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CULTURAL COMPETENCY IN A LEGAL SERVICE AND JUSTICE AGENCY FOR ABORIGINAL PEOPLES

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I INTRODUCTION

Despite growing interest for professionals to develop skills and capabilities in cultural competency, the Australian legal profession is lagging behind other fields such as social work, medicine and education.¹ This paper critically analyses the need for developing cultural competency in a legal professional context by reference to an implemented Cultural Competency Framework (Framework) at an Aboriginal and Torres Strait Islander legal service (legal service).² By implementing a framework at an organisational level, there can be the context and space for developing a shared language and understanding of cultural competency. This context and space is required to enable the development of a more meaningful and strategic approach to the practice of cultural competency.

The legal service is uniquely placed to assess cultural competence in a legal setting considering its direct engagement with Aboriginal³ people. The idea for developing the Framework emerged from an acceptance that the organisation is described as delivering ‘culturally appropriate services’, but with this description having no broadly accepted or commonly understood meaning. The absence of a commonly understood meaning dilutes the importance and value of the ‘appropriateness’ of the cultural aspects of a service, core business to any service engaging Aboriginal and/or Torres Strait Islander peoples. By developing and implementing the Framework specific to cultural competence, the intent is to enhance the organisation’s role beyond the fact of it being governed by an Aboriginal-led board to a deeper assessment and exploration of the people, practices and systems within

* North Australian Aboriginal Justice Agency.

¹ Marcelle Burns, ‘Towards Growing Indigenous Culturally Competent Legal Professionals in Australia’ (2013) 12(1) *International Education Journal: Comparative Perspectives* 226.

² The legal service as an organisation also delivers a range of justice related programs and projects, and so includes staff in various fields and not just legal practice.

³ References to Aboriginal as distinct from Indigenous is a common practice of the region where the legal service is situated. This paper refers to both Aboriginal and/or Torres Strait Islander depending on the context it is used.

the organisation and how the organisation holds true to its purported values.

The Framework at the legal service was co-developed by Aboriginal leadership and included a set of new and pre-existing strategies and actions. A newly established committee comprising senior executives was established to serve as an accountability mechanism. The Framework was communicated to all staff and went through an initial trial period.

Key observations of the trial period include:

- There is value in actively encouraging self-reflection and reflective practice specific to cultural competence. Whilst this work is challenging, when done properly improvements to individual practice were observed and also to the way services and programs were delivered.
- Increased interaction between staff relating to the practice of cultural competency led to more open and robust dialogue within work areas and across organisational sections. Increased awareness of cultural competency also led to greater confidence to advocate to external agencies and organisations with more precise language and clearer direction.
- That organisational and operational challenges normal for busy and under-resourced practices, and external challenges such as lack of access to specialised training and development opportunities, are limitations to developing cultural competency.

The trial period also revealed the significant potential for research partnerships and formal evaluation practices specific to the Framework to develop evidence-based practice.

In considering how lawyers at the legal service are also part of a broader profession which interacts with Aboriginal and Torres Strait Islander issues, key observations of the trial period with reference to the legal profession include:

- That 'reflective' cultural competency practices should be integrated into law school education;
- That obligations relating to ongoing professional development for legal practitioners should include clear obligations for development in cultural competency led by Aboriginal and Torres Strait Islander perspectives;

Taken together, as outlined in this article it is contended that these suggestions will enhance cultural competency for all lawyers including future employees and present-day legal service staff.

II DESCRIBING CULTURAL COMPETENCY

Currently there is no conclusive definition of cultural competence particularly in the context of legal practice. However, academia has a generally accepted definition as a 'set of congruent behaviours, attitudes and policies that come together in a system, agency or among

professionals and enable that system, agency or those professionals to work effectively in cross-cultural situations'.⁴

In this definition, references to 'behaviours' and 'attitudes' relate to the individual and references to 'policies' relate to the institution (or organisation). A key consideration is how these aspects interact with each other — behaviours, attitudes, policies — and the degree of congruency (or the extent of agreement or harmony between these aspects), in delivering services in a cross-cultural context. This definition has utility in its application to the legal service because it takes a holistic approach to considering the system as a whole and how each part is integrated.

