

## Working with Aboriginal clients at Kingsford Legal Centre **Service provision manual**

Never Stand Still

Law

Kingsford Legal Centre

Kingsford Legal Centre acknowledges the Gadigal and Bidjigal Clans, the traditional custodians of the Sydney Coast.

We pay respect to those Elders, past and present and thank them for allowing us to work and study on their lands.

Kingsford Legal Centre (KLC) is a community legal centre providing free legal advice and casework to people who live, work or study in the Randwick and Botany local government areas.

KLC also specialises in discrimination law and provides advice NSW-wide on discrimination problems. KLC is a part of the UNSW Australia Law Faculty and provides clinical legal education to its students through a number of courses.

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F8-003, UNSW 2052



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## Introduction

**Kingsford Legal Centre acknowledges the special place and contribution of Aboriginal and Torres Strait Islander People within Australia. The Indigenous cultures of Australia are renowned as being the oldest living continuous cultures in the world; and the languages, philosophies, cultural practices, knowledge and experiences of Aboriginal and Torres Strait Islander People occupy a special place within the country's social and cultural landscape.**

Kingsford Legal Centre firmly believes in and is committed to establishing and maintaining genuine partnerships with local Aboriginal communities to ensure Aboriginal and Torres Strait Islander People are provided with a service that is based on mutual respect, equal opportunity and access to justice.

### Why this manual?

This manual has been produced to help staff, students and volunteers of Kingsford Legal Centre (KLC) to build effective, working relationships with Aboriginal and Torres Strait Islander clients and communities. KLC recognises that different client groups may have different service delivery requirements and needs, and undertaking a tailored approach to working with vulnerable groups is often warranted in order to ensure that disadvantaged groups can gain the ability to get services along with everybody else. It is the aim of this manual to help to develop the knowledge and skills necessary to work effectively and respectfully with local Aboriginal and Torres Strait Islander clients and communities.

*\*It is important to note that the information contained in this manual is localised and tailored to the Randwick and Botany Local Government areas and communities. Those working in other areas should always endeavour to ensure the services they deliver are locally appropriate.*

### Acknowledgments

KLC would like to acknowledge Melinda Brown for coming up with the concept for the production of the original document, secondly a big thank you to Kara Kirkwood from the Northern Rivers Community Legal Centre for developing a summarised version of the original document. KLC would also like to thank the members of its Aboriginal Advisory Group, and our students and colleagues for ensuring this version of the document was more suitable for people working in the Randwick and Botany Local Government catchment area.

Thanks also to KLC's funding bodies, including UNSW Law Faculty, Federal Attorney General's Department and the NSW Attorney General's Department, as well as Randwick City Council.

A special thank you must go to KLC's Aboriginal access workers Keith Ball, Ron Timbery and Kaleesha Morris, all of whom have made generous and vital contributions to the establishment of the KLC Aboriginal access program as well as contributing significantly to this document.

Thanks also to ex-KLC student Clancy King and editor, Lynne Spender, for their assistance in helping to edit this manual.

The photos in this manual were taken by Kaleesha Morris. Thank you to Kaleesha for her permission to reproduce them here.

# Aboriginal and Torres Strait Islander people

In Australia there are hundreds of different Aboriginal and Torres Strait Islander groups. There is no single, over-arching definition of an Aboriginal and Torres Strait Islander person. It is up to Aboriginal and Torres Strait Islander people themselves as to how they choose to identify.

But to determine eligibility to access Indigenous-specific services, the Federal Government requires an Aboriginal or Torres Strait Islander person fulfil all three of the following criteria:

That the person:

- is of Aboriginal or Torres Strait Islander descent.
- identifies as an Aboriginal or Torres Strait Islander person.
- is accepted as an Aboriginal or Torres Strait Islander person by the community in which he or she lives.

## Population estimates

As of 2013, Australia's Aboriginal and Torres Strait Islander population stands at 669, 900 (or 3 per cent of the total population). New South Wales has the largest Aboriginal and Torres Strait Islander population containing 31.5% of the population, with a significant number of Aboriginal and Torres Strait Islander people in NSW live in Sydney, particularly within the Greater Sydney area.

Australia's Aboriginal and Torres Strait Islander population has a younger age structure than the non-Indigenous population. There is a very large number of people under the age of 15 years old (35.9%) and a very small number of people aged 65 years and over (3.8%). The median age of the Aboriginal and/or Torres Strait Islander population as stands at 21 years, compared to 37 years for the non-Indigenous population (Australian Bureau of Statistics (ABS), 2011).

## Randwick and Botany LGA Indigenous population statistics

The following tables illustrate the statistics pertaining to Indigenous People within the Randwick and Botany Local Government Areas, derived from the 2011 census.

# Randwick LGA

## Indigenous

	Males	Females	Persons
0-4 years	83	78	161
5-9 years	90	87	177
10-14 years	81	86	167
15-19 years	102	68	170
20-24 years	94	91	185
25-29 years	82	65	147
30-34 years	68	65	133
35-39 years	77	63	140
40-44 years	74	65	139
45-49 years	56	42	98
50-54 years	43	38	81
55-59 years	30	43	73
60-64 years	22	41	63
65 years and over	40	69	109
<b>Total</b>	<b>942</b>	<b>901</b>	<b>1,843</b>





# Botany LGA

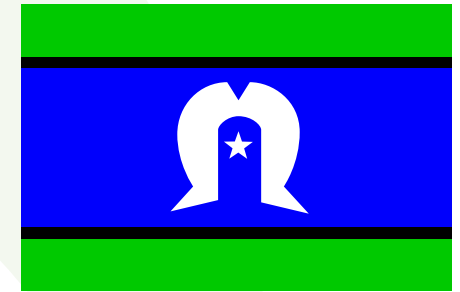
## Indigenous

	Males	Females	Persons
0-4 years	39	29	68
5-9 years	35	25	60
10-14 years	29	33	62
15-19 years	20	40	60
20-24 years	30	26	56
25-29 years	20	19	39
30-34 years	9	18	27
35-39 years	23	15	38
40-44 years	16	24	40
45-49 years	18	22	40
50-54 years	17	16	33
55-59 years	11	12	23
60-64 years	11	18	29
65 years and over	16	22	38
Total	294	319	613



### The Aboriginal flag

The Aboriginal flag was designed by Harold Thomas in 1971. The black on the flag represents the Aboriginal people, the yellow represents the sun, the giver of life, and the red represents the land and the blood of the Aboriginal people.



