

Indigenous protocols for lawyers

Law Society Northern Territory

Second edition, 2015



Djakaladjirrapurra Country
Johnny Bulunbulun

The artist has painted totems from his country at Djakaladjirrapurra in central Arnhem land. A sacred waterhole is represented by the black circle. The lower panel shows the long-necked tortoise barnda travelling towards the waterhole. Around the waterhole waterbirds feed on the fruit of the aquatic plant gapalma.

Bulunbulun, from the Ganalbingu language group, painted the work at Wurdeja outstation in 1990.

The work is part of the collection of the Law Society Northern Territory and was a gift from the artist to thank members of the Northern Territory's legal profession for their work in advancing the cause of Aboriginal intellectual property rights. Bulunbulun is a prominent artist who was involved in a series of well known copyright cases involving the unauthorised use of Aboriginal artists' work.

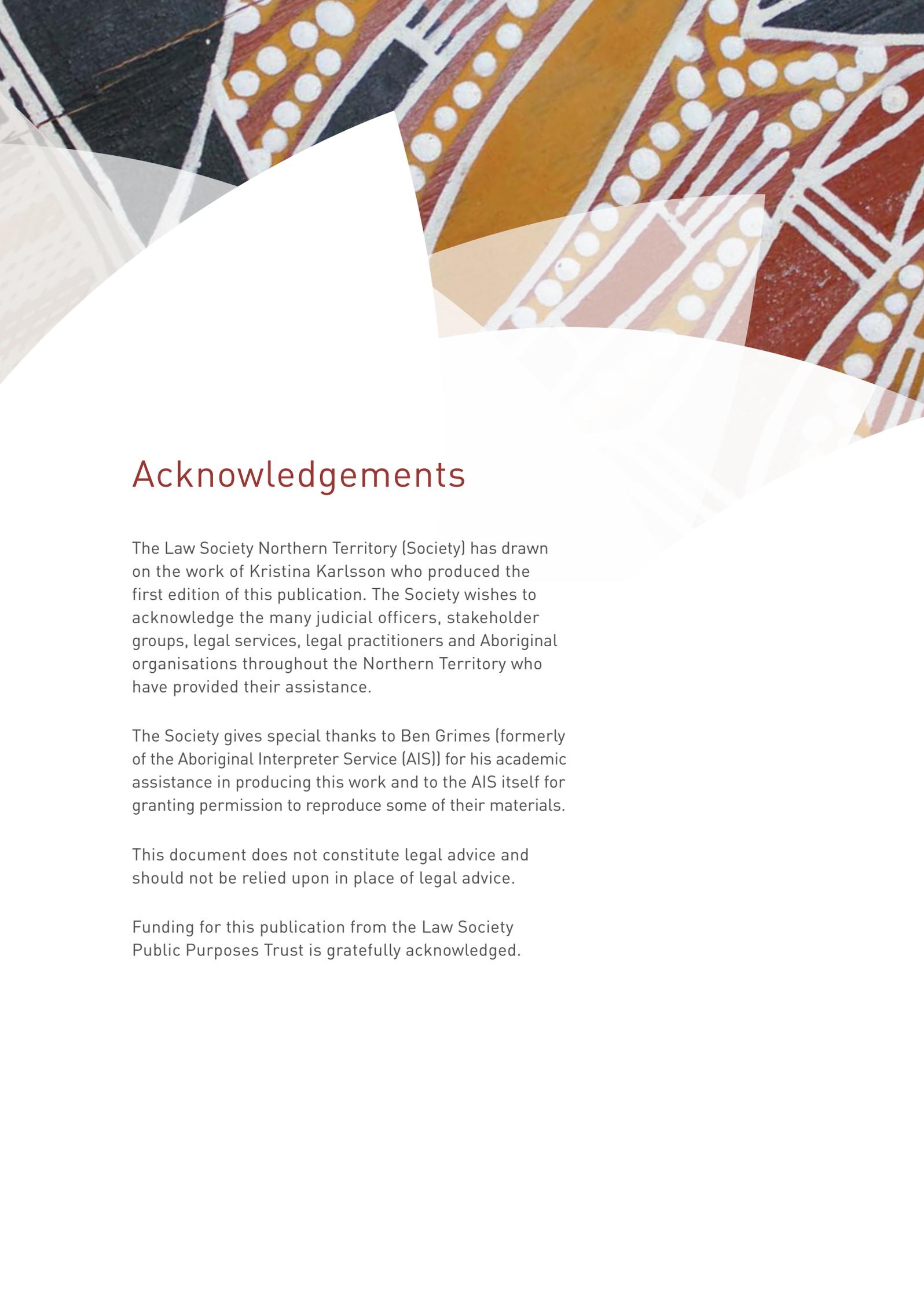
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This document does not constitute legal advice and should not be relied upon in place of legal advice.

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Tass Liveris
President of the Law Society
Northern Territory

President's introduction

Many lawyers in the Northern Territory act for and provide advice to Aboriginal people. For many lawyers, especially those who do not identify themselves as Aboriginal or Torres Strait Islander, those who do not have Indigenous heritage and those who are new to the Territory, communicating with Indigenous clients poses some special challenges. For example, because of the significant differences in language and culture, there is a much higher than usual risk of miscommunication. This is problematic and can often result in serious consequences.

Consultations with Indigenous organisations and the legal profession in the Territory suggested a need for protocols to assist communication between lawyers and their Aboriginal clients. Based on the obligations of lawyers under Australian law and influenced by international law, such protocols can set a basic standard of conduct to assist legal practitioners and their Indigenous clients.

The first edition of *Indigenous protocols for lawyers* was introduced more than 10 years ago and it continues to be a relevant and important publication and a key aid in legal practice. With the Law Society Northern Territory's consent, the Law Society of South Australia recently adapted the first edition to provide guidance for lawyers practicing in South Australia.

The second edition provides a set of six protocols, some related discussion and tips for a legal practice that is culturally attuned to the special requirements of communicating with and representing Indigenous people. It is intended to be a guide for lawyers providing services to Indigenous people in the Northern Territory whose first language is an Australian Indigenous language. However, these protocols will be of assistance to lawyers across the country.

As Indigenous people are culturally, linguistically and geographically diverse, it must be remembered that some of the information and tips in this edition may not be relevant and applicable to all Indigenous clients. However, much of the information will be relevant for many clients and by following the protocols lawyers will be able to provide a better level of service to their Indigenous clients, including better protecting the interests of their clients and fulfilling their obligations as an officer of the court.

The ongoing need for these protocols is plainly evident when it is considered that more than 30 % of the Northern Territory's population is comprised of Aboriginal people.

Further, in December 2012 of the 1,452 people in custody in the Northern Territory only 239 were non-Indigenous. Currently, Aboriginal people comprise close to 86% of the jail population in the Territory. Of the 64,000 Aboriginal people in the Northern Territory, 1,279 were in prison as at 30 June 2014.¹

The Productivity Commission's *Overcoming Indigenous Disadvantage* report released in 2014 identified that the rate of Aboriginal and Torres Strait Islander imprisonment increased by 57 % Australia wide between 2000 and 2013.²

Indigenous incarceration rates are even worse for young people. On 31 January 2013, there were 65 juvenile detainees held across three detention centres in the Northern Territory. Of the 65 detainees, 96% identified as Aboriginal or Torres Strait Islander.³

The Australian Institute of Health and Welfare's report "*Youth Detention Population In Australia 2014*" looks at the numbers and rates of young people who were in youth detention due to their involvement or alleged involvement in criminal activity. It focused on trends over the four-year period from June 2010 to June 2014. The report found that over that period, the over-representation of Indigenous young people in detention rose from 22 times to 25 times the rate of non-Indigenous young people.⁴

The legal profession has a critical role to play in being part of the solution to the serious problem of over-representation of Indigenous people in custody in the Northern Territory. Further, the issue of improving communication between Indigenous clients and their lawyers extends to all aspects of providing proper advice and representation to Indigenous people in the justice system. This means the protocols apply with equal importance and effect in the civil jurisdiction of the courts as well as the criminal jurisdiction and with that, the legal profession can more readily facilitate the delivery of justice to Indigenous people.

