



Community
Legal Centres
NSW

ABORIGINAL CULTURAL SAFETY WORKBOOK

for Community Legal Centres

A practical step-by-step workbook



Community Legal Centres NSW

About this document

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Acknowledgment of Country

CLCNSW acknowledges the Traditional Owners, Custodians and Elders of the Gadigal People of the Eora Nation, past and present, on whose traditional land CLCNSW works. CLCNSW also acknowledges the Traditional Owners, Custodians and Elders of lands on which CLCs work across NSW.

Thank you

This document arose through an identified need to provide CLCs with a written guide to providing culturally safe legal services to Aboriginal and Torres Strait Islander communities, families and people. The development of the Workbook has been a collaborative effort by staff and volunteers in the NSW CLC network, led by the CLCNSW Aboriginal Legal Access Program (ALAP), in consultation with the Aboriginal Advisory Group.

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HERBERT
SMITH
FREEHILLS

We also thank and acknowledge the significant support of Herbert Smith Freehills in the design production of this workbook.

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Introduction

Introduction

This Workbook is a working document to guide and assist NSW Community Legal Centres in their cultural learning, as well as documenting the progression of cultural safety in Centres for Aboriginal and Torres Strait Islander people and communities.

This Workbook aims to assist CLCs to be, and be **known** as, places where Aboriginal and Torres Strait Islander people can access *culturally safe* legal assistance.

Representation of Aboriginal and Torres Strait Islander people and communities

Community Legal Centres NSW, its Aboriginal Advisory Group, the Aboriginal Legal Access Program, consultant Anny Druett, and all the people who have worked on the development of this publication acknowledge that, for the most part, no person, or group of people, can speak on behalf of Aboriginal and Torres Strait Islander people and communities, past or present. This Workbook seeks to embody such ethos of respect.

Terminology

As this resource is designed for use in New South Wales, the term 'Aboriginal' is used in recognition of the original inhabitants and Traditional Owners of the lands also known as New South Wales. The term 'Aboriginal and Torres Strait Islander people' is also used throughout this resource to acknowledge Aboriginal and Torres Strait Islander people, families, and communities in NSW.

Aim

The aim of this Workbook is to be a catalyst for the development of respectful relationships between a CLC and the community it serves. Ideally this will be strongly influenced through completion of the Workbook tasks.

The CLC manager and principal solicitor should drive the completion of the tasks in collaboration with **all** members of the CLC, and in consultation with Aboriginal people from the various communities serviced by the CLC.

Completing the tasks may also result in the production of **an internal working/living document** that is relevant to the communities serviced by the CLC.

Throughout Workbook tasks, the reader is advised to constantly focus attention on local experiences, and avoid assuming all Aboriginal people living in a given area are part of one culture or one community.

The CLCNSW Aboriginal Advisory Group (AAG) recommends that your CLC completes this workbook within six months of commencing the first workbook exercise.

This workbook suggests ideas a CLC may investigate to:

- ◆ enhance cultural safety for Aboriginal and Torres Strait Islander staff members, and
- ◆ provide culturally safe legal services for Aboriginal and Torres Strait Islander clients.

Overview

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.¹

The five Modules contained in this workbook aim to guide a CLC to establish or strengthen meaningful connections with Aboriginal and Torres Strait Islander people in the CLC's geographic catchment area.

The workbook introduces the following:

- ◆ Ideas for increasing trust between local Aboriginal and Torres Strait Islander communities and the CLC.
- ◆ A set of prompts to explore the importance of each module and how it relates to engaging with your local Aboriginal and Torres Strait Islander communities.
- ◆ Opportunities to identify outcomes that relate to increased trust between local Aboriginal and Torres Strait Islander communities and your CLC.

Underpinning Principles for this workbook

1. Recognise the importance of cultural safety in the CLC sector.
2. Recognise the value of ongoing relationship-building as a basis for encouraging Aboriginal and Torres Strait Islander people to access and use services provided by community legal centres.
3. Recognise the importance of a holistic approach to relationships and service delivery.
4. Recognise that achieving respectful processes contributes towards gaining trust, and that gaining trust from local communities may take time.
5. Recognise the diversity of Aboriginal and Torres Strait Islander cultures, and the role of family in connecting people.

Introduction

How to use this workbook

1. Five Modules

There are five modules in this workbook. Each module contains three concepts.

The concepts highlight important areas of **enquiry** which, for appropriate understanding, will require the CLC to engage with appropriate Aboriginal and/or Torres Strait Islander community members.

As this workbook is intended to be very general in nature, locally relevant concepts always take precedence to concepts contained in this workbook.

Information in this workbook is a starting point; it is not, for example, to be seen as a replacement for Aboriginal Cultural Awareness Training, which each CLC should undertake annually. Nor is it a replacement for the development of a Reconciliation Action Plan (RAP); a RAP is defined by Reconciliation Australia as a 'practical plan of action built on relationships, respect and opportunities'.²

2. Concepts to learn and apply (policies and procedures)

Real learning occurs as relationships are formed and maintained.

The reader is provided with a set of prompts, and information is obtained from learning; applying the concepts is designed to provide the reader with the opportunities to explore issues with local Aboriginal and Torres Strait Islander people. Through seeking responses from Aboriginal and Torres Strait Islander people, relationships may develop. Trust may then follow.

3. Stepping into safer practices

Each module ends with some general reflections about how the concepts may be integrated into CLC culture, systems, policies, processes and community interactions. The lessons are best discussed, practised and applied initially at team or staff meetings and throughout the Centre, and then with the Centre's partner organisations. If the Centre has an Aboriginal Advisory Group or Committee, then engage with them from the outset.

4. Embedding cultural safety into day-to-day business

A table at the end of each Module assists the CLC to determine the appropriate course of actions required to implement the knowledge gained from each Module. Examples of appropriate strategies to embed cultural

safety may be: the establishment of an Aboriginal Advisory Committee; the inclusion of material in orientation kits; the development of policies and procedures; and identifying staff training and development needs, especially Aboriginal Cultural Awareness Training (ACAT).

Understanding Aboriginal people and the Law

Traditional Law

In many Nations, under Traditional Law, serious matters were decided by Elders tasked with such responsibilities. Where circumstances required, matters were often discussed between an offender's family and the victim's family to decide the punishment, and, if applicable, who would carry out the punishment.

Did You Know...?

Circle Sentencing is a way of bringing offenders and victims together to create meaningful punishment which tries to avoid a custodial sentence. Ideally circle sentencing creates change within the offender by assisting to connect the offending behaviour to the outcomes. For victims, circle sentencing can contribute to healing trauma by allowing victims to air their grievances and witness Elders in action with regards to the offender.³

"Sometimes it's harder for the offender to face his or her own people than to face a magistrate".⁴

Did You Know...?

Aboriginal and Torres Strait Islander peoples have never ceded sovereignty.

The (ill)Legal System

Many Aboriginal and Torres Strait Islander people experience the Australian legal system as a racist system. This view is statistically supported by the over-representation of Aboriginal and Torres Strait Islander people in youth and adult incarceration⁵, as well as the frequent abuse of power by police towards Aboriginal and Torres Strait Islander communities.⁶

Some Aboriginal and Torres Strait Islander people may view CLCs as a part of the legal system which does not work for them and/or as part of government. CLCNSW attempts to correct this view by promoting CLCs as independent organisations.

This makes relationship building and *cultural safety* imperative for CLCs, as CLCs can function as a mechanism to improving access to justice for Aboriginal or Torres Strait Islander clients.

Introduction



Poster reproduced with permission of Anthony Walker.

Notes on the Introduction

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3. SCRGSP (Steering Committee for the Review of Government Service Provision) 2014, *Overcoming Indigenous Disadvantage Key Indicators 2014*, Productivity Commission, Canberra
4. Bob Moran, Aboriginal Elder, cited in *Creative Spirits, Circle Sentencing*, accessed 13 January 2016 <<http://www.creativespirits.info/aboriginalculture/law/circle-sentencing#axzz3m4BJIWkY>>
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Module 1: Aboriginal Systems

Concept 1A

Brief overview of Country/ Language groups

The importance of Country

The word 'Country' can be used to refer to a person's place of birth, the place of a person's family, and/ or the place of a person's Dreaming, which may be different to their place of birth. A person's birthplace may link them to the Country, people, culture, kinship system, environments, and the Dreaming. More information on Dreaming is provided later in this module.

Past Government policies and practices resulted in many people being born 'Off Country'. One of the consequences of dispossession policies and practices is that many people are not living on the land of their ancestors.

