

Understanding Our Clients

Aboriginal and Torres Strait Islander Peoples

What do I need to understand before working with Aboriginal and Torres Strait Islander clients?

- ❑ Respect the diversity and resilience of Aboriginal and Torres Strait Islander peoples and cultures.
- ❑ Aboriginal and Torres Strait Islander cultures are closely tied to themes of respect, connectedness and kinship.
- ❑ Providing a quality service to Aboriginal and Torres Strait Islander clients involves considering communication barriers.
- ❑ Aboriginal and Torres Strait Islander people may mistrust mainstream government agencies due to the historical and current experiences of Aboriginal and Torres Strait Islander clients with the Australian criminal justice system. Therefore, it is of utmost importance to understand how this may impact your advocacy and to be able to adapt your advocacy. This may look like taking more time to develop trust, respect and rapport with Aboriginal and Torres Strait Islander clients.
- ❑ Understand that to get the best possible legal outcome for a client it is important to look at the client's circumstances and respond with their legal issue holistically. Working with culturally appropriate non-legal services can play a vital role in client engagement and the in the overall success of your clients' legal matter.
- ❑ The client should feel informed and empowered to make decisions about their legal matter.

How do I provide a culturally appropriate service to Aboriginal and Torres Strait Islander clients?

- ❑ Build a rapport. It is encouraged to take a human-centred approach. This can be done by:
 - Introducing yourself.
 - Asking where your client is from and where they grew up.
 - Making a connection or finding a common interest.
 - Taking the time to sit and listen to the client. Don't just go straight to the legal issues.
- ❑ Utilise the [With You Trauma-Informed Organisational Toolkit](#).
- ❑ Use plain English to communicate legal concepts and principles. It is important we amplify the client's understanding. Some general tips may include:

- Avoid using legal jargon.
 - Explain why you need to ask certain questions.
 - Don't speak too fast.
 - Always check the client understands, you may need to repeat yourself or use other methods of communication.
 - Hold space for the client to ask questions.
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- Avoid asking direct questions. It may be more effective to communicate using indirect or 'round about' ways of finding things out. Whilst it is important that you clarify what was said, avoid asking the client to continually repeat themselves.
 - Show empathy, actively listen, be attentive and avoid continually interrupting or speaking over the client.
 - Be patient and allow for silences and longer pauses. You should not misinterpret silence as lack of understanding, agreement or urgency. If you are unsure, seek clarification.
 - Be aware of your surroundings and who may be present. Take a discrete approach and avoid discussions in open or public spaces. Alternatively, speaking in an office may also be intimidating. Be flexible with the clients' needs.
 - Ensure you have allowed enough time to consult with the client. Mitigate the likelihood of rushing the client.
 - Be mindful of gratuitous concurrence. Aboriginal and Torres Strait Islander clients may agree with the questions even when they do not understand or agree. If you are unsure whether your client really agrees with you, check their understanding by respectfully asking them again. Alternatively, clients may not feel comfortable asking a question. It may be useful to offer up commonly asked questions to make the client feel comfortable asking more questions.
 - Ask for consent to speak to family members to obtain information that may be critical to obtaining critical information to the legal matter. This consent may be conditional, it is important to understand the clients' boundaries when communicating to third parties, including support workers.
 - Avoid dismissing your clients' feelings of distrust and injustice. It is important you acknowledge the client's lived experience. Clients can feel when you do not care about them or their legal matter.
 - You have an obligation to tell the client's story how they want it told. The client may provide information that offers little weight to the legal argument. However, you should do your best to include this information in your argument. If you cannot or it is not appropriate, the client should understand and accept the reasons for your legal strategy.

Support Services for Non-Legal Issues – Referral Options

<p>Legal Aid – Aboriginal Field Officers</p>	<p>As of February 2024, Legal Aid NSW employs Aboriginal Field Officers in the following offices:</p> <ul style="list-style-type: none"> • Dubbo • Port Macquarie • Walgett • Newcastle (Bolton St and Hunter St) • Parramatta (FamAC) • Lismore (FamAC) • Tamworth (FamAC) • Campbelltown • Wagga Wagga • Broken Hill • Blacktown • Inner City Local Courts – Head Office (Aboriginal Women on Remand Bail Project) • Nowra
<p>Online Referral databases</p>	<p>These online databases may also assist you to find appropriate non-legal services for your client:</p> <ul style="list-style-type: none"> • WayAhead Directory – online database used to find local services, to make referrals and access mental health information and resources. • Ask Izzy – search over 350,000 services to find housing, meals, healthcare, counselling, legal advice, addiction treatment and more. • Data Diction: LINCS – LINCS is used by almost all councils in the Sydney area and list community services. • My Community Directory – directory of health and community services in NSW and other states. • Infoxchange Service Seeker – national database of community support services.

Action Learning Activities

- ▣ Reflect on the points raised in the [“Serving our mob” video](#) and consider if there are aspects you could improve on in the way you work with Aboriginal and Torres Strait Islander clients. Take action to make changes where appropriate.

- ❑ Continue to learn more about the impact of intergenerational trauma on community and barriers to justice. Consider how you can be mindful of this when working with Aboriginal and Torres Strait Islander clients.
- ❑ Be aware and acknowledge unconscious biases and be willing to unlearn those biases to expand your knowledge of Aboriginal and Torres Strait Islander culture.
- ❑ Think about how you might develop a rapport with your client and put this into action when you meet. Consider what worked well and what you would do differently next time.
- ❑ Discuss support services for non-legal issues with your client and help your client access these services if required.
- ❑ Review one or more of the resources below and consider how you can apply any insights to your practice.

Useful Resources

- ❑ [Best Practice Standards for Representing Aboriginal Clients \(PDF\)](#) – these standards provide practitioners with practical information and guidance that will enhance your knowledge and skills in providing effective services to Aboriginal people.
- ❑ [The NSW Law Society: Working with Aboriginal and Torres Strait Islander Clients \(PDF\)](#) – this resource is intended to support legal practitioners to meet their professional obligations as solicitors when acting for Aboriginal and Torres Strait Islander clients, including effective communication.
- ❑ [Aboriginal Cultural Safety Framework \(PDF\)](#) – this resource aims to assist Legal Aid NSW and all its employees to build and maintain a culturally safe workplace and environment, and to ensure that our services are delivered in a culturally safe way. The framework brings together how we deliver culturally safe services to Aboriginal people and communities and how we work with our Aboriginal colleagues.
- ❑ [The Bugmy Bar Book](#) – this resource summarises key research relating to social disadvantage and deprivation. It is hosted on the Public Defenders Website and is designed to equip lawyers with a sophisticated, accurate understanding of the impacts adverse experiences can have upon individuals.
- ❑ [Legal Aid NSW Quality Standards Manual](#) – this document outlines the Practice Standards, Client Service Standards, Panel Requirements and Law Practice Requirements that apply to your role.