### The Torres Strait Islander flag

Bernard Namok designed the Torres Strait Islander flag in 1992. The green colour on the flag represents the land, the black colour represents the people and the blue colour represents the sea. The headpiece (called the 'Dhari') is representative of Torres Strait Islander people and culture and the five-pointed star represents of the five major island groups- designed in white as a sign of peace.



## Languages

There are more than 200 native languages to Australia, not including the countless dialects within them. Of these Aboriginal and Torres Strait Islander languages, many of have been devastated by the impacts of colonisation. It has been estimated that of the 200+ languages that were thriving before colonisation, only 18 languages are considered strong and the rest are considered endangered (AIATSIS & FATSIL, 2005). Given the concerning state of affairs of the survival of these ancient tongues, there are many communities throughout Australia who are undertaking extensive work to revive, teach and maintain their ancestral languages. Aboriginal languages are not just words for people to communicate with one another in everyday life, they extend beyond that, they are mediums to tune into to understand and communicate with Country and to non-human kin. Aboriginal languages were used to 'sing' Country into 'being'. They are sacred and are a part of the creation stories that are spiritually threaded throughout the country. Since colonisation there has also been an emergence of many versions of broken English, and Aboriginal slang is used throughout Australia.

**Remember: Despite this knowledge, do not make any assumptions about an Aboriginal client's identity, rather, respect the client to identify as he or she wishes.**

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## Various terms often used by individuals to identify Aboriginality

There are many different terms used by Indigenous people to identify themselves. Different Indigenous people prefer different descriptions such as Aboriginal or Indigenous or Torres Strait Islander and it's important to respect their choice about how they would like to be identified.

Smaller variations also fall under the broader terms of Aboriginal, Torres Strait Islander or Indigenous, for example, the common use of regional names. Some (not all) regional Aboriginal identities are:

- Koori - Bottom half of NSW and Victoria
- Goori - Northern NSW coastal region
- Murri - North West NSW and Queensland
- Nunga - SA
- Yolngu - Northern Territory
- Noongar - Western Australia
- Wongi - Goldfield regions of Central Western Australia
- Yamajti - North and North Western Regions of Western Australia
- Anangu - Central Australia
- Palawa - Tasmania





# Closing the gap: the need to act

## Disparities between Indigenous and non-Indigenous standards of living

There are severe disparities that exist between the standards of living of Indigenous and Non-Indigenous People in Australia. These include disparities in health, education, employment, and representation within the legal, (particularly the criminal justice) system. A lot of work needs to be undertaken to break-down and overcome the barriers that produce, uphold and/or exacerbate these disadvantages. These disadvantages are reflected in the following comparisons:

### Health

- The life expectancy for Indigenous Australians is significantly lower than that of the non-Indigenous population. The most recent figures illustrate that Indigenous males are expected to live about 10 years less than their non-Indigenous counterparts and for Indigenous women, their life expectancy is 9 years less (Australian Bureau of Statistics, 2013)
- Two-thirds (65%) of deaths among Indigenous people occurred before the age of 65, compared with 19% of deaths among non-Indigenous people (The Australian Institute of Health and Welfare, 2015).
- Infant deaths represented 4.2% of deaths of Indigenous people compared with 0.8% of deaths of non-Indigenous people in 2008–2012 (The Australian Institute of Health and Welfare, 2015).

## Education

The Australian Bureau of Statistics in its 2011 census report states that:

- 56% of Aboriginal and Torres Strait Islander children aged 3 to 5 years attended pre-school or primary school compared with 63% of non-Indigenous children of the same age.
- Of all Aboriginal and Torres Strait Islander children aged 6 to 14 years, 85% attended primary or secondary school compared with 93% of non-Indigenous children.
- In the 2011 Census, one-quarter (25%) of Aboriginal and Torres Strait Islander people aged 15 years and over reported Year 12 or equivalent as the highest year of school completed, compared with about half (52%) of non-Indigenous people.

## Employment

The Australian Bureau of Statistics in its 2011 census report states that:

- Two in five (42%) Aboriginal and Torres Strait Islander people aged 15 years and over were employed (employment to population ratio), compared with about three in five non-Indigenous people (61%)
- Aboriginal and Torres Strait Islander people were about three times more likely than non-Indigenous people to be unemployed (17% compared with 5%)

## The Australian legal system and Aboriginal and Torres Strait Islander people

Since colonisation, enforced laws and policies have had cyclical, long-lasting and devastating effects on Aboriginal communities and families. Deep tensions are embedded within the Australian legal system and the place and positioning of Aboriginal and Torres Strait Islander people's relation and engagement with it.

Oppressive legal policies, judiciaries and law enforcement authorities have forced and controlled the physical and social movements of Indigenous peoples throughout the colonisation of Australia. This includes Indigenous people being forced onto Aboriginal missions and reserves, being automatically rendered wards of the State and the forcible removal of Aboriginal children now known as 'The Stolen Generations'. The ever-increasing over-representation of Aboriginal and Torres Strait Islander people in jail reflects the legacies of these histories, the consequences of inter-generational trauma and the failure of the Australian legal system and other institutions to work effectively with Indigenous communities.

These experiences have meant Aboriginal people in Australia have suffered severe social and economic disadvantage at structural and individual levels. For many Aboriginal people, this has meant low self-esteem, depression and mental health difficulties. Aboriginal people often experience physical, emotional and sexual abuse at a higher rate than the broader Australian community. Overcoming these disadvantages is certainly not impossible but it doesn't happen overnight. Developing a good and trusting relationship with Aboriginal and Torres Strait Islander people takes time. Being aware of both past and ongoing injustices is important to understanding, connecting with and being in partnership with Indigenous communities and clients.

## Local Aboriginal experiences and effects of the Aborigines Protection Board and The Stolen Generations

The Aborigines Protection Board was appointed by the New South Wales Government in 1883 but it was not until 1909 that its powers were enacted in legislation.

One of the Board's first actions was to take over administration of reserves where Aboriginal people were living. The Board also established new reserves. Under the new legislation the reserves were government-controlled, segregated areas where Aboriginal people were to be 'protected' from the white community. At this time Aboriginal people were not entitled to receive unemployment benefits, just rations. They were effectively forced onto the reserves as these were the only places where rations were distributed. During the 1930s Great Depression rations were drastically cut.

