CLCs do not rely solely on Aboriginal and Torres Strait Islander employees to develop the RAP. While Aboriginal and/or Torres Strait Islander employees may be able to contribute and should be supported to be actively involved and consulted, it is a strategic document about *reconciliation*, and as such it is important to come from management and be imbedded in the centre itself.

There are a number of resources that can assist CLCs to develop their own RAP and Reconciliation Australia can also provide useful support when putting together your RAP.

NOTES TO SECTION

1. Australian Human Rights Commission, *Social Justice Report 2011*, [4.2] quoting Williams, R (1999) 'Cultural safety – what does it mean for our work practice?' *Australian and New Zealand Journal of Public Health*, 23(2), 213.
2. Community Legal Centres NSW, *Aboriginal Cultural Safety Workbook for Community Legal Centres: A Practical Step-By-Step Workbook*, 14.
3. An Acknowledgement of Country is a way that an Aboriginal and Torres Strait Islander person who is not a traditional owner or custodian of the land where the event is being held, or a non- Aboriginal and/or Torres Strait Islander person, shows respect for Aboriginal and Torres Strait Islander culture and heritage and the ongoing relationship the Traditional Custodians have with the Land. It is important to recognise the appropriate groups/ nations and to check the pronunciation (for spoken acknowledgements). Acknowledgements of Country can take various forms. An example of an appropriate Acknowledgement of Country is: 'I would like to acknowledge the people who are the Traditional Custodians of the Land. I pay respect to their Elders, both past and present, and extend this respect to all Aboriginal and Torres Strait Islander people present'.
4. It is extremely important that a 'Welcome to Country' be given by an appropriate person- a representative of the Traditional Custodians of the Land or a senior representative of the local Aboriginal and Torres Strait Islander community. To establish who an appropriate person may be, contact your local Land Council as well as consult with Aboriginal and Torres Strait Islander employees and local organisations your centre works with.



SECTION TWO: Connecting and Working with Aboriginal and Torres Strait Islander Communities and Organisations

Connecting and working with your centre's local Aboriginal and Torres Strait Islander communities is a fundamental part of developing culturally safe and appropriate practices, and delivering culturally safe services to Aboriginal and Torres Strait Islander clients.

Some CLCs already have long-standing connections to and relationships with local Aboriginal and Torres Strait Islander communities. Other centres may be just beginning to establish those relationships.

Importantly however, whether or not you have a high proportion of Aboriginal and/or Torres Strait Islander clients, it is important to connect to and work with local communities. Just because your CLC does not already have any or many Aboriginal and/or Torres Strait Islander clients approaching for assistance, does not usually mean that there are no prospective Aboriginal and/or Torres Strait Islander clients in your area who need assistance. Given the barriers to Aboriginal and Torres Strait Islander people accessing legal assistance, it may be that by developing or strengthening connections and relationships with community will result in more Aboriginal and Torres Strait Islander clients feeling sufficiently comfortable to seek your centre's assistance.

General

- Find out who the traditional custodians of the local area are. You can contact local Aboriginal community based organisations (such as the local Aboriginal Land Council) to obtain the correct information
- Remember it takes time- don't rush and devote time to attending community events and building a relationship with the community and recognise that it often takes time to build trust and relationships with Aboriginal and Torres Strait Islander people, communities and organisations
- Never assume- it is better to ask and/or to establish mechanisms for the Aboriginal and/or Torres Strait Islander community to provide advice and guidance to your centre, for example through an Aboriginal Advisory Group

When working with the community give them flexibility to decide on what they want, when and how they want it, and to determine who should be involved.¹

- Attend and get involved in local community events, including for significant cultural days/events such as NAIDOC week, and hold a stall. Be Seen. Talk to people at other stalls and activities. It is important that the local community sees your commitment to participating in events, which will mean they will recognise you and keep you/the centre in mind.
- As part of respecting cultural protocols, find out about specific local cultural protocols- don't be afraid to ask!
- Run Community Education and Community Legal Education sessions and outreach clinics in the community:
 - Take Aboriginal and/or Torres Strait Islander posters, maps or other materials to CLE venues to help make them more culturally safe (if they are not already).
 - Recognise that it might take some time to build up trust in the community of your centre and so it may take a while to start feeling traction in the community with CLE sessions and outreach clinics. However, if you persist and build a presence in the community, it will increase awareness and confidence in your service, which will eventually result in higher client numbers of Aboriginal and/or Torres Strait Islander people.
 - Be open to having a casual chat at CLE sessions, to get to know the community and let them get to know you.