Aboriginal and Torres Strait Islander communities' cultural knowledge and associations with their Country may include, or relate to:

- ◆ languages
- ◆ cultural practices
- ◆ knowledge
- ◆ songs
- ◆ dance
- ◆ stories
- ◆ art
- ◆ sites
- ◆ landforms
- ◆ constellations
- ◆ waterways (seas, bodies of water, waterways, artesian basins, and aquifers)
- ◆ flora
- ◆ fauna
- ◆ minerals.

'Country' also includes relationships with intangible places and spirits connected to the Dreaming. Custodial, totemic and kinship relationships are extremely important in determining who may have the permission to speak and act for Country.⁷

Aboriginal Country boundaries

Boundaries for identifying different countries are often natural formations such as trees, landforms, ridges, rivers, lakes, coastlines, reefs and islands. These formations are intrinsic to the Dreaming.

For example, in the Blue Mountains, the ridgeline that runs along the hill is the boundary line between Gundungurra on the south side of the ridge and Darug on the north side of the ridge. The ridgeline is now known in mainstream maps as the Great Western Highway.

There are many other examples across the lands that are now referred to as NSW where Aboriginal countries are marked through natural land formations such as ridgelines, waterways and mountains.

Did You Know...?

"There are 29 Countries in the Eora Nation. The boundaries are the St Georges River to the south, the Hawkesbury River to the west and northwest, and the waters of Pittwater to the north."⁸

Questions and lessons

1. What are some of the different ways of asking about a person's Country?
2. What Country is your CLC office located on? What Country/Countries does your catchment area service?
3. Is the Country part of a Nation which encompasses other Countries? What are their names and various pronunciations and spellings?
4. What are the recognised boundaries for the Aboriginal Country(ies) you work in?
5. Are there differences of opinion about these boundaries that you need to be aware of?
6. What is the importance of knowing about the different points of view in Country boundaries?
7. What are the Language groups in your CLC's catchment area?
8. Are there different pronunciations and spellings of the name(s) of the Country?
9. If there are different names, what are they and how did you find out?
10. If the name of a Country or Language Group has several different pronunciations, what pronunciation should Centre staff use?
11. How would you use the information you have obtained from the previous questions?
12. What else did you learn in the process of collating this information?

Module 1: Aboriginal Systems

Concept 1B

A very brief introduction to Aboriginal Stories

Traditional Stories

Aboriginal and Torres Strait Islander stories pass on important knowledge, cultural values and belief systems from one generation to the next. Stories have been passed on through song, dance, painting, storytelling and dreams.

Stories passed on by each generation may talk about Creation and what happened at certain places, or about ceremonies, hunting and gathering, camp sites for learning or for specific activities including exclusive Women's Business or Men's Business.

Historical Stories

In many places in New South Wales, the telling of traditional stories was disrupted by European invasion, the subsequent dispossession of Aboriginal and Torres Strait Islander peoples and Government assimilation policies restricting the use of traditional languages. Some stories from this period are about the impacts of being stolen from families, from Country, from cultural practices, from spiritual truths, and languages. Some stories from this period highlight frontier wars and atrocities through people's experiences at missions, reserves, stations and the training and assimilation schools established to segregate, acculturate and assimilate.

There were 10 missions across NSW, approximately 180 reserves, approximately 30 pastoral stations and just three schools. A common practice was to send young children to the mission at Bomaderry, young men to Kempsey, and young women to Cootamundra.

Contemporary Stories

Aboriginal and Torres Strait Islander people create newer stories which can reconnect with traditional stories and may express personal, family and community journeys. The stories that have emerged from post-invasion Aboriginal communities express self-determination and a reconnection with, or disclosure of, traditional stories, as people from the older generations have been able to share what they know.

The Dreaming

The Dreaming is everywhere in space, place, and being. Stories, songs, dances and ceremonies are all connected to land and the Dreaming, and are passed on to people. Culture is kept strong and alive through day-to-day living

and the Dreaming provides a source of culture and connection to Country, as well as continued connection to cultural knowledge and Country.

All Country is sacred. Traditionally, many Aboriginal people would sing ceremony into the land when walking; every foot of this continent now called Australia has been sung. The term 'sung' has a number of applications. The land has been 'sung', which is comparable to being consecrated. For thousands of years, much of the land across the continent has been sung. This includes the land the CLC is on, the land staff use to get from home to work, and the land their homes are on.

When some Elders realised the war against invasion was being lost, they in effect 'deconsecrated' some of the particularly sacred sites by way of special ceremonies. Many traditional ceremonies are still practiced.

Did You Know...?

"We are the oldest and the strongest people, we're here all of the time, we're constant through the Dreaming which is happening now, there's no such thing as the Dreamtime".⁹

The cultural revival movement places a strong emphasis on teaching traditional languages, stories, songs, dances, art and tool making.

The Aboriginal Tent Embassy, the Freedom Rides, Aboriginal and Torres Strait Islander arts, film, television, radio, books and print media, and the establishment of events such as Yabun, tell continuing stories.

The Stolen Generations

It is estimated that 5,625 Aboriginal and Torres Strait Islander children were forcibly removed in New South Wales from their families between 1883 and 1969. They are now known as the Stolen Generations.¹⁰

"Children were forcibly removed from (I)ndigenous Australians as young as possible for the immediate purpose of raising them separately from and ignorant of their culture and people, and for the ultimate purposes of suppressing any distinct Aboriginal culture, thereby ending the existence of the Aborigines as a distinct people."

The policies and practices used on the Stolen Generations continue to have a significant direct and intergenerational effect on Aboriginal and Torres Strait Islander people, families and communities. There is more on the Stolen Generations later in this workbook.

Module 1: Aboriginal Systems

Questions and lessons

1. What is the importance of stories for Aboriginal and Torres Strait Islander peoples?
2. Who are the known traditional storytellers in your CLC area?
3. Who are the known contemporary storytellers in your CLC area?
4. What are the contemporary stories being created locally?
5. What role can traditional and contemporary storytellers play in your role as a CLC staff member?
6. Some contemporary storytellers may be artists, dancers, writers, songwriters and video artists. In your local area, who are these people and how can they be contacted? And are there opportunities for the CLC to collaborate?



Launch of CLCNSW Reconciliation Action Plan 2014–2017, July 2014. Left to right: Judge Matthew Myers AM, Cheryl Orr, Shannon Williams, Zachary Armytage.
Source: CLCNSW

Module 1: Aboriginal Systems

Concept 1C

Aboriginal Ceremonies¹¹

Traditional Ceremonies

Ceremony contains many significant elements, some of which are specifically related to depicting Dreaming stories.

Traditionally and still, songs, dances and goods are exchanged at ceremonial gatherings. Traditionally, these gatherings served many purposes including settling disputes and arranging marriages. Gatherings often occurred at a time and place when there was plenty of food and included people who travelled from across the sea.

The expression of Aboriginal spirituality continues to be strong and take many forms in both traditional and contemporary contexts.

Culture Revival

Ceremonies can assist the young and old in strengthening a sense of connection to each other. There are a number of Traditional Ceremonies still practiced today.

Traditional languages and arts are being taught to younger generations, and can form, and inform, the basis of contemporary expressions of traditional cultures, as well as guiding future generations.

Did You Know...?

Many young people are learning language, traditional art, song, dance and ceremony to strengthen their culture, spirit and community, and to pass it on to future generations.