Culture is unique to the individual however, it shapes our values, norms and interactions with others. Lawyers are also frequently required to represent and work with individuals from various cultural backgrounds. Lawyers must communicate with their client in a 'culturally sensitive way' and be able ascertain what the client meant.⁵ An appreciation of the diversity and cultural context of the people of a location is necessary for effective outcomes.⁶ Because there is significant diversity amongst Aboriginal and/or Torres Strait Islander groups the degree in which a person can be culturally competent can depend on their awareness, knowledge and connection at the location they provide a service for.

Cultural competency requires a more nuanced understanding of one's own culture and within the broader cultural context. As Walker, McPhee and Osborne observed in the health context:

All practitioners, both Indigenous and non-Indigenous, tend to operate according to a complex interaction of their own values, beliefs and experiences and the values, assumptions and paradigms of their professional discipline or field. The way individual practitioners carry out their roles, and the way they act with clients and other professionals depends largely on their interpretation of that discipline which is largely influenced by their own beliefs and values, knowledge and experience.⁷

Cultural competency also includes the word 'competency'. This word refers to a level or standard of aptitude, capability, expertise, proficiency, skill or capacity. The standard assumes a greater level than cross-cultural awareness. Burns' seminal work in the Australian legal context acknowledges that resources aimed at building cultural awareness, even when specific to legal practice, 'are limited in their scope as they do not engage legal practitioners in the self-reflection necessary to move beyond cultural awareness and towards cultural

⁴ Terry L Cross et al, 'Towards a Culturally Competent System of Care: A Monograph on Effective Services for Minority Children Who Are Severely Emotionally Disturbed' (Report, Georgetown University Centre for Child Health and Mental Health Policy, March 1989).

⁵ Serena Patel, 'Cultural Competency Training: Preparing Law Students for Practice in Our Multicultural World' (2014) 62 *UCLA Law Review Discourse* 139, 144.

⁶ Cross et al, above n 4.

⁷ Roz Walker, Rob McPhee and Ricky Osborne, 'Critical Reflections for Professional Development' in Pat Dudgeon, Darren Garvey and Harry Pickett (eds), *Working with Indigenous Australians: A Handbook for Psychologists* (Gunada Press, 2000) 311.

competence'. Burns asserts that 'the general absence of Indigenous cultural competency in legal education impacts on the capacity to provide culturally appropriate legal services for Indigenous Australians'.⁸

III A FRAMEWORK TO DESCRIBE CULTURAL COMPETENCY IN THE ORGANISATIONAL CONTEXT

A key consideration in the development of a framework was the language to articulate what cultural competency meant to the organisation and its leadership. The legal service is governed by Aboriginal people and is Aboriginal community controlled.⁹ This structure, and its history and development emerging from the organising activities of Aboriginal people from the 1970s, is generally accepted as a core facet to its description as culturally appropriate. Consistent with the description of Cross et al that cultural competency considers the 'set of congruent behaviours, attitudes and policies that come together' in an agency or system, the fact of the legal service being Aboriginal community controlled, of itself and whilst fundamentally important, was considered insufficient. Concerted and deliberate work was needed to build on this foundation. This is to more closely align with the summation that:

Culturally competent agencies are characterised by acceptance and respect for difference, continuing self-assessment regarding culture, careful attention to the dynamics of difference, continuous expansion of cultural knowledge and resources, and a variety of adaptations to service models in order to better meet the needs of minority populations.¹⁰

The starting point for the legal service was the language specific to the organisation and as articulated by the Framework. To explain the why, the Framework refers to the importance of cultural competency to the organisation 'because Aboriginal people across the region tell [the service] how important this work is to them'. This message is not necessarily conveyed as a direct communication by Aboriginal people to be 'more culturally competent' but is found in the messages of the need to understand and have empathy to notions of 'us' and 'our [Aboriginal] ways'. It is often framed in the context of a need to identify and understand Aboriginal values and ethics as expressed by Aboriginal world views.