Building relationships with local Aboriginal and Torres Strait Islander organisations and legal services

It is important for CLCs to get to know the Aboriginal and/or Torres Strait Islander services (legal and non-legal) that are available in their area or to their clients. These services might include:

- Aboriginal and Torres Strait Islander Legal Services (ATSILS)
- Family Violence Prevention Legal Services (FVPLS)
- the local Aboriginal Land Council in your area
- Aboriginal Medical Service (AMS), or other Aboriginal health services in the area
- Aboriginal and/or Torres Strait Islander Community Centres
- Aboriginal and Torres Strait Islander working groups and community working parties
- Other services aimed at Aboriginal and/or Torres Strait Islander people and inter-agencies, such as youth services, women's services and refuges, services for homeless people, student resource centres, etc.

Building relationships with these services and ensuring that they understand what the CLC does can help with both:

- increasing awareness of the CLC within the community: CLCs should let the Aboriginal and/or Torres Strait Islander services know that they can refer their own clients who may need legal help to the CLC (and let them know what types of issues can be referred). This includes ATSILS, as there are often areas of work that ATSILS cannot assist clients with (e.g. civil matters), and they will not always be aware that they can refer those clients to a CLC for the unmet needs.
- increasing referral pathways from the CLC when the client may require alternate or additional assistance from another service.

How do we build these relationships?

- Visit the identified organisations and chat to them, perhaps over a tea or coffee or present at a staff meeting. Find out what they do, and explain to them what the CLC does. Leave flyers with them if you can.
- Invite your new connections to any events or stalls your centre has or consider an event including the local organisations such as a Scavenger Hunt.

Scavenger Hunt: Central Coast Community Legal Centre

For example, Central Coast CLC arranged an Aboriginal organisations Scavenger Hunt where staff and volunteers got to know their local Aboriginal organisations and build relationships using a series of clues.

- Accept initiations you may receive to events organised by your new connections.
- Most importantly, be respectful, friendly and open. Do not always expect people to come to you – be open to visiting them in the community and accepting their offers for tea/coffee and yarns (chat) etc.
- Be aware of any community tensions, especially if working across multiple communities. Ensure that you are engaging with all relevant communities (although appreciate that this may mean separate events with each).

Next steps

- Maintain the relationships you have and keep your community contacts updated with the work of the centre
- (With permission of those involved) post any photos you might have with your Aboriginal and Torres Strait Islander connections on social media, such as Facebook. The more that the community sees that your CLC works with Aboriginal and Torres Strait Islander people, the more likely they are to trust and use your CLC
- Find out what the common issues in the community are, by asking your new connections (e.g. the Land Council) what issues they regularly hear about and then identify whether and how the CLC can help address those issues.

- Warm Referrals. Don't just give a phone number or address to clients unless they prefer to follow up a referral themselves. Offer to call the organisation you are referring them to for additional assistance, or get the organisation to call them directly instead of the client doing the calling around. Keep the client in the loop about where the referral is up to.
- Encourage the other services (including ATSILS and FVPLS) to refer clients to your CLC as well, for example on areas of work that they are unable to assist with.
 - Keep these services updated with the type of work that your CLC does, so that they can remember to refer clients. Make it easy for them – for example by providing a cheat-sheet or brochure of what your CLC can offer.
 - With the agreement of your local ATSILS, you could also have a worker from your CLC (either an ALAP worker or similar, or another worker or solicitor) accompany the ATSILS workers on their court days in order to identify any unmet legal need with their clients (e.g. for civil matters). One way of doing this might be to conduct legal health checks of the ATSILS clients, while they're waiting for their matter. (Be aware though that this will not always be appropriate and may not work well for all services)
- Explore any possible options for partnerships or joint work, including service delivery and community legal education with the local ATSILS and/or FVPLS.