Life under the Protection Act was tough. The Act dictated that a person could not leave or enter an Aboriginal reserve without the permission of the manager, although plenty defied these rules. The La Perouse reserve was run by a manager from the 1940s onwards. He had the right to evict anyone from the mission, and to enter any house on the reserve as he chose.

*'My husband's mother, she was married to a white man and they wouldn't let him live on the mission with her. He lived at Botany and she lived on the mission and they had kids and he'd come out to see her and he'd have to stand outside that fence. He wasn't even allowed to come in that house.'* - Lola Ryan, La Perouse, July 2000.

The removal of Aboriginal children from their families was a central plank in the Board's long-term vision to solve the 'Aboriginal problem'. Authorities believed that the Aboriginal population was destined to die out, and eventually there would be no people left who claimed to be of

Aboriginal descent. Across Australia, 'half-caste' children were removed from their families to help facilitate this process.

By 1918 the NSW Board was granted the power to remove all children under the age of 18 from its reserves without the consent of their parents if the Board felt that removal was in the best interests of the child.

It has been estimated that between 1909 and 1938 some 2000 children in NSW were removed from their families under the direction of the Aborigines Protection Board. Most of these were girls between 10 and 14 years old. Many of them never returned to their families again. The victims and survivors of government policies of child removal throughout Australia have come to be known as members of the Stolen Generations.

## Justice

Aboriginal and Torres Strait Islander Australians are overrepresented in the criminal justice system, as both victims and offenders. The Australian Bureau of Statistics in its 2014 'Prisoners in Australia' report shows that:

- Aboriginal and Torres Strait Islander prisoners accounted for just over a quarter 27% of the total Australian prisoner population despite only making up 3% of the total Australian population.
- Between the 2014 and 2015 June quarters, Aboriginal and Torres Strait Islander males in custody increased by 5% (453 prisoners) and females by 9% (81 prisoners).
- And in 2014, the Productivity Commission Overcoming Indigenous Disadvantage Report showed that:
- Aboriginal people are now 14 times more likely to be imprisoned than non-Indigenous Australians.
- In the last decade, the rate of imprisonment for Aboriginal and Torres Strait Islander women increased by 74 per cent, while Aboriginal children are now 24 times more likely to be held in detention.

## Child removal

Aboriginal and Torres Strait Islander children are over-represented in the Australian out-of-home care system.

- In 2012-13, approximately 34% (13,952) of all children in out-of-home care were identified as Aboriginal or Torres Strait Islander (AIHW, 2014).
- On a national scale the rate of out-of-home care for both Aboriginal and Torres Strait Islander children is 10.6 times higher than the rate of non-Indigenous children (AIHW, 2014).
- In NSW, the rate is 11.8 times higher for Aboriginal and Torres Strait Islander children
- (AIHW, 2014, Table 5.4, p. 52).

## Civil law needs

- The rate of Aboriginal applications for civil aid and minor assistance per 100,000 of population was more than twice the non-Aboriginal rate (Cunneen, C and Schwartz, M, 2008, p.10).
- The most common civil law applications for Aboriginal people were, in order: mental health (19.5 %), personal injury/accidents (16.6 %), miscellaneous civil matters (12.4 %) and consumer issues (10.7 %). The most common grants of civil legal aid were for mental health (27 %), personal injury/accident (14.3 %) and consumer (12.7 %) (Cunneen, C and Schwartz, M, 2008, p.10).
- In relation to the areas of civil and family law, the areas of housing, discrimination, credit and debt and family/DOCS issues arose the most frequently in consultations as being the areas of highest priority for Aboriginal people across New South Wales (Cunneen, C and Schwartz, M, 2008, p.120).

# UNSW statement of reconciliation

**UNSW Australia, at its Kensington campus, stands within sight of three locations of significance for Indigenous Australians: Captain Cooks landing place at Kurnell, the site of the first English settlement at Port Jackson, and the modern location of the La Perouse local Aboriginal community.**

The University acknowledges the Aboriginal peoples as the traditional owners of the land where its campuses are located. The University will acknowledge the traditional owners at its principal gateways, and will make similar acknowledgement at appropriate public events.

The University recognises and regrets the history of the dispossession of the Aboriginal people, the other negative effect on Aboriginal people and their cultures from the impact of colonization and legacy of profound social and economic disadvantage which continues to affect many Indigenous Australians today.

The University commits itself to continue and to strengthen its policy of facilitating the admission of Aboriginal people and Torres Strait Islanders to its academic programs and to provide academic, social and cultural support to assist such students to complete their studies successfully.

The University is proud of the achievement of its distinguished Indigenous students, graduates and staff and will continue to strengthen efforts to attract Indigenous Australians to its community.

The University will encourage through its academic and public processes the incorporation of material relating to Indigenous Australians, and material that reflects Indigenous perspectives as appropriate in its academic programs.

The University acknowledges the importance of Australia achieving a genuine reconciliation between Indigenous and other Australians. The University recognises the need for close consultation with Indigenous people and organisations within and beyond the University to help achieve this. The University commits itself in support of reconciliation.





# UNSW Australia Law Faculty reconciliation action plan

In September 2015 UNSW Law became the first Law School in the country to adopt its own Reconciliation Action Plan (RAP). The document which has been approved by Reconciliation Australia commits UNSW Law to a range of initiatives, including measures to increase Indigenous staff and students in the Faculty.

UNSW Law has had a long-standing commitment to Aboriginal and Torres Strait Islander peoples' legal education. Since 1975, 80 Indigenous students have graduated from its programs and there are currently 54 students enrolled in the Faculty. The Indigenous Law Centre, the only research centre of its kind in Australia, is located at UNSW Law.