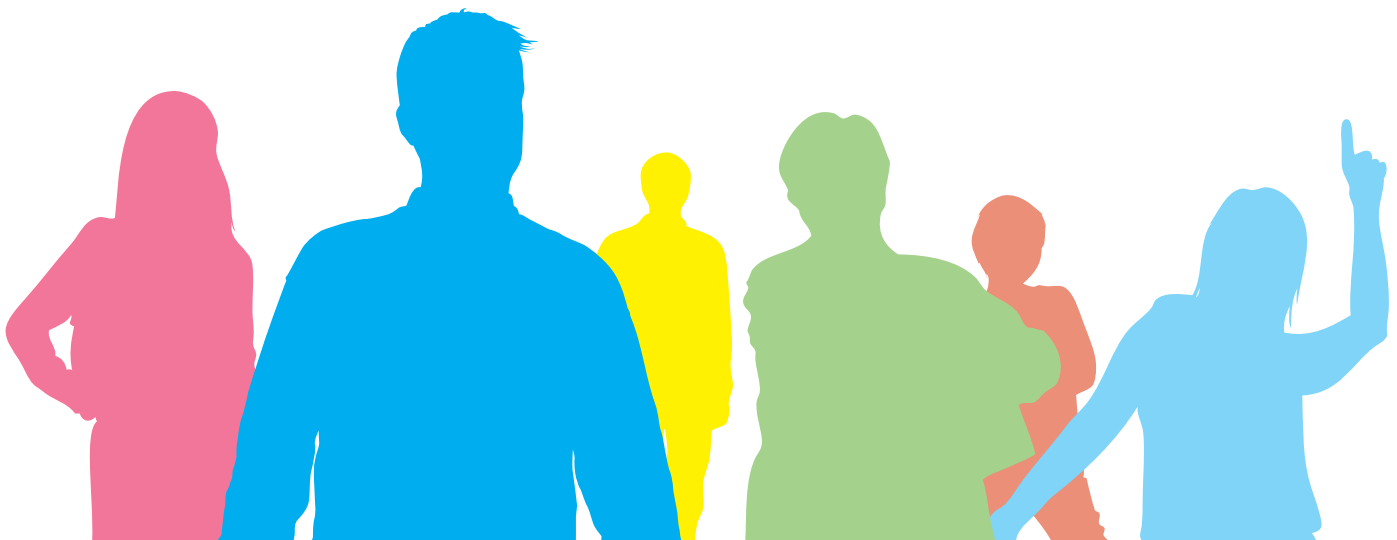
Questions and lessons

1. What commonly known ceremonies are performed in your local area?
2. What is important about these ceremonies?
3. Who are the people that can perform local ceremonies?
4. What roles can your CLC play in relation to ceremonies?

Module 1: Review Exercise 1

Stepping into safer practices

1. What information needs to be recorded to share with other staff?
2. What types of information may need to be known verbally, yet may not be formally documented by the CLC? How can you ensure that this information does not remain with one person?
3. How can this information be shared with other CLC workers and members at a formal level?
4. What policies need to be documented to ensure culturally safe processes are part of everyday CLC business when working with Aboriginal and Torres Strait Islander people and their communities?
5. How will this information be provided to existing and new staff?
6. As a guide, on the following page, investigate the following aspects that might be useful for transferring information from the local Aboriginal community/ies to the CLC.



Module 1: Aboriginal Systems

Module 1: Review Exercise 2

Embedding cultural safety into CLC business

(Sample answers/ideas have been provided for this first table).

Aboriginal Systems								
	Policies and Procedures	Staff Development	Staff Orientation Kits	Board Orientation Kits	Staff Workplans	Accreditation standards	CLC promotions, websites	Cultural Practice Tips
1.Country	E.g: Acknowledgment of Country to open meetings	Centre commits to Annual Local Aboriginal Cultural Awareness Training	Includes map of Aboriginal and Torres Strait Islander Australia	Includes map of Aboriginal countries in catchment area, matched with legal need maps	Workplan requires attendance at community event	Established relationships with Aboriginal Land Council	Website acknowledges the Country the CLC is on, and the people of that Country	Acknowledgment of Country at every meeting
2.Stories	E.g: Story at Staff meeting	Centre learns about local creation stories	Includes dispossession stories of local area	Includes dispossession stories of local area	Requires publication of successful story with Aboriginal and or Torres Strait Islander client	Story of the land on which the CLC is on	Tell the story of how the CLC is invested in the local Aboriginal communities, and publishes milestone stories	Respectfully ask if you could hear a local story when the opportunity arises
3.Ceremonies	E.g: Welcome to country at CLC Events	Staff take turns delivering Acknowledgement of Country at staff meetings	New staff to attend Aboriginal inter-agency meeting	AGM to include Welcome to Country	Requires staff to deliver an 'Acknowledgement' at a meeting	Described in policies: 'Acknowledgement of Country' and Aboriginal Items on every agenda.	Acknowledgment of Country on Website	Be very 'present' in mind when a 'Welcome' or 'Smoking ceremony' is delivered

Notes on Module 1

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Module 2: Families

Concept 2A

Aboriginal kinship

A sense of belonging

Overlapping circles of extended family lie at the heart of many Aboriginal and Torres Strait Islander peoples. Networks of family relationships may determine day-to-day activities and can shape the course of lives. From an early age many Aboriginal and Torres Strait Islander people learn who is related to whom.¹²

Practices inflicted upon the Stolen Generations caused, and continue to cause, people, families and communities a great deal of trauma due to disruption to family nurturance relationships between children, parents, aunties and uncles, disturbing the functionality of people and families, and causing intergenerational social challenges. Stealing children robbed people, families and communities of love, and affected everything. Many children grew up without nurturance, which affected their capacity to nurture their own children, as many survivors of the Stolen Generations likely never directly experienced parental love.

Some survivors of the Stolen Generations never found their families, some found their families too late, and most, if not all, are still healing from the damage caused by removal.

According to the Australian Human Rights Commission, this removal amounted to genocide:

"The policy of forcible removal of children from Indigenous Australians to other groups for the purpose of raising them separately from and ignorant of their culture and people could properly be labeled 'genocidal' in breach of binding international law".¹³

CLC staff need to understand the effects and consequences of the removal policies. This knowledge can assist in treating clients appropriately, and assist in advocating effectively for families, especially those who are at risk of losing children by removal.

Extended families

The various traditional Aboriginal and Torres Strait Islander family structures are significantly different to the general Western view of a family unit.

While many non-Aboriginal people live within a nuclear family unit, many Aboriginal and Torres Strait Islander people often value an extended family system, which often includes, from a mainstream perspective, quite distant relatives. In most Aboriginal communities, family is an

integral part of a person's life and extended family members may teach a person how to live, how to treat other people and how to interact with the land.¹⁴

Traditionally, many Aboriginal and Torres Strait Islander family structures were a collaboration of clans composed of mothers, fathers, uncles, aunties, brothers, sisters, and cousins.¹⁵

Identity, connections and relationships

Kinships systems, moieties¹⁶ and skin names are complex and beyond the scope of this workbook.¹⁷

Briefly, kinship systems are relevant to connections and relationships between people, spirits and the natural world, and affect identity. Kinship systems determine the nature of relations, which affect relationships in numerous ways. For example, by determining who can speak with whom, as in which relationships are 'poison' and therefore may require a third person to facilitate communication.

Questions and lessons

1. What is the relevance of knowing an Aboriginal/Torres Strait Islander client's family name?
2. Does your client have any family that live locally?
3. What is the relevance of understanding what community your client is connected to?
4. How would you approach the information/topic of which community(ies) Aboriginal and Torres Strait Islander clients come from, and who is their family? Why would this information exchange be helpful?
5. What are the names of institutions where children were sent?
6. What is the role and function of Link Up? And why is it important?
7. What may be some of the ongoing ramifications of trauma, and intergenerational trauma, caused by the removal of children from families and communities?



Module 2: Families

Concept 2B

Cultural knowledge and history

Traditional Owners

Traditional Owners¹⁸ of the land have important roles which include: continuing cultural practices; supporting their communities; and decision-making with regards to Country.

This is an important starting point for any consultation within Aboriginal and Torres Strait Islander communities.

“The term traditional owners is often used when describing Aboriginal peoples’ connection to the land, but also in the native title process.

The roots of the term traditional owner seem to lie in the Aboriginal Land Rights (Northern Territory) Act 1976, which established ways for Aboriginal people to claim land in the territory on the basis that they were the “traditional Aboriginal owners” of the land. It is an English language term tied to the Aboriginal decision-making process.

According to the Act the definition of ‘traditional Aboriginal owners’ is “...a local descent group of Aboriginals who:

*(a) have **common spiritual affiliations** to a site on the land, being affiliations that place the group under a primary spiritual responsibility for that site and for the land; and*

*(b) are **entitled by Aboriginal tradition** to forage as of right over that land.”*

Aboriginal people also include law-men and women who have an ongoing involvement in any future process or uses of country. They don’t need to live on the land to be considered a traditional owner.¹⁹

Note: *Sometimes the term ‘Traditional Owner’ is used incorrectly. Before one refers to another as a ‘Traditional Owner’ make sure the person is okay with it.”²⁰*

The terms ‘Senior Law Man’ and ‘Senior Law Woman’ are sometimes used to describe a person who are ceremonial bosses and can speak for Country.

Elders

Elders have important roles in Aboriginal and Torres Strait Islander communities.