NOTES TO SECTION

1. Kingsford Legal Centre, Working with Aboriginal Clients at Kingsford Legal Centre, Service Provision Manual, 24.

NACLCL acknowledges that the basis of some of the information contained in this section is the Kingsford Legal Centre, *Working with Aboriginal Clients at Kingsford Legal Centre, Service Provision Manual*.



SECTION THREE: Connecting and Working with Aboriginal and Torres Strait Islander Clients

A boriginal and Torres Strait Islander people often have very different communication styles and cultural perspectives. It is important for CLC workers to recognise this whenever communicating with their clients, either over the telephone or face-to-face.

It is important to appreciate that many Aboriginal and Torres Strait Islander people will not feel comfortable with the legal system generally, and may be quite nervous dealing with lawyers. There are often historical reasons for these reactions, and CLC staff should be sensitive to those. For example, some Aboriginal people might relate lawyers to the Police and the government, which can lead to mistrust in the system stemming from their previous experiences with the law (and/or, even with previous experiences of their children being taken away from them). For these reasons, creating a more relaxed and casual atmosphere (for example, dressing casually rather than in a suit) can sometimes help to change the view that the CLC is connected to the police or government.

This section of the Guide outlines some of the considerations that CLC staff should take when working with Aboriginal and Torres Strait Islander clients. It is by no means an exhaustive list, nor is it a replacement for undertaking cultural awareness training, or seeking guidance and advice from your centres Aboriginal and Torres Strait Islander employees, Advisory Group, or local communities.

Language and communication

It is important for centres to remember that communication styles will differ between different Aboriginal and Torres Strait Islander people and communities – there is a diversity of Aboriginal and Torres Strait Islander people, cultures and communication styles.

The key thing is to be aware of the types of differences that there can be in order to minimise any miscommunication. You can best identify the most common communication styles in your area by consulting Aboriginal and Torres Strait Islander employees, local Aboriginal and Torres Strait Islander organisations and/or local Aboriginal Land Council.

Do not assume English is the primary spoken language for clients. It is always important to

establish whether you will need an interpreter and/or translator.

Broadly, there are a number of potential differences in communication styles, for example:

- Silences may be longer with Aboriginal and/or Torres Strait Islander people, and these should be allowed and respected – often they provide opportunities for deeper thought and reflection, ultimately leading to more comprehensive responses. Try not to get anxious about silences, and not to rush into another question (or even clarify the question you have already asked) simply because there is a silence – just wait a bit longer
- Making eye contact is not always polite in some Aboriginal and Torres Strait Islander cultures (although in some it is normal), so do not make assumptions about any lack of eye contact, and be respectful also to those who do not choose to make eye contact. This is a cultural practice and is not to be taken as an admission of guilt.
- It can often be helpful to alter questioning styles for Aboriginal and Torres Strait Islander clients. For example:
 - Indirect, open-ended, and sideways questions can often lead to more detailed responses than closed (yes/no) questions.
 - Quantifying questions are best asked without reference to numbers – eg “when” instead of “what time;” “who” instead of “how many people,” etc.
 - Where limited responses are offered, further simple questions may be helpful to extract more detailed responses.
 - Recognise that apparent agreement or “yes” responses do not necessarily mean that person does actually agree with (or even understand) the question. There are a number of reasons why answers that appear to indicate agreement may be given, such as an attempt to provide the desired or expected answer (even if it is not accurate)
- Understand that there are differences between Aboriginal English and General Australian English, including in the pronunciation and use of words

- When giving a presentation, such as in Community Legal Education, “the general ‘stand and deliver’ process is not always the best way to get your information across to those in communities... Research shows that Aboriginal and Torres Strait Islander communities respond better to... group discussions in a circle so all are equal, diagrammatical presentations as well as those that involve PowerPoint. Try to interact with the community rather than just give a speech. Question or discussion time is always a good way of doing this.”¹

