UNDERSTANDING AND COMMUNICATING WITH CLIENTS: TAKING GOOD INSTRUCTIONS IN A CROSS-CULTURAL ENVIRONMENT

Will Crawford
Coordinator, Legal Education, Training and Projects
North Australian Aboriginal Justice Agency
Will.crawford@naaja.org.au
CULTURAL CONTEXTS

- Everyone has his/her own cultural context
- Culture is a dynamic and evolving construct
- Sources of cultural influence
  - Moral codes taught by dominant culture, religion, custom, practice
  - Moral codes taught by guiding minority culture
  - Family expectations and practices
  - Peer expectations and practices
  - Life experience
  - Institutional practice ie clubs, work place etc
- Aboriginal individuals in the NT can sit on a spectrum from highly traditional to bicultural to western/urbanised
- People may identify themselves on different or multiple positions on the cultural spectrum depending on their location/company/history/family
- People are the experts of their own cultural context
  - Ask your client about their preferences or the ‘right way’ to do things
CULTURAL CONTEXTS OF CLIENTS

Clients May Have:
- Different world view and values
- Cultural sensitivities and practices
- Experienced significant individual trauma
- Experienced intergenerational trauma
- Limited Experiences with Mainstream Legal System
- Limited Experience of Mainstream expectations/culture
NAAJA conducts 2 x 3 hour cross cultural communication induction and cultural awareness sessions for all new staff and volunteers. The sessions covers the following:

- Geography: including History and Demographics of Communities
- Recent History and Trends in Public Policy
- Languages and Interpreters
- Linguistics and Instruction Taking
- Important Cultural Concepts
- Communication Issues
- Protocols when Visiting Communities
BEGINNING OF SESSION

- Introductory activity – circle intros and a favourite item
- Activity to establish if people speak another Language and have lived in another culture
- Ask people to share their experience of navigating another culture.
- Put forward proposition "I speak a enough …. [language].. to get arrested not to defend myself."
GEOGRAPHY

- Major regional centres & communities – get maps
- History of colonization including formation of communities and relocation of people/groups –
  - try to obtain archival footage/photos and indigenous experiences/reports of first contact 1\textsuperscript{st} chapter of “Why Warriors Lay down and Die” or “Frontier Justice”
- Demographic/Ethnic/Linguistic Make Up of Communities
  - Research how communities were formed and what cultural/language groups
  - Use maps to explain these movements
- Difference between outstations & communities
  - cultural significance of traditional homelands/traditional owners
  - Size and facilities
  - Temporary or permanent – Use maps to locate examples
- Major roads & travelling times
  - Wet versus dry season travel use maps
- Aboriginal land & permits- explanation of Aboriginal Land Rights Act versus Native Title Act
RECENT HISTORY AND TRENDS IN PUBLIC POLICY

- History of colonization including formation of communities and relocation of people/groups
- Brief history of dispossession, missions and Stolen Generation
- Difference between native title and Aboriginal Land Rights Act
- Outstation movement in Arnhem Land in the 1970s
- End of the Missions and begin of Self Determination Policies and Welfare 1970s
- Intervention/Stronger Futures 2007 onwards
- Alcohol policy pre-post intervention (alcohol management plans, restricted and prescribed areas)
- Shire consolidations 2007 – social economic and employment impacts
- Introduction of residential tenancies for the first time on Aboriginal Land post intervention – overcrowding and common issues
- Changes to CDEP/RJCP employment program
LANGUAGES AND INTERPRETERS

- Major language groups (see below map)
- Multilingualism – Intermarriage
- AIS language assessment
- Using interpreters –
  - Role and duties of interpreters – impartiality, accuracy, confidentiality
  - Briefing – check understanding of the context and that have devised ways to interpreter key terms
  - During Session – explain roles, speak directly to client, triangular formation, short sentences, plain English, define technical terms.
  - Debriefing- mutual feedback
- Pronunciation guide for most Aboriginal languages
  - Importance of pronunciation people and place names, languages
Peoples of the Arnhem Region

Source: The Encyclopaedia of Aboriginal Australia (Australian Institute of Aboriginal and Torres Strait Islander Studies)
Speakers of Australian languages (1980s)
By Tindale map regions

- 0 to 49
- 50 to 99
- 100 to 499
- 500 to 999
- Over 1,000

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Sources: Handbooks of WA, Kimberley, Central Australian and Northern Territory languages, Black & Walsh 1982.
AIS LANGUAGE ASSESSMENT

1. **Step 1** - ask client if they would like an interpreter

2. **Step 2** – assess speaking ability – ask questions that require a narrative response
   + If client/witness does not respond with anything more than a few words, make several further attempts at eliciting a longer response.
   + If unsuccessful, stop the interview and arrange for an interpreter to be present.
   + If your client/witness is able to give satisfactory or somewhat satisfactory responses, proceed to step 3.