Elders’ responsibilities include caring for Country, implementing and passing on law, guiding the spiritual wellbeing of their Mob and leading and communicating the aspirations of the community of which they are Elders.²¹

Traditional Elders and Community Elders

Most communities have families whose ancestors are *of* the country that the community is based within, as well as families whose traditional lands are elsewhere. Through invasion policies that resulted in the dispossession of people and families from lands, culture and community, many people and families were removed from their traditional lands. Over time, many people and families living ‘Off Country’ have come to be strong members of their new community and part of the leadership of their community.²²

Some Elders are referred to as ‘Community Elders’. They assist, guide and lead their Community.

“In many communities people recognise two types of Elders; Traditional Elders and Community Elders. A Traditional Elder is an original descendent of the area who is actively involved in community issues. A Community Elder could be someone who has lived in the area for some time and who is recognised and respected for their community involvement. Any reconciliation group [organisations, local councils] should encourage the representation and involvement of both Traditional and Community Elders.”²³

Questions and lessons

1. How would you go about identifying Elders in your local community?
2. Why does the term *Community Elder* exist?
3. How can a Traditional Elder assist you in your role as a CLC legal practitioner or support person?
4. How can a *Community Elder* assist you in your role as a CLC staff member?
5. What methods or approaches are be successful in accessing Elders?

Module 2: Families

Concept 2C

Relationships

Clients and their families

The *Koori Grapevine*, *Goori Grapevine*, and *Murri Grapevine* are terms used to describe the way information can be passed through the community.²⁴ The Koori/ Goori/ Murri Grapevine can be an effective way to send a message to people in the community. Strong relationships with local Aboriginal communities can assist the CLC in gaining the benefits from the local grapevine; likewise, the reputation of poor cultural safety can be a major barrier for a CLC to connect with local Aboriginal communities.

Local Aboriginal organisations

For the most part, Aboriginal organisations are best placed to meet the needs of Aboriginal and Torres Strait Islander communities. As most CLCs are not Aboriginal organisations, to provide services CLCs require highly developed internal cultural norms that are supported by a culture of continual development, as well as external guidance to meet naturally occurring cross-cultural challenges.

Did You Know...?

The reputation of the centre in its local Aboriginal and Torres Strait Islander communities is paramount for the CLC to work positively towards increasing access to justice for those communities.

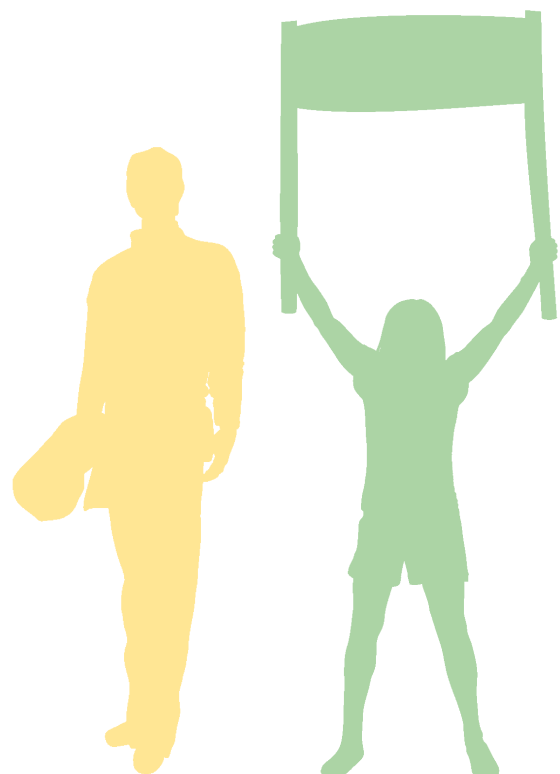
Questions and lessons

1. What Aboriginal organisations are in your local area?
2. What is important about these organisations?
3. How were these organisations established?
4. Who are the management teams and frontline staff of the organisations?
5. What relationship building activities can the CLC initiate that may be conducive to developing relationship and warm referrals with and between the CLC and the local Aboriginal organisations?

Module 2: Review Exercise 1

Stepping into safer practices

1. What information needs to be recorded to share with other staff?
2. What safeguards need to be in place to protect privacy and confidentiality?
3. How can this information be shared with other CLC workers at a formal level?
4. What policies need to be written to ensure the process is part of everyday CLC operations when working with Aboriginal people and their communities?
5. How will this information be provided to existing and new staff?
6. As a guide, on the following page, investigate a suggested framework that might be useful for developing mechanisms to transfer information from the local Aboriginal community to a CLC. A few ideas are included.



Module 2: Families

Module 2: Review Exercise 2

Embedding cultural safety into CLC business

Family								
	Strategic Planning, Policies and Procedures	Staff Development	Staff Orientation Kits	Board Orientation Kits	Staff Workplans	Accreditation standards	CLC promotions, websites	Cultural Practice Tips
Families			Interagency morning tea hosted by CLC		Outreach connection to schools, Mums & Bubs groups, and youth groups			
Cultural Knowledge		Aboriginal Cultural Awareness Training		Aboriginal Cultural Awareness Training for Board Members				
Relationships	E.g. For guidance and planning, does the CLC have access to advice from an Aboriginal Advisory Group or Committee?	Access to Aboriginal Advisory Committee		Aboriginal board members				

Notes on Module 2

12. Anna Haebich, *Broken Circles, Fragmenting Indigenous Families 1800–2000*, Fremantle Arts Press, 2000, at 13.
13. Human Rights and Equal Opportunity Commission, *Bringing Them Home: Report of the National Inquiry Into the Separation of Aboriginal and Torres Strait Islander Children From Their Families*, Commonwealth of Australia, Canberra, April 1997, p.275.
14. Musswellbrook Shire Council, *Working with Aboriginal and Torres Strait Islander Communities: Practice Implications: Family and Kinship*, accessed 13 January 2016, <http://www.workingwithatsi.info/content/pi_family.htm>.
15. Yolande Walker, Australian Institute of Family Studies, *Family Matters* No 35: Aboriginal Family Issues, <<https://aifs.gov.au/publications/family-matters/issue-35/aboriginal-family-issues>>, accessed 13 January 2016.
16. Moiety is a form of social organisation in which most people and, indeed, most natural phenomena, are divided into two classes or categories. See, for example, Aboriginal Art Online, *Aboriginal Society: Moiety*, accessed 13 January 2016, <<http://www.aboriginalartonline.com/culture/moiety.php>>.
17. For further information see, for example, Central Land Council, *Kinship and Skin Names*, accessed 13 January 2016, <<http://www.clc.org.au/articles/info/aboriginal-kinship>>.
18. The term 'Traditional Owners' should be capitalised.
19. Creative Spirits, *Land: Native title*, accessed 13 January 2016, <<http://www.creativespirits.info/aboriginalculture/land/native-title#ixzz3xHphloz9>>.
20. *ibid.*
21. The term 'Mob' can be used to describe one family, kin or group. See for example: *Creative Spirits, Aboriginal culture – Language – Aboriginal words in Australian English*, accessed 13 January 2016, <<http://www.creativespirits.info/aboriginalculture/language/aboriginal-words-in-australian-english#ixzz3xHqfzOtW>>.
22. The term 'Off Country' can be used to acknowledge that a person is not physically on the Traditional lands of their ancestors.
23. Council for Aboriginal Reconciliation, *Local Reconciliation Groups Toolkit*, 2000, p.10.
24. The terms 'Koori', 'Goori', 'Koorie', 'Coorie', and 'Murri' are used in NSW by many Aboriginal people. It is important not to make assumption with regard to the use of these terms.

Module 3: 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.”²⁵

Concept 3A

Ceremonies

‘Welcome to Country’ and ‘Acknowledgement of Country’ ceremonies

A purpose of ‘Welcome to Country’ (WTC) and ‘Acknowledgement of Country’ (ATC) ceremonies is to recognise Aboriginal and Torres Strait Islander peoples as the original and true Custodians and Owners of the land.

It is important that such unique positions are recognised and incorporated as part of official protocol and events to enable the wider community to share in Aboriginal cultural heritage, facilitating better relationships between Aboriginal and Torres Strait Islander peoples and other Australians.

A ‘Welcome to Country’ is where a Traditional Owner welcomes people to their land. It should always occur in the opening ceremony of an event, preferably as the first item. Sometimes it is appropriate to have a ‘Welcome’ delivered by a woman and by a man.

A ‘Welcome to Country’ may consist of a single speech by the representative of the local Aboriginal community, or it may include a performance. Performances may include a traditional Welcome song, a smoking ceremony, Traditional dance and song, a Yidaki (Didgeridoo) performance or a combination of any of these.

