

Specific considerations - Aboriginal and Torres Strait Islander people - Other Resources

Department of Prime Minister and Cabinet, [Communicating with Aboriginal and Torres Strait Islander Audiences \(2016\)](#).

Extract from Introduction to Australian Government guidelines:

Aboriginal and Torres Strait Islander audiences comprise a wide range of people with different communication needs, information preferences, and expectations of government. These different needs are influenced by factors including location, levels of literacy, age, cultural considerations, and access to technologies.

When communicating with Aboriginal and Torres Strait Islander peoples it is particularly important to consider their locality and whether they are accessing Government services and information from an urban, regional or remote setting.

Aboriginal and Torres Strait Islander peoples living in urban centres have access to mainstream services and information, whereas those living in regional or remote locations may have targeted services, programmes and dedicated government staff to deliver information to the community. Those living in remote communities may also have lower English proficiency with English being the second, third or fourth language spoken within the community.

When considering communication with regional and remote communities it is important to remember that every community has their own local protocols and this should dictate the communications approach you take.

Family Court of Australia, [Reconciliation Action Plan 2018-2020](#).

The Family Court of Australia's Reconciliation Action Plan identifies the following barriers to Aboriginal and Torres Strait Islander people using the Family Court's services:

- lack of understanding about the family law system among Aboriginal and Torres Strait Islander clients;
- resistance to engagement with, and even fear of, family law system services;
- literacy and language barriers;
- need for Indigenous-specific and culturally competent mainstream services;
- the challenges arising from lengthy and multi-step court processes for Aboriginal and Torres Strait

Islander clients;

- > the setting being based on Western notions of child-rearing, kinship and family, and concerns as to whether they operated in a culturally safe way; and
- > lack of access to services for communities in regional and remote areas

Judicial Council on Cultural Diversity, *The Path to Justice: Aboriginal and Torres Strait Islander Women's Experience of the Courts* (2016).

See p6: 'this report is a summary of consultations undertaken by the Judicial Council on Cultural Diversity. As such, the views expressed in the document are those of stakeholders who work with Aboriginal and Torres Strait women. The purpose of the document is to inform the thinking of the Judicial Council on Cultural Diversity in its deliberations on matters relating to access to justice for Aboriginal and Torres Strait Islander women.

At p. 7: The key pre-court issues consistently raised were:

- > Fear that reporting violence will mean that authorities will remove children;
- > Geographical barriers;
- > The impact of poor police responses;
- > Family and community pressure on women seeking to protect themselves and their children;
- > The complexity of legal problems experienced by Indigenous women;
- > Lack of access to legal assistance and advice; and
- > Lack of legal knowledge and understanding of their rights under the law.

At p7: 'Many Aboriginal and Torres Strait Islander women had trouble communicating in the language of the justice system, adversely impacting on their ability to deal with police, engage with support services including legal representatives, and communicate with court staff and judicial officers.'

Judicial Council on Cultural Diversity [Website](#).

The Judicial Council on Cultural Diversity is an advisory body formed to assist Australian courts, judicial officers and administrators to positively respond to the diverse needs of the judiciary, including the particular issues that arise in Aboriginal and Torres Strait Islander communities. This website includes a number of useful resources and links.

Law Society Northern Territory, *Indigenous Protocols for Lawyers* (second edition, 2015).

This handbook is written for lawyers and identifies and discusses six protocols to assist lawyers in communicating with their clients. See p5 which sets out the six protocols. The remaining part of the document discusses these protocols in depth.

Protocol 1:	Assess whether an interpreter is needed before proceeding to take instructions.
Protocol 2:	Engage the services of a registered, accredited interpreter through the Aboriginal Interpreter Service.
Protocol 3:	Explain your role to the client.
Protocol 4:	Explain the relevant legal or court process to the client prior to taking instructions.
Protocol 5:	Use 'plain English' to the greatest extent possible.
Protocol 6:	Assess whether your client has a hearing or other impairment that may affect their ability to understand