For any organisational framework, the language should provide scope and be sufficiently fluid for people to develop their own interpretations whilst balancing the need to provide specific direction. This led to the formation of several guiding principles.

⁸ Burns, above n 1, 233.

⁹ The fact that the legal service is governed by an Aboriginal-led board is also consistent with the principles of self-determination set out in the International Covenant on Civil and Political Rights (ICCPR) and the United Nations Declaration on the Rights of Indigenous Peoples.

¹⁰ Cross et al, above n 4.

IV GUIDING PRINCIPLES OF THE FRAMEWORK

A We value the importance of being genuine and authentic in this space, and have mechanisms across our practice to be accountable

The Framework is clear that people within the organisation ‘must make a meaningful commitment to developing cultural competency’. A meaningful commitment requires action that is dedicated, genuine and authentic. It is mostly a personal commitment demonstrated by the actions and initiative of the individual. This commitment is ongoing and is for all employees regardless of background. By emphasising cultural competency as a meaningful commitment and ongoing, there is recognition that cultural competency in the cross-cultural context and for the area the legal service covers is highly complex. This complexity is informed by two dimensions.

First, there is significant diversity of knowledge systems, languages, the nature of connection to land, and the experiences and history of a group of people in a region. For example, there are approximately 120 Aboriginal or Torres Strait Islander languages spoken today,¹¹ and for the area of the legal service there is significant diversity across the languages spoken. An individual commitment to cultural competency is ongoing because all of this diversity in total is complex. This diversity is also reflected in the guiding principle ‘the cultural landscape in the Northern Territory is rich and diverse and we value this diversity’.

The second dimension is the interface between Aboriginal people and the law as a highly complex set of interactions with its own assumed knowledge and cultural nuances. Individuals make interpretations based on their own experiences. Whilst there is some commonality amongst many different Aboriginal groups that may inform good practice, there can also be hidden or unknown detail that can otherwise be important information. Cross et al describe this as the dynamics of difference where there can be confusion or a state of not knowing both in the context of the practitioner and the patient (client).

B We seek to be trauma-informed and embed these practices across our work

As a pre-existing action of the legal service, all employees receive training in trauma-informed practice. Best practice is for this training to be delivered by an Aboriginal community-controlled health service. This assists the employee to understand how trauma affects the individual, the likely extent of trauma amongst clients and colleagues, inter-generational trauma and some practical skills to work more effectively in this context. An understanding of vicarious trauma is also highly relevant to legal services.

¹¹ Australian Institute of Aboriginal and Torres Strait Islander Studies, *Indigenous Australian Languages* (30 January 2019) <<https://aiatsis.gov.au/explore/articles/indigenous-australian-languages>>.

The Framework led to conversations about how employees at the legal service who identify as Aboriginal and/or Torres Strait Islander are also likely to be affected by trauma including inter-generational trauma at higher levels than other employees, and are likely to have family and social networks who are also affected.

The Framework also led to conversations about how trauma in the context of colonisation, dispossession, the lack of Aboriginal agency¹² in the legal system and ongoing loss (such as languages) has its own impact which is difficult to understand and conceptualise. This context refers to systems and whilst there is no authority to establish this context as trauma, the feelings of powerlessness and hopelessness have strong synergies to the experiences of individualised trauma. The legal system generally cannot take into account this context at a systemic level, and for any number of reasons. The Framework led to discussions from Aboriginal lawyer perspectives of a greater ethical obligation on the part of legal practitioners to meaningfully engage in the issues arising from this context where the legal system cannot.

C We recognise cultural competency as a continual process and from an individual, organisational and systems perspective

Cultural competency can be viewed from an individual, organisational and systems context. Organisations are comprised of individuals who can develop their own cultural competence and contribute to organisations through their own leadership and the sharing of knowledge and practice. For the legal service, individuals who are more culturally competent serve more valuable roles within the service delivery model for Aboriginal clients and also contribute to the overall culture of an organisation. Individuals who are more culturally competent also serve to influence the broader justice system through their interactions external to an organisation, and are able to identify, influence and serve in ways across organisations and systems that benefit the Aboriginal and Torres Strait Islander community. For the legal service this includes the courts, the legal profession, policy makers and legislatures, law schools, community organisations, community groups and representative bodies.