## Our Commitment

- To contribute to the improvement of educational, economic and social outcomes for Aboriginal and Torres Strait Islander peoples;
- To promote Aboriginal and Torres Strait Islander peoples' representation in the UNSW Law workforce and in its student body, both undergraduate and postgraduate;
- To promote understanding of Aboriginal and Torres Strait Islander peoples' issues and culture amongst all UNSW Law staff and students;
- To promote through UNSW Law programs, publications and in other ways an understanding of the impact of law and legal processes upon Aboriginal and Torres Strait Islander peoples;
- To engage Nura Gili in all aspects of UNSW Law activities, and to support Nura Gili in all aspects of its activities;
- To pursue strong ongoing relationships with Aboriginal and Torres Strait Islander alumni;
- To engage effectively with other Aboriginal and Torres Strait Islander groups, individuals and organisations in all aspects of UNSW Law's activities

Hard copies of the RAP can be obtained by contacting UNSW Australia Law at [law@unsw.edu.au](mailto:law@unsw.edu.au) or online at:

[law.unsw.edu.au/sites/law.unsw.edu.au/files/attachments/UNSWLawRap\\_22Julyv2\\_WEBQUAL.pdf](http://law.unsw.edu.au/sites/law.unsw.edu.au/files/attachments/UNSWLawRap_22Julyv2_WEBQUAL.pdf)



# Understanding Aboriginal connection to country

**'It is a mark of respect for Aboriginal and Torres Strait Island people to welcome visitors to their land...These gestures of respect acknowledge Indigenous ownership and custodianship of the land, their traditions and their ancestors' (Pascoe & AIATSIS, 2008, p.1).**

Land or 'Country' serves as the foundation for Indigenous Australian ways of knowing, being, and doing. It is much more than mere property or territory; 'Country' is intrinsic to Aboriginality. Cultural identity centres around connection and obligation to ancestral lands. Lands are often referred to in a family or kinship sense (i.e. the land is my mother), and within this relationship there is a duty to ensure the land and the environment maintains biophysical and spiritual health and wellbeing. One way that Aboriginal People do this is by maintaining a position about who is welcome to country. (Understanding Country is adapted from the ACTU Indigenous Committee Report to ACTU Congress 2006)

## Welcome to Country and Acknowledgement of Country

It is important to recognise that these two ceremonies are different, that is, a traditional Welcome to Country is different to an Acknowledgment of Country.

## Welcome to Country

Welcoming people to Country is a cultural practice respecting and honouring the custodianship and responsibilities Aboriginal People have to their lands. A Welcome to Country should always be conducted by a local traditional custodian and that person should be an elder. A good starting point for finding the right person for the 'Welcome' is to contact either your local Aboriginal land council or, a local Aboriginal community corporation, or a local Aboriginal community worker. This will ensure that the most appropriate Aboriginal representative is invited to conduct the ceremony. It is very important that the person conducting the 'Welcome' has been involved in organising the 'Welcome' and is comfortable with the arrangements. A Welcome to Country also serves to protect visitors from spiritual harm.

## Acknowledgement of Country

The purpose of an Acknowledgment is to pay respects to the Traditional Owners of the land and to give gratitude for being on the land. An Acknowledgment of Country may take place when Traditional Owners are not available to conduct a Welcome to Country ceremony or if the meeting is small in scale. Below is an example of how to conduct an Acknowledgment of Country. It is important to be genuine and sincere when acknowledging country. Simply reading the script may be heard as insincere or tokenistic.

**"I would like to acknowledge the Traditional Custodians of the land on which we are gathered upon (\*name of traditional custodians goes here). I would also like to pay respect to the elders, past and present and extend that respect to other Aboriginal People who are here today."**

## Smoking ceremonies

Smoking ceremonies are conducted by Aboriginal people with specialised cultural knowledge and authority to conduct the ceremony. The ceremony aims to cleanse the space in which the ceremony takes place. It should only be conducted where, when and by whom, the local community feel is appropriate.

## Fee for service

At major or relevant meetings (e.g. state conferences, Aboriginal cultural awareness training etc) you should invite the Traditional Custodians of the land to conduct a Welcome to Country. They should be a senior representative of the local Aboriginal community who is accepted by the community to be in a position to perform a 'Welcome'. In providing cultural services such as a Welcome, artistic performances and ceremonies, Aboriginal people are using their intellectual property and performing cultural protocols. Providers of these services should be appropriately paid.



# Getting to know KLC's local Aboriginal communities

## The 'Eora' Nation, Gadigal, Dharawal, and other local clans and Aboriginal communities of Sydney

Sydney is located on the traditional lands of many different Aboriginal Nations and clans, many of the most prominent of these being the Dharawal, Darug, Gadigal and the Bidjigal peoples. It is common for these clans to be regarded as clans under the broader 'Eora' Nation. But it's always better to ensure that identification of the local area is as local as possible. Metropolitan Sydney is now also home to a number of prominent Aboriginal communities, such as those in La Perouse, Redfern, Mt Druitt and Campbelltown. There are acute social and cultural differences between and within each of these communities. Some Aboriginal residents may be descended from the local traditional Sydney Nations whilst others may have relocated to Sydney from around New South Wales and wider Australia. The traditional Aboriginal custodians of KLC's catchment area are the people of the Eora Nation.

## History of La Perouse

Local histories play a very important role in understanding the character, dynamics and current situation of the community. Such an understanding affords practitioners the ability to establish effective working relationships with the community.

## Guriwal

The Aboriginal language name for the area now prominently referred to as La Perouse is 'Guriwal'. The place-name 'La Perouse' was derived from the French explorer Jean- Francois La Perouse who spent six weeks at Botany Bay in 1788, arriving just a few days after the British.

## The establishment of La Perouse Reserve/Mission

After being a fishing camp for many years, due to colonial expansion an Aboriginal reserve was established in the area in the early 1880s under the force of the NSW Aborigines Protection Board. It was granted official status as an Aboriginal reserve in 1895. The reserve created the same characteristics and conditions as most other Aboriginal reserves around the state did at the time. Aboriginal people living on them were strictly controlled by the reserve manager and the Protection Board.

In 1931 the foreshore section of the original reserve was revoked by the State Government for the creation of parkland and a public recreation area. Aboriginal people, particularly relatives of those living on the reserve continued to camp there regardless, in an area they called Frog Hollow. Decades of struggle followed against the attempts of the Randwick City Council to move residents off this land. La Perouse was subdivided for housing development in the 1920s but it was not until the post-war boom in the 1950s that Aboriginal families found that they were being built out by non-Aboriginal residential development. Racial tensions ensued, with the white residents successfully petitioning the Randwick council to change the name of the street on the southern border of the reserve from 'Aborigines Avenue' to 'Endeavour Avenue'.