Initial engagement and intake procedures

- Having an Aboriginal and/or Torres Strait Islander worker (such as an Aboriginal Legal Information Officer) on the front desk can create a strong first impression and help Aboriginal and/or Torres Strait Islander clients to feel safer in the CLC.
- When carrying out intake procedures, and/or at the beginning of a client interview, CLC staff should first explain to the client that prior to providing any assistance they will need to ask them a number of questions first, and explain the reasons.
- CLC staff should never make assumptions about whether a client or prospective client is or isn’t an Aboriginal or Torres Strait Islander person, because often cultural backgrounds and linkages are not obvious or clear only from appearances or names. For this reason, clients should always be asked the question of whether or not they identify as an Aboriginal or Torres Strait Islander person, and centre staff should feel comfortable asking that question.
- Some CLCs have different policies for Aboriginal and/or Torres Strait Islander callers or walk-ins, for example:
 - that they can have immediate phone advice and/or appointments; and/or
 - that they can by-pass any usual intake requirements or barriers, recognising that sometimes even a ten minute conversation (with an ALAP worker or solicitor) and providing a warm referral can be extremely beneficial, even if the CLC will not be providing full advice or assistance.

Client interviews

1. **Have an Aboriginal and/or Torres Strait Islander Community Liaison Worker (or similar) available if possible.**
 - If it is not realistic or possible to do so, CLCs should ensure that there is at least a culturally appropriate person interviewing the client. That is, someone who has an understanding of working with Aboriginal and Torres Strait Islander people, and also of the kind of challenges that they may face in their communities. They should also have appropriate training/background/experience to communicate effectively with Aboriginal and Torres Strait Islander people.
2. **Where possible, provide support to the client prior to the interview:**
 - As with any CLC client, it can be useful to explain to the client what to expect in the interview, and what information and documents they should bring with them.
3. Be prepared to **be flexible about interview times and allow for appropriate adjustments** to be provided to Aboriginal and Torres Strait Islander clients. For example:
 - Be aware that interviews with Aboriginal and Torres Strait Islander

clients may need more time, as establishing a relationship can be an important part of the process, and obtaining the required information may take longer than usual.

- With some clients, informal discussions may make them feel more relaxed and comfortable, and might therefore elicit more revealing information.
- To create a more relaxed and welcoming environment for interviews, it can often be useful to:
 - allow the client to bring a support person with them to the appointment;
 - do not rush the introductions stage of the appointment – be sure to start with a welcoming conversation, and try to establish a connection with the client, both by introducing yourself and your role and allowing the client sufficient time to tell you about themselves.
 - Asking the client what country they're from can be a good way of helping them feel comfortable and also showing respect for the different Aboriginal and Torres Strait Islander nations and cultures.
 - Ensure they are offered a tea/coffee or cold drink. This indicates to a client you are not going to rush the conversation.
- allow extra time for clients to be comfortable and not feel rushed through the appointment; and
- use plain English and language that is easily understood and free from jargon during the interview and in other discussions with the clients.
- Don't assume that clients can read or write, but also be aware that clients may not wish to talk about any literacy issues (eg due to embarrassment or shame).
 - Rather than asking the client directly whether they can read or write, instead ask in a more open way, such as: "what is your reading and writing like?"
 - Where there are known literacy issues, or if you are unsure of whether or not they can read or write, offer for the client to take any documents away with them before signing them, so that they can ask someone else to

explain it to them. If possible, also offer for them to spend some time alone with an Aboriginal worker after the appointment, so that they too can read through the documents for them.

- Where appropriate, **refer the client to other services** (legal or non-legal) depending on the client's needs and the ability of the CLC to assist them.
- Where the CLC has one, **the Aboriginal and Torres Strait Islander Community Liaison Worker or similar should make follow-up contact with clients** that have visited in their absence (even if the CLC did not provide a full service).
 - This is important both for relationship building and also to limit the potential for prospective clients to fall through the gaps.

NOTES TO SECTION

1. Australian Human Rights Commission, *Aboriginal and Torres Strait Islander Peoples Engagement Kit* (2012), 41.

NACLC acknowledges that the basis of some of the information contained in this section is the Kingsford Legal Centre, *Working with Aboriginal Clients at Kingsford Legal Centre, Service Provision Manual*.



APPENDIX 1: Background Information

NACLC

The National Association of Community Legal Centres (NACLC) is the national peak body representing and providing services and support to community legal centres (CLCs) in Australia. NACLC's members are the state and territory associations of CLCs, which in turn represent around 190 community legal services in various metropolitan, regional, rural and remote locations. Some Family Violence Prevention Legal Services and Aboriginal and Torres Strait Islander Legal Services are members of state and territory CLC associations and so also come under the NACLC umbrella.