A systems view from an Aboriginal perspective is also necessary to understanding cultural competency. For example, feedback is consistent across prisoners and prisons in Australia that the significantly disproportionate rates of Aboriginal people in prison is partly attributed to systemic discrimination. From a policy context, this is largely ignored¹³ against other competing priorities which inform public policy

¹² In the criminal justice system this is characterised by very high rates of Aboriginal and Torres Strait Islander people as a proportion in contact with the criminal justice system and very low rates of this same group in formal roles within the criminal justice system.

¹³ A key example of this is the Australian Government's non-commitment to implementing Australian Law Reform Commission, *Pathways to Justice – Inquiry into the Incarceration Rate of Aboriginal and Torres Strait Islander Peoples*, Report No 133 (2017).

and legislation. Ignorance of Aboriginal perspectives and systemic discrimination are also apparent when working at a closer level with people in communities. For example, in discussions related to the Framework, there was feedback that obstacles to prisoners attending funerals are significant (such as costs to travel and have prison escorts), and that when a person is unable to attend a funeral it is breaking a obligation, or law. This includes for funerals of deceased family members who, in the Anglo context may be considered ‘extended family’ but in an Aboriginal context are more closely aligned as family through kin. This breaking of an Aboriginal law in terms of relationships and cultural obligations has ongoing effects, including to mental health and even to the effectiveness of justice as a means for rehabilitation, but consideration of Aboriginal law is generally not discussed in this context. In some circumstances the breaking of this law fuels ongoing family disputes, leading to further harm. The absence of the person at a funeral also affects whole families and communities. This example of a systems view leads to an exploration of the nuances and detail of law and policy which also takes into account Aboriginal and Torres Strait Islander views.

D What we learn and experience at the North Australian Aboriginal Justice Agency (NAAJA) will stay with us after we leave. Questioning why we work at NAAJA involves a long-term commitment to developing cultural competency and being meaningful in this work

As with other specialised services for Aboriginal people legal services do not have a broad pool of Aboriginal professionals, including from the areas the organisation services, to attract and retain within the organisation. Whilst Aboriginal community controlled services often have higher numbers of Aboriginal employees with professional backgrounds than other services (including services that focus on Aboriginal people or issues), reliance is placed on professionals who come from different areas of Australia, many who work for a few short years and come to the organisation with very limited to no exposure to the area the legal service provides support to. These professionals are highly skilled individuals who make excellent contributions.

This guiding principle seeks to instil a sense of the need for a lifelong contribution and to take seriously some of the core learnings of the Framework and their experience. It is to stimulate a narrative within the organisation of how cultural competency works and to impress upon employees that following their departure from their roles that they regularly reflect and incorporate their learning into their ongoing work and contributions. It is to open the door for an employee to give back in a meaningful way when they are in other roles and later in their life, and to use their time at the organisation to identify what a meaningful way could be.

V A NEW ACTION — A WRITTEN TOOL OF REFLECTIVE PRACTICE

A key, new action of the Framework was to embed a structured process of reflective practice. The reflective practice tool is a customised Cultural Competency Certificate (the Certificate) included in the six-monthly performance review process for all employees. The performance review requires the employee to have a conversation with their supervisor and reflect on their practice in the previous period including interactions or observations that stood out in the context of cultural competency. Notes of the conversation are recorded and provided to senior management (and kept as a reference point or resource).

The Certificate requires the employee to list the CPD opportunities they have engaged in, in the previous period and relating to cultural competency. These include conferences, interpreter training, legal education sessions, field trips, in-house and external cultural training and private study. The Certificate also requires the employee to record their contributions to shared learning and their observations of using cultural competency in practice in the previous period.

By reflecting on practice, employees noted and shared changes that had an obvious and immediate effect on the quality of the service, such as the ability to utilise a highly regarded Aboriginal interpreter for a trip to communities where the interpreter was not available in the past.