In 1984 the Aboriginal community of La Perouse had a historic victory when title to land under the reserve as well as Yarra Bay House was transferred to the La Perouse Local Aboriginal Land Council, under the NSW Aboriginal Land Rights Act. The Indigenous community of La Perouse were the first to attain freehold title to part of its own lands under State land rights legislation.

## Yarra Bay, La Perouse

Yarra Bay is a communal space for the La Perouse Aboriginal community and a central hub of service provision to the community.

## Yarra Bay House

Since it was built in 1903 'Yarra Bay House' has been used for various purposes. When it was first built, it was used as an addition to the La Perouse Cable Station and housed employees of the station. In 1917 it was adopted as a venue for various Government Departments, including the Education Department and the Department of Youth and Community Services. In 1928 the House was turned into a Training School as an annexe of the Parramatta Girls Training Home. It held girls who had been committed to Parramatta but who were generally younger and were deemed less problematic. In 1939-40 the training school closed and Yarra Bay House truant school for boys was established at the same site, run by the Child Welfare Department. It was then converted to a boys' home in the 1950s. In around 1955, Yarra Bay Boys' Home was established on the site. Yarra Bay Boys' Home closed in 1985 (New South Wales Government Department of Family and Community Services, 1981- archives).



# Kingsford Legal Centre and service provision to the local Aboriginal and Torres Strait Islander community

**Kingsford Legal Centre (KLC) is a community legal centre on the ground floor of the Law Building at the University of NSW (UNSW) campus at Kensington. KLC is committed to helping people in our community who are facing economic, social or cultural disadvantage.**

KLC offers free legal advice and casework to people who live, work or study in the Randwick and Botany Local Government areas. Some of the areas of law that KLC gives advice in are employment, fines and penalties, credit and debt, motor vehicle accidents, enduring guardianship and power of attorney and victim's compensation. In the area of discrimination law KLC provides a state-wide service.

KLC has a long history of working with the area's local Aboriginal communities. It has also provided case advocacy trying to get compensation for the Stolen Generations and has made a number of submissions into parliamentary and government inquiries aimed at attaining social justice for Aboriginal and Torres Strait Islander peoples.

In 2009 KLC gained funding for a part time Aboriginal access worker. In addition to this, KLC has tailored a flexible service delivery model specifically for working with Aboriginal or Torres Strait Islander clients which provides priority service

to them. If a client calls or attends the centre and identifies as Aboriginal or Torres Strait Islander they are given the option of speaking to the KLC's Aboriginal Access Worker (if they are in the office at the time), or are put through to a solicitor immediately. If a solicitor is not available at the time, we take contact details and let them know that one of our solicitors will be in touch with them as soon as possible. KLC also runs community legal education seminars which are tailored to community issues, needs and requests.

KLC recognises the importance of Aboriginal and Torres Strait Islander legal services such as the Aboriginal Legal Service and Wirringa Baiya, therefore priority by way of offering a referral to these organisations first is appropriate.

## Aboriginal and Torres Strait Islander access to Kingsford Legal Centre in 2014

- 7% of clients identified as Aboriginal and/or Torres Strait Islander.
- In 2014 KLC gave 104 advices and opened 23 case files for Aboriginal clients.
- The top three areas of advice in order were in discrimination, employment and tenancy.
- 82% of clients reported low or no income.
- 51% of clients were female and 49% male.
- 46% of clients lived in public housing.





# Practical tips and information for service provision

## The main features of effective service provision are:

- People first!
- Make an effort every day to try to understand and adjust your workplace to improve your service delivery.

### General points:

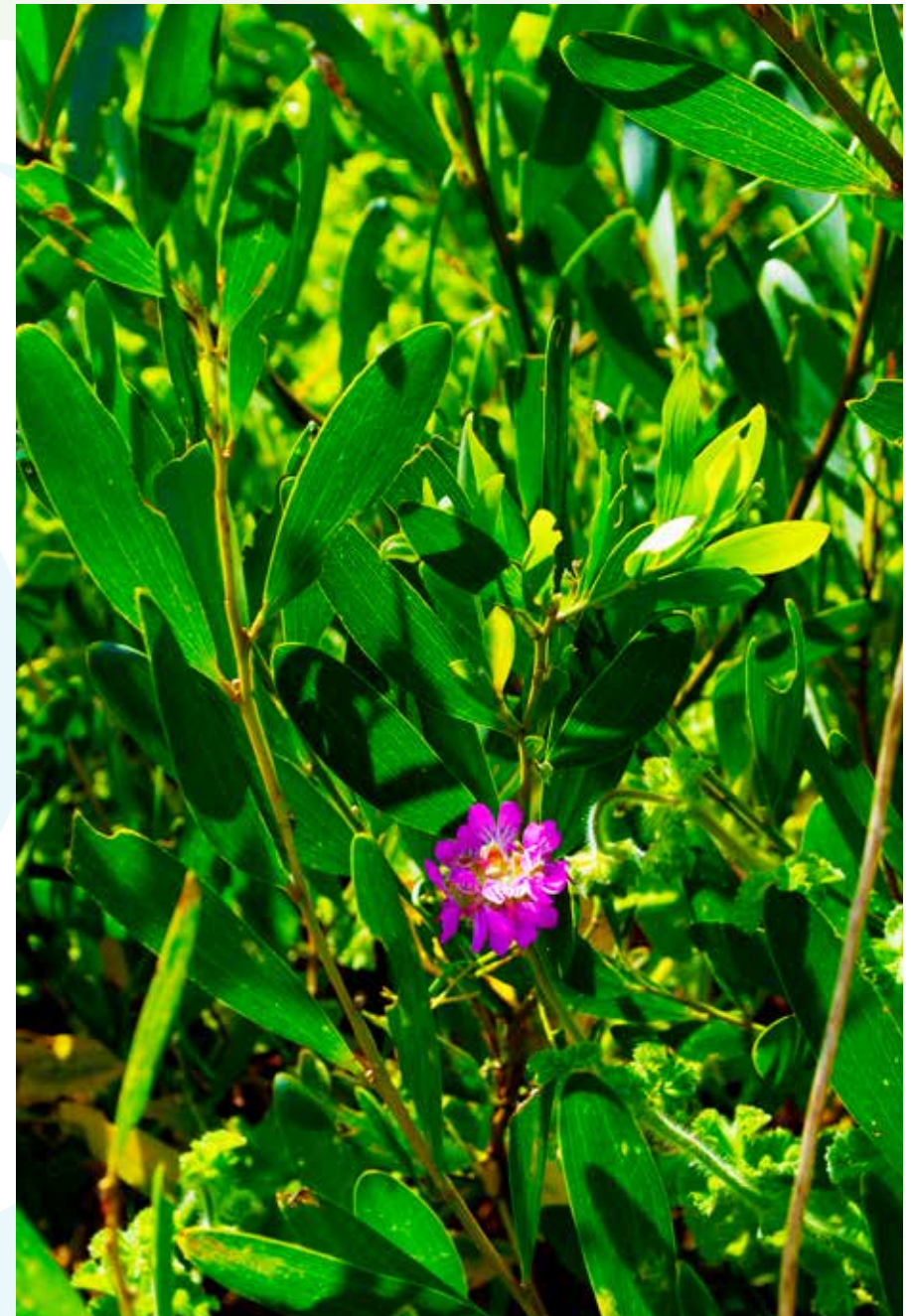
- Use plain English as much as possible.
- Use appropriate language.
- No two people are the same including Aboriginal people.
- Clients should be treated with courtesy, compassion and respect for their rights and dignity.
- Terms such as 'Abo', 'ATSI', 'half caste', 'quarter caste' etc are considered derogatory by many.

