Service standards for working with Aboriginal victims of crime
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Introduction

Background
Victims Services, part of the NSW Department of Justice, provides advocacy, support and services to victims of crime. Victims Services implements and oversees the Charter of Victims Rights and ensures agencies meet their victims rights obligations.

The Service Standards for Working with Aboriginal Victims of Crime has been developed by Victims Services in consultation with the Aboriginal Services Branch. This Standard aims to help agencies work with Aboriginal clients in culturally appropriate ways that will help build trust and encourage Aboriginal people to access their services.

Rationale
Victims Services has developed this set of standards to ensure that the unique needs of Aboriginal and Torres Strait Islander victims are considered by service providers when fulfilling the obligations set out for them in the NSW Code of Practice for the Charter of Victims Rights. This Standard sets out the minimum level of service an Aboriginal or Torres Strait Islander victim can expect from agencies who provide services to victims of crime, including:

- NSW government departments
- Non-government agencies funded by the state to provide services to victims of crime
- Any person or contractor providing services to victims of crime that is funded by the state to provide these services

These Standards were developed in response to issues around Aboriginal victims’ experiences with the criminal justice system, and the lack of support that they receive.

Aboriginal and Torres Strait Islander people share certain common cultural ideals such as respect for Elders, but there is also great diversity among the Aboriginal people and communities of NSW. For that reason, the Standards will not apply to every Aboriginal victim of crime nor should they. Nonetheless, a non-judgemental, respectful attitude combined with the right knowledge of historical and cultural factors outlined below will provide sufficient tools in order to utilise the minimum standards set out in this document.

Overview of the Standards
The Standards include:

1. The Aboriginal victims of crime perspective
2. Creating accessible services
3. Cultural awareness and respect
4. Potential issues
5. Education and training
6. Feedback and complaints
1. Knowledge about services

In order for Aboriginal victims of crime to make an informed decision regarding their own justice journey and recovery, it is important that they are provided with information regarding available services in a way that is culturally appropriate.

An essential expectation of this standard is that all services and staff who come into contact with an Aboriginal client are educated on the unique needs and perspectives of Aboriginal people. For example, socio-economic hardship and the cultural confusion commonly faced by Aboriginal people makes it difficult when trying to access a service. Combine this with the fact that many Aboriginal victims may not be able to read or write very well makes it important that your service is prepared to manage these concerns.

Furthermore, if your staff are not well acquainted with Aboriginal and Torres Strait Islander cultural perspectives, your capacity to communicate with Aboriginal clients will be limited and unproductive. Section 3 of the Standards will assist you in understanding the perspectives of Aboriginal people.

There are many things you could do to address this standard. You could:

- Ensure staff are informed of all available services to Aboriginal victims of crime.
- Make sure your front counter or meeting area has relevant publications with referral options specific to Aboriginal people. Examples of Aboriginal specific publications you can display include:
  - Are you an Aboriginal and a victim of crime?
  - Charter of Victims Rights
  - Family Violence
  - Sexual Assault
  - Aboriginal contact card
- Ensure that staff promote this information.

Ensure that staff can communicate this information verbally in easy English for those who cannot read or write very well.

Staff should also take care that their manner could not patronise an Aboriginal client and confirm that the client understands the information given to them.

2. Creating accessible services

Aboriginal people face intrinsic and specific obstacles to accessing services, rights and entitlements as effectively as the non-Aboriginal population. Many Aboriginal people are uneasy about accessing services or exercising their rights after becoming a victim of crime. This is because Aboriginal people have faced a history of disadvantage after colonisation where they have often been denied the same rights that were afforded to other Australians.

Because of this, services need to establish suitable support mechanisms that allow staff to better assist Aboriginal victims and make them feel comfortable accessing the service and less intimidated.

Examples of things you can do to make your service more accessible for Aboriginal victims include:

- Organising your waiting room or meeting area in a way that shows that your service values and welcomes Aboriginal people. This can be done by dedicating an area for children to play in, displaying the Aboriginal flag as well as Aboriginal art and Aboriginal service posters such as the Aboriginal Charter of Victims Rights.
- Advising clients that they are welcome to bring a support person along with them when accessing the service.
• Reaching out and helping the victim. It is important to note that when an Aboriginal victim approaches a non-Aboriginal organisation for support, they have likely reached a tipping point and are unable to deal with the matter alone any longer. Do not be abrupt and dismiss them as it has taken a lot of strength for the Aboriginal victims to access the service and if not treated appropriately they will never revisit the service or seek assistance.