As one employee noted:

I think from a systems perspective what needs to be considered and shared broadly across every organisation is the importance when working with anyone from a culture that is not your own, you need to recognise and respect the cultural identity of that other person and work from the cultural perspective of that person and not of yourself. To do this you need to make yourself aware of the cultural differences that exist between yourselves and gain an understanding, appreciation and respect of those differences whilst being acutely aware of the need to not accept your own beliefs and culture and culture as ‘the norm’.

Challenges faced by employees included those associated with being able to adapt to the different cultural expression between communities. One employee described ‘a gap in knowledge’ on a trip to a remote community after working primarily in other communities (not connected by language). In outlining how this issue would be addressed, the employee noted ‘on my next trip I have printed out skin names [relevant to the area] and keep a copy at my desk.’

On completion of the Certificate, employees were able to note a number of reflections and had greater confidence that their advice was understood and they themselves could understand instructions given. One reflection noted that there is always ‘more to learn about oneself and others’, and that the clients are the ‘experts’ in their culture so it is them that should be spoken to in order to ascertain a suitable practice. Employees reported they were better equipped to understand the uniqueness of each community and that a failure to be culturally

competent could detrimentally impact their clients. Most notably, select employees reported their changed practice as a result of the cultural competency sessions. They reported that they were able to work more collaboratively and able to overcome language barrier difficulties more effectively.

Employees are encouraged to go further however and integrate their learning back into the organisation which is a fundamental step in the reflective process. Those who alter existing practices or develop new initiatives in response to feedback, will be best placed to improve the trust and relationship between lawyers and clients in a culturally diverse and complex legal landscape. Merely acknowledging the existence of Aboriginal knowledge as unique is insufficient. While important, it provides little value if there is not an effective framework in place to integrate the key lessons that come from the organisation. This needs to occur on an ongoing basis and represents a deeper level of reflective practice that is essential if cultural competency is to become part of the practice fabric of an organisation.

VI FUTURE OPPORTUNITIES

A *The Role of the Legal Profession*

The region where the legal service is situated is truly unique, with the continuation of Aboriginal languages and culture and the intersection of ‘two laws’. There remains today little or no aspect of law or policy in that region that does not affect or impact on Aboriginal people in their daily lives. For the legal profession it is often the uniqueness that has attracted countless lawyers over the decades to settle and stay for long or short terms. The mainstream legal profession has the benefit and, whether regularly or at some point of their career will act, advise or advocate on behalf of Aboriginal clients, organisations or communities. The question of cultural competence by the legal profession in the representation of Aboriginal clients is not an ancillary issue or facet outside of normal modes of advocacy and practice. It rather should be part of everyday practice, the way a person practices and the way a person is, as a lawyer. These attainable skills are achieved by the decades of learnings by young lawyers who come to the region and work within a legal service for Aboriginal people.

Across professions, the health sector appears to incorporate notions of cultural competency more meaningfully across its practices. In work areas such as mental health, nursing, occupational therapy, psychiatry, psychology and social work, it is an ‘essential’ component of practice.¹⁴

¹⁴ Roz Walker, Clinton Schultz and Christopher Sonn, ‘Cultural Competence – Transforming Policy, Services, Programs and Practice’ in Pat Dudgeon, Helen Milroy and Roz Walker (eds), *Working Together: Aboriginal and Torres Strait Islander Mental Health and Wellbeing Principles and Practice* (Telethon Institute for Child Health Research/Kulunga Health Network, 2nd ed, 2014) 195.

For example, Mental Health Services have a set of National Standards¹⁵ to provide direction to service providers in relation to taking into account cultural and social diversity.

Across Australia and including in areas where there is high contact with Aboriginal people or Aboriginal legal issues there is no formal requirement within the legal professional regulatory bodies for lawyers to engage in continuing professional development (CPD) obligations relating directly to Aboriginal issues. Many of the possible CPD obligations are within the broader subject areas such as ethics and legal practice. A category of cultural competency, particularly for areas of high contact with Aboriginal people or Aboriginal legal issues, and an obligation for lawyers to uphold continuing CPD obligations in this subject matter, would recognise the unique and complex space of cross-cultural Aboriginal engagement and also the current limitations of the existing legal profession.