As a basic tool, these protocols will do much to assist in the ultimate end of increasing criminal and civil justice for Indigenous people and as a starting point the role of interpreters is critical. The importance of Aboriginal interpreting services has been well documented in several national reports, including:

- the *Royal Commission into Aboriginal deaths in custody* (1991) (recommendation 100)
- the *Recognition, rights and reform social justice* report (2000)
- the *Bringing them home* report of the National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from their Families (1997).

It gives me great pleasure to introduce these protocols as an important part of enhancing the delivery of justice to Aboriginal and Torres Strait Islander people.



The six protocols

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.

Protocol 1

Assess whether an interpreter is needed before proceeding to take instructions.

More than 100 Aboriginal languages and dialects are spoken in the Northern Territory. The 2011 Census states that 60 % of Indigenous Territorians speak an Aboriginal language as their primary language, meaning that for many people, English will be a second, third or fourth language.

Aboriginal Interpreter Service (www.nt.gov.au/ais)

'Whenever an Aboriginal client speaks English as an additional language, a lawyer must properly assess whether an interpreter is needed before proceeding to take instructions.'

How to decide if you should work with an interpreter

There are some things you should consider when deciding to work with an interpreter

People who are not trained interpreters tend to significantly underestimate the amount of miscommunication that occurs when communicating in English with a person who speaks another language as their first language.

Deciding how well a person speaks English (usually called 'assessing English proficiency') is a complex task that is ideally done by an appropriately trained linguist. A good starting assumption is that if a person speaks English as a second language and has had limited education in English, it is likely that you should work with an interpreter. This is especially true when you are dealing with specialised legal language, such as bail, contracts, conditions, operational periods and unfamiliar situations, such as court and police interviews.

In some cases, it is obvious that an interpreter is needed for effective communication. In many cases, however, you will need to think carefully to identify people who can communicate in English about everyday, familiar situations but who may need the assistance of an interpreter to communicate in unfamiliar situations with technical language (e.g. court).



There are many things that will reduce the ability of a non-native speaker of English to communicate effectively in English:

- stress
- unfamiliarity with the situation or uncertainty about what is expected
- an imbalance in power/knowledge between the parties
- background noise
- a conversation involving more than two people, especially if there is overlapping speech
- an inability to see the speaker's face
- people speaking too quickly
- the use of technical terms, figurative language, abstract nouns and complicated sentences.

The communication benchmark

Ask yourself, 'how close am I to the ideal benchmark—does my client *fully understand* me and can they *fully express* themselves in this situation?'

Another question to ask yourself is if you were facing charges in a non-English-speaking country and had to rely on your client to interpret into English for you, would you be happy to proceed? If you would hesitate to rely on your client to adequately communicate to you what was going on, you shouldn't ask them to go through the same process without the assistance of an interpreter.

If you decide that your client does not need the assistance of an interpreter, you must be satisfied that they can handle the full range of language (including speed, technical terms, implied accusations and nuance) they will encounter in the court or interview situation. Otherwise, you are putting your client at a disadvantage compared to a native speaker of English in the same situation.

You should always ensure you fully document the efforts made, steps taken during your assessment and reason for your decision.

The dangers of biographical data

Just because a client can adequately answer simple questions about their life does not mean they have sufficient English proficiency to understand court proceedings, discuss legal concepts or listen to and give evidence in court.

Most Aboriginal Territorians who speak English as a second language will have had repeated experience providing biographical data to service providers (*where do you live, what's your date of birth, are you employed, etc.*). Don't rely on your client's ability to provide biographical data as the basis for deciding whether to work with an interpreter. In order to get an accurate picture of a person's English proficiency, you must move the conversation into topics and styles that your client does not use on a regular basis.

The dangers of overly modifying your speech

Relying on yes/no questions is not a good method of deciding whether you should work with an interpreter.

Often when we get the impression that a person does not fully understand us, we intuitively compensate by reframing unanswered open questions (e.g. *Why do you think the police arrested you?*) as *either/or* questions or even closed *yes/no* questions (e.g. *were you arguing with the police when they arrested you?*). When you do this, your client becomes heavily reliant on your prompts, suggestions, tone of voice and other cues to enable the conversation to proceed. In other words, your client's ability to communicate is limited to the questions you ask.

In these situations, even though your client appears to easily answer questions with a yes/no response, you have not provided them with the option of fully expressing their own story or opinion.

Awareness of Aboriginal English and Kriol

Assessing English proficiency for Aboriginal Territorians can be complicated because of the use of Aboriginal English and Kriol. Aboriginal clients or witnesses may use English words, but the meaning of those words can differ significantly from the Standard English meaning of the same words. The result is that you might hear a person using English words and mistakenly assume they can communicate proficiently in Standard English.

Examples of differences between Aboriginal English and Standard English meanings:

Aboriginal English	Meaning (in Standard English)
kill	to hurt physically (hit, kick, punch etc.)
don't have to	must not
cheeky	aggressive or dangerous
can't	will not (e.g. 'I can't help you = I won't help you)
force	tease or tempt

How to talk with your client about the need for an interpreter

It is important to be sensitive when raising the topic of working with an interpreter. There may be a number of reasons why your client might not want to work with an interpreter:

- your client might not know what an interpreter does
- your client might have had a negative experience with an interpreter in the past
- your client may feel shame or anger because you are indicating their English isn't 'good enough'
- your client might not want other people knowing about their business.

Remember that the interpreter is not there 'for' the client. The interpreter is there for both of you—to help you communicate with each other. It is important to note that an interpreter can still help you to provide a better service to all Aboriginal clients.

'It's probably hard for non-Aboriginal people to understand how much our own languages enrich our lives as Indigenous people. To speak our language gives us a real connection with our land and our culture. We can never get that from English, no matter how well we speak it.'