Sometimes at special events the ‘Welcoming’ activities, such as music and dance, are delivered under the guidance of an Elder. In most communities, there are Elders and performing artists who are regularly available for such occasions. To arrange someone to provide the ‘Welcome to Country’, contact your local Aboriginal Land Council.

An ‘Acknowledgement of Country’ is a way for people who are not of Aboriginal or Torres Strait Islander background to show respect for Aboriginal and Torres Strait Islander peoples, cultures and heritage. It shows intent to maintain ongoing relationships with the Traditional Owners of the Land.

An ‘Acknowledgement of Country’ can be used at public events or ceremonies. On these occasions, a Chair or MC may begin by acknowledging that the meeting or event is taking place in the land of the Traditional Owners.

Before delivering an Acknowledgment, it may be beneficial to take a moment to talk about the sacrifices that Aboriginal and Torres Strait Islander people have made.

An example of an appropriate acknowledgement of country is:

‘I would like to acknowledge the <insert name of local Aboriginal community> people who are the Traditional Owners 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’.

It is common and acceptable for each new speaker to give an ‘Acknowledgment’ before their own speech. This is especially the case when a Welcome has been given.

Smoking Ceremony

A Smoking Ceremony occurs for a number of reasons, including to spiritually clean a place, to spiritually clean a person or people gathering at a place, and, within a given context, to further affirm the relevance of Aboriginal Ancestors.

The smoking ceremony is also to increase unity between those gathered at the place where the ceremony is taking place, which sometimes is over a walked distance.

A Smoking Ceremony is usually delivered by a person who is on their Traditional Land and has permission on behalf of their Community to do so.

Module 3: Protocols

Questions and lessons

1. What is the key difference between a Welcome to Country (WTC) and an Acknowledgement of Country (AOC)?
2. What is the significance of each?
3. Who is able to provide a Welcome to Country (WTC)?
4. Who is able to provide an Acknowledgement of Country?
5. In which types of circumstances would each be delivered?
6. How would you go about finding out who is the most appropriate person to do a Welcome to Country?
7. What arrangements are needed to organise a WTC, and what protocols should be in place for making such arrangements?
8. What are the formal or informal processes in your area for negotiating WTC?
9. Is there an Aboriginal-nominated listing of local Elders who can undertake the WTC in your area?
10. What else needs to be considered when negotiating a WTC in your area?
11. How are you likely to be involved in a Smoking Ceremony?



Kingsford Legal Centre staff with Aboriginal and Torres Strait Islander students at UNSW.
Source: Kingsford Legal Centre

Module 3: Protocols

Concept 3B

Service delivery

CLCNSW and the AAG strongly recommend that CLCs refer to the excellent resource developed by Kingsford Legal Centre (KLC): Working with Aboriginal Clients at *Kingsford Legal Centre – Service Provision Manual*.²⁶ CLCNSW acknowledges that the following information is based on the Kingsford Legal Centre resource and thanks them for this.

Establish connection to the Communities

A key aim of this workbook is to develop and strengthen culturally safe relationships with Aboriginal and Torres Strait Islander people in your CLC's catchment area.

It is important to understand the communities that you work with. By answering the questions in this workbook, your Centre is beginning to learn about local Aboriginal communities, as well as forging new relationships. Undertaking a legal needs analysis will also assist to inform the CLC of what is useful to the community.

Employment strategy

Your centre should have in place an employment strategy, which includes a goal to have Aboriginal staff members in the Centre. As CLCs vary in size and resources, the number of staff under this goal will differ from Centre to Centre.

The strategy should include actions such as developing funding submissions for delivering services to local communities with Aboriginal or Torres Strait Islander staff, advertising for 'non-identified' positions in Aboriginal media, allocating core funding to deliver services to local communities (drawing on evidence-based legal needs analysis), and recruitment and retention strategies that support the long term vision of the Centre.

Did you know?

CLCNSW has resources to assist your CLC to achieve the actions outlined above. Contact us for more information.

CLC client environments

It is important that Aboriginal and Torres Strait Islander people feel comfortable when dealing with your CLC.

Displaying the Aboriginal and Torres Strait Islander flags and maps, as well as paintings and posters that use Aboriginal artwork, help to acculturate the environment in a

way that positively influences cultural safety.

Displaying 'Memorandums of Understanding' and 'Statements of Cooperation' between the CLC and local Aboriginal services can also influence the cultural safety in the Centre, as it demonstrates the CLC is connected with, and accepted by, local Aboriginal organisations.

CLCNSW and the AAG have a 'CLC Client Environments' policy which outlines the importance of creating a culturally safe Centre from both a visual and an attitudinal perspective. This policy is available from CLCNSW.

Warm referrals

Many CLCs have a 'drop-in' policy for Aboriginal clients who walk into the service, while noting that scheduled appointments are preferred. This allows for the client to be seen as soon as possible, and is in recognition of the gap in justice outcomes between Aboriginal and non-Aboriginal people.

When referring Aboriginal people to other services, it is valuable to have a relationship with the people on the other end of the phone, as this can assist in securely transferring the client to the referred service.

In some circumstances, it is appropriate to organise transport for the client to the referred service.

Women's Business, Men's Business

Men's and Women's Business plays an important role in traditional and contemporary Aboriginal life. It is entwined in kinships structures, initiation ceremonies and gender-specific sacred sites. In contemporary contexts, such as conferences, it is common to see agenda items that refer to Men's or Women's Business.

Some CLC services and programs are gender-specific where this is appropriate for the related issues, and is also culturally appropriate.

The National Association of Community Legal Centres (NACLC) supports a National Indigenous Women's Network, and is in the process of setting up a National Aboriginal Men's Network.

Module 3: Protocols

Concept 3C

Communication

Reaching Aboriginal clients may require different communication strategies to non-Aboriginal clients.

CLCs use phone and Internet-based communication to deliver many services. The CLCNSW Aboriginal Advisory Group recognises that many Aboriginal and Torres Strait Islander clients prefer face-to-face contact rather than over the telephone. Centres should not assume that all Aboriginal and Torres Strait Islander clients have access to, or literacy of, the internet; ask if the client has an email address and if this is the preferred communication medium.

Confidentiality

Confidentiality is more than a word. Some Aboriginal and Torres Strait Islander people in a local community may find out about each other's business through the Koori Grapevine²⁷ – being seen in a CLC waiting room can be easily passed around with a casual comment about a person's movement or whereabouts.

Silence in communication

There are times when silence occurs in conversation with an Aboriginal or Torres Strait Islander client. There are many reasons why this may happen so it is important not to make assumptions.

*"The use of silence does not mean Aboriginal people do not understand, they may be listening, remaining non-committal, or waiting for community support. During discussions, Aboriginal people may delay expressing a firm opinion, preferring to listen to others' opinions first before offering their own."*²⁸

Shame

*"Shame can inhibit Aboriginal people from wanting to seek assistance, even to their own detriment, so it is important to think about the best ways to engage with the client effectively."*²⁹

Shame:

- ◆ is about being singled out and given attention whether negative or positive in nature
- ◆ can bring about embarrassment
- ◆ is an emotive feeling, of fear that gives a sense of being powerless and ineffectual
- ◆ is often used as a form of social control in communities.

CASE STUDY

Dealing appropriately with an Aboriginal client who may be feeling shame

Jason, an Aboriginal client, is at a local CLC trying to solve a matter concerning a large debt. Mary, Jason's solicitor, instructs him to fill out a form. Jason says, "I don't want to". Mary says, "You came for help; to help you I need you to fill out the form." Jason repeats what he said, "I still don't want to" and leaves the Centre.

In this case study, based on a real situation, Mary could have worked through the situation by identifying that shame and illiteracy were potential issues. Instead of saying what she said above, she could have asked, "This is a form which needs to be completed before we can go ahead. Are you happy to fill the form out, or would you like to talk through it, and I can fill it out on your behalf?"

Illiteracy is not the cultural element, as illiteracy may be a product of impoverished circumstances. The experience of shame can be increased through a cultural relationship to 'shame', noting that the position of shame in some communities is a changing force. Also in this case, the self-determination of the client can be linked to the 'cultural competency' of the solicitor.