## Cultural safety

Cultural Safety means to provide 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. It is very important to provide cultural safety for Aboriginal and Torres Strait Islander clients.

According to Ramsden (Ramsden, 2002, p.5), cultural sensitivity is achieved in three stages:

- **Cultural awareness:** the understanding of the social, economic and political context in which people exist.
- **Cultural sensitivity:** legitimising this difference: a process of self-exploration that enables us to see how our own life experience impact upon others.
- **Cultural safety:** to provide an environment that is safe for people



# Connecting and working with community

- Find out who the traditional custodians of the local area are. You can contact local Aboriginal community based organisations (such as the local Aboriginal Land Council) to obtain the correct information.
- In the early stages of developing a relationship of trust with the Aboriginal community, it is important to follow up on actions you've committed to.
- Always keep your community contacts updated with what you've been doing. This approach will go a long way towards building a mutually respectful relationship with the community.

## Respect local protocols

- Protocols are appropriate ways of behaving, communicating and showing respect for community's diversity, history and culture. It is essential for non-Aboriginal people to be aware of local protocols when establishing closer and more effective relationships with Aboriginal communities. If you are presenting to the community, remember to do an Acknowledgement of Country to demonstrate your respect for Aboriginal culture and the community.
- Don't be afraid to ask about local protocols. It is better to ask these questions first rather than 'learn as you go' and make mistakes. Understanding local protocols and not being afraid of asking questions will help workers get better access into communities.
- A common informal protocol often practiced upon first meetings is community members enquiring about where you are from and who your family is. Although that information may seem too personal to divulge to some, this is an important way in which connection is established.

- Ensure your organisational policies reflect a flexible approach to service delivery and engagement of Aboriginal clients. Policies that prioritise Aboriginal clients help to create trustful impressions and relationships and show that your organisation is genuine about helping them and the broader Aboriginal community.

## Take your time

- Don't imagine or expect that you will get all of the information you want straight away. It can and usually does take time for some Aboriginal people to build a trusting relationship with you and/or your organisation.
- When invited, sit down have a "cuppa" (cup of tea/coffee) and a "yarn" (chat, getting to know each other) with community members and organisations. Try to create a relaxed atmosphere. Don't rush through the meeting. You will often have to spend more time than you initially planned.
- Attend local Aboriginal social and sporting functions whenever possible and have a stall at community events e.g. Sydney Yabun Festival, NAIDOC Week, Footy knockouts, Family Fun Days.

## Listen to the community

- Don't make assumptions about the issues or concerns you may hear from members of the community. Be sensitive and don't take sides where conflicts have - or may have occurred.
- Never assume you know what is best for the local community. Where possible, establish an Aboriginal Advisory Group or a relationship with a local leading Aboriginal community member/s for advice and guidance with the work you do within the Aboriginal community.

## Establish genuine partnerships

- The key to achieving successful partnerships and results is to allow for community members involvement in all planning, decision-making and implementation processes.
- When working with the community give them flexibility to decide on what they want, when and how they want it, and to determine who should be involved.

## Utilise the local Aboriginal interagency network

- Make networks with Aboriginal and Torres Strait Islander services in your area; your best referrals will come from the community grapevine.
- Attend local Aboriginal interagency meetings. These meetings will provide valuable insight into what the primary issues.

## Family dynamics

- If an Aboriginal client states that a particular person is family, it should not be challenged and shouldn't need to be justified. Family can, and often does, include a large range of people and is not limited to blood relatives.
- More often than not, all senior members of the community are often called 'aunty' or 'uncle' by Aboriginal people out of general respect.

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

## Funerals in the community

When a death in the Aboriginal community occurs, general business may immediately cease. Attending funeral services and supporting the family members of the deceased person take priority over all business that is being done in the community at the time of the death. The community processes of dealing with such events can sometimes be known as 'Sorry Business'.



# Connecting and working with clients

## Work environment

### Reception

Ensure the person at reception has undergone cultural awareness training. First impressions really count when Aboriginal people access a service. Most important is the way the client is received and greeted when they first make contact with your organisation. As the person at reception is often the first person the client meets or talks to it is important that that person has at least a basic knowledge of how to conduct themselves in a culturally appropriate manner.

### Aboriginal images

Display Aboriginal images in the office that reflect the work your service does.

## Support people

Aboriginal people may want to bring someone along for support during a legal interview or meeting with a service; make sure to ask if it's OK to talk in front of this person. Before an interview ensure the client is given the option of bringing someone along.

## Privacy and confidentiality

Make sure you have told clients of the privacy and confidentiality policies of your service.

## Aboriginal language barriers

Many Aboriginal people have their own version of the English language and/or frequently use Aboriginal slang. Use standard English - speak in a manner that can be easily understood, keep technical terms or workplace jargon to a minimum or explain them fully.