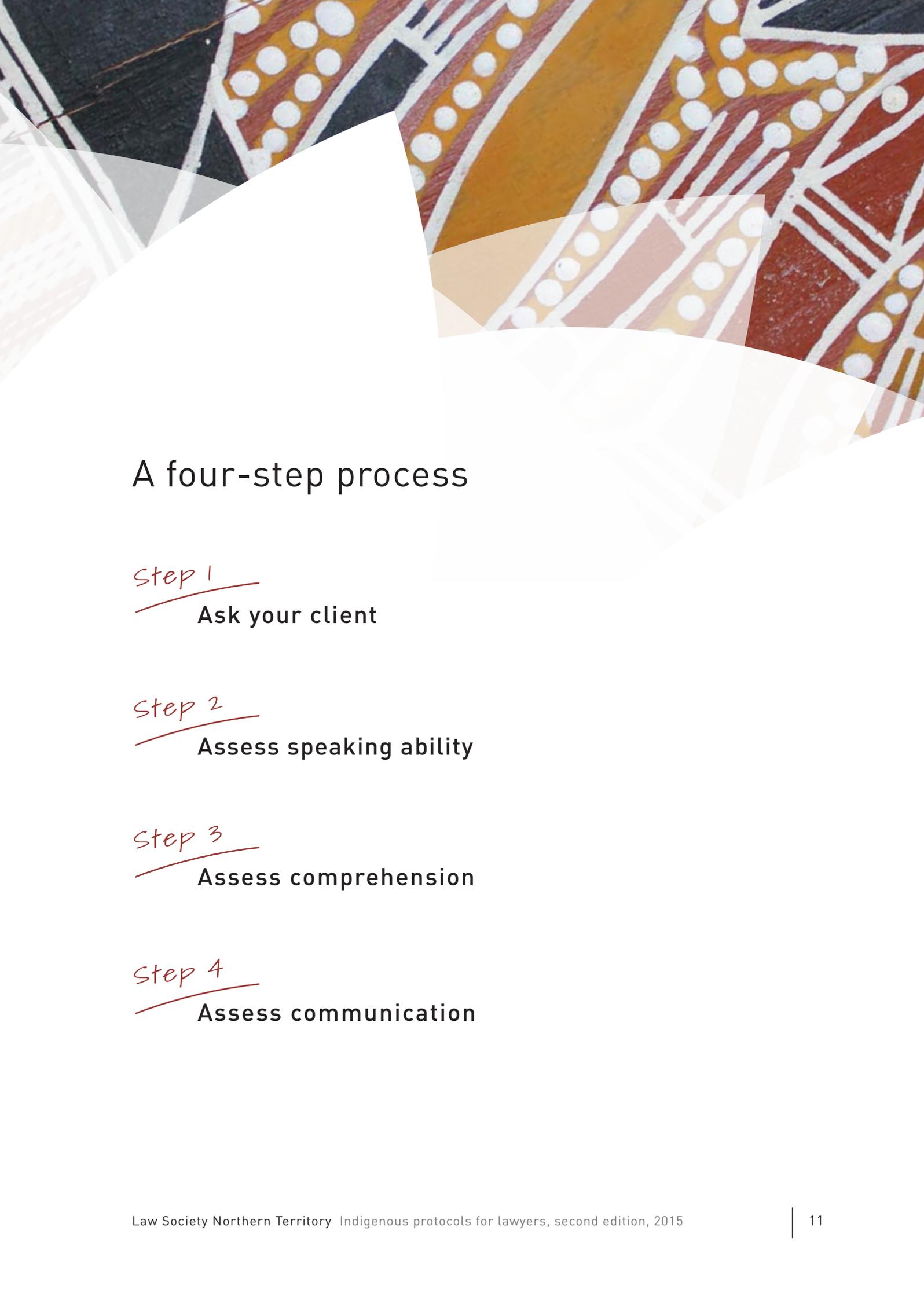
Jeanie Bell,
'Australia's Indigenous languages' from Michele Grossman(ed) Blacklines: Contemporary Critical Writing by Indigenous Australians, (2003) Melbourne University Press, page 169

A suggested way to discuss the need for an interpreter is:

'Before we start talking about this business, I want to talk to you about what language we should use today. Maybe we can talk in English or maybe we can talk in your language. I don't speak your language, so if we think it's better to talk in your language, I will ask an interpreter to help me.'

Before you directly ask your client what they think about having an interpreter present, you should explain the interpreter's role so that your client can make an informed decision.

'An interpreter is someone who speaks your language and speaks English and has had training to help them understand the legal words that you will hear today. The interpreter will put everything I say into your language and everything you say into English. The interpreter must follow rules. They can't take sides. They must keep the message the same; they can't add anything or leave anything out. The interpreter will also keep everything we talk about secret''.



A four-step process

Step 1

Ask your client

Step 2

Assess speaking ability

Step 3

Assess comprehension

Step 4

Assess communication

Step 1 ask your client/witness about an interpreter

Raise the issue of working with an interpreter and explain the interpreter's role (see page 10 above).

- Ask your client using an open question (avoid reframing as a yes/no question if you do not get a response):
'What do you think about asking an interpreter to help us?' Or 'What do you want to do?'
- If your client/witness indicates that they would like an interpreter, stop the interview and arrange for an interpreter to be present.
- If your client/witness has difficulty answering this question, stop the interview and arrange for an interpreter to be present.
- If your client/witness indicates that they do not want an interpreter, proceed to step 2.

Step 2 assessing speaking ability – ask questions that require a narrative response

- Get your client to speak to you in narrative (story) form by asking open-ended background questions (e.g. *Tell me about any jobs or training that you have had*) or questions related to the topic (*Tell me everything that happened after the police arrived*).
- Avoid questions that can be answered with one or two words (e.g. *How long have you been staying in Alice Springs?*). Include at least one question that seeks the client's thoughts or opinions (e.g. *What do you think will happen to your children if you go to jail?*).
- If your client does not respond with anything more than a few words to the first few questions, then make several further attempts at eliciting a longer response.
- If your client does not respond then it is unlikely that your client can express him/herself adequately or confidently in English. Stop the interview and arrange for an interpreter to be present.
- If your client is able to give satisfactory or somewhat satisfactory responses, proceed to step 3.

Step 3 assessing comprehension and speaking relevant to the legal context

Write down two sets of two medium-length sentences using the style and some of the terms that your client will encounter in the interview or court process. Do not simplify your language or adapt it significantly from what your client will encounter in the interview or court process.

Read each set to your client and ask them to explain back to you what you just said. Avoid prompting your client or supplying answers. Write down your client's responses.

Example

Present the task to your client like this:

'I am now going to tell you something important. I will then ask you to tell that story back to me. I want to make sure that we understand each other. Are you ready?'

Example 1

'Today we need to decide if you're going to plead guilty or not guilty when we go to court. First I will ask you questions about what happened the day the police arrested you. I will then give you my advice about pleading guilty or not guilty in court.'

'OK, can you now tell me what I just said to you?'

Example 2

'When we go into court, you will be sitting behind a glass wall and I will be sitting at a table with the prosecutor. If you need to get my attention, raise your hand.'

'Can you tell me what I just said to you?'

Example 3

'In court today, the prosecutor and I will both talk about you to the judge. The judge will listen to us, and then he will make a decision about your punishment.'

'Can you tell me what I just said to you?'

Step 4 assessing communication

Assess the client's response and any other communication you have already had with them by using the columns below. If two or more of the points in the 'likely to need an interpreter' column apply to your client, it is advisable to work with an interpreter.

	Likely to need an interpreter	Less likely to need an interpreter
Articulating back	The person has difficulty articulating back what you said to them.	The person is able to meaningfully articulate most of what you said to them using their own words.
Short or long answers	The person only speaks in short sentences (four or five words or fewer) or mainly gives one-word answers.	The person speaks in full sentences of six to seven words or more and elaborates on answers to questions.
Agrees or disagrees	The person consistently agrees with your questions or propositions you put to them.	The person is easily able to disagree and articulate a different point of view.
Inappropriate responses	The person frequently responds inappropriately to your comments or questions (e.g. responding with 'yes' to 'what' or 'where' questions).	The person consistently responds meaningfully and appropriately to questions and comments.
Unsure of meaning	You are sometimes unsure about what your client is telling you, even when the words and grammar they are using are clear to you.	You can process the person's speech clearly and understand what they are telling you.
Contradicts themselves	The person appears to contradict themselves and is unaware of the apparent contradictions.	The person does not contradict themselves, or if they do, they are aware of it and can address the contradiction.
Uses new vocabulary	The person does not add significant amounts of new vocabulary to the conversation. They rely on using the words or phrases you have previously said to them.	The person frequently adds new vocabulary to the conversation.
Good grammar	The person does not use correct grammar. E.g. mixes up pronouns ('he' instead of 'she') or uses the past tense incorrectly ('he look at me').	The person's grammar is mostly correct.
Repeating and simplifying	You find yourself frequently needing to restate and simplify your messages.	You can talk easily in a normal manner.



Note: this is a guide only and should not be substituted for a formal language proficiency test. If you have any doubts, please contact the Aboriginal Interpreter Service (AIS) on (08) 8999 8353.