• Asking the victim if they would like to discuss their concerns with an Aboriginal worker within your organisation. Be mindful, however, that not all Aboriginal victims will want to speak with an Aboriginal worker.

This is based on a range of reasons which vary from individual to individual but one main reason is the cultural gender barrier known as ‘men's business’ and ‘women's business’. When considering the personal nature of violent crimes, it may not be culturally acceptable for a male Aboriginal Worker to talk to a female Aboriginal victim and the other way around is also true. In cases where this occurs the way forward might be to provide a worker of the same gender.

3. Cultural awareness and respect
An insight into the Aboriginal experience and culture can enrich the development of good service practice. For that reason, a sense of Aboriginal history before and after colonisation is useful. Some of the key events and stages shown below outline the steady attempts to weaken Aboriginal identity and culture, and help explain the impact and effects of these traumas that still resonate with Aboriginal people today.

3.1 In the beginning
Aboriginal people have lived in Australia for over 60,000 years and in that time an intricate culture, society and land-management techniques were formed. Aboriginal tribes numbered over 500, all of which had different languages, beliefs and practices. In this way, traditional Aboriginal Australia was not unlike Europe where each country had its own character, traditions and was enhanced by influences from its neighbours.

3.2 The Dreaming
Everything flows from the dreaming and it is what connects every Aboriginal person to their land. In the beginning, giant spiritual ancestors formed the land and everything in it. At the same time they also created every law, lore, ritual and sacred site as well. When they finished, some spiritual ancestors became part of the land as sacred sites and some spiritual ancestors ascended to the sky. The Dreaming is both a part of the past and the present.

3.3 Importance of land
In traditional times the land provided shelter, nourishment, clothing and medicines. The land is not just natural features but a direct link to culture, spirituality and the ancestor spirit world. Each area has its own culture, traditions and laws that are specific to that landscape. A lot has changed but at the heart of all Aboriginal existence is still the connection to the land. For example, Uluru is still seen as incredibly sacred.

3.4 Colonisation
In the year 1788 a new colony was established in NSW and it was hungry for land for crops, livestock and fresh water. This meant Aboriginal people were now in violent conflict with the settlers as they were forcibly evicted from their spiritual homelands. Further impact came from the rapid spreading of infectious disease to which Aboriginal people had no immunity. Tens of thousands of Aboriginal people died at this time and traditional life was severely weakened.
3.5 Protection
By around 1850 the Aboriginal survivors of colonisation were starting to be relocated into missions and reserves as it was predicted that the Aboriginal race was dying out. All aspects of Aboriginal life from freedom of movement to child custody were now immediately controlled by the Aborigines Protection Board. Aboriginal people at this point had lost their land, were deprived of traditional culture, song and dance, and were forced to become westernised, civilised and Christian.

3.6 Assimilation
1937 saw a national conference on Aboriginal affairs take place, and contrary to previous predictions, the Aboriginal race was not dying out. The message from the conference was that protection was to be replaced by assimilation. Forced removal of children was increased as they were placed with non-Aboriginal foster parents or trained as domestic servants. The children were taught to reject their Aboriginality and culture and this practice continued until the 1970s.

3.7 Elders and respected people
Both men and women can be Elders, though contrary to popular belief, becoming an Elder is not instantly bestowed with age. It is conferred when people demonstrate great wisdom and achieve high cultural knowledge. Elders hold a special honoured role in Aboriginal communities and having their support is an important way for services to connect with communities. Senior people and community leaders are examples of respected people who may not be Elders in the traditional sense.

4. Potential issues
Not having awareness and regard for issues that affect Aboriginal people can cause difficulties in the provision of services. It takes courage for Aboriginal victims to access a service, so to make people feel comfortable and respected, employees need to be aware of the following sensitive issues.

4.1 Aboriginal image and who is Aboriginal
Service providers need to be mindful that Aboriginal people will have diverse views about their Aboriginal identity. Today Aboriginal people often have both Aboriginal and non-Aboriginal ancestors but this does not mean they are not a true Aboriginal.

So what is Aboriginality? Aboriginal or Torres Strait Islanders may be blond haired and blue-eyed or dark-haired and dark-eyed or any other combination of physical features. It is not dark skin that makes you an Aboriginal, it is culture, connection to community, identity and ancestry. The standard for Aboriginality used by the Australian Government contains a three part definition that states that to be considered an Aboriginal, a person:

- must be of Aboriginal descent
- must identify as an Aboriginal
- must be accepted as an Aboriginal by the community in which they live.

