

ANUSA Legal Service

Cultural Safety Policy

Context

The ANUSA Legal Service serves a community of students many of whom move to Canberra to study and some of whom are from Canberra itself. At any particular time, ANU has in the vicinity of 200 students of Aboriginal and Torres Strait Islander background studying at Bachelor, Masters and PhD level. The background and experiences of Aboriginal and Torres Strait Islander students will by its nature be diverse.¹

This policy aims to support outreach and service to Aboriginal and Torres Strait Islander students, to ensure that barriers to accessing the ANUSA Legal Service are minimised and to ensure that services are provided in a culturally appropriate and safe way.

In this policy, a culturally safe environment means an environment free of physical danger, challenge or denial of identity. It means respecting the needs of those who come to see us. It is about creating an environment of shared respect, meaning, knowledge and experience, and working together in a context of dignity and true listening.²

Aboriginal and Torres Strait Islander Peoples are an important and special part of the Australian community and we acknowledge their continuing connection to land and culture.

We acknowledge the history of dispossession of Aboriginal and Torres Strait Islander peoples, that by its very nature Australia is a settler-colonial nation and note that sovereignty has never been ceded. We note that the history of racism that is associated particularly with the White Australia policy has further impacted Aboriginal and Torres Strait Islander individuals, families and communities over many decades.

Our Commitment

As a legal service we wish to provide a culturally safe environment which is accessible and welcoming to Aboriginal and Torres Strait Islander students, providing support that is relevant to them, in consultation with representatives and communities and conscious of specialist legal providers that are specifically dedicated to supporting the legal needs of Aboriginal and Torres Strait Islanders.

Speech and Conduct Standards

¹ We are indebted to the Kingsford Legal Centre *Working with Aboriginal clients at Kingsford Legal Centre Service provision manual* and the NACLA (CLCA) guide *Connecting and Working with Aboriginal and Torres Strait Islander Communities Organisations and Clients: A guide for community legal centres*.

² Adapted from *Connecting and Working with Aboriginal and Torres Strait Islander Communities Organisations and Clients: A guide for community legal centres*.

We acknowledge the Ngannawal and Ngambri people as the traditional owners of the land on which we work and pay our respects to their elders, past, present and emerging.

As lawyers, we are used to the specialised language of the law. This specialised language is alienating and cryptic to many in the community. Use of plain accessible language is thus important for all the clients we work with, but especially for Aboriginal and Torres Strait Islander students, acknowledging the great diversity of backgrounds and experience such students bring in an ANU context.

It goes without saying that offensive terms should be avoided, and kind, courteous and respectful treatment should characterise our dealing with both Indigenous and non-Indigenous students. Further considerations for client interviews are provided below.

Cultural Safety

Providing a 'culturally safe' space for Aboriginal and Torres Strait Islander students, is multifaceted and is ideally built on awareness, relationships, listening and sensitivity. The law (or more accurately European law) has been in many respects a source of oppression for Indigenous peoples. Respect for identity should be central to any interaction. Trust is to be earned and should not be assumed. Family dynamics within Indigenous communities are not the same as in the broader community and family connections are often far more extensive. We should listen and accept how the client defines their family relationships. Staff should receive regular cultural awareness training on a regular basis to increase their understanding.

ANUSA Physical Environment

An annual audit of spaces used by the ANUSA Legal Service should be carried out to ensure that there are visible symbols (e.g. posters and other material) in walkways and meeting rooms that are welcoming and inclusive for Aboriginal and Torres Strait Islanders.

Building Relationships

As we form part of the Australian National University community, it is part of our responsibilities to build ongoing relationships with the Aboriginal Legal Service and Aboriginal and Torres Strait Islander community on campus and in the broader Canberra area.

Client Interview

The main context in which we may interact with a student is through the client interview. Where we are aware that the student is or may be Aboriginal or Torres Strait Islander, in addition to the usual interview standards, the following guidelines may help ensure a better experience for the student:

- Take extra care to check in with the client at outset to make sure that they are comfortable with the environment
- Allow for the possibility that the interview may take longer than usual (and avoid booking an appointment immediately after, so that extra time can be allocated)
- Allow the client the time and space they need to introduce you to the issues they want to discuss
- Be aware that cultural issues and personal history may affect the interaction and open to learning and listening to the client, and aware of your own behaviour and how the client is reacting to it
- Addressing legal issues may involve a more complex holistic approach depending on the issue involved
- Do not establish a power imbalance in the way the client interview is physically arranged (e.g. sitting above the client)

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- Consider appropriate referral pathways if we are not able to assist the student with the particular issue (particularly to specialist Aboriginal and Torres Strait Islander services).

It is important to be aware that cultural cues and expectations may be quite different from client to client. The legal system may have been experienced or be perceived as oppressive rather than offering solutions. Communication styles may vary widely. Do not make assumptions about eye contact, as eye contact may not be considered polite and it is inappropriate to draw adverse inferences about lack of eye contact. Silence and reflection may be considered a normal part of a conversation. Allow time required for this. Be aware of how questions are asked – avoiding direct ‘yes’ ‘no’ questions – and allow communication to remain open. Be aware of the risk of some clients potentially answering “yes” because they may believe it is the expected answer.

Remain aware of the importance of referral to specialist services if we are not best placed to assist a client.

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