In *Ebatarinja vs Deland* (1998) 194 CLR 44, the accused, an Indigenous person who was both deaf and dumb, was facing a committal hearing in relation to a charge of murder. When it was not possible to find a suitable interpreter, the High Court held that as the defendant was not capable of understanding the proceedings, the court had no power to continue with the committal proceedings. The effect of the decision was that the murder charge was permanently stayed. In paragraph 26 of the judgment, the High Court stated that:

'In a trial for a criminal offence, it is well established that the defendant should not only be physically present but should also be able to understand the proceedings and the nature of the evidence against him or her.'

Protocol 2

Engage the services of a registered, accredited interpreter through the Aboriginal Interpreter Service.

Interpreting, particularly legal interpreting, is a highly skilled task that should only be undertaken by trained or accredited interpreters. The use of a family member or another inmate to interpret is not acceptable. You should engage the services of a registered accredited interpreter through the Aboriginal Interpreter Service (AIS) or engage an interpreter with the National Authority for the Accreditation of Translators and Interpreters (NAATI).⁵

Lawyers should be aware of relevant protocols on interpreter use:

- the Supreme Court of the Northern Territory Interpreter Protocols
- Police General Orders
- Northern Territory Government Language Services Policy.

Professional interpreters are bound by a code of ethics issued by the Australian Institute for Interpreters and Translators (AusIT). This code of ethics requires impartial, confidential and accurate interpreting. The code of ethics also requires interpreters to turn down jobs that they know they are not competent to perform.

Where a lawyer is unable to obtain the services of a registered or accredited interpreter, they must document steps taken to obtain a registered interpreter before engaging the services of an unregistered or unaccredited person to act as an interpreter.

Where a lawyer decides to proceed with a matter despite the unavailability of an interpreter (for example, proceeding with a bail application for a client in custody even though an interpreter is not present), the lawyer should fully document why they chose to proceed without an interpreter.

Protocol 3

Explain your role to the client.

It is important not to make assumptions about people's knowledge of the legal system or your role as a lawyer. You should explain your role as a lawyer to your client at the first opportunity. Sometimes clients may believe they understand certain aspects of the legal system, but their understanding may not be entirely accurate. If your client doesn't understand your role, they may withhold information from you or act in ways that will make it difficult for you to properly represent them. Do not check your client's level of understanding by asking closed questions such as 'do you understand what's happening today?' or 'I'm a prosecutor. Do you understand what my job is?'

Tip

It is likely that your client will feel uncomfortable in the courtroom. They may be suffering from culture shock and the surroundings may also stir up feelings of prior experiences with the non-Indigenous legal system.

Example:

A criminal lawyer might explain their role like this:

'I will be your lawyer. I will explain each of the charges to you, and I will listen to your story about what happened that day/night. I will tell you what your choices are when you go to court. I will help you decide whether you should plead guilty or not guilty to the charges. When we go into court, I will talk for you in court. I work for you and will listen to you; I don't work for the government and I don't work for the police. My job is to follow what you say and try to get the best outcome for you.'

Protocol 4

Explain the relevant legal or court process to the client prior to taking instructions.

Context plays a significant role in communication. Understanding both the process and purpose of activities provides people with the necessary context to know what information is important to communicate to their lawyer, what information they may wish to withhold and how certain decisions will impact their lives.

It is important for Indigenous clients to have a clear picture of the relevant legal processes in order to make informed decisions and engage meaningfully with their lawyers. An important part of explaining the process is explaining the purpose of activities. For example, in the case of a client or witness who will give evidence, not only should you explain the process of going to court, where the witness box is located, taking the oath or affirmation and answering questions in both examination in chief and cross examination, you should also explain the purpose of giving evidence and the purpose of cross examination.

Example:

You might give an explanation along the lines of:

'When the judge decides about this case, she can only think about the things she has heard in court. That is why you have to come to court to tell your story to the judge.'

'When you tell your story, first I will ask you questions, and then the lawyer from the other side will ask you questions. The reason the lawyer from the other side will ask you questions is to test your story. The reason they test your story is to see if you have changed your story or to see if you can't remember things properly.'

A few words on culture shock

'Culture shock' is a term that describes the anxiety and fear that a person experiences when he or she moves out of their cultural safety zone and into a new one.

'Culture' consists of the ideals, values and assumptions about life that are widely shared and that guide specific behaviour. When we move into another cultural sphere, those values and assumptions about human behaviour differ. Our expectations of others' behaviour towards us may not be met. This causes us to have strong emotional responses, such as anger, confusion and fear. In order to cope in the unfamiliar culture, we are required to continually monitor and adjust our own behaviour so that it matches up with the accepted 'norms' in the culture we now find ourselves in. This can be a deeply stressful experience.

Remember that your client is susceptible to experiencing 'culture shock' when they meet with you or appear in court.

You may also experience culture shock when you visit a community or other place with which you are not familiar and where the people around you have world views different to your own.

Protocol 5

Use 'plain English' to the greatest extent possible.

As lawyers, we bear the responsibility of communicating clearly with our clients. We must adapt our speech to avoid saying things that will cause confusion, and

'I explained the charges against my client and the evidence to support them. Then I explained the business about pleading guilty or not guilty. I did not hurry my explanation and we went over the matters a few times. Then I told him to go away and think about what he wanted to do. He came back after a few hours and I asked him if he had decided how to plead. He said he had. He wanted to plead 'guilty-not-guilty'.

we must make efforts to explain and unpack legal processes and concepts in ways that will best allow our clients to make informed choices about their legal matters. Speaking in plain English will assist you to communicate with your client regardless of whether your client's first language is English or not.

Aboriginal languages vary significantly from English in both the meaning of individual words (semantics) and the way that words are put together to form sentences (grammar or syntax). As with any cross-language communication situation, clear and accurate communication is most likely to occur when you use words, concepts and grammar that are familiar to both languages and avoid using words, concepts or grammatical structures that only exist in one language and not the other.

Plain English is used to describe a style of English that will be most easily understood by a particular audience, in this case Aboriginal Territorians. It is important to note that plain English is different to simple English; plain English is not about using simple words or 'dumbing down' the message; it is about understanding the linguistic features of the relevant languages that will impede and enhance communication and adapting your communication accordingly. A lawyer who is skilled at using plain English will be able to communicate the full range of meaning that exists in 'legalese' in a way that maximises their client's understanding.

*Anecdote cited
by Helena Blundell (2000),
'A long fight for basic human
rights' 25(5) Alternative Law
Journal 219, page 220.*

The following document outlines some of the key features of plain English that lawyers should incorporate when acting for Indigenous clients.

A Guide to Plain English (www.nt.gov.au/ais)

1. Use active voice, avoid passives

Change a passive statement to an active statement by supplying an actor (the doer). If the actor is unclear, use 'they' or 'somebody'.

Instead of:	Try:
'He was arrested.'	'The police <i>arrested</i> him.'
'If you tease the dog, you <i>will</i> be bitten.'	'If you tease the dog, <i>he will bite</i> you.'
'You <i>will be paid</i> extra for overtime work.'	'If you work overtime, they <i>will pay</i> you more money.'
'He broke the law, so he <i>was jailed</i> .'	'He broke the law, so <i>they put</i> him in jail.'
'His money was <i>stolen</i> .'	' <i>Somebody</i> stole his money.'

2. Avoid abstract nouns

Replace abstract nouns with verbs (doing words) or adjectives (describing words). An abstract noun is something that is intangible, like an idea or feeling, and cannot be detected with the senses.