Each Aboriginal victim will have different wishes and expectations. It is important that workers assess any client individually and not based on assumptions and negative stereotypes. This is especially true for Aboriginal victims because depictions of Aboriginal people have often been negatively shaped by others, particularly within the justice system.
4.2 Aboriginal concept of shame
You may hear an Aboriginal person say something about ‘being shamed’ or ‘shame job’ and wonder what they mean. It simply means that a person was either embarrassed or shy about something. For example, if an Aboriginal person is singled out for something, even if it is a good thing, they will often be embarrassed or ‘shamed’ about it. Aboriginal people do not like being put on the spot and do not want to appear to be better than anyone else, especially other Aboriginal people. It is important to be aware of this concept as shame can make Aboriginal people reluctant to revisit your service or other services if they believe they have been shamed.

4.3 Elders
It is considered impolite to address an Elder/respected person as aunty or uncle unless invited to or you know them well and have used this title before.

4.4 Children
Any service that engages with Aboriginal clients should be willing to accommodate the probability of children attending appointments. This is because the Aboriginal population is young when compared to the non-Aboriginal population, with 38 percent of the total Aboriginal population aged below 15 years.

5. Education and training
Services should make sure that their staff have an opportunity to develop and maintain cultural awareness in relation to the needs of Aboriginal clients through education and training.

One way this could be achieved is by connecting with the local Aboriginal community. This would provide a greater understanding of the unique history and challenges of the local Aboriginal people. Also some Aboriginal non-government organisations can offer cultural competency training free of charge.

6. Feedback and complaints
Under the Charter of Victims Rights, a victim is entitled to make a complaint against a service if they feel that their rights have not been met. If you are providing a service to a victim of crime it is your responsibility to provide information to the victim regarding the procedure for making complaints.

As discussed earlier, many Aboriginal people are uneasy about exercising their rights or asserting themselves due to their history of being denied the same rights that were often afforded to other Australians.

Aboriginal people need to be aware that they can actually make a compliment or complaint about a service that has not respected their culture. They also have the right to escalate the complaint to another level if they are not satisfied with the initial response or outcome.
Further information

Victims Services Aboriginal Contact Line
Phone  1800 019 123 (8am to 6pm, Mon to Fri)
Web   www.victimsservices.justice.nsw.gov.au

New South Wales Aboriginal Land Council Head Office
Phone  02 9689 4444
Web   www.alc.org.au

Indigenous Women's Legal Contact Line
Phone  1800 639 784  
       (10am to 12:30pm Mon, Tue & Thu)
Web   www.wlsnsw.org.au

Wirringa` Baiya Aboriginal Women's Legal Centre
Phone  1800 686 587  
       (9am to 5pm, Mon, Tue, Thu & Fri and 9am to 12:30pm Wed)
Web   www.wirringabaiya.org.au

Witness Assistance Service (WAS)
There is a WAS Officer in each of the Office of the Director of Public Prosecutions (ODPP) offices and Aboriginal WAS Officers are also available. It is open to witnesses and victims of crime involved in cases being prosecuted by the ODPP.
Phone  (02) 9285 8606
Freecall 1800 814 534
Appendix A – Useful tips for working with Aboriginal victims of crime

The list is not exhaustive and it is worthwhile to contact the people suggested below for more specific local knowledge.

Do
- Establish trust and credibility in the community by building a relationship. This takes time.
- Attend Aboriginal events in the community such as NAIDOC day to gain credibility.
- Make your service known to the local Aboriginal Land Council in your area.
- Seek out cultural advice on how to communicate with Aboriginal victims from Elders, respected community members and local Aboriginal workers.
- Use suitable language (no jargon) that can be easily understood by the client.
- Provide a relaxed environment for the consultation or perhaps offer a home visit.
- Remember that Aboriginal clients have kinship responsibilities to their extended family network which will always take priority.
- Remember that cultural issues and practices will vary between communities and individuals.
- Reassure an Aboriginal client that it is acceptable to bring a support person with them.

Don’t
- View anyone as more of an Aboriginal than another – dark skin is not an indicator, descent is.
- Expect instant answers to your questions – Aboriginal people use silence as an opportunity to develop a response.
- Use discriminating stereotypes by trying to fit all Aboriginal people into the same mould.
- Be afraid to ask about an Aboriginal client’s background and share your background with Aboriginal clients. This builds connection.
- Challenge nonappearance for appointments when there has been a death in the community – it is normal for the whole Aboriginal community to go into mourning at this time.
- Call an Elder or respected person aunty or uncle unless you are invited to or know them well enough and have used this title before.
- Use the words Abo, Boong, or Aborigine they are offensive.
Appendix B – Some Victims Services publications for Aboriginal victims of crime

Service standards for working with Aboriginal victims of crime