There also exists within the legal landscape acknowledgement of the increasingly important role Aboriginal lawyers make to the breadth of talent throughout all areas of law and legal practice. The region of the legal service includes Aboriginal lawyers who work across the sector including government, corporate governance, legal policy and reform, ethics and research in medical and health services and civil law. In recent years the region has also seen more Aboriginal lawyers collaborate to support each other and put in place mechanisms for future education of the wider legal system on Aboriginal legal issues and to advocate for better outcomes of Aboriginal people within that system. If the legal profession and legal system is to be more inclusive it will serve to listen to, hear and understand the nuanced views of Aboriginal lawyers.

B Integrating Reflective Practice into Law School Education

The experience of the Framework trial has been to identify the importance of cultural competency training that includes and encourages reflective practice, which traditionally has been widely adopted in the fields of medicine, mental health and social work.¹⁶ Reflection is the ‘active, persistent, and careful consideration of any belief or supposed form of knowledge in the light of the grounds that support it and the further conclusion to which it leads’.¹⁷ Reflective practice education in law schools and the workplace plays an important role in providing a framework for law students and lawyers ‘to examine themselves, their role and the system they are being asked to operate’.¹⁸

¹⁵ Department of Health, *National Standards for Mental Health Services 2010* (2010) <<http://www.health.gov.au/internet/main/publishing.nsf/Content/mental-pubs-n-servst10>>.

¹⁶ Patel, above n 5, 142.

¹⁷ Adrian Evans et al, *Australian Clinical Legal Education: Designing and Operating a Best Practice Clinical Program in an Australian Law School* (Australian National University Press, 2017) 158.

¹⁸ *Ibid* 177.

Through this process, one can identify respective strengths and weaknesses.

Ultimately, reflective practice creates more reflective lawyers. These reflective lawyers possess better judgement and understanding, particularly in a cross-cultural setting. A recommended approach is to teach cultural competency at the law student stage of an individual's journey and couple this with reflective practice education to enable students to more effectively understand another person's culture as well as reflect on their own. This will likely strengthen their own understanding of the culture of the legal profession and improve the future interpretation and application of legal ethics.

Despite its importance however, many law students and legal practitioners are not often equipped with the tools to engage in structured, reflective practice upon leaving law school or in the workplace. Students are taught to find technical solutions to legal problems, to emphasise tangible outcomes and not to question the cultural structures and internal forces that influence the decisions they make. Learning that encourages reflective practice equips students with the skills to critically analyse scenarios that go beyond these formalistic rules. As Dr Asmi Wood has pointed out:

It is unlikely that law students will be truly culturally competent even to deal with a local Indigenous community at the end of their degrees. At minimum, however, their knowledge and awareness should sensitise them to the vast gap that could exist in practice between the communities.¹⁹

C Partnering with Law Schools or Research Institutions

Often, law is taught and studied in 'silos', eg the practice of criminal law as a distinct to tort or corporate law. Students are often armed with a tool kit to distinguish types of legal problems and how best to apply the skills they have learned to the problem at hand. However, there is a failure in legal education to address the overarching systemic issues that are common to many of these areas of law, such as how to work with clients from different backgrounds. This tendency to 'compartmentalise' legal studies can transfer from law school to law practice. This is problematic given a lawyer cannot advocate effectively for their client if they are not equipped to recognise and understand cultural differences.

It is suggested that introducing compulsory cultural competency training in law school curriculums would provide the basis for further learning as practitioners encounter clients from cultures different to their own. A semester is likely sufficient time to introduce concepts that can later be built on during a working career.²⁰ Alternatively, cultural competency could be introduced as a component of legal ethics courses. Often, this is taught in a rule-based way, where students are taught

¹⁹ A J Wood, 'Integrating Indigenous Cultural Competency Through the Broader Law Curriculum' (2013) 23 *Legal Education Review* 57, 61.