Questions and lessons

1. When reaching Aboriginal clients, what different methods of communication may be required?
2. What practices may be established to ensure the confidentiality of Aboriginal and Torres Strait Islander clients?
3. What are the benefits of being comfortable with times of silence when interviewing Aboriginal and Torres Strait Islander clients?
4. Identify some circumstances where a working knowledge about how shame sometimes works in Aboriginal communities may influence the delivery of CLC services.

Module 3: Protocols

Module 3: Review Exercise 1

Stepping into safer practices

1. What ceremony protocols need to be recorded for sharing with other staff?
2. What types of information need to be known verbally yet not formally documented by the CLC? For example, when creating a list of people to invite for a consultation, known factions within the community should be noted to avoid conflicts. How would this information be collected and how is it relevant to service planning and delivery?
3. Does your service have policies to ensure that culturally safe work practices are part of everyday CLC business when working with Aboriginal people and their families and communities?
4. As a guide (see table below), check out the aspects that might be useful for transferring information from the local Aboriginal community to the CLC.

Notes on Module 3

25. Secretariat of National Aboriginal and Islander Child Carers, *Cultural Protocols – Supporting Carers*, accessed 13 January 2016, <<http://www.supportingcarers.snaicc.org.au/connecting-to-culture/cultural-protocols>>.
26. CLCs can access this resource on request from Kingsford Legal Centre. Phone (02) 9385 9566 or email legal@unsw.edu.au.
27. Jane Lovel, *To explore ways to engage successfully with Indigenous communities on fisheries and R&D issues*, 2009, p.20, <http://frdc.com.au/research/Final_Reports/2009-329-DLD.pdf>, accessed 13 January 2016.
28. NSW Department of Community Services. *Working with Aboriginal People and Communities, A Practical Resource*, 2009, p.23.
29. Kingsford Legal Centre. *Working with Aboriginal Clients at Kingsford Legal Centre – Service Provision Manual*, Sydney, 2013.

Module 3: Review Exercise 2

Embedding cultural safety into CLC business

Protocols								
	Policies and Procedures	Staff Development	Staff Orientation Kits	Board Orientation Kits	Staff Workplans	Accreditation standards	CLC promotions, websites	Cultural Practice Tips
Ceremony	When and how to arrange a Welcome to Country engaged	Protocols for delivering an Acknowledgment of Country		Welcome to Country at AGM	Staff to attend community events that start with WTC	Centre engages appropriately with Local Aboriginal Communities	Website states the name of the Country on which the CLC is situated. Has artwork.	
Service Delivery	Consultation strategy to inform service delivery planning	Aboriginal Employment Strategy	Participation in Aboriginal Rights Group			'Aboriginal' items on every agenda		
Communication	Specific training Needs/ Schedule		Mentoring	'Aboriginal' items on every agenda	'Aboriginal' items on every agenda			

Module 4: Aboriginal Contexts

Concept 4A

Traditional history

The presence of Aboriginal people in the continent now known as Australia has been established to at least 60,000 years ago. Up to 600 Language groups existed across the continent.

The Dreaming and Creation of the universe is recorded in the cultures of many Aboriginal and Torres Strait Island peoples. Their cultures and histories communicate a complex, yet balanced, system of connections between people and places.

Prior to invasion, many Aboriginal families had an existence that was sustainable, intrinsically linked to the Land, and resilient due to the importance placed on complying with Aboriginal law. The roles of family members were mostly set according to positions inherent in kinship and totem systems, and commonly, families would live together in communal environments with shared responsibilities. This included child rearing, cooking, hunting, teaching of knowledge by Elders, and a variety of cultural activities.

“Failure to carry out his or her responsibilities meant that the rest of the family suffered. The men were the hunters, usually tracking down larger animals like kangaroo or emu, while women supplied the family with berries, nuts and roots.”³⁰

Questions and lessons

1. What is the importance of enquiring into Aboriginal and Torres Strait Islander views on history?
2. What are some of the things the local Aboriginal community have put in place to celebrate and maintain traditional Aboriginal history in contemporary settings? (Language, traditional art and dance)
3. How can information about traditional Aboriginal cultures assist the provision of legal and support services?



Module 4: Aboriginal Contexts

Concept 4B

Post-invasion history

In 1788, following invasion of what is now known as Australia, it was believed (based on a Western world-view), that there was no culture, legal system, or systems of land ownership in place. It was thought that Aboriginal and Torres Strait Peoples needed to be taught 'civilised' ways to be able to exist in Australian society.

This belief system failed to recognise the existence and strength of Aboriginal and Torres Strait Islander Peoples, including kinship systems, legal systems, cultures, societies, the Dreaming, hunting, and international trade systems, all of which were underpinned by an unprecedented long-term sustainability ethos, and sophisticated land management techniques.

The widespread misconception that Aboriginal people were nomadic supported a Euro-centric view of pre-invasion Australia, and was used to steal land rights by the application of 'terra nullius', which was proved wrong in fact and in law in *Mabo and others v Queensland* (No. 2).³¹ The term 'Looking after Country' describes the observation that many Aboriginal and Torres Strait peoples travelled – and travel – the length and breadth of their Country. Tools were stored in many places around the land and the entire Country was, and continues to be, home.

The rationales underpinning the care given to the Land includes sustainable land management, the 'singing' of Country, the spiritual connection and health of people, land, animals and culture, as well as the continued assertion of sovereignty through trade, and, to draw on contemporary coined terms, through 'border patrol' and 'international diplomatic relationships'; the latter also served to support trade as well as cultural development.³²

Did You Know...?

The relationship that Aboriginal and Torres Strait Islander people may have with their Country, in all its forms, can be demonstrated through the following example:

"That hillside, is my Mother's shoulder."³³

Responsibility for inheritance

"If property which is justly acquired is later stolen, the corrective action is for that property to be returned to the owner from the thief, with additional compensation from the thief for the aggravation and effort of recovering it. If the original owner should die before the property is returned, does this change the corrective action? No. The

property should be returned to his heirs just as never-stolen property is passed to his heirs.

Does this conclusion change if there are numerous generations? Again, the answer is no, for the principle is the same.

*What if the thief has died or has sold the stolen property, is the corrective action altered? No, the property still should be returned to the original owners or his heirs, regardless. (It should be noted that this is the very reason for title insurance which is so common in real estate transactions.)"*³⁴

Responsibility for the dispossession of Aboriginal and Torres Strait Islander lands and culture by non-First Nations people remains an unresolved matter in the fabric of Australian national identity.

The role of Elders is still vital and, due to the intergenerational consequences of dispossession policy and practices, much of contemporary Aboriginal Australia experiences significant cultural losses when an Elder passes over.

"Culture already is fading away.

If no one is interested, in 30 years time, culture will go. When the old people go, it's up to the young people to carry on."³⁵

Questions and lessons

1. What historical events have had an impact on the local Aboriginal and Torres Strait Islander communities you are working with?
2. What current events and policies have an impact on the local Aboriginal and Torres Strait Islander communities you are working with?
3. What social, economic, technology and political changes have occurred in the short-term that have had an impact on local Aboriginal and Torres Strait Islander communities?
4. Are there urgent government policies that have specifically impacting local Aboriginal and Torres Strait Islander communities?
5. What have local Aboriginal and Torres Strait Islander communities put in place to commemorate the impacts of colonisation on their cultures?
6. How can information about the Stolen Generation and associated assimilation process assist you?

Module 4: Aboriginal Contexts

Concept 4C

Empowerment

Self-determination

'Self-determination' is a journey of empowerment for Aboriginal and Torres Strait Islander peoples. Every advancement, from the establishment of National Aboriginal and Islander Day Observation Committee (NAIDOC) to the Freedom Rides, the Referendum, through to the Sovereign Union (a governance structure of some of Australia's First Nations asserting sovereignty) and the push for Constitutional Recognition, are all imbued with the work towards self-determination. Self-determination is also expressed through family and individual efforts in affirming identity, culture and prosperity.³⁶

"Self-determination is a process. The right to self-determination is a right to make decisions. These decisions affect the enjoyment and exercise of the full range of freedoms and human rights of Indigenous peoples".

The Royal Commission into Aboriginal Deaths in Custody report describes 'self-determination' to include:

*"(That) Aboriginal and Islander people are properly involved in all levels of the decision making process in order that the right decisions are made about their lives."*³⁷

*"Aboriginal control over the decision making process as well as control over the ultimate decision about a wide range of matters including political status, economic and special and cultural development... It means Aboriginal people having the resources and capacity to control the future of their own communities within the legal structure common to all Australians".*³⁸

CLCs can support Aboriginal people in our journey of self-determination by providing a culturally safe environment to access the legal system. In becoming culturally safe and, for example, by implementing an Aboriginal Employment Strategy, a CLC can become accessible, one of many vehicles for Aboriginal and Torres Strait Islander people and Peoples to access justice and increase 'self-determination'.