3. **Step 3** – assess comprehension and speaking relevant to the legal context
   + Write down two sets of medium length sentences, using the style and some of the terms that your client will encounter in the interview or court process.
   + Read each set to your client/witness and ask them to explain back to you what you just said. Write down their responses.

4. **Step 4** – assess communication and paraphrasing skills
   + Full sentences, correct grammar, appropriate vocabulary usage, clear meaning, no unintended contradictions, use of new vocab (not merely parroting back phrases), person has good listening skills (not require you to restate, repeat or rephrase your questions/propositions)
12 LINGUISTICS TIPS FOR INSTRUCTION TAKING

1. Use active voice, avoid passives
2. Avoid abstract nouns
3. Avoid negative questions
4. Beware gratuitous concurrence- use open questions
5. Define unfamiliar or technical words
6. Put ideas in chronological order
7. Avoid multiple clauses in a sentence
8. Be careful using hypothetical propositions-outline options and use diagrams
9. Place cause before effect – ‘Because..,therefore..”
10. Indicate when you change topic
11. Avoid using time prepositions- ‘to, from, until, under, on, on or over’ maybe useful to use cross-referencing events or seasons, sunset etc
12. Avoid figurative language
IMPORTANT CULTURAL CONCEPTS

- Funerals
  + significance of funerals in spiritual and social life
  + Role of funerals in transmission of cultural knowledge
  + Role of funerals in maintaining family relationships
  + Information that required for bail and sentencing applications and sensitivity required to obtain that - transparency of use, empowerment not to provide, consequences of non-attendance, role

- Prohibition on saying the name of someone who has died
  + Use of ‘Kwementyaye’ or use of alternate names (top end)
  + Issues in taking instructions in deceased estate or compensation cases involving deceased
  + Explain to client why you need the name and to whom will share info. Ask whether can write it down. Or say it privately.

- Sensitivities surrounding Gender: Men’s and Women’s business
  + Initiation, Birthing, child rearing
  + Explain why you need information, who you will divulge so and that it is the client's choice to give info.

- ‘Poison’ relationships
  + impact on meetings, seating, bail, child welfare payments
  + Impact on how people interact in community, not to say each other’s names

- Clans, skin groups and moieties
  + Roles in family relationships – aunties, family decision making structures/responsibilities
  + Relevance in bail applications, sentencing, housing and child protections applications
CULTURE AND COMMUNICATION

- Front on contact (face to face) can be regarded as aggressive
  + Better to stand sit in ‘V’ to the side rather than directly across
  + Eye contact people can avoid eye cant depending on rea
- Pauses in conversation can be sign of respect (or alternatively a lack of comprehension..)
- Importance of using diagrams and drawings
  + Good where there are multiple options, hypotheticals or abstract processes
  + Many aboriginal languages do not use hypothetical conditions precedent but rather alternatives
- Aboriginal English is dialect of English and words can have different uses
  + Kill = hit, kill dead = kill
  + cheeky=aggressive/dangerous,
  + can’t = (pejorative) won’t,
  + don’t have to = must not
- Descriptions using time and numbers can be difficult
  + Some languages only have limited numbers
  + Use time lines or drawings or locations and numbers.
- Be mindful of gratuitous concurrence (people simply agreeing to propositions)
  + R v Anunga
  + Ask open questions or give people alternatives
PROTOCOLS WHEN VISITING COMMUNITIES

- Introducing yourself and paying respects to traditional owners.
  + Explain purpose of visit, regularity and proposed length of the engagement and are others with whom you should speak
  + Ask if they are ok that you’re visiting if they or anyone they know might want to talk to you

- Research history, language, traditional owners, key families.

- Not entering people’s ‘space’ without invitation
  + Don’t enter people’s yard or go to front door
  + Call out from the road/fence

- Don’t make assumptions - ask clients how sessions should proceed if issues arise – they are the experts of their own cultural domain
RECOMMENDED READING

- Richard Trudgeon ‘Why Warriors Lie Down and Die’ ARDS Inc 2000
- An Absence of Mutual Respect – ARDS Inc 2008
- Aboriginal Interpreter Service information
- Things I’m Glad Someone Told Me, Salesh Rajan
- BUSHTEL (Information about the Regions in the NT)