# Client interviews

## Before an interview/ setting up

- Think about setting aside more time than you would normally reserve for appointments.
- Prepare for the interview by considering Aboriginal perspectives, cultures and history, which will sometimes include a general distrust of the legal or welfare systems.
- Conduct the interview with care and consideration of any cultural issues and the personal history of the client
- Be aware that it may be necessary to “go the extra mile” for Aboriginal clients. This means sometimes undertaking tasks which will ultimately and holistically aid your client.
- Create an environment that is comfortable for both you and the client. This will facilitate the interview process, helping to bridge any cross-cultural barriers.
- Make sure that you and the client are sitting at the same height position
- Make sure that the interview is not disturbed by telephone calls or requests from other staff.
- Maintain a high level of privacy and confidentiality. You should be conscious of the inter-connectedness of the community. The fear of gossip in extended families and related feeling of shame may prevent Aboriginal clients from using services or opening up to you.

## The first steps

- Always ask the client “Do you identify as an Aboriginal person?” You cannot tell whether someone is Aboriginal simply by a person's appearance so you should not make any assumptions.

- Often there are underlying issues which have brought the client to your service. Be aware that you may need to go beyond the ground that your service would normally cover in order to become acquainted with the client's background.
- To fully understand the problem, you should give the client time and space to talk about the issues that are relevant to them.
- Be a good listener and show empathy with the client, this will demonstrate to the client that you are there for them and that you are genuine in offering your assistance.

## During the interview

- Let the interview pass through several phases- begin with general conversation, then let the client tell their story in their own words, and then address the issues your service can help with.
- Use open-ended questions: e.g. “What do you remember happening next?”
- Think about using indirect or sideways questioning
- Avoid asking complex questions and using formal jargon.

## Concluding the interview

- If a service cannot be provided to an Aboriginal client, ensure that referrals are made to other Aboriginal specific legal services among others.
- If appropriate and if the client requests it, offer to help the client by referring them to other services such as casework support, housing and accommodation services, alcohol and other drug treatment.

# Local Aboriginal interagency service provision

## Yarra Bay, La Perouse

There are various services that are based in La Perouse, Yarra Bay. They are:

### La Perouse Local Aboriginal Land Council (LALC)

About: The Land Council manages and operates an Aboriginal social housing program that owns up to 39 individual properties. They provide support to other community based organisations (respite and transport, men's group, health centre, childcare and; manage and utilise their resources to provide an economic base to sustain and expand current services and develop new services.

#### Contact information

Ph: (02) 9311 4282

Email: [admin@laperouselalc.com](mailto:admin@laperouselalc.com)

### Guriwal Aboriginal Corporation

About: Guriwal offers educational, trade, and professional training to Aboriginal people. The corporation provides many community services including respite care, community transport, tours and workshops.

#### Contact information

Ph: (02) 9311 2999

Web: [guriwal.com.au/site](http://guriwal.com.au/site)

### La Perouse Youth Haven

About: The Youth Haven conducts a range of activities for young people and is focused on improving the education and health standards of local Aboriginal children and young people. It includes outreach, the study centre, drop-in, health and well-being camps, school holiday programs and a school certificate course.

#### Contact information

Ph: (02) 9661 12291

Address: 1 Elaroo Ave,  
Phillip Bay NSW 2036

### Gujaga Multifunction Aboriginal Children's Services

About: 'Gujaga' provides long day care for babies and infants from nine months to five years old, access to specialist medical, dental and health services including speech therapy, quality educational programs based on the Early Years Learning Framework and the incorporation of Aboriginal language (Dharawal) into the children's daily routines.

#### Contact information

Ph: 02 9661 6097

Email: [gujagamacs@bigpond.com](mailto:gujagamacs@bigpond.com)

### La Perouse Aboriginal Community Health Centre

About: A community health centre providing holistic care for Aboriginal and Torres Strait Islander people. Located in Yarra Bay, the centre provides culturally appropriate referrals; and drop-in health services for Aboriginal and Islander people of all ages.

#### Contact information

Ph: 02 8347 4800

### Kingsford Legal Centre Outreach

About: KLC's Aboriginal legal outreach service runs on a fortnightly basis from the Community Health Centre in Yarra Bay (except during the school holiday period and over the Christmas and New Year period).

#### Contact information

Ph: (02) 9385 9566

Email: [legal@unsw.edu.au](mailto:legal@unsw.edu.au)

Web: [klc.unsw.edu.au](http://klc.unsw.edu.au)

### Randwick City Council

About: The Council participates in the Eastern Region Local Government Aboriginal and Torres Strait Islander Forum (ERLGATSIF) and convenes the Randwick City Council Aboriginal Advisory Group. It is actively involved with the local community in planning and delivering NAIDOC and Reconciliation Week activities.

#### Contact information

Ph: (02) 9399 0999 or 1300 722 542

Email: [council@randwick.nsw.gov.au](mailto:council@randwick.nsw.gov.au)

Web: [www.randwick.nsw.gov.au](http://www.randwick.nsw.gov.au)

### Youth Off the Streets- South East Sydney

About: This organisation provides outreach services to young people aged 12-25. YOTS make referrals; work with families and also with local services to strengthen service provision to the communities.

#### Contact information

Ph: 0477 388 709 or

Email: [andreas@youthoffthestreets.com.au](mailto:andreas@youthoffthestreets.com.au)

## Other service providers

### NSW Aboriginal Land Council

About: This Council is the State's peak representative body in Aboriginal affairs. The Council works for the return of culturally significant and economically viable land, pursuing cultural, social and economic independence for its people and being politically pro-active and voicing the position of Aboriginal people on issues that affect them.

#### Contact information

Ph: 02 9689 4444

Web: [alc.org.au](http://alc.org.au)

### Killara Women's Refuge and Outreach Program

About: This program provides short term crisis accommodation for women and children escaping domestic violence, as well as support and information on a range of issues such as domestic violence, housing options, the legal system, financial assistance, child-care and relationship issues.

#### Contact information

Ph: (02) 9398 9057

Email: [killararefuge1@bigpond.com](mailto:killararefuge1@bigpond.com)

### Mac Silva Centre Aboriginal Corporation

About: This is a residential care facility for Aboriginal men who are experiencing homelessness or substance abuse problems.

#### Contact information

Ph: 02 9310 1912

Address: 49B Wellington St,  
Waterloo NSW 2017



### **NSW Aboriginal Housing Office**

About: Housing NSW and the AHO provide public housing and housing related services.