NACLC has a Reconciliation Action Plan and an Aboriginal and Torres Strait Islander Employment Strategy.

Vision, Mission and Strategic Objectives

NACLC's vision is to realise rights, fairness and equality for everyone. NACLC's mission is to lead, connect and sustain CLCs to realise rights, fairness and equality for everyone. NACLC's relevant strategic objectives include to:

- **Strive for equitable access to justice and the promotion and protection of human rights**, including to proactively undertake and support advocacy and initiatives that promote and advance appropriate recognition of the unique place and value of Aboriginal and Torres Strait Islander peoples and communities and partner with Aboriginal and Torres Strait Islander peoples to protect their human rights in ways of their choosing
- **Proactively identify the sustainability needs of CLCs in collaboration with the sector and through other evidence, and drive initiatives to sustain healthy, viable legal assistance organisations and maximise ongoing service availability**
- **Advance the interests of CLCs and their clients, disadvantaged and marginalised people in Australia, by developing, maintaining and strengthening mutually beneficial collaborations with CLCs and with other key partners**, including by strengthening and maintaining collaborative partnerships with our legal assistance partners, in particular with National Aboriginal and Torres Strait Islander Legal Services (NATSILS) and the National Family Violence Prevention Legal Services Forum (NFVPLS) and their members and searching out and investing in opportunities to work in partnership with Aboriginal and Torres Strait Islander peoples and organisations
- **Guide the operation and oversee the wind-down of knowmore, supporting its clients and staff and preserving and building on its legacy**, and
- **Build a sustainable future for NACLC, modelling good practices**, including being guided by the experiences and perspectives of Aboriginal and Torres Strait Islander peoples.

National Accreditation Scheme Cultural Safety Standard

The National Accreditation Scheme for CLCs now contains a Standard on Cultural Safety for Aboriginal and Torres Strait Islander employees and clients.

The aim of the Cultural Safety Standard is to assist CLCs to provide legal assistance for Aboriginal and Torres Strait Islander communities in a culturally safe and appropriate manner and to support Aboriginal and Torres Strait Islander employees who work in CLCs.

Standard D1.2 Cultural Safety for Aboriginal and Torres Strait Islander staff and clients

The organisation is actively working to create a culturally safe organisation for staff and clients, is well connected to local Aboriginal and Torres Strait Islander communities and responds to the identified needs of Aboriginal and Torres Strait Islander people. The organisation is accessible to Aboriginal and Torres Strait Islander communities and people and provides services in a culturally safe and appropriate manner, respecting and acknowledging cultural diversity between different Aboriginal and Torres Strait Islander groups.

Note, Accreditation Coordinators will take into account the difference between community-controlled organisations and mainstream services. Accreditation Coordinators are not assessing the Cultural Safety of the organisation – they assess how the CLC is meeting the Standard and Requirements at that point in time, taking the context of the CLC into account.

Requirements for Standard D1.2 Cultural Safety for Aboriginal and Torres Strait Islander staff and clients

Documented procedures or a plan to develop documented procedures to promote cultural safety across all services and activities and at all levels of the organisation.	Primary
Processes to identify, understand and monitor existing and emerging legal and social needs of Aboriginal and Torres Strait Islander communities within the catchment area.	Secondary
The organisation is connected to the local Aboriginal and Torres Strait Islander communities, families, people and organisations, with formal consultation processes functioning to inform strategic planning and service delivery activities (such as outreach, CLE and advice and participation in Aboriginal and Torres Strait Islander community-building events).	Secondary
Employment and retention strategies for Aboriginal and Torres Strait Islander members of staff.	Secondary
Regular Cultural Awareness/Cultural Competency training for all governing body members, staff and volunteers.	Secondary
The internal areas of the CLC, and the outside of the building and surrounds, where possible, are welcoming, culturally sensitive and create culturally safe environments for clients and staff.	Secondary
Evaluation, monitoring and continual development of cultural safety and responsiveness strategies.	Secondary

Requirements are categorised as either Primary or Secondary. Actions to meet any Primary Requirements which have not been fully met at the time of assessment will be included in the CLC's agreed Improvement Plan with timeframes for their completion that are as soon as possible and within 12 months. Actions to reach compliance with Secondary Requirements will also be included in the CLC's agreed Improvement Plan and the CLC may be allowed up to 3 years across the certification period to achieve the actions. The CLC is required to demonstrate through six monthly progress reports that it has completed actions and is actively working towards compliance.