Instead of:	Try:
'It has no <i>strength</i> .'	'It is not <i>strong</i> .' (adjective used)
'That was due to his good <i>management</i> .'	'He <i>managed</i> things properly so that happened.' (verb used)
'His <i>patience</i> has run out.'	'He will not be <i>patient</i> any more.' (adjective used)
'His <i>anger</i> led him to violence.'	'He was <i>angry</i> . That made him violent.' (adjective used)
'He enjoys going for a <i>run</i> .'	'He likes <i>running</i> .' (verb used)

3. Avoid negative questions

Instead of:

'Isn't he the boss?'

'You *never did* that before, did you?'

'So you *didn't* report the trouble?'

Try:

'Is he the boss?'

'Have you ever done this before?'

'Have you reported the trouble?'

4. Define unfamiliar words

Use the word then attach a short descriptive statement.

Instead of:

'This is Crown land.'

'You have been given bail.'

Try:

'Crown land is land the government owns.'

'The police gave you bail, which means you promise to come back to court next time and not to get into any trouble before then.'

5. Put ideas in chronological order

Instead of:

'Prior to leaving the hotel, you had a drink?'

'You're scheduled to move into the house next week, but you haven't signed the tenancy agreement.'

'Today we need to decide whether you're going to have surgery, based on your test results from last week.'

Try:

'You had a drink at the hotel. Sometime after that, you left the hotel. Is that true?'

'First you have to sign the tenancy agreement. Then you can move into the house next week.'

'You came in last week and we checked [your blood]. Today I want to tell you about that blood test and then we can decide what to do next.'

6. Avoid multiple clauses in a sentence (one idea, one sentence)

Break paragraphs into several sentences.

Instead of:

'Early resolution of disputes, especially through mediation, which contributes to building safer community environments, is encouraged.'

Try:

'The government wants to make communities safer. That can happen if people solve arguments quickly. Mediation (talking about problems) is one way to solve arguments.'

7. Be careful when using words like 'if' and 'or' to talk about hypothetical events that have not happened yet.

Use 'maybe' to indicate multiple possibilities.

Instead of:

'We'll build new houses *if* the funding is approved.'

Try:

'Maybe they will give us money and we can build new houses. Maybe they won't give us money and then we can't build any new houses.'

'*If* the corrections officer approves, you can go to the football game.'

'You must ask the corrections officer about going to the football game. Maybe she will say that you can go. Maybe she will say you cannot go. You must do what she says.'

8. Place cause before effect

Be wary of the word 'because'.

Instead of:

'You're going to be imprisoned for three weeks *because* you didn't comply with your orders.'

Try:

'The judge gave you rules to follow. You didn't follow those rules. That is why the judge is putting you in jail for three weeks.'

'You were angry *because* he insulted your sister?'

'He insulted your sister and this made you angry. Is this true?'

9. Indicate when you change topic

For example, try:

'I've finished asking about your job. Now I need to ask you about your family. Thanks for telling me about what happened last week. Now I want to talk to you about what we should do tomorrow.'

10. Avoid relying heavily on prepositions to talk about time

Prepositions are words like 'to', 'from', 'on', 'at', 'under'.

Instead of:	Try:
'The program will operate <i>from</i> Wednesday <i>to</i> next Tuesday.'	'The program will start on Wednesday and then finish next Tuesday.'
Your contract is <i>under</i> review.'	'They are reviewing your contract.'
They will make a decision <i>over</i> the next three months.'	'They will think about this for three months and then they will decide what they will do.'

11. Avoid figurative language

Instead of:	Try:
' <i>Fight</i> for your family.'	'Work hard to keep your family together.'
'When I said that, he just <i>exploded</i> .'	'When I said that, he suddenly got angry and shouted at me.'
'I want to make sure that we're <i>on the same page</i> .'	'I want to make sure we understand each other.'
' <i>Keep your eye on</i> him.'	'Keep watching him closely.'

* Some content adapted from 'Helpful hints for cross-cultural communications in the Top End', a joint publication by the Australian Society for Indigenous Languages (AuSIL) and the North Australian Aboriginal Justice Agency (NAAJA), 2011. Used with permission.

Protocol 6

Assess whether your client has a hearing or other impairment that may affect their ability to comprehend or understand.

Hearing loss is more common among Indigenous Territorians than the general population. A 2011 study of inmates in Northern Territory correctional facilities found that more than 90 % of Indigenous inmates had a significant hearing loss.

Hearing loss among Indigenous Territorians can often be undiagnosed because miscommunication is attributed to linguistic or cultural difference. Hearing loss compounds other communication barriers experienced by Indigenous people and often will affect a person's ability to learn English as a second language.

Many court rooms are fitted with hearing amplification devices. Lawyers must assess whether their client experiences hearing loss to ensure that their client is provided with adequate supports in both the courtroom and during instruction taking.

Tip

More Aboriginal people suffer from hearing loss than non-Aboriginal people. When you are in court, make sure that your client can hear what is being said to them.

Apart from language and hearing impairments, there may be other impairments that could affect your client's ability to comprehend. Communication is essential to personal autonomy and decision-making.

In 2013 the Senate Legal and Constitutional Affairs References Committee reported the findings of its inquiry into justice reinvestment approaches to criminal justice. The committee drew attention to a wide range of studies and submissions indicating that people who interact with the criminal justice system often have:

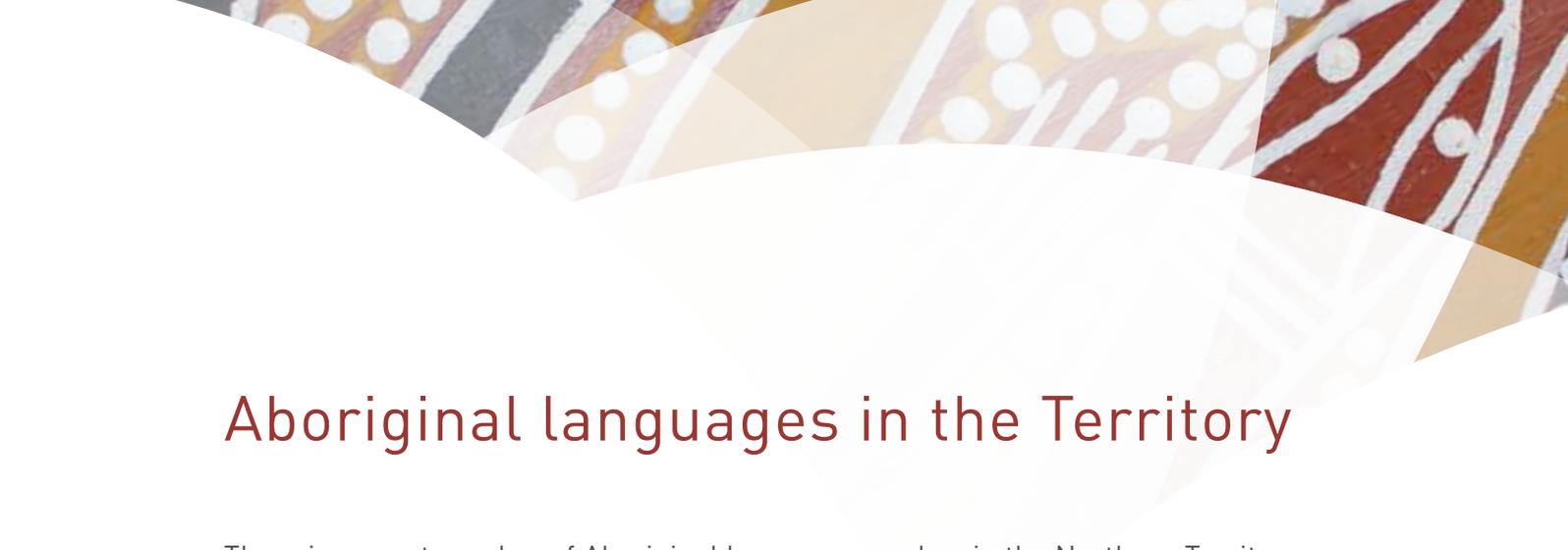
- high levels of hearing impairment
- cognitive disabilities
- acquired brain injury
- mental illness
- language impairment.

