



Cultural considerations for working with Indigenous clients and undertaking travel to Remote Aboriginal Communities

- Be mindful that Aboriginal clients may not be able to speak the name of a deceased person or members from their own family of the opposite sex, particularly in-laws. Where possible ask if they have anyone in the waiting room who could tell you, or they may be happy to write it down or spell it out. You will need to seek permission to say the name in open court also. It may be more appropriate to be called Mr. or Mrs., and the surname only.
- Example: Throughout this interview I will need to ask you some questions relating your family. I may need to ask questions about particular family members. If you can't say their names for cultural reasons just let me know and we can work around it. Would you feel comfortable spelling it or writing it down? Or maybe we can ask someone else in your family to tell me.
- Don't feel offended if your clients display little or no eye contact. It is more a sign of respect rather than disrespect and could also mean they feel 'shame' which means shy or embarrassed.
- A widely recognised cultural tendency in the case of Aboriginal people is 'gratuitous concurrence'. This is when they will agree to every question you ask them even if they do not understand the question. Saying 'yes' or using a 'click' means that they are obliging to your questions and telling you what you want to hear.
- Asking open questions and allowing an Aboriginal person the time to answer will have better results, provided they understand the questions and it has already been established that an interpreter is not required.
- Many Aboriginal people speak non-standard Australian English, or Kriol. They may use words that are the same as Standard Australian English however they will have a different meaning. Try to use *Plain-English* when speaking and always do an assessment for the use of an Aboriginal Interpreter if you are unsure.
- Aboriginal Interpreting WA contact details are Ph: 9192 3981 and Email: bookings@aiwaac.org.au
- If a young male client has been through Traditional Lore they are culturally recognised as an adult even if they are under the age of 18. It is not appropriate to address them as a child, boy or kid.
- It may not be appropriate for a young male client to have his mother or female relative answer questions with him or be the responsible adult for bail purposes. She may have just accompanied him to court not realising her potential role. If there is any discomfort a male family member may be more appropriate.
- Example: 'Are you the person I can speak to about this young man? Are you in a position to take responsibility for him on bail, or should we speak to his father or any uncles that can help?'
- You can ask if your client has been through Traditional Lore and when. It is not appropriate to ask for any other details about this cultural business.
- When discussing charges of a sexual nature it may be inappropriate for clients to speak with a lawyer of the opposite sex.
- Example: As your lawyer I need to know all the facts about what happened so I can speak for you in court. I will need to ask you some questions that might be hard to answer. If it is hard to talk to me, I can maybe see if there is a man/woman lawyer for you to speak to about those details and they can tell me later. Or we can see if there is a man/woman lawyer to take over as your lawyer. I won't be offended if this is what you prefer.
- When a family member or someone from the same community passes away there are different traditions that take place in different regions. Sometimes men, women and children may shave their heads and wear scarves. They may need you to let the court know they cannot remove this for cultural reasons.

- When someone passes away, it will involve family removing themselves from the community to mourn together (known as Sorry Business). This can take up to a couple of weeks and it is inappropriate for agencies to visit community at this time. If a client misses a court date and you are aware of a recent passing, advising that they are away at 'Sorry Time' is an acceptable reason to have the matters remanded without a bench warrant being issued.
- It is not uncommon with more serious offences for families of victims to seek retribution or 'payback' from the perpetrator and their family. This can involve varying degrees of punishment and agreed on by the community Elders. Ask your clients if there has been any cultural payback regarding this situation. If there has been seek assistance from an Aboriginal support person to understand this in more detail. Some Magistrate's and Judges are becoming more open to understanding cross-cultural law and consequences and could mean a lighter sentence for your client.
- If you have a client that resides in a remote community, the best way to communicate with them about their legal matters is face to face in their local environment. Be sure to contact the nearest Legal Aid office for details about that community or client, the Community Liaison and Education Officer will be available to assist you with making plans to speak with your client, information about needing an interpreter and visiting the community.
- Make sure you contact the local office first before visiting a remote community. You may need permission to enter the community and fill out a form regarding your movements.
- Always check with the community to make sure it is appropriate to visit. Road conditions, Sorry Time, funerals, Lore and football may be the main reasons people will be unavailable to speak with you.
- As a sign of respect get to know the community directors or council rather than going through the CEO. You may need to ask to address the directors at their next Board meeting to introduce yourself, discuss visiting on a regular basis for outreach and community legal education, or to gain further understanding of community such as language and interpreters.
- Gain knowledge of the profile of the community and the layout of the community. Know where the prohibited area locations in and around the community are. Most communities have a Men's and Women's sacred area.
- Wear appropriate clothing with shoulders covered. No revealing tops or short skirts. High-heels and too much make-up can also be insensitive.
- Be aware that jealousy is a huge issue in these remote communities. If dealing with members of the opposite sex, always ensure you have another person present, and keep the person in view of their partner where possible. This can be the same for having closed door conversations in the office.
- Treat your dealings with clients confidential from other members of the community, don't conduct interviews in the open areas where other people can hear. Sensitive information overheard can cause issues in the community.
- Not all Aboriginal families from the same community are related by blood or skin group and sometimes there is fighting and feuding. If you are aware of this, try to avoid feuding groups being in the one area together, organise beforehand for them to be spoken to at separate times.
- Build a relationship with your client, they are telling you details of their life and it can be very daunting when this is one-way.
- When in doubt of something, ask your client or another Aboriginal person or community member. We love to share our culture and it is always an honor to teach someone who shows an interest in learning about it.