TIP: To encourage awareness and discussion amongst staff at your centre, circulate relevant information on one of the following topics and place it on the agenda for monthly staff meetings:

- ◆ Frontier Wars and Pemulwuy
- ◆ Boycott Australia Day, AAPA: Australian Aborigines Progressive Association (pre- and post-1920s)
- ◆ AAL: Australian Aborigines League, William Cooper, and petition (1930s)
- ◆ NAIDOC: National Aborigines and Islanders Day Observance Committee (1950s)³⁹
- ◆ Freedom Rides and Referendum (1960s)
- ◆ Bicentenary 1988
- ◆ Cultural Revival (1980s – ongoing)
- ◆ Self-determination and self-management (1970s–1990s – ongoing)
- ◆ Reconciliation (1991–2000 – ongoing)
- ◆ Reconnecting with culture (ongoing)
- ◆ Deadly Awards, Koori Knockout, Laura Festival, The Dreaming Festival, Harmony Day, Yabun, local Community Days, Language and Culture classes, and The Koori Mail
- ◆ Fishing rights and fines
- ◆ Incarceration of Aboriginal and Torres Strait Islander people.

Questions and lessons

1. What role can your CLC play in ensuring Aboriginal clients are in the best position to make decisions that affect them?
2. What works well in relation to supporting Aboriginal clients in their decision-making?
3. What could be improved to increase Aboriginal client decision-making in your current work practices?

TIP: Develop a poster designed to be displayed in rooms where advice is given, to act as a trigger for CLC staff to apply the cultural competency learnt in using this workbook and through training.

Module 4: Aboriginal Contexts

Module 4: Review Exercise 1

Stepping into safer practices

1. What information needs to be known by all Centre staff members?
2. How can this information be shared with other CLC workers and members at a formal level?
3. What policies need to be documented to ensure an ongoing learning process is part of everyday CLC business when working with Aboriginal people and their communities?
4. How will this information be provided to existing and new staff?
5. As a guide, on the following page, investigate the aspects that may be useful for transferring information from the local Aboriginal community to a CLC.

Module 4: Review Exercise 2

Embedding cultural safety into CLC business

Notes on Module 4

30. Sam, M, Secretariat of National Aboriginal and Islander Child Care (SNAICC), *Through Black Eyes: A Handbook of Family Violence in Aboriginal and Torres Strait Islander Communities*, Fitzroy, 1992.
31. [1992] HCA 23
32. "Every walked foot on Country has been sung for thousands of years, and is sacred." Kuku Thaypan Elder, oral statement to Zachary Armytage, June 1989.
33. *ibid.*
34. Cox, J, *Justice, Property Rights and Inheritance*, accessed 13 January 2016, <<http://www.la.org.au/liberty-lesson/justice-property-rights-and-inheritance>>.
35. Eustice Tipiloura, cited in *The Elders' Report into Preventing Indigenous Self-harm & Youth Suicide, at 24*, accessed 13 January 2016, <<https://bepartofthehealing.org/EldersReport.pdf>>.
36. Aboriginal and Torres Strait Islander Social Justice Commissioner, *First Report 1993*, AGPS, Canberra 1993, p.41.
37. Royal Commission into Aboriginal Deaths in Custody, National Report, AGPS Canberra 1991, Volume 2, p.526.
38. House of Representatives Standing Committee on Aboriginal Affairs, *Our Future Our Selves: Aboriginal and Torres Strait Islander Community Control, Management and Resources*, AGPS, Canberra 1990, p.12.
39. Note that the correct term is now 'Aboriginal'; that is, in the context of 'National Aboriginal and Islander Day Observance Committee'.

Aboriginal Contexts								
	Policies and Procedures	Staff Development	Staff Orientation Kits	Board Orientation Kits	Staff Workplans	Accreditation standards	CLC promotions, websites	Cultural Practice Tips
Traditional	Who are the Senior Law People	CLC hosts 'Elders morning tea'	Staff required to understand local histories	Profile of local area, include significant events				
Recent History			Participation in Aboriginal Rights Group		Aboriginal Cultural Awareness Training for entire organisation	'Aboriginal' items on every agenda		
Influencing the contemporary	Posters that remind all staff to apply their cultural awareness training		Mentoring	'Aboriginal' items on every agenda				

Module 5: Local Aboriginal Communities

Concept 5A

Local Aboriginal Communities

Many Aboriginal services developed out of the efforts of Aboriginal activists for basic human rights. Post invasion, many Aboriginal people could not gain access to services such as schools, land, clubs, and sporting groups, and many barriers continue to exist. Aboriginal organisations have emerged and evolved to share cultural practices and to establish and maintain connections with families.

CLCs should establish referral pathways to and from local Aboriginal community organisations. Best practice in each organisational relationship can include staff at both organisations knowing each other and being able to communicate on first name terms.

Such relationships become possible when CLC management has regular contact with the management teams of local Aboriginal organisations. Over time, good relationships can have a positive effect on the numbers of Aboriginal and Torres Strait Islander people accessing CLC services. For example, if contact is made with a *young mums and bubs program*, many young women with male and female siblings, cousins, aunties, uncles, grandparents and parents can communicate about the CLC service through word of mouth, increasing knowledge of and engagement with your CLC.

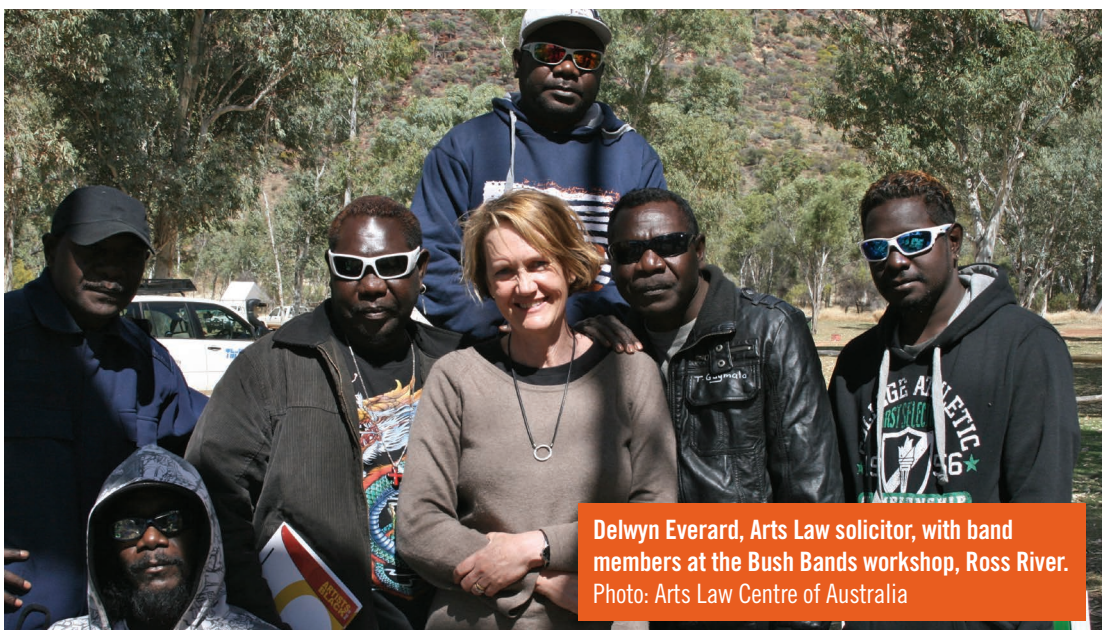
The following services may exist in your community:

- ◆ Aboriginal Accommodation Services or Hostels
- ◆ Aboriginal Aged Care Services

- ◆ Aboriginal Arts and Cultural Centres
- ◆ Aboriginal Disability Services
- ◆ Aboriginal Enterprise Centre
- ◆ Aboriginal HACC services (home care, meals on wheels, personal carers, respite carer social support, centre based day care)
- ◆ Aboriginal Legal Services
- ◆ Aboriginal Medical Services
- ◆ Aboriginal Multifunctional Centres
- ◆ Aboriginal Out of Home Care
- ◆ Aboriginal Women's Refuges
- ◆ Aboriginal Youth Services
- ◆ Local Aboriginal Land Councils.