In conducting its Australia-wide 'Profiles of disability' survey in 2009 and in a further report in 2014, the Australian Bureau of Statistics (ABS) reported substantial population differences in the incidence of disability.⁶ The ABS found:

- After adjusting for differences in the age structure of the two populations, Aboriginal and Torres Strait Islander people were 2.7 times as likely as non-Indigenous people to be living with disability.
- Aboriginal and Torres Strait Islander children aged 0–14 years had much higher rates of disability than non-Indigenous children (14.2% compared with 6.6%). The differences were statistically significant for both boys (19.9% compared with 8.3%) and girls (8.9% compared with 4.8%).
- Aboriginal and Torres Strait Islander adults in the age range of 25–54 years had rates of disability that were 2.7 times (38%) greater than the corresponding rates for non-Indigenous adults.
- In the 35–44 years age group, the differences in disability rates for Aboriginal and Torres Strait Islander people and non-Indigenous people were significantly different for both men (35.1% compared with 12.3%) and women (29.0% compared with 12.5%).

The National Aboriginal and Torres Strait Islander Legal Services speaks of how an undetected disability can affect a person's access to justice. In its submission,⁷ it quoted from the evidence provided to the Senate Community Affairs References Committee in its Inquiry into Hearing Health in Australia:

*'One audiologist talked to me about dealing with a client who had recently been convicted of first-degree murder and had been through the whole criminal justice process. That had happened and then she was able to diagnose him as clinically deaf. He had been through the whole process saying, 'good' and 'yes'—those were his two words—and that process had not picked him up. Given the very high rates of hearing loss, you have to wonder about people's participation in the criminal justice system as being fair and just if in cases like that people simply are not hearing or understanding what is going on.'*⁸



Aboriginal languages in the Territory

There is a great number of Aboriginal languages spoken in the Northern Territory. Even in a relatively small geographic area, a number of languages are spoken. In the Alice Springs and Tennant Creek areas, for example, at least 20 languages are spoken. The same applies to Indigenous people living in and around Darwin and the Top End and Central Australia.

You can therefore expect your client to speak a number of languages, including languages that have evolved since colonisation. Some of those languages are described below.

Aboriginal English

Aboriginal English is a term used by linguists to denote dialects of English used among Aboriginal people.

A leader in the field of Aboriginal English and the law is Dr Diana Eades. She argues that Aboriginal English is not a fixed dialect but a range of dialects. Some of those dialects are closer to Standard English, while others are closer to Kriol (see below).

Creoles

Creole languages are a particular type of language and are found throughout the world. Creoles emerge when there is sustained contact between people who speak a variety of languages. In basic terms, a creole will combine features of a number of languages, such as grammatical structures, idioms and semantic range (the multiple meanings of words) to create an entirely new language. Creoles begin as a pidgin (see below) and then become a fully developed language as people grow up speaking it as a first language.

The creole language that is spoken in the Northern Territory is called 'Kriol' and is now the main language of many Aboriginal communities and has thousands of speakers across the northern half of the Northern Territory and Western Australia. There are many dialects of Kriol, depending on the traditional languages they draw from. For example, Eastside Kriol originated in the Roper River Mission, and is spoken around Ngukurr and the east side of the Katherine region.⁹

'Our language is like a pearl inside a shell. The shell is like the people that carry the language. If our language is taken away, then that would be like a pearl that is gone. We would be like an empty oyster shell.'

Yurranydjil Dhurrkay
*Galiwin ku, North East
Arnhem Land*

Learner's English

Linguists describe Learner's English as an 'inter language'. These are the words people speak when they are learning a second language but consistently fail to speak the second language correctly. For example, 'don't have to' is often used by speakers of Learner's English to mean 'must not'.

Speakers of Learner's English may also revert to using their own language for a word they do not know the English equivalent of.

Pidgin

Pidgins are rarely used in Australia now. They are 'contact' languages and are actually not fully developed languages. Historically they have evolved from intercultural contact in places, such as cattle stations and missions.

The lawyer's obligation

As a lawyer, you have common law and legislative obligations towards your client and the court. These obligations originate from Commonwealth and Northern

Territory legislation and rules set out later in this document, together with extracts from relevant cases. The six protocols have their bases in these obligations.

Tip

Draw a map of the courtroom layout and explain to your client the role of each person who will be there and where they will be sitting. Include the security staff and orderlies in your explanation.

Tip

If you are in court and you don't have the assistance of an interpreter and your client needs one, ask to have the matter stood down: 'If counsel requires an adjournment for a given purpose, surely it is his responsibility to make a firm application in unambiguous terms. If the grounds have merit, such an application will seldom be refused. If counsel does not understand his client's instructions then he should not proceed until he does,' Muirhead J, in Putti v Simpson (1975) 6 ALR 47, at 51.

Your duty to the court

If you do not fulfil your fiduciary obligations to your client, it is possible that you are breaching your duty to the court because you are not upholding nor ensuring the effective administration of justice.

Your fiduciary duty to your client

You have an obligation to explain to your client what the processes of law are, what they involve, and the options they have and the risks associated with those options.

You have a duty to ensure that they understand what you have told them so that they can make informed decisions about the choices available to them and so that they may provide you with instructions.

You can only act on those instructions. For this reason, it is critical that you are certain that your client has made an informed choice in instructing you.

'Every counsel has a duty to his client to fearlessly raise every issue, advance every argument and ask every question, however distasteful, which he thinks will help his client's case. But as an officer of the court concerned with the administration of justice, he has an overriding duty to the court, to the standards of his profession and to the public, which may and often does lead to a conflict with his client's wishes or with what the client thinks are his personal interests.'

Rondel v Worsley
[1969] 1 AC 191, per Lord Reid
at 227.

Common law obligations

You have ethical and legal obligations to your client and to the court. You also owe a fiduciary duty to your client. As an officer of the court, you have an overriding duty to uphold and ensure the effective administration of justice.

Whether an interpreter is required under the common law is a matter of judicial discretion. The overriding requirement is that all parties must have a fair trial. In a criminal law context, a fair trial involves the accused and the tribunal being able to hear and understand the evidence of each witness: *Johnson* (1986) 25 A Crim R 433.

Obligations under Northern Territory law

There are two main sources of Northern Territory legislation that place obligations upon legal practitioners who practise in the Northern Territory: the *Legal Profession Act 2006* (LPA) and *Rules of Professional Conduct and Practice* (RPCP). These regulations and laws are regularly amended, so you must keep yourself up to date.

The *Rules of Professional Conduct and Practice* were introduced in January 2002 and amended in May 2005. In accordance with s756 of the *Legal Profession Act 2006* (the LPA), the RPCP as in force immediately before the commencement of the LPA were deemed to be rules under the LPA. Section 689 of the LPA provides that the Society may make legal profession rules.

These sources of law are available on the Law Society's website: www.lawsocietynt.asn.au

The LPA sets the standard that a practitioner needs to practice with competence and diligence.

Section 464 of the LPA sets out the definition of unsatisfactory professional conduct:

Unsatisfactory professional conduct includes:

Conduct of an Australian legal practitioner occurring in connection with the practice of law that falls short of the standard of competence and diligence that a member of the public is entitled to expect of a reasonably competent Australian legal practitioner.

Section 465 of the LPA sets out the definition of professional misconduct:

Professional misconduct includes:

1. Unsatisfactory professional conduct of an Australian legal practitioner where the conduct involves a substantial or consistent failure to reach or maintain a reasonable standard of competence and diligence, and conduct of an Australian legal practitioner whether occurring in connection with the practice of law or occurring otherwise than in connection with the practice of law that would, if established, justify a finding that the practitioner is not a fit and proper person to engage in legal practice.