²⁰ Patel, above n 5, 150.

formal conduct rules but are not encouraged to reflect more deeply. This is problematic because when faced with ethical challenges there is a tendency to justify behaviour by referring to black letter rules.

To continue to grow, legal institutions also need to sustain a culture of evaluation and research. In terms of cultural competency, this involves reviewing evidence from the existing Framework and other sources and responding to it by integrating key learnings into an overall standardised approach. Current evaluation methods have been limited and do not always empower participants to be active in the process, eg obtaining accurate feedback from clients of diverse backgrounds can be challenging. In remote communities where Indigenous people have different world views and varying levels of proficiency in standard Australian English, applying survey questions and other measurement tools that were developed for urban and non-indigenous populations are likely not suitable. One idea is to partner with a research body in order to establish a more effective review process. Collaborating with a research partner such as a law school could assist legal services in co-developing resource methods and materials that are culturally appropriate and allow for the development of evidence-based models.

D Tools to Measure Cultural Competency

An outcome of the Framework is recognition of the possibility to integrate tools to measure cultural competency generally and in the specific context of the legal service. Dr Milton J Bennett's Developmental Model of Intercultural Sensitivity (DMIS) offers a way to explore and measure cultural competency. It does so by providing broad measures to define how an individual is assessed for their cultural competency. According to the DMIS, it is understood that cultural perspective shifts over a 'continuum'²¹ from mono-cultural mindsets of 'denial' and 'polarisation' through to 'minimisation' and then more global mindsets of 'acceptance' and 'adaptation'. Cultural competence is achieved at the most optimum stage when an individual reflects the 'adaptation perspective'. The practice of law requires cross-cultural engagement and competency is achieved once the lawyer has moved along the continuum to acceptance.

There is a tendency for lawyers to practice within an ethnocentric framework. This is largely due to standard education, including in law schools, not requiring people to shift through the ethno-relative stages. Of concern, Australian Law Schools appear behind the law schools in comparative colonial countries such as New Zealand and Canada when it comes to integrating indigenous led content and delivery in education.²² There is significant potential to develop evidence-based models of tools to measure cultural competency in legal services but also more broadly in legal practice. A possibility of the Framework is

²¹ Milton J Bennett, *The Developmental Model of Intercultural Sensitivity – Summary* (2014) IDR Institute <<https://www.idrinstitute.org/dmis/>>.

²² Brooke Greenwood, 'First Laws: The Challenge and Promise of Teaching Indigenous Laws in Australian Law Schools' (2016) 24 *Waikato Law Review* 43.

to partner with a research institution to develop evidence-based models and with the view of seeking to identify, develop and improve a specialised practice.

VII CONCLUSION

Development of a structured Framework with ongoing strategies and reportable actions emerged from the Aboriginal leadership within an Aboriginal community-controlled organisation and with the cultural authority of an Aboriginal-led board. The Framework gives expression and language to the concept of cultural competency itself, making it relevant to the service and people of the organisation. For Aboriginal people, a concerted and deliberate approach to cultural competency provides a voice by encouraging and resourcing Aboriginal views to lead the legal service. It also necessitates critical analysis of the justice system itself, and the need for reforms to enable programs and the authority and agency of Aboriginal people to serve greater roles in the administration of justice.

There is significant potential to incorporate cultural competency into the practice of law generally and where law relates to Aboriginal people or issues specifically. A deeper and more meaningful understanding of cultural competency will lead to systemic changes to the legal system, resulting in lawyers who are more adaptable to the local context and are able to apply legal ethics and professional responsibility in a different way. Reflective practice for lawyers in the cultural context has lessons for academia and the profession. A growing body of work that incorporates Aboriginal views will improve the adaptiveness of public policy and legislation and arguably, the outcomes for Aboriginal clients. Those who can alter existing practices and develop new ways of thinking in response to feedback will be best placed to improve the trust and relationship between lawyers and clients in a culturally diverse and complex legal landscape.