Questions and lessons

1. Make a list of local Aboriginal organisations and community and culture groups in your area.
2. How often does your CLC make contact with each of these groups?
3. What is the basis of the contact: one-off or long-term projects?
4. How does your CLC initiate and maintain ongoing contact with any of these organisations?
5. How do Aboriginal organisations and groups initiate contact with your CLC?
6. What formal structures exist, if any, between your CLC and local groups? For example, are there Memorandums of Understanding, Statements of Commitment, partnership agreements, etc.?



Delwyn Everard, Arts Law solicitor, with band members at the Bush Bands workshop, Ross River.
Photo: Arts Law Centre of Australia

Module 5: Local Aboriginal Communities

Concept 5B

Becoming accessible to and supporting Aboriginal networks

Benefits to networking

Networking with agencies supports the prospect of engaging friends and family members to access assistance. It can also formalise partnerships, and expand across other agencies. Networking can also keep costs to a minimum and strengthen funding applications.

For staff, networking enables services to share information, provide information and advice, offer and request mentoring, build relationships that strengthen credibility across the Aboriginal sector, and build trust.

For clients and community, networking enables you to expand services and opportunities for clients, create referral pathways and assist to 'get a foot in the door' for Aboriginal clients to find out about available services.

Key principles of networking

- ◆ Acknowledging the importance of building relationships
- ◆ Taking a genuine interest in people
- ◆ Listening and being respectful and curious
- ◆ Giving without strings
- ◆ Being informal can be just as valuable as formal
- ◆ Keeping ego out of the space to ensure equality
- ◆ Showing grace and respect

Tips for networking

- Attend community events e.g. NAIDOC Day, Sorry Day, Reconciliation Week, Sporting Events, Specialist Weeks.
- Nature of contacts – Memorandums of Understanding, Statements of Cooperation, interagency, working parties on specific projects, advocacy, referrals.
- Frequency – daily, weekly, monthly, annually, informal, and out of work hours.

Questions and lessons

1. Identify and analyse your Centre's current networking activities with the local Aboriginal agencies.
2. Are there any Aboriginal advisory groups (formal or informal)?
3. Does your Centre have a Reconciliation Action Plan?
4. How well does your CLC participate in Aboriginal interagency meetings?
5. Does your Centre participate in any cultural events such as NAIDOC Day, Sorry Day, Reconciliation Week, sporting events, and special weeks (e.g. Diabetes week)?
6. Does your Centre support Aboriginal staff to attend Aboriginal networks, inter-agencies, and forums?
7. Does your Centre support non-Aboriginal staff to attend Aboriginal networks, interagencies and forums?
8. Does your Centre encourage staff who have attended Aboriginal events to share the information with the rest of the workplace? If so, how, how often, when, and who with?
9. Are Aboriginal people invited to participate on recruitment and selection panels for new staff?
10. Does your Centre host a regular informal event (such as weekly or monthly morning tea for Elders)?



Module 5: Local Aboriginal Communities

Concept 5C

Cultural safety

REMINDER: 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.”⁴⁰

Developing cultural safety

If your CLC is yet to start its journey towards being culturally safe, it is important to reach out for guidance. The CLCNSW Aboriginal Legal Access Program Coordinator can provide this.

Committing to cultural safety

Creating change starts with developing the will to make a difference in the core operation areas of the CLC.

Too often, Aboriginal staff working in non-Aboriginal organisations complain about cultural safety and cultural awareness training as a “tick-the-box” action item for management. Such an approach to driving cultural change can have detrimental effects. It is preferable to build an appreciation of the civil and family law issues affecting the Aboriginal communities within the CLC’s catchment area, and to work on building relationships with Aboriginal organisations within it.

Developing cultural safety is the responsibility of all CLC leaders and is about training, introspection, meeting quality assurance standards, and creating relationships. It is also about developing a deep appreciation for one of the oldest living cultures on Earth, taking responsibility for one’s inheritance, understanding systemic barriers, growing professional communities, and making friends.

It may be reassuring to know that there is no end to cultural awareness training and cultural safety.

CLCNSW appreciates and acknowledges that this work can seem daunting. That said, CLCNSW believes the CLC sector’s progression towards cultural safety presents new opportunities and challenges for the sector, which will result in CLCs providing much needed assistance for Aboriginal communities.

CLCNSW can provide your CLC with specific support and guidance in developing a culturally safe environment.

The following strategies aim to enhance the ability to be culturally safe:

- ◆ Reflecting on one’s own culture, attitudes and beliefs about ‘others’
- ◆ Clear, value free, open and respectful communication
- ◆ Developing trust
- ◆ Recognising and avoiding stereotypical barriers
- ◆ Being prepared to engage with others in a two-way dialogue where knowledge is shared
- ◆ Understanding the influence of culture shock
- ◆ Growing the skill of real listening and being silent.

Questions and lessons

1. What do Aboriginal and Torres Strait Islander persons see when they walk into your CLC?
2. What does your CLC need to do to show that you are culturally receptive to Aboriginal cultures?
3. What Aboriginal and Torres Strait Islander specific resources, posters, pamphlets and brochures are available in your CLC for Aboriginal people to access?
4. Where can you access Aboriginal and Torres Strait Islander-specific materials?



Module 5: Local Aboriginal Communities

Module 5: Review Exercise 1

Stepping into culturally safer practices

1. What information needs to be shared with staff?
2. What strategies will avoid information and processes from getting 'stuck' with one person and at risk to being lost from the Centre's knowledge assets?
3. What policies should be documented and implemented to ensure connection with local Aboriginal communities are part of everyday CLC activities?
4. How will this information be provided to existing and new staff?
5. As a guide, use the following table (overleaf) for ideas that might be useful in developing and embedding appropriate practices into the CLC.

Module 5: Review Exercise 2

Embedding cultural safety in CLC business

Local Aboriginal Community								
	Policies and Procedures	Staff Development	Staff Orientation Kits	Board Orientation Kits	Staff Workplans	Accreditation standards	CLC promotions, websites	Cultural Practice Tips
Connection to Organisations	CLC Director/ Manager has regular meetings with local Organisations			Attend interagency to embed CLC service planning		CLC has, or has access to, an Aboriginal Advisory Committee		
Becoming part of Networks		Attend and host events			Put Aboriginal items in work plan		Join and start sharing networks	
Developing Cultural Safety	Develop a Reconciliation Action Plan			'Aboriginal' items on every agenda		Reconciliation Action Plan	Post media releases and centre commitments to site?	

Review: All modules

Overview Summary

Embedding cultural safety

CLC functions

	Policies and Procedures	Relationships	Staff Orientation Kits	Board Orientation Kits	Staff Workplans	Accreditation standards	CLC promotions, websites
Country							
1. Country							
2. Stories							
3. Ceremonies							
Family							
4. Kinship							
5. Cultural Knowledge							
6. Relationships							
Protocols							
7. Ceremonies							
8. Service Delivery							
9. Communication							
Aboriginal Contexts							
10. Traditional							
11. Recent History							
12. Influencing the Contemporary							
Local Aboriginal Community							
13. Organisations							
14. Networks							
15. Cultural Safety							

Notes on Module 5

40. Williams, *ibid.*

Conclusion

By completing this workbook your centre has considered and investigated Aboriginal and Torres Strait Islander systems, families, protocols, context, and local communities.

To learn about these relationships and concepts your Centre approached Aboriginal people and listened to what they shared. This will have included some sensitive topics and information which your Centre has received in a culturally safe and respectful manner. This will likely have sparked further research, much discussion and the development of ideas to implement in the workplace. CLCNSW and the CLCNSW Aboriginal Advisory Group hope the staff of your Centre have forged new relationships with Aboriginal organisations and communities, and have begun new friendships with local Aboriginal people and families.

Cultural awareness is an ongoing journey based on relationships, listening, reflecting, and being the best version of yourself so you, and your centre, can contribute towards

an inclusive, respectful and diverse community.

A combination of activities such as annual Aboriginal Cultural Awareness Training and the exercises undertaken in this workbook will not only increase cultural awareness among staff, but also become part of a systemically applied commitment by the CLC which will result in greater access and participation in Centre services by Aboriginal and Torres Strait Islander peoples.

At CLCNSW we hope you find this workbook a useful tool to for increasing Cultural Safety and Cultural Awareness in your CLC.

Feedback

This CLCNSW workbook is a working document. Your feedback and any suggestions for ways to improve it are most welcome. Please contact Zachary Armytage, the Aboriginal Legal Access Coordinator at CLCNSW, to provide feedback.

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