Tip

Take special care to explain the court's orders and make sure your client understands his or her obligations that arise from those orders. Use an interpreter for this part of your job too!

2. For finding that an Australian legal practitioner is not a fit and proper person to engage in legal practice, regard may be had to the suitability matters that would be considered if the legal practitioner were an applicant:
 - (a) for admission to the legal profession under this Act
 - or
 - (b) for the grant or renewal of a local practising certificate.

A legal practitioner's duties to their client are readily found by reference to the common law and the RPCP. Non-compliance with the RPCP or breach of common law professional duties can be the basis for a disciplinary process/outcome on the basis that it constitutes either unsatisfactory professional conduct or professional misconduct.

Some relevant rules are set out below:

RPCP 1 – Relations with clients

Practitioners should serve their clients competently and diligently. They should be acutely aware of the fiduciary nature of their relationship with their clients and always deal with their clients fairly, free of the influence of any interest that may conflict with a client's best interests. Practitioners should maintain the confidentiality of their clients' affairs but give their clients the benefit of all information relevant to their clients' affairs of which they have knowledge. Practitioners should not, in the service of their clients, engage in or assist conduct that is calculated to defeat the ends of justice or is otherwise in breach of the law.

1.1A RPCP

A practitioner must act honestly, fairly, and with competence and diligence in the service of client, and should accept instructions, and a retainer to act for a client, only when the practitioner can reasonably expect to serve the client in that manner and attend to the work required with reasonable promptness.

- 
- 10A.1 RPCP** A practitioner must keep the client informed at regular intervals, or upon request, of the progress or lack of progress toward resolution of the client's matter.
- 17.1 RPCP** A practitioner must seek to advance and protect the client's interests to the best of the practitioner's skill and diligence, uninfluenced by the practitioner's personal view of the client or the client's activities, and notwithstanding any threatened unpopularity or criticism of the practitioner or any other person, and always in accordance with the law including these rules.
- 17.2 RPCP** A practitioner must seek to assist the client to understand the issues in the case and the client's possible rights and obligations, if the practitioner is instructed to give advice on any such matter, sufficiently to permit the client to give proper instructions, particularly in connection with any compromise of the case.

Section 30 of the *Evidence (National Uniform Legislation) Act NT* applies. This states that 'A witness may give evidence about a fact through an interpreter unless the witness can understand and speak the English language sufficiently to enable the witness to understand and to make an adequate reply to questions that may be put about the fact.'

Obligations under federal legislation

In Federal Court proceedings, section 30 of the *Evidence Act (Cth) 1995* applies. It has the identical wording to the Northern Territory legislation.

The *Crimes Act 1914 (Cth)* imposes obligations on investigative officials for infringements under that Act. An investigating official who believes on reasonable grounds that a person under arrest or a protected suspect is unable to communicate orally in English with reasonable fluency, must arrange for an interpreter to be present before questioning begins and cannot begin questioning or investigation until an interpreter is present. An investigating official has additional obligations when the suspect is of Aboriginal or Torres Strait Islander origin.

The influence of international law

Australia has ratified the International Covenant for Civil and Political Rights (ICCPR). While the ICCPR has not been incorporated into Australian domestic law, the document is a powerful influence on Australian common law.

Article 14(3) of the ICCPR states that everyone who is charged with a criminal offence is entitled, as a minimum, to be informed of the nature and cause of the charge in a language in which they can understand; to have adequate time and facilities to prepare a defence and to be able to communicate with counsel of their own choosing; and to have the free assistance of an interpreter if they cannot understand or speak the language used in court.

On 25 September 1991, Australia acceded to the First Optional Protocol to the ICCPR. By this act, Australia has recognised the competence of the Human Rights Committee to receive communications from individuals claiming to be victims of violations of any of the rights set out in the ICCPR.

Individual communications must only be made once all available domestic remedies have been exhausted.

International Covenant on Civil and Political Rights

Article 14(3):

In the determination of any criminal charge against him, everyone shall be entitled to the following minimum guarantees, in full equality:

- (a) To be informed promptly and in detail in a language which he understands of the nature and cause of the charge against him.
- (b) To have adequate time and facilities for the preparation of his defence and to communicate with counsel of his own choosing.
- ...
- (f) To have the free assistance of an interpreter if he cannot understand or speak the language used in court.

Case law

His Honour Justice Muirhead stressed the importance of receiving adequate instructions before appearing for clients in *Putti v Simpson* (1975) 6 ALR 47, at 50-51:

‘...it is absolutely vital that counsel remember their function and obligations, not the least of which is to ensure they are adequately instructed before appearing for clients - especially when the liberty of those clients may be in jeopardy - and that the clients are properly advised. These matters are basic. Half-baked instructions which may come from unreliable sources are, as a rule, just not good enough. The practice of appearing with only hurriedly gained instructions, especially where language or cultural differences jeopardise understanding, may result in substantial injustice to individuals.

...

If counsel requires an adjournment for a given purpose, surely it is his responsibility to make a firm application in unambiguous terms. If the grounds have merit, such an application will seldom be refused. If counsel does not understand his client’s instructions then he should not proceed until he does.

...

I am not unaware of the difficulties faced by all involved in the administration of justice in remote areas, of poor communications, of the problems encountered in obtaining instructions, in arranging legal representation, of arranging for interpreters and for the attendance of witnesses. There are many problems such as distance and weather which jeopardise transport arrangements. Yet neither these matters, nor crowded lists to be coped with on hurried court itineraries, should be allowed to jeopardise an individual’s right to the most careful presentation and consideration of his case.’

Sir William Deane spelt out the terms of a domestic remedy in relation to the withholding of essential interpreter services in the case of *Dietrich* (*Dietrich v The Queen* (1992) 177 CLR 292, at 330-331):

*'Inevitably, compliance with the law's overriding requirement that a criminal trial be fair will involve some appropriation and expenditure of **public funds** ... On occasion, the appropriation and expenditure of such public funds will be directed towards the provision of information and assistance to the accused: for example, ... **the funds necessary to provide interpreter services for an accused and an accused's witnesses who cannot speak the language.** Putting to one side the special position of this court under the Constitution, the courts do not, however, assert authority to compel the provision of those funds or facilities. As *Barton v The Queen* [(1980) 147CLR, at 96, 103, 107, 109] establishes, the effect of the common law's insistence that a criminal trial be fair is that, if the funds and facilities necessary to enable a fair trial to take place are withheld, the courts are entitled and obliged to take steps to ensure that their processes are not abused to produce what our system of law regards as a grave miscarriage of justice, namely, the judgment and punishment of alleged criminal guilt otherwise than after a fair trial. If, for example, available interpreter facilities, which were essential to enable the fair trial of an unrepresented person who could neither speak nor understand English, were withheld by the government, **a trial judge would be entitled and obliged to postpone or stay the trial and an appellate court would, in the absence of extraordinary circumstances, be entitled and obliged to quash any conviction entered after such an inherently unfair trial.**' (Emphases added).*

In addition, there is also a strong presumption at common law in favour of permitting the defendant to have the assistance of an interpreter to interpret all proceedings in court. President Kirby (as he then was) in *Gradidge* (*Gradidge v. Grace Bros Pty Ltd* (1988) 93 FLR 414 at 417) has described the rationale for the rule as follows:

*'Due process includes an entitlement to a fair trial which is normally conducted in the open. It also normally includes an entitlement to be informed, **in a language which the litigant understands**, of the nature of the case. Where the litigant cannot communicate orally in English it also normally includes, in my opinion, **the entitlement to the assistance of an interpreter.** ... The principle of an open trial in public, which is the hallmark of our system of justice, is not shibboleth. It exists for a purpose. That purpose is publicly to demonstrate to all who may be concerned the correctness and the justice of the court's determination according to law. That demonstration must extend to the parties themselves, for they are most affected by the outcome of the case. **Such demonstration, day by day in the courts, reinforces respect for the rule of law in our society.**' (Emphases added).*

Two cultures meeting

Advising an Indigenous client often requires a special type of effort on your part. To begin with, it is important that you are aware that you and your client will have a different world view. It is also important that you show respect for your client's world view and their customs.