#### **Contact information**

Ph: 02 8836 9444

Email: [ahoenquiries@aho.nsw.gov.au](mailto:ahoenquiries@aho.nsw.gov.au)

Web: [aho.nsw.gov.au](http://aho.nsw.gov.au)

### **Tony Mundine Hostel**

About: Based in Leichhardt, this hostel provides short term accommodation for Aboriginal and Torres Strait Islander People.

#### **Contact information**

Ph: 02 9550 0178

Email: [t.mundine@ahl.gov.au](mailto:t.mundine@ahl.gov.au)

Address: 203 Catherine Street Leichhardt

Web: [ahl.gov.au](http://ahl.gov.au)

### **Nura Gili Resource Centre**

About: Provides support and information for potential and existing Aboriginal and Torres Strait Islander students at UNSW.

#### **Contact information**

Ph: 02 9385 3805

Email: [nuragili@unsw.edu.au](mailto:nuragili@unsw.edu.au)

Web: [nuragili.unsw.edu.au](http://nuragili.unsw.edu.au)

### **NSW Aboriginal Education Consultative Group (AECG)**

About: The NSW AECG is the recognised peak body representing Aboriginal communities on issues relating to Aboriginal education and training in NSW. The AECG also has local branches.

#### **Contact information**

37 Cavendish St Stanmore NSW 2048

Ph: 02 9550 5666

Email: [info@aecg.nsw.edu.au](mailto:info@aecg.nsw.edu.au)

Web: [aecg.nsw.edu.au](http://aecg.nsw.edu.au)

### **Women's Legal Services NSW/ Indigenous Women's Legal Contact Line**

About: The Women's Legal Contact Line provides free confidential legal information and referrals for women in NSW with a focus on family law, domestic violence, sexual assault and discrimination. Advice may be given by appointment.

#### **Contact information**

Ph: 02 8745 6977 or 1800 639 784

Email: [Womens\\_NSW@clc.net.au](mailto:Womens_NSW@clc.net.au)

### **Aboriginal Children's Service**

About: Aboriginal Children's Service in Redfern provides foster care placements for Aboriginal and Torres Strait Islander children in NSW in accordance with the Aboriginal Child Placement Principle. It also provides resources and counselling to children and families going through fostering, adoption or shared family care.

#### **Contact information**

Ph: 02 9699 9835

### **Aboriginal Hospital Liaison**

About: Provides liaison service to Aboriginal and Torres Strait Islander patients and their families admitted to Prince of Wales/Prince Henry Hospitals.

#### **Contact information**

Level 3, Parkes Building, Prince of Wales Hospital, High St, Randwick NSW 2031

Ph: 02 9383 2372

### **Aboriginal Legal Service (NSW/ACT) Ltd**

About: The ALS (NSW/ACT) is the recognised peak body for Aboriginal communities on justice issues in NSW and the ACT. The ALS (NSW/ACT) strives to address injustice through the provision of legal services, programs and advocacy for Aboriginal people and their families.

#### **Contact information**

Ground Floor, 619 Elizabeth St, Redfern NSW 2016

Ph: 02 8303 6699

Web: [alsnswact.org.au](http://alsnswact.org.au)

### **Wurringa Baiya Aboriginal Women's Legal Centre**

About: Wurringa Baiya works specifically with Aboriginal women and youth. It specialises in domestic violence, sexual assault and victim's compensation.

#### **Contact information**

Ph: 02 9569 3847

Web: [wurringabaiya.org.au](http://wurringabaiya.org.au)

### **NSW Aboriginal Child, Family and Community Care State Secretariat (also known as AbSec)**

About: AbSec is the peak Aboriginal body providing child protection and out-of-home care policy advice to the government and non-government sectors.

#### **Contact information**

21 Carrington Rd, Marrickville NSW 2204

Ph: 02 9559 5299

Web: [absec.org.au](http://absec.org.au)

### **Sydney Women's Domestic Violence Advocacy Scheme - Redfern Legal Centre**

About: SWDVCAS advocates for and can assist women with information about ADVO's and provides court support, assistance and advocacy during the application of an ADVO process.

#### **Contact information**

Ph: 02 9698 7277

Email: [info@rlc.org.au](mailto:info@rlc.org.au)

Web: [rlc.org.au/our-services/domestic-violence.html](http://rlc.org.au/our-services/domestic-violence.html)

### **Link-Up NSW**

About: Link-Up is the recognised peak body for Aboriginal people and communities who have been removed or separated from their families as a result of government policies (Stolen Generations).

#### **Contact information**

Ph: 02 4759 1911

Web: [linkupnsw.org.au](http://linkupnsw.org.au)

# References

Australian Bureau of Statistics, June 2011, *Estimates of Aboriginal and Torres Strait Islander Australians*, cat. no. 3238.0.55.001, ABS, Canberra.

Australian Bureau of Statistics, 2013, *Life tables for Aboriginal and Torres Strait Islander Australians, 2010-2012*, cat. no.3302.0.55.003, Canberra

Australian Bureau of Statistics in its 2014, *Prisoners in Australia*, cat. no. 4517.0, ABS, Canberra

Steering Committee for the Review of Government Service Provision, 2014, *The Productivity Commission Overcoming Indigenous Disadvantage Report*, Commonwealth of Australia 2014.

The Australian Institute of Aboriginal and Torres Strait Islander Studies (AIATSIS); Federation of Aboriginal and Torres Strait Islander Languages (FATSIL), 2005, *National Indigenous Languages Survey (NILS) Report*, Department of Communications, Information Technology and the Arts, Canberra.

The Australian Institute of Health and Welfare, June 9 2015, *The health and welfare of Australia's Aboriginal and Torres Strait Islander peoples: 2015*, cat. no. IHW 147, Canberra: AIHW.

Archives, *Records relating to State Wards (1881 - )*, New South Wales Government Department of Family and Community Services.

Cunneen, C and Schwartz, M, 2008, *The Family and Civil Law Needs of Aboriginal People In New South Wales: Final Report*, commissioned by Legal Aid NSW.

Pascoe, B; The Australian Institute of Aboriginal and Torres Strait Islander Studies, 2008, 2nd edn, *The Little Red Yellow Black Book*, Aboriginal Studies Press, Canberra.

Ramsden, I, 2002, *Cultural Safety and Nursing Education in Aotearoa and Te Waipounamu*, Victoria University, Wellington.







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