APPENDIX 2: Significant Dates and Events

Below is a list of some significant national dates and events. Importantly however, your centre should also investigate and recognise other dates and events, including those specific to your State/Territory and local communities.

January

Australia Day – Invasion Day or Survival Day

26 January

February

1965 Freedom Rides Anniversary

12 February

Anniversary of the National Apology

13 February

March

Anniversary of the signing of the Close the Gap Statement of Intent on Indigenous Health Equality

20 March

May

National Sorry Day

26 May

National Reconciliation Week

27 May – 3 June

June

Mabo Day

3 June

July

National NAIDOC Week

August

National Aboriginal and Islander Children's Day

4 August

December

Anniversary of the *Wik* Decision

23 December

APPENDIX 3: Further Information and Useful Resources

NACLC documents

NACLC Strategic Plan 2016-19

http://www.naccl.org.au/cb_pages/strategic_plan_2014-17.php

NACLC Reconciliation Action Plan 2017-19

http://www.naccl.org.au/cb_pages/reconciliation_action_plan.php

NACLC Aboriginal and Torres Strait Islander Employment Strategy 2017-2019

http://www.naccl.org.au/cb_pages/NACLCEmploymentStrategy.php

NACLC, Yarnin' Up: Recognising Aboriginal and Torres Strait Islander Access Workers and Services

http://www.naccl.org.au/resources/YARNIN_UP_NATIONAL_WEB_2.pdf

Sector resources

Community Legal Centres NSW, *Aboriginal Cultural Safety Workbook for Community Legal Centres*

www.clcnsw.org.au/public_resource_details.php?resource_id=636

Community Legal Centres NSW, *Protocols for Welcome to Country and Acknowledgement of Country*

http://www.clcnsw.org.au/public_resource_details.php?resource_id=369

Community Legal Centres NSW, *Aboriginal and Torres Strait Islander Employment Strategy*

http://www.clcnsw.org.au/public_resource_details.php?resource_id=165

Kingsford Legal Centre, *Working with Aboriginal Clients at Kingsford Legal Centre, Service Provision Manual*

<http://www.klc.unsw.edu.au/sites/klc.unsw.edu.au/files/UN702-KLC-Aboriginal-Service-Provision-Manual-FA-WEB.pdf>

Central Coast Community Legal Centre

If you are interested in more information about organising an Aboriginal organisations Scavenger Hunt, please contact the centre on 02 4353 4988.

Other resources

Australian Human Rights Commission

Aboriginal and Torres Strait Islander Peoples Engagement Kit (2012)

[https://www.humanrights.gov.au/sites/default/files/content/pdf/about/Aboriginal%20and%20Torres%20Strait%20Islander%20Peoples%20Engagement%20Toolkit%202012%20\(pdf\).pdf](https://www.humanrights.gov.au/sites/default/files/content/pdf/about/Aboriginal%20and%20Torres%20Strait%20Islander%20Peoples%20Engagement%20Toolkit%202012%20(pdf).pdf)

Australian Human Rights Commission and National Congress of Australia's First Peoples

Community Guide to the UN Declaration on the Rights of Indigenous Peoples

<http://www.humanrights.gov.au/our-work/aboriginal-and-torres-strait-islander-social-justice/publications/community-guide-un>

Reconciliation Australia

Share our Pride

A simple online learning tool focussing on introductory issues relating to Aboriginal and Torres Strait Islander history and cultures
www.shareourpride.org.au

RAP Online Hub

<http://www.reconciliation.org.au/raphub/>

NOTES



NACLCL welcomes feedback and suggestions about ways to improve future versions of this Guide. To provide feedback, or for more information please contact:

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'Untitled' by Jillary Lynch