'Our world view embodies the position from which we evaluate and understand the world. It encompasses all the taken-for-granted meanings, assumptions, and ways of evaluating and dealing with things that unconsciously shape the way we experience, conceptualise and interact with the world.'

P Dudgeon, D Garvey, H Pickett (2000) Working with Indigenous Australians: A Handbook for Psychologists, Gunada Press, Perth, page 10.

Appreciate the diversity of circumstances of Indigenous people and, most importantly, don't be judgmental about them.

As a lawyer you should, wherever possible, make an effort to become acquainted with some of the protocols that your client finds familiar or that may apply in the community that you are visiting.

While protocols vary from community to community and individual to individual, there are many that the communities have in common. Some examples of protocols to respect are listed below.

Kinship

Within all cultures there are kinship systems. Indigenous kinship systems are ubiquitous across the Territory, and they are specific to the group that claims ownership of them.

For many Indigenous people, kinship systems not only imply who is related to whom but also how they must act towards each other in particular circumstances. For example, do not pressure your client to talk about someone if they seem unable to offer you any information about that person. If you do, you may be forcing them to speak about somebody of whom they must not speak.

Rather than viewing kinship as a barrier to communication, be willing to learn about these different systems. If you take the time to learn a little about your client's culture, communication will become easier between you.

Tip

One example of a common avoidance relationship is between post-pubertal siblings of the opposite gender, who will not talk directly to each other or say the other's name, but may use a nickname for the person when referring to them.

Avoidance relationships

Within Indigenous kinship systems there are avoidance relationships, sometimes referred to as 'poison cousins'. The term 'poison cousin' is not only incorrect but also very misleading. The relationship is often not a 'cousin' relationship in a standard English sense. Additionally, the term 'poison' can imply to non-Indigenous people that this is a negative relationship, however in Indigenous kinship systems avoidance relationships are a positive relationship that is often accompanied by a sense of deep respect.

You may find that when a person enters a room, another Aboriginal person may leave the room, or rearrange seating positions. This may be because of avoidance relationships. Be aware that when you organise a family conference, some discussion about who can attend, or seating arrangements, may be necessary in order to allow people to fulfil avoidance obligations.

Eye contact

For many Indigenous people, sustained eye contact is considered rude and even disrespectful. This may particularly be the case if you are talking to someone of the opposite gender.

Funerals

When an Indigenous person has passed away, there are certain obligations that family members need to fulfil. These vary from region to region and between communities. It is usually important that people participate in ceremonies. It is often extremely insensitive to mention the name of someone who has passed away, view any photograph or film of that person and sometimes use anything of that person for a reasonable period of time.

Tip

Make special categories in your client information forms to include categories such as language spoken, skin or clan group, community council details or relatives' contact details.

Making decisions

Sometimes your client may not have a right to make decisions about a particular subject. It may be up to other people in the community to make that decision.

Visiting a community

While each community is different, often the cultural protocols will be similar. You should gather as much information as you can about the community before you go there.

Practicalities

Find out how many people live in the community, how it is governed, where the nearest town is and what languages are spoken. Obtain any necessary permits well in advance and check to see if it is a 'dry' (alcohol-free) community.

Dress

If you are a woman, this generally means wearing a skirt or a dress so that most of your body is covered. If you are a man, trousers and a shirt and boots are adequate. Dress conservatively and maintain a professional appearance. Your clothing should be comfortable and practical. You may find that when you get to the community it is appropriate to dress in a slightly different manner. Take a cue from what others of your age and gender are wearing.

In any event, it is best to err on the side of caution.

Tip

Have at least three points of contact for your client where you can leave messages for them. This may include an aunty or uncle or community centre.

Roles in the community

If you are meeting with particular people in a community, find out exactly what their roles in the community are. You may find that the answers you want need to come from a range of people in the community who have the authority to speak about those things.

In the office

Remember that your client may feel uncomfortable talking to you. This might be because they have uncomfortable feelings from negative contact history or they misunderstand the nature of the Western legal system. Above all, you should remember that many spaces do not feel neutral for Indigenous people.

Your client may feel awkward coming to your office. Imagine your first court appearance or your first client interview or even visiting the dentist and this may give you some idea of what it must be like for some Indigenous clients.

A more appropriate place to see your client may be somewhere where there are lots of Indigenous faces or even outside at a picnic table in the park near your office. You may even like to see your client at their home or at an Indigenous legal or health service.

Your client may also bring a support person with them when they see you. This is something that you may want to encourage your clients to do.

Keeping contact with your client

Indigenous communities and homelands pose their own peculiar pressures and difficulties for the people who live there. Many people who live there do not have access to a telephone or a computer in their home or enjoy the luxury of home-delivered mail.

Tip

Consider getting an 1800 toll-free number for your workplace so that your Indigenous clients may easily contact you.

Communicating

Mail is often not a reliable method of keeping in contact with your client because the chances of your client receiving his or her mail may be low. Your client may have to collect their mail from a post office many kilometres away or from their community centre.

The telephone may be the only one to be shared by the whole community. It may only work between certain hours when the generator is switched on. If the generator has broken down, there may be no telephone service at all.

Coming to town

Your client may only be able to come to your town once a year because of the cost of flying or other difficulty. If they travel by car, they may have to wait until the end of the wet season to travel. They may not own a car, so they may depend on family members or others for transportation.

Your expectations

You may feel frustrated because your client has not contacted you within a reasonable time after you sent a letter or left a message for them to contact you or give you instructions.

However, there are a number of factors that may determine the timing of your client contacting you. For example, they may not have received your message or correspondence, they may not be used to reading important-looking letters or they may not have someone to help them read it.

They may also have more important matters to attend to, such as fulfilling their obligations to members of their community, attending a funeral or looking after family members.

Tip

Make the extra effort to finalise the paperwork that you need if a client makes an unscheduled visit.

Unscheduled visits

If your client makes an unscheduled visit to see you in your office, resist the temptation to send them away and ask them to come back another day. If they have come in, it usually means that their legal matter is their top priority at that moment.

You may not get another chance to obtain that statement, sign those authorities or finalise that affidavit for weeks. Your client may also become offended if they are sent away and may lose any further interest in helping you do your job.

Useful references

In addition to the references below, the various community and Indigenous legal and health services and research institutions are important sources of information on interpreting and cross-cultural communication and understanding.

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<https://www.humanrights.gov.au/publications/preventing-crime-and-promoting-rights-indigenous-young-people-cognitive-disabilities-1>

Australian Resource and Development Service - Plain English Legal Dictionary
<http://www.ards.com.au/pages/Language.html>

End notes

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2. <http://www.pc.gov.au/research/recurring/overcoming-indigenous-disadvantage/key-indicators-2014>
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7. National Aboriginal and Torres Strait Islander Legal Services (NATSILS), Submission 61.
8. Evidence to the Senate Community Affairs References Committee, Alice Springs, 18 February 2010, p 1 (Tristan Ray).
9. <http://www.ais.nt.gov.au/>

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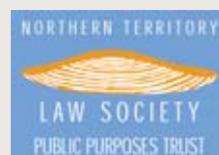
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